

30 March 2017

Tech Park No 1 Pty Ltd & Tech Park No 2 Pty
Ltd & Tech Park No 3 Pty Ltd & others...
C/- Planning Australia
PO Box 8
FORTITUDE VALLEY QLD 4006



Negotiated Decision Notice **Sustainable Planning Act 2009 s.363**

Thank you for your Development Application for Preliminary Approval (s.241) for a Material Change of Use (number of uses) and a Preliminary Approval for Reconfiguration of a Lot, Operational Works and Building Works (for development relating to those uses), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 at 59 Cummins Street, Bundaberg North; land described as Lot 10 on SP271539 lodged with Council on 8 March 2017. I wish to advise that on 29 March 2017, a decision was made to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 31 January 2017.

DESCRIPTION OF PROPOSAL

Preliminary Approval (s.241), including a component that varies the effect of the Bundaberg Regional Council Planning Scheme 2015, for:

a. Material Change of Use for the following uses:

- i. Agricultural Supplies Store;
- ii. Wholesale Nursery;
- iii. Hardware and trade Supplies;
- iv. Outdoor Sales;
- v. Bulk Landscape Supplies;
- vi. High Impact Industry;
- vii. Low Impact Industry;
- viii. Marine Industry;
- ix. Medium Impact Industry;
- x. Research and Technology Industry;
- xi. Service Industry;
- xii. Special Industry;
- xiii. Transport Depot; and
- xiv. Warehouse



b. Reconfiguration of a Lot where development related to the following uses:

- i. Agricultural Supplies Store;
- ii. Wholesale Nursery;
- iii. Hardware and trade Supplies;
- iv. Outdoor Sales;
- v. Bulk Landscape Supplies;
- vi. High Impact Industry;
- vii. Low Impact Industry;
- viii. Marine Industry;
- ix. Medium Impact Industry;
- x. Research and Technology Industry;
- xi. Service Industry;
- xii. Special Industry;
- xiii. Transport Depot; and
- xiv. Warehouse

c. Operational Works where development related to the following uses:

- i. Agricultural Supplies Store;
- ii. Wholesale Nursery;
- iii. Hardware and trade Supplies;
- iv. Outdoor Sales;
- v. Bulk Landscape Supplies;
- vi. High Impact Industry;
- vii. Low Impact Industry;
- viii. Marine Industry;
- ix. Medium Impact Industry;
- x. Research and Technology Industry;
- xi. Service Industry;
- xii. Special Industry;
- xiii. Transport Depot; and
- xiv. Warehouse

d. Building Works where development related to the following uses:

- i. Agricultural Supplies Store;
- ii. Wholesale Nursery;
- iii. Hardware and trade Supplies;
- iv. Outdoor Sales;
- v. Bulk Landscape Supplies;
- vi. High Impact Industry;
- vii. Low Impact Industry;
- viii. Marine Industry;
- ix. Medium Impact Industry;
- x. Research and Technology Industry;
- xi. Service Industry;
- xii. Special Industry;
- xiii. Transport Depot; and
- xiv. Warehouse

DECISION

- ☒
- Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

1. NATURE OF THE CHANGES

The nature of the changes are:

- Table within Item 3 below – ‘Preliminary Approval affecting the Planning Scheme’ be amended to include:
 - **Part 9 – Overlay Codes – 8.2.8 Flood hazard overlay code is overridden insofar as development is considered Exempt for *the development approved under the Development Approval given under this Decision Notice*’.**
 - **Part 9 – Overlay Codes – 8.2.6 coastal protection overlay code is overridden insofar as development is considered Exempt for the development approved under the Development Approval given under this Decision Notice’.**
- Item 11 below – ‘When approval lapses if development not started’ be amended to reference a period of **ten (10) years** pursuant to section 341 of SPA.
- Item 13 below – ‘Conditions about infrastructure’ be amended to insert correct condition references.
- Condition 6 (Roadworks) – This condition has been amended to read:
 - 6. At the earlier of the first Material Change of Use or Reconfiguring a Lot application on the subject land, ***dedicate as a road reserve the land presently comprised within Easement A. The applicant shall not be required to carry out any works of any nature with respect to such dedication.***
- Condition 7 (Stormwater) – This condition has been deleted.
- Condition 8 (Stormwater) - This condition has been amended to read:
 - 8. ***Prior to the first material change of use or reconfiguring of Lot of the subject land, submit a site-based stormwater management plan for the site (relating to part only of the land where development approval relates) to the assessment manager for approval.***
- Condition 9 and 10 (Stormwater) – These conditions have been added to read:
 - 9. ***Undertake the stormwater management on site in accordance with the approved Site Based Stormwater Management Plan, including the construction of any necessary works.***

10. For each Material Change of Use and Reconfiguring a Lot application on the subject land, provide certification from a Registered Professional Engineer Queensland (RPEQ) that stormwater management has been undertaken on site in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the stormwater management where the works are certified by a RPEQ.

- Condition 13 (Water) - This condition, previously condition 11, has been amended to read:

13. At the earlier of the first Material Change of Use (self-assessable or assessable) or Reconfiguring a Lot on the subject land, extend the existing water main at the current location at the western corner (frontage) of Lot 1 RP96951, to the North East boundary of the subject site at or about the point that the said boundary meets the road dedication referred to in condition 6, using a main of size, type and dimensions to the satisfaction of the Assessment Manager, by supplying all necessary materials, including structures and equipment, and performing all necessary works. The works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the development. Works must be finalised as part of an application for Operational Works

- Part 1B - Advice Note C be added to read:

C. Despite this preliminary approval overriding the coastal protection overlay, any subsequent development application remains assessable against the Interim development assessment requirements of the full State Planning Policy (as it relates to coastal matters) as per the requirements of the Sustainable Planning Act 2009.

- Part 1B - Advice Note D be added to read:

D. The purpose of this approval was to reflect the construction of the levee on Lot 11 on SP271539 and to remove any consideration of riverine flood matters and other constraints associated with water originating from the river from any future development application over the land affected by this approval. In granting the approval, the Council has formed the view that the levee effectively restricts the inflow of water from the Burnett River, whatever its cause (including storm surge), in events up to a level equivalent to the level of the 2013 Burnett River Flood Event.

- Part 1B - Advice Note E be added to read:

E. This approval is granted on the basis that the Council has provided a levee on the adjoining land, Lot 11 on SP281539, that excludes flood water from the Burnett River up to a 1% ARI event. It is the responsibility of any owner or occupier of the land the subject of this approval to ensure that any works or activities that they may carry out or cause to be carried out do not cause any damage to the levee. In the event that the levee is damaged as a result of activities of whatever nature on the subject land, the Council will not guarantee that the levee

will be able to provide the level of flood immunity envisaged by this approval.

Changes are in ***bold italics***.

2. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Carrying out building work assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operational work assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reconfiguring a lot	Part 1, table 3, item 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

3. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

A preliminary approval to which section 242 of the SPA applies is given and the assessment manager has approved a **variation to the local planning instruments**:

Local Planning Instrument	Variation Approved
Bundaberg Regional Council Planning Scheme 2015	Part 5 – Tables of Assessment - Table 5.5.9 Industry Zone – Levels of Assessment for material change of use is overridden by the provisions of <i>Table 1.1 - Cummins Street Development Plan Level of Assessment Table – Material Change of Use - Industry Zone</i> as included in the Schedule A.

Part 5 – Tables of Assessment - Table 5.6.1 Reconfiguring a lot – Levels of assessment is overridden by the provisions of **Table 1.2 - Cummins Street Development Plan Level of Assessment Table – Reconfiguring a Lot** as included in the Schedule A.

Part 5 – Tables of Assessment - Table 5.7.1 Building work - Levels of assessment is overridden by the provisions of **Table 1.3 - Cummins Street Development Plan Level of Assessment Table – Building Work** as included in the Schedule A.

Part 5 – Tables of Assessment - Table 5.8.1 Operational work - Levels of assessment is overridden by the provisions of **Table 1.4 - Cummins Street Development Plan Level of Assessment Table – Operational Work** as included in the Schedule A.

Part 5 – Tables of Assessment - Table 5.10.1 Levels of Assessment – Overlays for development is overridden by the provisions of **Table 1.5 - Cummins Street Development Plan Level of Assessment Table – Overlays** as included in the Schedule A.

Part 6 – Zone codes – 6.2.9 Industry zone code is overridden by the **1.0 Cummins Street Development Plan Industry zone code** as included in the Schedule A.

Part 9 Development Codes – 9.3.1 Business Uses Code is overridden by the **3.0 Cummins Street Development Plan Business uses code** as included in the Schedule A.

Part 9 Development Codes – 9.3.9 Industry Uses Code is overridden by the **2.0 Cummins Street Development Plan Industry uses code** as included in the Schedule A.

Part 9 Development Codes – 9.4.4 Reconfiguring a lot code is overridden by the **4.0 Cummins Street Development Plan Reconfiguring a lot code** as included in the Schedule A.

Part 9 Development Codes – 9.4.5 Transport and parking code is overridden by the **6.0 Cummins Street Development Plan Transport and parking code** as included in the Schedule A.

Part 9 Development Codes – 9.4.7 Works, service and infrastructure code is overridden by the **5.0 Cummins Street Development Plan Works, service and infrastructure code** as included in the Schedule A.

Part 9 – Overlay Codes – 8.2.8 Flood hazard overlay code is overridden insofar as development is

	<p>considered Exempt for the <i>development approved under the Development Approval given under this Decision Notice</i>.</p> <p><i>Part 9 – Overlay Codes – 8.2.6 coastal protection overlay code is overridden insofar as development is considered Exempt for the development approved under the Development Approval given under this Decision Notice</i>.</p>
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4. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- All Building Work
- All Plumbing and Drainage Work
- All Operational Work
- All Material Change of Use, unless otherwise made Exempt or Self-Assessable
- All Reconfiguring of Lots

5. CODES FOR SELF ASSESSABLE DEVELOPMENT

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

1. Bundaberg Regional Council Planning Scheme and Associated Planning Scheme Policies
2. Cummins Street Development Plan

6. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT

Not Applicable

7. SUBMISSIONS

There was one (1) submission received for the application. The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
1. David & Yvonne Chivers	95 Cummins Street, BUNDABERG NORTH QLD 4670

8. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
Removal of the provisions of the Flood Hazard overlay code of the Bundaberg Regional Council Planning Scheme 2015.	<ul style="list-style-type: none"> It has been determined that the constructed flood levee in the vicinity of this site provides a level of flood immunity and that the flood issues to the extent that was mapped under this overlay (to a 2013 event level) have been resolved.
Removal of the provisions of the Flood Hazard overlay code of the Bundaberg Regional Council Planning Scheme 2015.	<ul style="list-style-type: none"> It has been determined that the constructed flood levee in the vicinity of this site provides for a level of protection from inundation of waters relating to coastal processes to the extent that was mapped under this overlay. An additional advice has also been provided noting that the provisions of the State Planning Policy still apply and provide a level of protection should this be necessary.

9. REFERRAL AGENCY

The referral agency for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road Schedule 7, Table 3, Item 2 <i>An aspect of development identified in schedule 9 that –</i> (a) <i>Is for a purpose mentioned in schedule 9, column 1; and</i> (b) <i>Meets or exceeds the threshold –</i> i. <i>For a development in LGA population 1 – mentioned in schedule 9, column 2 for the purpose; or</i> ii. <i>For development in</i>	Department of State Development, Infrastructure and Planning	Concurrence agency	State Assessment and Referral Agency (SARA) E: WBBSARA@dsdip.qld.gov.au P: PO Box 979 Bundaberg Qld 4670

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p><i>LGA population 2 – mentioned in schedule 9, column 3 for the purpose.</i></p> <p><i>However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each</i></p>			

10. APPROVED PLAN

The approved plan and/or document/s for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Plan 1A – 325.2016.46102.1	Cummins Street Development Plan Area	25.11.2016

11. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse **ten (10) years** from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

12. REFUSAL DETAILS

Not Applicable

13. CONDITIONS ABOUT INFRASTRUCTURE

The following conditions about infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*:

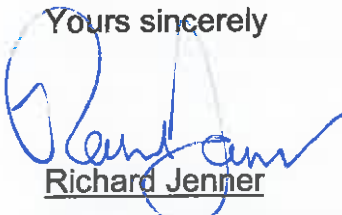
Condition/s	Provision under which the Condition was imposed
6,8,13	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

14. APPEAL RIGHTS

Appeal rights are set out in Schedule 2.

If you wish to discuss this matter further, please contact Erin Clark on the above telephone number.

Yours sincerely



Richard Jenner

Manager Development Assessment

cc: Principal submitters

SCHEDULE 1—Conditions and Advices

Part 1a—Conditions imposed by the assessment manager

Part 1b – Advice Notes

Part 2—Concurrence agency conditions

SCHEDULE 2—SPA extract on appeal rights

APPROVED PLANS



Schedule 1 – Conditions and Advice

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.

Date Development Must be Completed By (Lapsing Date)

3. In accordance with section 342 of the *Sustainable Planning Act 2009*, this Development Approval to the extent it relates to development not completed will lapse fifteen (15) years from the date of this approval.

External Storage of Materials

4. Ensure goods, equipment, packaging material or machinery associated with any of the uses subject to this Preliminary Approval is not stored or left exposed outside the building so as to be visible from any public road or thoroughfare. Any storage on site is required to be screened from view from all roads and adjacent properties.

Loading/Unloading

5. Loading and unloading of all vehicles associated with any of the uses subject to this Preliminary Approval must occur wholly within the subject site.

Roadwork

6. At the earlier of the first Material Change of Use or Reconfiguring a Lot application on the subject land, ***dedicate as a road reserve the land presently comprised within Easement A. The applicant shall not be required to carry out any works of any nature with respect to such dedication.***

Stormwater

7. ***Deleted.***
8. ***Prior to the first material change of use or reconfiguring of Lot of the subject land, submit a site-based stormwater management plan for the site (relating to part only of the land where development approval relates) to the assessment manager for approval.***
9. ***Undertake the stormwater management on site in accordance with the approved Site Based Stormwater Management Plan, including the construction of any necessary works.***

10. ***For each Material Change of Use and Reconfiguring a Lot application on the subject land, provide certification from a Registered Professional Engineer Queensland (RPEQ) that stormwater management has been undertaken on site in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the stormwater management where the works are certified by a RPEQ.***

Waste Management

11. Any of the uses subject to the Preliminary Approval must provide a sufficient area for the storage of all waste bins. This area must be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment.
12. Any of the uses subject to the Preliminary Approval must maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.

Water

13. Prior to the first Material Change of Use (self-assessable or assessable) or Reconfiguring a Lot on the subject land, extend the existing water main at the current location at the western corner (frontage) of Lot 1 RP96951, ***to the North East boundary of the subject site at or about the point that the said boundary meets the road dedication referred to in condition 6***, using a main of size, type and dimensions to the satisfaction of the Assessment Manager, by supplying all necessary materials, including structures and equipment, and performing all necessary works. The works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the development. Works must be finalised as part of an application for Operational Works

PART 1B – ADVICE NOTES

Environmental Harm

- A. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse affect, or potential adverse affect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Extent of the Approval

- B. Any subsequent development on the approved subject site (as per Plan 1A – 325.2016.46102.1, Cummins Street Development Plan Area dated 25.11.2016) shown as Industry Zone, is to be in accordance with the approved Cummins Street Development Plan included as a Schedule in this decision.
- C. ***Despite this preliminary approval overriding the coastal protection overlay, any subsequent development application remains assessable against the Interim development assessment requirements of the full State Planning Policy (as it relates to coastal matters) as per the requirements of the Sustainable Planning Act 2009.***
- D. ***The purpose of this approval was to reflect the construction of the levee on Lot 11 on SP271539 and to remove any consideration of riverine flood matters and other constraints associated with water originating from the river from any future development application over the land affected by this approval. In granting the approval, the Council has formed the view that the levee effectively restricts the inflow of water from the Burnett River, whatever its cause (including storm surge), in events up to a level equivalent to the level of the 2013 Burnett River Flood Event.***
- E. ***This approval is granted on the basis that the Council has provided a levee on the adjoining land, Lot 11 on SP281539, that excludes flood water from the Burnett River up to a 1% ARI event. It is the responsibility of any owner or occupier of the land the subject of this approval to ensure that any works or activities that they may carry out or cause to be carried out do not cause any damage to the levee. In the event that the levee is damaged as a result of activities of whatever nature on the subject land, the Council will not guarantee that the levee will be able to provide the level of flood immunity envisaged by this approval.***

Fencing

- F. Fencing should be undertaken in accordance with the provisions of the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011. This includes appropriate mediation practices and agreements regarding the type of materials, location and retrieval of any materials for any fence removed.

Rates and Charges

- G. In accordance with the Sustainable Planning Act 2009, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to any Plan of Subdivision being endorsed by the Assessment Manager for any Reconfiguring a Lot application on the subject land, relying on this preliminary approval.

Water and Sewer

- H. This property is not currently serviced by the Council's reticulated sewerage network. Any future development must be provided with reticulated sewerage infrastructure or an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use. The system must be designed, constructed, operated and maintained in accordance with the Queensland Plumbing and Wastewater Code (Department of State Development and Infrastructure & Planning, 2007) and

Australian Standard AS/NZS1547: 2000 'On-site Domestic Wastewater Management'.

- I. The Developer should engage an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including fire fighting requirements in accordance with AS2419.
- J. Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, must be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section.
- K. Connection to Council's water and sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.
- L. Council permits only one water service for each property. This means only one connection to the water main although there may be a potable and fire service feeding from that connection.

PROPERTY NOTES

PN1 Development Approval 325.2013.46102.1 – Sewerage

The following notation applies to the Subject land any future Reconfigured Lots:

This property is not currently serviced by the Council's reticulated sewerage network. Any future development must be provided with reticulated sewerage infrastructure or an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use.

The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the Plumbing and Drainage Act 2002. The system must be designed in accordance with the Queensland Plumbing and Wastewater Code (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 'On-site Domestic Wastewater Management'.

PN2 Development Approval 325.2013.46102.1 – Flooding

The following notation applies to the Subject land and any future Reconfigured Lots:

A levee has been provided adjacent to the Land that allows 300mm freeboard over the RL11.89 water surface level identified as the Defined Flood Event level under the *Bundaberg Regional Council Planning Scheme 2015* for the river flooding in the area. Meaning, while the levee remains, it will protect the Land from flooding only up to that Defined Flood Event.

PART 2—CONCURRENCE AGENCY CONDITIONS

The Department of Infrastructure, Local Government and Planning by letter dated 13 September 2016 (copy letter attached for information).



Schedule 2 – SPA Extract on Appeal Rights

Part 1 – APPEALS TO THE PLANNING AND ENVIRONMENT COURT

461 Appeals by applicants.

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general.

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications.

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—

- (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters.

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

Part 2 – APPEALS TO THE BUILDING & DEVELOPMENT DISPUTE RESOLUTION COMMITTEE

S 519 Appeal by applicant—particular development application for material change of use of premises.

- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
- (4) An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

522 Appeal by applicant—condition of particular development approval

- (1) This section applies to a development application if—
 - (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole-occupancy units.

- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal must be started within 20 business days (the ***applicant's appeal period***) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) In this section—
- sole-occupancy unit***, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.
- storey*** means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—
- (a) a space containing only—
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
 - (b) a mezzanine.

Note:

Attached is a Rights of Appeal Waiver form. Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the Sustainable Planning Act 2009.



Part 3 – RIGHTS OF APPEAL WAIVER

Mail To: Bundaberg Regional Council

Address: PO Box 3130
Bundaberg QLD 4670

Attention: Development Assessment

Re: Development Application for Preliminary Approval (s.241) for a Material Change of Use (number of uses) and a Preliminary Approval for Reconfiguration of a Lot, Operational Works and Building Works (for development relating to those uses), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 at 59 Cummins Street, Bundaberg North; land described as Lot 10 on SP271539 lodged with Council on 8 March 2017.

Property situated at 59 Cummins Street, Bundaberg North; land described as Lot 10 on SP271539

Development Permit No: 325.2016.46102.1

This advice is to confirm that I/We have received the above approval and agree to the conditions contained therein. I/We hereby waiver My/Our appeal rights available under the *Sustainable Planning Act 2009*.

.....
Signature

.....
Date

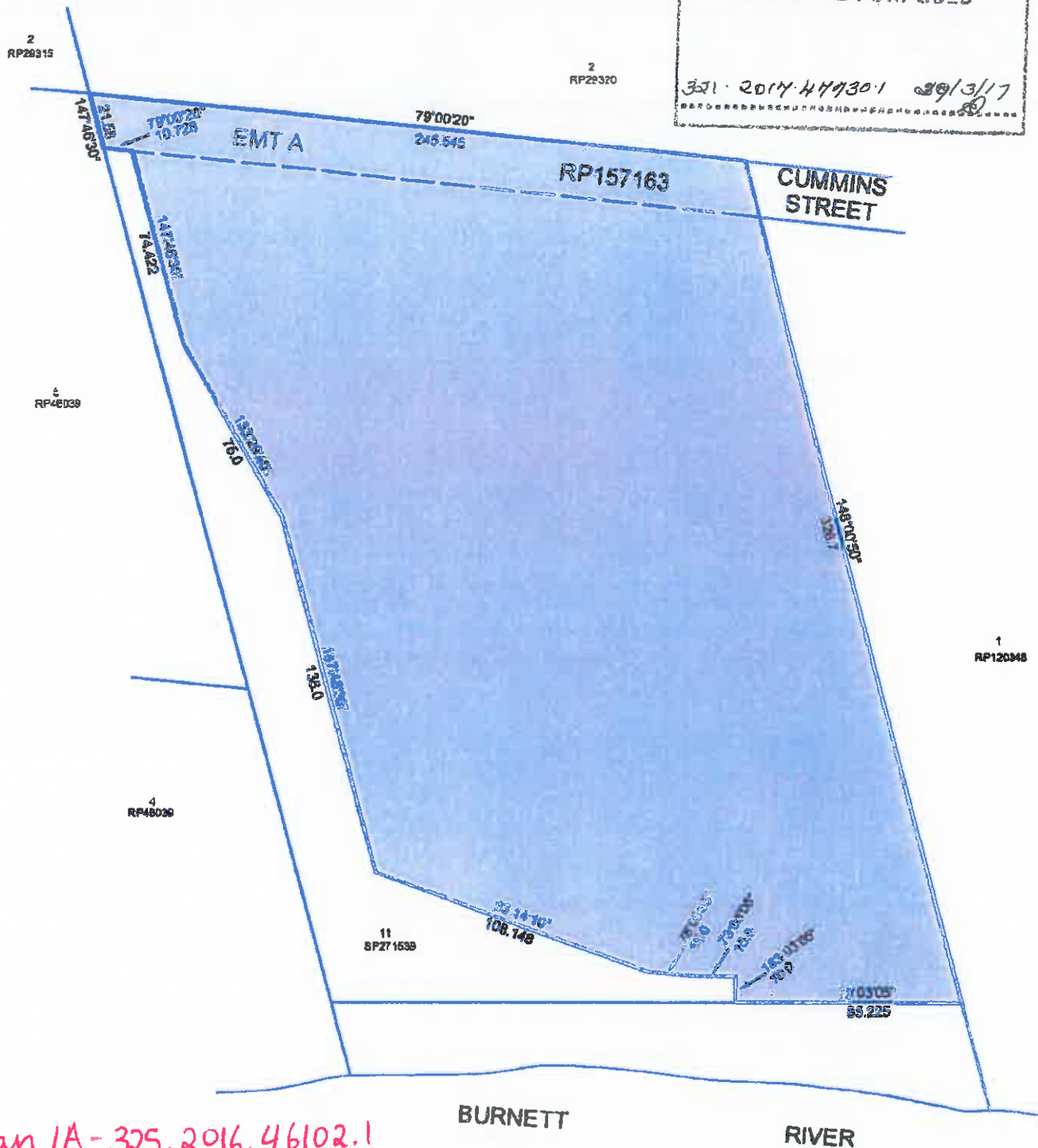
.....
Signature

.....
Date

RUNDARBERG REGIONAL COUNCIL

APPROVED PLAN FOR TOWN
PLANNING PURPOSES

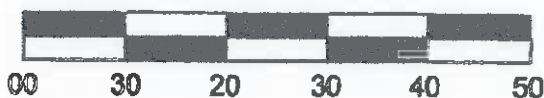
321-2014-44430-1 29/3/17



Plan 1A-325.2016.46102.1
Cummins Street Development Plan Area
As Amended
25.11.2016

Plan showing that part of Lot 10 on SP271539 referred to
as the Cummins Street Development Plan Industry Zone.

Scale 1:2000 at A3



Planning Australia Sept 2016 drawn prc.. dwg1

CUMMINS STREET DEVELOPMENT PLAN

For

**Preliminary Approval under S242 of the SPA 2009 Overriding the
Bundaberg Regional Council Planning Scheme 2015**

**Relating to Land at 59 Cummins Street being described as
part of Lot 10 on SP271539**

CUMMINS STREET DEVELOPMENT PLAN

Application of the Cummins Street Development Plan

1. The following provisions of the Cummins Street Development Plan will apply to the land at 59 Cummins Street, Bundaberg described as part of Lot 10 on SP271539 as shown on attached **Map 1 – Cummins Street Development Plan Area** being the “Development Land”.
2. The following provisions of the Cummins Street Development Plan will override the provisions of the Bundaberg Regional Council Planning Scheme 2015 in force at the time the development application is properly made under the SPA (“the **Applicable Local Planning Instrument**”) shall be applied as the local planning instrument for the assessment and determination of any development application for a development permit for any aspect of “the **proposed development**” as described herein.
3. In summary, the following provisions of the Bundaberg Regional Council Planning Scheme 2015 are varied:

Local Planning Instrument	Variation Approved
Bundaberg Regional Council Planning Scheme 2015	<p>Part 5 – Tables of Assessment - Table 5.5.9 Industry Zone – Levels of Assessment for material change of use is overridden by the provisions of Table 1.1 - Cummins Street Development Plan Level of Assessment Table – Material Change of Use - Industry Zone as included in the Schedule A.</p> <p>Part 5 – Tables of Assessment - Table 5.6.1 Reconfiguring a lot – Levels of assessment is overridden by the provisions of Table 1.2 - Cummins Street Development Plan Level of Assessment Table – Reconfiguring a Lot as included in the Schedule A.</p> <p>Part 5 – Tables of Assessment - Table 5.7.1 Building work - Levels of assessment is overridden by the provisions of Table 1.3 - Cummins Street Development Plan Level of Assessment Table – Building Work as included in the Schedule A.</p> <p>Part 5 – Tables of Assessment - Table 5.8.1 Operational work - Levels of assessment is overridden by the provisions of Table 1.4 - Cummins Street Development Plan Level of Assessment Table – Operational Work as included in the Schedule A.</p>

Part 5 – Tables of Assessment - Table 5.10.1 Levels of Assessment – Overlays for development is overridden by the provisions of **Table 1.5 - Cummins Street Development Plan Level of Assessment Table – Overlays** as included in the Schedule A.

Part 6 – Zone codes – 6.2.9 Industry zone code is overridden by the **1.0 Cummins Street Development Plan Industry zone code** as included in the Schedule A.

Part 9 Development Codes – 9.3.1 Business Uses Code is overridden by the **3.0 Cummins Street Development Plan Business uses code** as included in the Schedule A.

Part 9 Development Codes – 9.3.9 Industry Uses Code is overridden by the **2.0 Cummins Street Development Plan Industry uses code** as included in the Schedule A.

Part 9 Development Codes – 9.4.4 Reconfiguring a lot code is overridden by the **4.0 Cummins Street Development Plan Reconfiguring a lot code** as included in the Schedule A.

Part 9 Development Codes – 9.4.5 Transport and parking code is overridden by the **6.0 Cummins Street Development Plan Transport and parking code** as included in the Schedule A.

Part 9 Development Codes – 9.4.7 Works, service and infrastructure code is overridden by the **5.0 Cummins Street Development Plan Works, service and infrastructure code** as included in the Schedule A.

Part 9 – Overlay Codes – 8.2.8 Flood hazard overlay code is overridden insofar as development is considered Exempt for the **development approved under the Development Approval given under this Decision Notice**'.

Part 9 – Overlay Codes – 8.2.6 coastal protection overlay code is overridden insofar as development is considered Exempt for the development approved under the Development Approval given under this Decision Notice'.

4. The provisions of this Development Plan shall apply to the Development Land as shown in Map 1 – Cummins Street Development Plan Area irrespective of-
- (a) any amendment to the Applicable Local Planning Instrument; or
 - (b) the revocation of the Applicable Local Planning Instrument; or
 - (c) the adoption of any new local planning instrument.

The Proposed Development

5. The proposed development is described as being the following-

Development, including any development involving filling of the whole, or any part of the Development Land for-

- (a) Reconfiguring a lot;
- (b) Operational work;
- (c) Building work; and
- (d) Material change of use for the following purposes-

- A. Agricultural Supply Store;
- B. Wholesale Nursery;
- C. Hardware and Trade Supplies;
- D. Outdoor Sales;
- E. Bulk Landscape Supplies;
- F. High Impact Industry;
- G. Low Impact Industry;
- H. Marine Industry;
- I. Medium Impact Industry;
- J. Research and Technology Industry;
- K. Service Industry;
- L. Special Industry;
- M. Transport Depot; and
- N. Warehouse

Table 1.1 Cummins Street Development Plan - Industry zone – Material Change of Use

Use	Level of assessment	Assessment criteria					
		Cummins Street Development Plan Industry zone code	Landscaping code of Bundaberg Regional Council Planning Scheme 2015	Nuisance code of Bundaberg Regional Council Planning Scheme 2015	Cummins Street Development Plan Transport and parking code	Cummins Street Development Plan Works, services and Infrastructure code	Applicable use code
Business activities							
Agricultural supplies store	Self assessment if within an existing commercial building and the existing development footprint is not altered.	AO1.3 of Table 6.3.1 of the Cummins Street Development Plan Transport and parking code					
	Code assessment if not self assessment.	✓	✓	✓	✓	✓	Cummins Street Development Plan Business uses code
Hardware and trade supplies	Code assessment	✓	✓	✓	✓	✓	Cummins Street Development Plan Business uses code
Outdoor Sales	Impact assessment	✓	✓	✓	✓	✓	Cummins Street Development Plan Business uses code
Wholesale nursery	Impact assessment	✓	✓	✓	✓	✓	Cummins Street Development Plan Business uses code
Industry activities							
Bulk landscape supplies	Self assessment if within an existing commercial building and the existing development footprint is not altered.	<ul style="list-style-type: none"> AO5.1 to AO5.5, AO6.1 to AO6.4 and AO7.1 to AO7.2 of Table 2.3.1 of the Cummins Street Development Plan Industry uses code AO1.3 of Table 6.3.1 of the Cummins Street Development Plan Transport and parking code 					
	Self assessment if not otherwise specified.				✓		Cummins Street Development Plan Industry uses code
High Impact industry	Code assessment if involving a change to an existing High impact industry use on the premises.	✓	✓	✓	✓	✓	Cummins Street Development Plan Industry uses code
Low impact industry	Self assessment if within an existing commercial building and the existing development footprint is not altered.	<ul style="list-style-type: none"> AO5.1 to AO5.5, AO6.1 to AO6.4 and AO7.1 to AO7.2 of Table 2.3.1 of the Cummins Street Development Plan Industry uses code AO1.3 of Table 9.4.5.3.1 of the Cummins Street Development Plan Transport and parking code 					
	Self assessment if not otherwise specified.				✓		Cummins Street Development Plan Industry uses code
Marine industry	Self assessment if within an existing commercial building and the existing development footprint is not altered.	<ul style="list-style-type: none"> AO5.1 to AO5.5, AO6.1 to AO6.4 and AO7.1 to AO7.2 of Table 2.3.1 of the Cummins Street Development Plan Industry uses code AO1.3 of Table 6.3.1 of the Cummins Street Development Plan Transport and parking code 					
	Self assessment if not otherwise specified.				✓		Cummins Street Development Plan Industry uses code
Medium impact industry	Self assessment if within an existing commercial building and the existing	<ul style="list-style-type: none"> AO5.1 to AO5.5, AO6.1 to AO6.4 and AO7.1 to AO7.2 of Table 2.3.1 of the Cummins Street Development Plan Industry uses code 					

Use	Level of assessment	Assessment criteria					
		Cummins Street Development Plan Industry zone code	Landscaping code of Bundaberg Regional Council Planning Scheme 2015	Nuisance code of Bundaberg Regional Council Planning Scheme 2015	Cummins Street Development Plan Transport and parking code	Cummins Street Development Plan Works, services and infrastructure code	Applicable use code
	development footprint is not altered.	<ul style="list-style-type: none"> AO1.3 of Table 6.3.1 of the Cummins Street Development Plan Transport and parking code 					
	Self assessment if not otherwise specified.				✓		Cummins Street Development Plan Industry uses code
Research and technology industry	Self assessment if within an existing commercial building and the existing development footprint is not altered.	<ul style="list-style-type: none"> AO5.1 to AO5.5, AO6.1 to AO6.4 and AO7.1 to AO7.2 of Table 2.3.1 of the Cummins Street Development Plan Industry uses code AO1.3 of Table 6.3.1 of the Cummins Street Development Plan Transport and parking code 					
	Self assessment if not otherwise specified.				✓		Cummins Street Development Plan Industry uses code
Service industry	Self assessment if within an existing commercial building and the existing development footprint is not altered.	<ul style="list-style-type: none"> AO5.1 to AO5.5, AO6.1 to AO6.4 and AO7.1 to AO7.2 of Table 2.3.1 of the Cummins Street Development Plan Industry uses code AO1.3 of Table 6.3.1 of the Cummins Street Development Plan Transport and parking code 					
	Self assessment if not otherwise specified.				✓		Cummins Street Development Plan Industry uses code
Transport depot	Self assessment if within an existing commercial building and the existing development footprint is not altered.	<ul style="list-style-type: none"> AO5.1 to AO5.5, AO6.1 to AO6.4 and AO7.1 to AO7.2 of Table 2.3.1 of the Cummins Street Development Plan Industry uses code AO1.3 of Table 6.3.1 of the Cummins Street Development Plan Transport and parking code 					
	Self assessment if not otherwise specified.				✓		Cummins Street Development Plan Industry uses code
Warehouse	Self assessment if within an existing commercial building and the existing development footprint is not altered.	<ul style="list-style-type: none"> AO5.1 to AO5.5, AO6.1 to AO6.4 and AO7.1 to AO7.2 of Table 2.3.1 of the Cummins Street Development Plan Industry uses code AO1.3 of Table 6.3.1 of the Cummins Street Development Plan Transport and parking code 					
	Self assessment if not otherwise specified.				✓		Cummins Street Development Plan Industry uses code

Table 1.2 Cummins Street Development Plan - Industry zone - Reconfiguring a lot ^{1 2}

The following table identifies the levels of assessment for reconfiguring a lot.

Zone	Level of assessment	Assessment criteria
Industry zone, Where for the following uses: i. Agricultural Supplies Store; ii. Wholesale Nursery; iii. Hardware and trade Supplies; iv. Outdoor Sales; v. Bulk Landscape Supplies; vi. High Impact Industry; vii. Low Impact Industry; viii. Marine Industry; ix. Medium Impact Industry; x. Research and Technology Industry; xi. Service Industry; xii. Special Industry; xiii. Transport Depot; and xiv. Warehouse	Code assessment	<ul style="list-style-type: none"> • Cummins Street Development Plan Industry zone code • Cummins Street Development Plan Reconfiguring a lot code • Landscaping code of the Bundaberg Regional Council Planning Scheme 2015 • Nuisance code of the Bundaberg Regional Council Planning Scheme 2015 • Cummins Street Development Plan Transport and parking code • Cummins Street Development Plan Works, services and infrastructure code

¹ Editor's note—under Schedule 4 of the Regulation, certain reconfiguring a lot is exempt development and cannot be declared to be self-assessable development, development requiring compliance assessment, assessable development or prohibited development by a planning scheme (examples—amalgamating two or more lots or a building format plan of subdivision that does not subdivide land).

² Editor's note—despite the levels of assessment identified in this section for reconfiguring a lot, in the circumstances identified in **Section 5.4 (Prescribed levels of assessment)**, subdivision of one lot into two lots is development requiring compliance assessment, in accordance with Schedule 18 of the Regulation

Table 1.3 Cummins Street Development Plan - Industry zone – Building Work

The following table identifies the levels of assessment for building work regulated under the planning scheme.

Editor's note—Council may adopt an amenity and aesthetics policy for particular class 1(a) and class 10 buildings and structures. The requirements contained within any amenity and aesthetics policy are in addition to the assessment criteria identified within the planning scheme.

Zone	Level of assessment	Assessment criteria
Building work associated with a material change of use		
Industry zone, where for the following uses: Agricultural Supplies Store Wholesale Nursery Hardware and Trade Supplies Outdoor Sales Bulk Landscape Supplies High Impact Industry Low Impact Industry Marine Industry Medium Impact Industry Research and Technology Industry Service Industry Special Industry Transport Depot Warehouse	Self assessment	Any Self assessable criteria in: <ul style="list-style-type: none"> • Cummins Street Development Plan Industry zone code • Cummins Street Development Plan Industry uses code • Cummins Street Development Plan Business uses code • Cummins Street Development Plan Reconfiguring a lot code • Landscaping code of the Bundaberg Regional Council Planning Scheme 2015 • Nuisance code of the Bundaberg Regional Council Planning Scheme 2015 • Cummins Street Development Plan Transport and parking code • Cummins Street Development Plan Works, services and infrastructure code
Building work not associated with a material change of use		
Industry zone, where for the following uses: Agricultural Supplies Store Wholesale Nursery Hardware and Trade Supplies Outdoor Sales Bulk Landscape Supplies High Impact Industry Low Impact Industry Marine Industry Medium Impact Industry Research and Technology Industry Service Industry Special Industry Transport Depot Warehouse	Exempt Assessment against Table 5.7.1 of Bundaberg Regional Council Planning Scheme 2015 if not listed as exempt.	Not applicable <ul style="list-style-type: none"> • The use code applicable to the use for which the building work is to be undertaken • Cummins Street Development Plan Transport and parking code

Table 1.4 Cummins Street Development Plan - Industry zone – Operational Work

The following table identifies the levels of assessment for operational work.

Development	Level of assessment	Assessment criteria
Operational work - minor operational work¹		
Operational work involving only minor operational work.	Exempt	Not applicable
Operational work - engineering work or landscaping work		
Operational work involving engineering work or landscaping work associated with a material change of use, where for the following uses: Agricultural Supplies Store Wholesale Nursery Hardware and Trade Supplies Outdoor Sales Bulk Landscape Supplies High Impact Industry Low Impact Industry Marine Industry Medium Impact Industry Research and Technology Industry Service Industry Special Industry Transport Depot Warehouse	Self assessment if for the following work:- (a) on-site landscaping; (b) internal vehicle circulation, manoeuvring and car parking areas; (c) on-site stormwater management and incidental stormwater pipe and outlets ² ; (d) access driveways. Code assessment if not self assessment.	<ul style="list-style-type: none"> AO5.1, AO5.2 and AO9.1 to AO9.5 of Table 9.4.2.3.2 of Landscaping code of the Bundaberg Regional Council Planning Scheme 2015 Table 5.3.1 of the Cummins Street Development Plan Works, services and infrastructure code Landscaping code of the Bundaberg Regional Council Planning Scheme 2015 Nuisance code of the Bundaberg Regional Council Planning Scheme 2015 Cummins Street Development Plan Transport and parking code Cummins Street Development Plan Works, services and infrastructure code
Operational work involving engineering work or landscaping work associated with reconfiguring a lot where for the following uses: Agricultural Supplies Store Wholesale Nursery Hardware and Trade Supplies Outdoor Sales Bulk Landscape Supplies High Impact Industry Low Impact Industry Marine Industry Medium Impact Industry Research and Technology Industry Service Industry Special Industry Transport Depot Warehouse	Code assessment	<ul style="list-style-type: none"> Landscaping code of the Bundaberg Regional Council Planning Scheme 2015 Nuisance code of the Bundaberg Regional Council Planning Scheme 2015 Cummins Street Development Plan Transport and parking code Cummins Street Development Plan Works, services and infrastructure code Cummins Street Development Plan Reconfiguring a lot code
Operational work involving engineering work not associated with a material change of use or reconfiguring a lot, where for the following uses: Agricultural Supplies Store Wholesale Nursery Hardware and Trade Supplies Outdoor Sales Bulk Landscape Supplies High Impact Industry Low Impact Industry Marine Industry Medium Impact Industry Research and Technology Industry Service Industry Special Industry Transport Depot	Code assessment	<ul style="list-style-type: none"> Landscaping code of the Bundaberg Regional Council Planning Scheme 2015 Nuisance code of the Bundaberg Regional Council Planning Scheme 2015 Cummins Street Development Plan Transport and parking code Cummins Street Development Plan Works, services and infrastructure code

¹ Editor's note—the term "minor operational work" is defined in **Schedule 1 (Definitions)**.

² Note—work involving "incidental stormwater pipe and outlets" includes underground stormwater pipes and stormwater outlets which convey stormwater from the site to the point of discharge when within a road reserve verge or drainage reserve and within 5 metres of the site boundary.

Development	Level of assessment	Assessment criteria
Warehouse		
Operational work - excavating or filling		
Operational work involving excavating or filling, where for the following uses: Agricultural Supplies Store Wholesale Nursery Hardware and Trade Supplies Outdoor Sales Bulk Landscape Supplies High Impact Industry Low Impact Industry Marine Industry Medium Impact Industry Research and Technology Industry Service Industry Special Industry Transport Depot Warehouse	<p>Exempt if:-</p> <p>(a) involving:-</p> <p>(i) excavating or filling of not more than 50m³ of material; and</p> <p>(ii) filling of not more than 10m³ with an average depth not more than 150mm above natural ground level; and</p> <p>(iii) excavating to a depth of not more than 1m; and</p> <p>(iv) filling does not cause ponding of overland runoff flows on adjacent land.</p> <p>Code assessment if not exempt.</p>	<p>Not applicable</p> <p>Cummins Street Development Plan Works, services and infrastructure code</p>
Operational work - placing an advertising device on premises		
Operational work involving placing an advertising device on premises, where for the following uses: Agricultural Supplies Store Wholesale Nursery Hardware and Trade Supplies Outdoor Sales Bulk Landscape Supplies High Impact Industry Low Impact Industry Marine Industry Medium Impact Industry Research and Technology Industry Service Industry Special Industry Transport Depot Warehouse	<p>Self assessment if:-</p> <p>(a) for a sign type described in the Advertising devices code other than one of the following:-</p> <p>(i) above awning sign;</p> <p>(ii) projecting sign;</p> <p>(iii) roof sign;</p> <p>(iv) roof-top sign; and</p> <p>(b) not a third party advertising device;</p> <p>Code assessment if not self assessment.</p>	<p>• Advertising devices code of the Bundaberg Regional Council Planning Scheme 2015</p> <p>Advertising devices code of the Bundaberg Regional Council Planning Scheme 2015</p>
Vegetation clearing		
Operational work involving vegetation clearing, where for the following uses: Agricultural Supplies Store Wholesale Nursery Hardware and Trade Supplies Outdoor Sales Bulk Landscape Supplies High Impact Industry Low Impact Industry Marine Industry Medium Impact Industry Research and Technology Industry Service Industry Special Industry Transport Depot Warehouse	<p>Exempt if exempt vegetation clearing³.</p> <p>Code assessment if not exempt.</p>	<p>Not applicable</p> <p>Vegetation management code of the Bundaberg Regional Council Planning Scheme 2015</p>
Operational work not otherwise specified in this table		
Operational work not otherwise specified in this table.	Exempt ⁴	Not applicable

³ Editor's note—the term "exempt vegetation clearing" is defined in Schedule 1 (Definitions).

⁴ Editor's note—operational work that is identified as exempt development in the planning scheme may be prescribed as assessable development or self-assessable development in Schedule 3 of the Regulation.

Table 1.5 Cummins Street Development Plan – Overlays

The following table identifies where an overlay changes the level of assessment from that stated in a zone or local plan and the relevant assessment criteria.

Development	Level of assessment	Assessment criteria
Acid sulfate soils overlay		
Any development if:- (a) within Area 1 as identified on an Acid sulfate soils overlay map and involving:- (i) excavating or otherwise removing 100m ³ or more of soil or sediment; or (ii) filling of land with 500m ³ or more of material with an average depth of 0.5m or greater; or (b) within Area 2 as identified on an Acid sulfate soils overlay map and involving excavating or otherwise removing 100m ³ or more of soil or sediment at or below 5m AHD.	No change	Acid sulfate soils overlay code of the Bundaberg Regional Council Planning Scheme 2015 Note—for self-assessable development, no self-assessable acceptable outcomes are identified in the Acid sulfate soils overlay code
Airport and aviation facilities overlay – if within or under operational airspace		
Material change of use if:- (a) within or under operational airspace as identified in the SPP interactive mapping system (plan making); and (b) involving the following:- (i) buildings or works that intrude into the operational airspace; or (ii) the emission of gaseous plumes, smoke, dust, ash or steam.	Code assessment if the change of use is provisionally made exempt or self-assessable by a table of assessment in Section 5.5 (Levels of assessment – Material change of use). No change if not otherwise specified.	Airport and aviation facilities overlay code of the Bundaberg Regional Council Planning Scheme 2015 Note—for self-assessable development, no self-assessable acceptable outcomes are identified in the Airport and aviation facilities overlay code
Operational work if:- (a) within or under operational airspace as identified in the SPP interactive mapping system (plan making); and (b) involving the following:- (i) the emission of gaseous plumes, smoke, dust, ash or steam; or (ii) external lighting not associated with a material change of use that includes the following:- (A) straight parallel lines 500m to 1,000m long; or (B) flare plumes, buildings or machinery with reflective cladding, upward shining lights, flashing or sodium lights.	No change	Airport and aviation facilities overlay code of the Bundaberg Regional Council Planning Scheme 2015 Note—for self-assessable development, no self-assessable acceptable outcomes are identified in the Airport and aviation facilities overlay code
Airport and aviation facilities overlay – if within a lighting area buffer zone or wildlife hazard buffer zone		
Material change of use if involving the following in a lighting area buffer or wildlife hazard buffer zone identified in the SPP interactive mapping system (plan making):- (a) the disposal of putrescible waste within a wildlife hazard buffer zone (i.e. within 13km of a runway); or (b) the following uses within the 8km wildlife hazard buffer zone:- (i) aquaculture (other than minor aquaculture); (ii) animal keeping, where involving a wildlife or bird sanctuary; (iii) any industrial activity involving food processing or an abattoir; (iv) intensive animal industry; or (c) the following within a lighting area buffer zone:- (i) external lighting that includes straight parallel lines 500m to 1,000m long; or (ii) external lighting that includes flare plumes, buildings with reflective cladding, upward shining lights, flashing or sodium lights; or (d) major sports, recreation and entertainment facilities or outdoor sport and recreation facilities involving fair grounds, show grounds, outdoor theatres or	Code assessment if the change of use is provisionally made exempt or self-assessable by a table of assessment in Section 5.5 (Levels of assessment – Material change of use). No change if not otherwise specified.	Airport and aviation facilities overlay code of the Bundaberg Regional Council Planning Scheme 2015

* Note—where development is not identified in this column of the table as being subject to a particular overlay, then that overlay is not applicable to the development.

Development	Level of assessment	Assessment criteria
<p>outdoor cinemas within the 3km wildlife hazard buffer zone; or</p> <p>(e) the creation of a constructed waterbody within the 3km wildlife hazard buffer zone.</p>		
<p>Reconfiguring a lot if involving the following:-</p> <p>(a) the construction of a new road within a lighting area buffer zone identified in the SPP interactive mapping system (plan making); or</p> <p>(b) the creation of a constructed waterbody within the 3km wildlife hazard buffer zone identified in the SPP interactive mapping system (plan making).</p>	No change	Airport and aviation facilities overlay code of the Bundaberg Regional Council Planning Scheme 2015
<p>Operational work if involving the creation of a constructed waterbody within the 3km wildlife hazard buffer zone identified in the SPP interactive mapping system (plan making).</p>	No change	Airport and aviation facilities overlay code of the Bundaberg Regional Council Planning Scheme 2015
Airport and aviation facilities overlay – if within the public safety area		
<p>Material change of use if within the public safety area as identified in the SPP interactive mapping system (plan making), other than for the following:-</p> <p>(a) animal husbandry;</p> <p>(b) cropping;</p> <p>(c) home based business (excluding where for a bed and breakfast, farm stay or similar visitor accommodation).</p>	<p>Code assessment if the change of use is provisionally made self-assessable by a table of assessment in Section 5.5 (Levels of assessment – Material change of use).</p> <p>No change if not otherwise specified.</p>	Airport and aviation facilities overlay code of the Bundaberg Regional Council Planning Scheme 2015
<p>Reconfiguring a lot if creating additional lots within the public safety area as identified in the SPP interactive mapping system (plan making).</p>	No change	Airport and aviation facilities overlay code of the Bundaberg Regional Council Planning Scheme 2015
Biodiversity areas overlay²		
<p>Material change of use, other than in an existing building, if within an area identified as Matters of State Environmental Significance (MSES) in the SPP interactive mapping system (plan making) or within the following buffer areas for MSES:-</p> <p>(a) where in an urban area or rural residential area – within 50m of a watercourse or wetland;</p> <p>(b) where not in an urban or rural residential area –</p> <p>(i) within 50m of a watercourse (stream order 1 or 2);</p> <p>(ii) within 100m of a watercourse (stream order 3 or greater); or</p> <p>(iii) within 200m of a wetland.</p>	No change	<p>Biodiversity areas overlay code of the Bundaberg Regional Council Planning Scheme 2015</p> <p>Note—for self-assessable development, no self-assessable acceptable outcomes are identified in the Biodiversity areas overlay code</p>
<p>Reconfiguring a lot if within an area identified as Matters of State Environmental Significance (MSES) in the SPP interactive mapping system (plan making) or within the following buffer areas for MSES:-</p> <p>(a) where in an urban area or rural residential area – within 50m of a watercourse or wetland;</p> <p>(b) where not in an urban or rural residential area –</p> <p>(i) within 50m of a watercourse (stream order 1 or 2);</p> <p>(ii) within 100m of a watercourse (stream order 3 or greater); or</p> <p>(iii) within 200m of a wetland.</p>	No change	Biodiversity areas overlay code of the Bundaberg Regional Council Planning Scheme 2015
<p>Operational work, other than placing an advertising device on premises, if within an area identified as Matters of State Environmental Significance (MSES) in the SPP interactive mapping system (plan making) or within the following buffer areas for MSES:-</p> <p>(a) where in an urban area or rural residential area – within 50m of a watercourse or wetland;</p> <p>(b) where not in an urban or rural residential area –</p> <p>(i) within 50m of a watercourse (stream order 1 or 2);</p> <p>(ii) within 100m of a watercourse (stream order 3 or greater); or</p> <p>(iii) within 200m of a wetland.</p>	No change	<p>Biodiversity areas overlay code of the Bundaberg Regional Council Planning Scheme 2015</p> <p>Note—for self-assessable development, no self-assessable acceptable outcomes are identified in the Biodiversity areas overlay code</p>

² Note—the Biodiversity areas overlay identifies areas which available data indicate contain ecologically important areas at the date of commencement of the planning scheme. Other ecologically important areas not identified in the SPP interactive mapping system (plan making) may also contain significant habitat and biodiversity values. Development occurring in such areas may be assessable against the Biodiversity areas overlay code where specified in this table of assessment.

Development	Level of assessment	Assessment criteria
Coastal protection overlay – if within a coastal management district, erosion prone area or coastal setback line		
<p>Material change of use involving the construction of a new building or structure, or an increase in the gross floor area of an existing building or structure, and where for the following uses:-</p> <ul style="list-style-type: none"> (a) Agricultural Supplies Store (b) Wholesale Nursery (c) Hardware and Trade Supplies (d) Outdoor Sales (e) Bulk Landscape Supplies (f) High Impact Industry (g) Low Impact Industry (h) Marine Industry (i) Medium Impact Industry (j) Research and Technology Industry (k) Service Industry (l) Special Industry (m) Transport Depot (n) Warehouse <p>if:-</p> <ul style="list-style-type: none"> (a) within a coastal management district or erosion prone area as identified in the SPP interactive mapping system (plan making); or (b) located on a site that is subject to a coastal setback line as identified on a Coastal protection overlay map. 	Exempt	Not Applicable.
<p>Reconfiguring a lot if:-</p> <ul style="list-style-type: none"> (a) within a coastal management district or erosion prone area as identified on in the SPP interactive mapping system (plan making); or (b) located on a site that is subject to a coastal setback line as identified on a Coastal protection overlay map. 	Exempt	Not Applicable.
<p>Operational work involving tidal work or other work as identified in Schedule 3, part 1, table 4, item 5 of the Regulation, and where for the following uses:-</p> <ul style="list-style-type: none"> (a) Agricultural Supplies Store (b) Wholesale Nursery (c) Hardware and Trade Supplies (d) Outdoor Sales (e) Bulk Landscape Supplies (f) High Impact Industry (g) Low Impact Industry (h) Marine Industry (i) Medium Impact Industry (j) Research and Technology Industry (k) Service Industry (l) Special Industry (m) Transport Depot (n) Warehouse <p>if:-</p> <ul style="list-style-type: none"> (a) within a coastal management district or erosion prone area as identified on in the SPP interactive mapping system (plan making); or (b) located on a site that is subject to a coastal setback line as identified on a Coastal protection overlay map; 	Exempt	Not Applicable.
<p>Building work if located on a site that is subject to a coastal setback line as identified on a Coastal protection overlay map, and where for the following uses:-</p> <ul style="list-style-type: none"> (a) Agricultural Supplies Store (b) Wholesale Nursery (c) Hardware and Trade Supplies (d) Outdoor Sales (e) Bulk Landscape Supplies (f) High Impact Industry (g) Low Impact Industry (h) Marine Industry (i) Medium Impact Industry (j) Research and Technology Industry (k) Service Industry (l) Special Industry 	Exempt	Not Applicable.

Development	Level of assessment	Assessment criteria
(m) Transport Depot (n) Warehouse Other than building work for the following - (a) an acceptable temporary, relocatable or expendable structure for safety and recreational purposes ³ ; or (b) an extension to an existing building or structure that is landward of the seaward alignment of the existing building or structure.		
Flood hazard overlay⁴		
Material change of use if within a flood hazard area or storm tide inundation area as identified on a Flood hazard map adopted by Council and where for the following uses:- (a) Agricultural Supplies Store (b) Wholesale Nursery (c) Hardware and Trade Supplies (d) Outdoor Sales (e) Bulk Landscape Supplies (f) High Impact Industry (g) Low Impact Industry (h) Marine Industry (i) Medium Impact Industry (j) Research and Technology Industry (k) Service Industry (l) Special Industry (m) Transport Depot (n) Warehouse	Exempt	Not Applicable.
Reconfiguring a lot if within a flood hazard area or storm tide inundation area as identified on a Flood hazard map adopted by Council.	Exempt	Not Applicable.
Operational work if:- (a) within a flood hazard area or storm tide inundation area as identified on a Flood hazard map adopted by Council; and (b) involving excavating or filling; and (c) Where for the following uses: i. Agricultural Supplies Store ii. Wholesale Nursery iii. Hardware and Trade Supplies iv. Outdoor Sales v. Bulk Landscape Supplies vi. High Impact Industry vii. Low Impact Industry viii. Marine Industry ix. Medium Impact Industry x. Research and Technology Industry xi. Service Industry xii. Special Industry xiii. Transport Depot xiv. Warehouse	Exempt	Not Applicable.
Building work if:- (a) within a flood hazard area or storm tide inundation area as identified on a Flood hazard map adopted by Council; and (b) involving a dwelling house.	Exempt	Not Applicable.
Infrastructure overlay – electricity substations and major electricity infrastructure		

³ Note—acceptable temporary, relocatable or expendable structures for safety of recreational purposes include:-
 (a) picnic tables, barbecues, coastal trails and bikeways that are considered to be expendable when threatened by erosion; and
 (b) specially designed portable or demountable towers, equipment sheds, lookouts, shelter sheds, decks and pergolas that are unattached and non-permanent structures capable of being easily and quickly removed when threatened by erosion.

⁴ Note—the Flood hazard maps adopted by Council identify flood hazard areas (including storm tide inundation areas) for the Bundaberg Region declared by Council resolution under section 13 of the Building Regulation 2006, as referenced at **Section 1.7.4 (Other documents incorporated in the planning scheme).**

Development	Level of assessment	Assessment criteria
Material change of use if within 40m of an electricity substation or major electricity infrastructure as identified in the SPP interactive mapping system (plan making), except where:- (a) in an existing building and not involving a sensitive land use ⁶ ; or (b) a home based business, animal husbandry, cropping, permanent plantation, roadside stall or wholesale nursery.	No change	Infrastructure overlay code of the Bundaberg Regional Council Planning Scheme 2015 Note—for self-assessable development, no self-assessable acceptable outcomes are identified in the Infrastructure overlay code
Reconfiguring a lot if:- (a) within 40m of an electricity substation or major electricity infrastructure as identified in the SPP interactive mapping system (plan making); and (b) increasing the number of lots.	No change	Infrastructure overlay code of the Bundaberg Regional Council Planning Scheme 2015
Operational work associated with reconfiguring a lot if within 40m of an electricity substation or major electricity infrastructure as identified in the SPP interactive mapping system (plan making).	No change	Infrastructure overlay code of the Bundaberg Regional Council Planning Scheme 2015
Operational work involving excavating or filling not associated with a material change of use or reconfiguring a lot if:- (a) within 40m of an electricity substation or major electricity infrastructure as identified in the SPP interactive mapping system (plan making); and (b) involving excavation or filling of more than 50m ³ of material.	No change	Infrastructure overlay code of the Bundaberg Regional Council Planning Scheme 2015
Infrastructure overlay – if within a wastewater treatment plant buffer		
Material change of use if within a wastewater treatment plant buffer as identified on an Infrastructure overlay map, except where:- (a) in an existing building and not involving a sensitive land use ⁶ ; or (b) a home based business or a use in the industry activities activity group, rural activities activity group or other activities activity group.	Code assessment if the change of use involves a sensitive land use in the Rural zone and is provisionally made exempt or self-assessable by a table of assessment in section 5.5 (Levels of assessment – Material change of use). No change if not otherwise specified.	Infrastructure overlay code of the Bundaberg Regional Council Planning Scheme 2015
Reconfiguring a lot if:- (a) within a wastewater treatment plant buffer as identified on an Infrastructure overlay map; and (b) increasing the number of lots.	No change	Infrastructure overlay code of the Bundaberg Regional Council Planning Scheme 2015
Infrastructure overlay – State controlled road, railway and cane railway corridors		
Material change of use involving a sensitive land use ⁷ if:- (a) within 25m of a State controlled road or railway corridor as identified in the SPP interactive mapping system (plan making), excluding where QDC MP4.4 applies; or (b) within a cane railway corridor buffer as identified on an Infrastructure overlay map.	Code assessment if the change of use is provisionally made exempt or self-assessable by a table of assessment in section 5.5 (Levels of assessment – Material change of use). No change if not otherwise specified.	Infrastructure overlay code of the Bundaberg Regional Council Planning Scheme 2015
Reconfiguring a lot increasing the number of lots if:- (a) within 25m of a State controlled road or railway corridor as identified in the SPP interactive mapping system (plan making); or (b) within a cane railway corridor buffer as identified on an Infrastructure overlay map.	No change	Infrastructure overlay code of the Bundaberg Regional Council Planning Scheme 2015

⁶ Editor's note—the term "sensitive land use" is defined in **Schedule 1 (Definitions)**.

⁷ Editor's note—the term "sensitive land use" is defined in **Schedule 1 (Definitions)**.

⁷ Editor's note—the term "sensitive land use" is defined in **Schedule 1 (Definitions)**.

1.0 Cummins Street Development Plan Industry zone code

1.1 Application

This code applies to development:-

- (a) on land within the Cummins Street Development Plan ("the plan area"); and
- (b) identified as requiring assessment against the Cummins Street Development Plan Industry zone code by the tables of assessment in the **Cummins Street Development Plan**.

1.2 Purpose and overall outcomes

- (1) The purpose of the Cummins Street Development Plan Industry zone code is to provide for the following uses:-
 - A. Agricultural Supply Store;
 - B. Wholesale Nursery;
 - C. Hardware and Trade Supplies;
 - D. Outdoor Sales;
 - E. Bulk Landscape Supplies;
 - F. High Impact Industry;
 - G. Low Impact Industry;
 - H. Marine Industry;
 - I. Medium Impact Industry;
 - J. Research and Technology Industry;
 - K. Service Industry;
 - L. Special Industry;
 - M. Transport Depot; and
 - N. Warehouse.
- (2) The zone may accommodate some non-industrial uses that support or are compatible with industrial uses where they will not compromise the long-term use of the land for industrial purposes.
- (3) The purpose of this code is also to support the Cummins Street Development Plan and specifically that assessment in the plan area shall exclude consideration of Defined Riverine flooding and associated Flood hazard;
- (4) Subject to (3) above, the purpose of the Cummins Street Development Plan Industry zone code will be achieved through the following overall outcomes:-
 - (a) uses in the zone are predominantly for low to medium intensity industrial activities;
 - (b) high impact industry uses are only established in the zone where adverse impacts can be avoided or mitigated;
 - (c) a limited range of non-industrial uses may be established in zone where:-
 - (i) ancillary to and directly supporting the ongoing industrial use of the zone; and/or
 - (ii) allied and compatible with industrial uses;
 - (d) development in the zone is protected from intrusion by incompatible land uses;
 - (e) development has a predominantly low-rise built form and provides for a modern, safe and functional industrial environment;

- (f) development maintains public health and safety and avoids or mitigates significant adverse environmental or amenity impacts;
- (g) development provides for efficient and effective transport networks that maximise accessibility within and to the zone; and
- (h) development encourages and facilitates the efficient provision and safe operation of physical and social infrastructure.

1.3 Criteria for assessment

Table 1.3.1 Criteria for assessable development

Performance outcomes	Acceptable outcomes
Land use composition	
PO1 Uses in the zone are predominantly for low to medium intensity industrial activities. Note—such activities include low impact industry, marine industry, medium impact industry, research and technology industry, service industry, transport depot and warehouse.	AO1 No acceptable outcome provided.
PO2 High impact industry uses are only established in the zone where such uses:- (a) are appropriately separated from adjoining or nearby sensitive land uses; and (b) can operate without impacting on other industry or non-industry uses within the zone.	AO2 No acceptable outcome provided.
PO3 Non-industrial uses may be established where ancillary to and directly supporting the ongoing industrial use of the zone. Note—such non-industrial uses include caretaker's accommodation and food and drink outlets (e.g. take-away stores and snack bars).	AO3 No acceptable outcome provided.
PO4 Other non-industrial uses which are allied or compatible with industry activities may also be established in the zone, provided that such uses are appropriately located and designed to ensure that they do not compromise the ongoing operation and viability of industry activities. Note—such non-industrial uses include agricultural supplies stores, car wash, hardware and trade supplies, indoor sport and recreation, service stations and veterinary services.	AO4 No acceptable outcome provided.
PO5 Existing and planned industrial uses in the zone are protected from the intrusion of incompatible uses that may compromise or conflict with the primary use of premises for industry purposes.	AO5 No acceptable outcome provided.
Building height, built form and urban design	
PO6 Development has a predominantly low-rise built form that is sympathetic to the existing and intended scale and character of the streetscape and surrounding area.	AO6 Development has a maximum building height of 12m.
PO7 Industrial activities contribute positively to the image of the Bundaberg Region through a high quality of built form and landscaping, particularly where visible from the street or other public places, in keeping with the expectations of a modern, safe, and functional industrial environment.	AO7 No acceptable outcome provided.
Effects of development	
PO8	AO8

Performance outcomes	Acceptable outcomes
<p>Development ensures that uses and works for industrial purposes are located, designed and managed to maintain public health and safety, avoid significant adverse effects on the natural environment, and minimise impacts on non-industrial land and sensitive land uses, however this outcome is not applicable in relation to the following -</p> <ul style="list-style-type: none"> (i) Flood hazard; (ii) Riverine defined flood events; or (iii) Riverine defined flood levels. 	<p>No acceptable outcome provided.</p>
Transport networks	
<p>PO9 Industrial activities have access to the appropriate level of transport infrastructure, including encouragement of public and active transport accessibility and use, and do not interfere with the safe and efficient operation of the surrounding road network.</p>	<p>AO9 No acceptable outcome provided.</p>
Infrastructure and services	
<p>PO10 Development is provided with urban services to support industry and employment activities, including parks, reticulated water, sewerage (where available), stormwater drainage, sealed roads, pathways, electricity and telecommunication infrastructure.</p>	<p>AO10 No acceptable outcome provided.</p>
<p>PO11 Development does not adversely impact on the continued operation, viability and maintenance of existing infrastructure (including rural infrastructure) or compromise the future provision of planned infrastructure.</p>	<p>AO11 No acceptable outcome provided.</p>

2.0 Cummins Street Development Plan Industry uses code

2.1 Application

This code applies to development –

- (a) on land within the Cummins Street Development Plan ("the plan area"); and
- (b) identified as requiring assessment against the Cummins Street Development Plan Industry uses code by the tables of assessment in the **Cummins Street Development Plan**.

2.2 Purpose and overall outcomes

- (1) The purpose of the Cummins Street Development Plan Industry uses code is to ensure industry uses are designed and operated in a manner which meets the needs of the industry use, protects public safety and environmental values and appropriately responds to amenity considerations.
- (2) The following industry uses are provided for in this code-
 - A. Bulk Landscape Supplies;
 - B. High Impact Industry;
 - C. Low Impact Industry;
 - D. Marine Industry;
 - E. Medium Impact Industry;
 - F. Research and Technology Industry;
 - G. Service Industry;
 - H. Special Industry;
 - I. Transport Depot; and
 - J. Warehouse.
- (3) The purpose of this code is also to support the Cummins Street Development Plan and specifically that assessment in the plan area shall exclude consideration of Defined Riverine flooding and associated Flood hazard;
- (4) Subject to (3) above, the purpose of the Cummins Street Development Plan Industry uses code will be achieved through the following overall outcomes:-
 - (a) the scale and intensity of an industry use is compatible with its location and setting;
 - (b) an industry use incorporates a site layout and building design that provides for the efficient and safe conduct of industrial activities and contributes to a well organised development that is attractive when viewed from the street;
 - (c) an industry use does not cause environmental harm or nuisance, including the contamination of land or water;
 - (d) an industry use avoids or effectively mitigates adverse impacts on the amenity of adjoining and nearby non-industrial uses where these uses are located in a zone other than an industry zone; and
 - (e) an industry use incorporates service areas and waste management processes that are efficient and maximise opportunities for reuse or recycling.

2.3 Assessment criteria

Table 2.3.1 Criteria for self-assessable and assessable development

Performance outcomes	Acceptable outcomes
Built form, streetscape character and protection of amenity	
PO1 Buildings and structures associated with the industrial use:- (a) are of a scale and design which is appropriate to an industrial setting whilst contributing positively to the visual character and streetscape of the area; and (b) are designed to avoid or mitigate the potential for adverse amenity impacts on adjoining or nearby non-industrial uses.	AO1.1 Buildings have a maximum building height of:- (a) 12m if located in the Industry zone or in another zone other than the High impact industry zone; and (b) 20m if located in the High impact industry zone. AO1.2 Site cover does not exceed 70%. AO1.3 Buildings and structures are setback a minimum of:- (a) 6m to the primary street frontage; (b) 3m to any secondary street frontage; and (c) 3m from any side or rear boundary except where:- (i) a built to boundary wall, in which case no setback requirement applies; or (ii) adjoining a sensitive land use or land in a residential zone or the Community facilities zone, in which case a minimum setback of 10m applies. AO1.4 Where the site has a common boundary with a sensitive land use:- (a) no openings occur in walls facing a common boundary; (b) effective acoustic screening is provided to all areas where work could be conducted outside of the building, including waste storage and refuse areas, so that off-site noise emissions are avoided or do not cause a nuisance; and (c) noise emitting services such as air conditioning equipment, pumps and ventilation fans are located as far away as possible from sensitive land uses. AO1.5 The main entry to any building is easily identifiable, and directly accessible, from the street, or the primary street frontage if the site has more than one street frontage. AO1.6 Where the industrial use has frontage to or overlooks a major road, building design incorporates variations in parapet design, roofing heights and treatments. Note—major road is defined in Schedule 1 (Definitions) .
Landscaping and buffering	
PO2 The industrial use incorporates landscaping that:- (a) makes a positive contribution to the streetscape; (b) provides shade to open car parking areas; and (c) buffers the development from adjoining	AO2.1 Landscaping strips with a minimum width of 2m are provided within the site boundaries adjacent to all street frontages. AO2.2

Performance outcomes	Acceptable outcomes
sensitive uses.	<p>Any security fencing is set within or located behind any required landscaping strips rather than adjacent to the street.</p> <p>AO2.3 For car parking areas with 12 or more spaces, shade trees are provided in car parking areas at a ratio of 1 tree for every 6 car parking spaces.</p> <p>AO2.4 Where adjoining a sensitive land use, or land included in a residential zone, a minimum 1.8m high solid screen fence and a minimum 3m wide landscaping strip is provided for the full length of the common boundary.</p>
Services and utilities	
<p>PO3 The industrial use is provided with and connected to essential infrastructure and services, where available.</p>	<p>AO3.1 The industrial use is connected to the reticulated water supply (where available), stormwater drainage and electricity infrastructure networks.</p> <p>AO3.2 Where reticulated water supply is not available, the industrial use is provided with an alternate potable water supply source (e.g. rainwater, bore water) that complies with the <i>Australian Drinking Water Guidelines</i> (NHMRC, 2011).</p> <p>AO3.3 Where located in a sewerage area, the industrial use is connected to the reticulated sewer infrastructure network.</p> <p>OR</p> <p>Where not located in a sewerage area, the industrial use is provided with an effluent treatment and disposal system in accordance with the <i>Plumbing and Drainage Act 2003</i>.</p>
<p>PO4 The industrial use provides the site frontage works, access and manoeuvring arrangements and on-site infrastructure and services necessary to accommodate the use and facilitate the coordinated development of the site.</p>	<p>AO4.1 Kerb and channel or other frontage works in accordance with the road classification are constructed for the full length of the road frontage of the site in accordance with the standards specified in the Planning scheme policy for development works.</p> <p>AO4.2 Reinforced industrial rated crossovers are provided in accordance with the standards specified in the Planning scheme policy for development works.</p> <p>AO4.3 The layout and design of the development provides for all vehicle manoeuvring to be accommodated on the site, including the loading and un-loading of goods.</p> <p>AO4.4 The layout and design of the industrial use provides for on-site storage of refuse so that it is not visible from the street.</p>
Environmental performance	
<p>PO5 The industrial use ensures that any emissions of</p>	<p>AO5.1 The industrial use achieves the acoustic</p>

Performance outcomes	Acceptable outcomes
<p>odour, dust, air pollutants, noise, light or vibration does not cause nuisance to or have an unreasonable impact on adjoining or nearby premises.</p> <p>Editor's note—in addition to complying with the corresponding acceptable outcomes, development involving industry activities will also need to comply with relevant environmental legislation including the <i>Environmental Protection Act 1994</i> and subordinate legislation.</p>	<p>environment and acoustic quality objectives for sensitive receiving environments set out in the <i>Environment Protection (Noise) Policy</i>.</p> <p>AO5.2 The industrial use achieves the air quality objectives set out in the <i>Environmental Protection (Air) Policy</i>.</p> <p>AO5.3 The industrial use does not produce any odour emissions in excess of 1 odour unit beyond the site boundaries.</p> <p>AO5.4 The industrial use ensures that any vertical illumination resulting from direct, reflected or other incidental lighting emanating from the site does not exceed 8 lux when measured at any point 1.5m outside the site boundaries and at any level from ground level upwards.</p> <p>AO5.5 Vibrations resulting from the industrial use do not exceed the maximum acceptable levels identified in <i>Australian Standard AS2670 Evaluation of human exposure to whole of body vibration, Part 2: continuous and shock induced vibration in buildings (1-80Hz)</i>.</p>
<p>PO6 The industrial use ensures that stormwater does not contaminate surface water and provides for the collection, treatment and disposal of all liquid waste such that:-</p> <ul style="list-style-type: none"> (a) there is no off-site release of contaminants; (b) all wastes are collected and disposed of in accordance with relevant license and approval conditions and/or relevant government or industry standards; and (c) there are no adverse impacts on the quality of surface water or groundwater resources. 	<p>AO6.1 Areas where potentially contaminating substances are stored or used:-</p> <ul style="list-style-type: none"> (a) are roofed and designed to prevent intrusion from stormwater; and (b) make provision for potential spills to be bunded and retained on site for removal and disposal by an approved means. <p>AO6.2 Waste water associated with the industrial use is disposed of to the Council's sewerage system or an on-site industrial waste treatment system.</p> <p>AO6.3 Liquid wastes that cannot be disposed of to the Council's sewerage system or the on-site industrial waste treatment system are disposed of off-site to an approved waste disposal facility.</p> <p>AO6.4 No discharge of waste occurs to local watercourses (including dry watercourses) or wetlands.</p>
On-site retail, office or administration functions	
<p>PO7 Any retail, office or administration functions conducted from the premises are ancillary to the industrial use.</p>	<p>AO7.1 On-site retail sales are limited to goods manufactured or assembled on the premises.</p> <p>OR</p> <p>On-site retail sale of goods not manufactured or assembled on the premises, including display areas, is limited to a gross floor area of 50m² or 5% of the gross floor area of the premises, whichever is the lesser.</p>

Performance outcomes	Acceptable outcomes
	AO7.2 The area used for office and administration functions is limited to 200m ² or 10% of the gross floor area of the premises, whichever is the lesser.

Table 2.3.2 Criteria for assessable development only

Performance outcomes	Acceptable outcomes
Location and site suitability	
PO8 The industry use is established on a site included in an industry zone that is suitable having regard to:- <ul style="list-style-type: none"> (a) the nature, scale and intensity of the industry use; (b) the odour and noise emissions likely to be emitted by the industrial use; (c) the proximity of the industrial use to any residential use or other sensitive receptor; and (d) the infrastructure and services needs of the industry use. 	AO8 No acceptable outcome provided.
PO9 The industrial use is established on a site that has sufficient area and dimensions to appropriately accommodate the operational requirements of the use including required buildings, parking and service areas, storage areas, vehicle access and on-site movement, landscaping and buffering.	AO9 No acceptable outcome provided.
Site layout	
PO10 The layout and design of the industrial use ensures that:- <ul style="list-style-type: none"> (a) premises are safe, secure and legible; (b) movement systems and accessible on-site parking and manoeuvring areas, meet the needs of users; (c) premises contribute to an attractive address to the street, with buildings integrated with landscaping and security fencing to provide a quality contemporary appearance; and (d) surplus areas that may become unsightly or difficult to manage due to their size, configuration or access limitations are not created. 	AO10 No acceptable outcome provided.
Integration of site infrastructure and services	
PO11 Where the industrial use is located on a large site which is intended to be developed incrementally or in stages, the industrial use is designed to allow for the infrastructure and service requirements of future users.	AO11 No acceptable outcome provided.

3.0 Cummins Street Development Plan Business uses code

3.1 Application

This code applies to development-

- (a) on land within the Cummins Street Development Plan ("the plan area"); and
- (b) identified as requiring assessment against the Cummins Street Development Plan Business uses code by the tables of assessment in the **Cummins Street Development Plan**.

3.2 Purpose and overall outcomes

- (1) The purpose of the Cummins Street Development Plan Business uses code is to ensure that business uses provided for within the plan area
 - (a) are developed in a manner consistent with the Bundaberg Region Activity Centre Network; and
 - (b) are of a high quality design which reflects good design principles and appropriately responds to local character, environment and amenity considerations.
- (2) The following business uses are provided for in this code-
 - A. Agricultural Supply Store;
 - B. Wholesale Nursery;
 - C. Hardware and Trade Supplies;
 - D. Outdoor Sales;
- (3) The purpose of this code is also to support the Cummins Street Development Plan and specifically that assessment in the plan area shall exclude consideration of Defined Riverine flooding and associated Flood hazard;
- (4) Subject to (3) above, the purpose of the Cummins Street Development Plan Business uses code will be achieved through the following overall outcomes:-
 - (a) a business use is consistent with and reinforces the Bundaberg Region Activity Centre Network;
 - (b) a business use incorporates building and landscape design that responds to the character of the particular local area;
 - (c) a business use is integrated into its surrounds and reflects high quality design, streetscape and landscaping principles; and
 - (d) a business use avoids or mitigates adverse impacts upon the amenity, privacy or environmental quality of nearby residential uses.

3.3 Assessment criteria

Table 1.3.1 Criteria for assessable development

Performance outcomes	Acceptable outcomes
Requirements for business uses (other than corner stores in residential areas)	
Activity centre role and function	
PO1 The business use is of a type, scale and intensity that is consistent with and reinforces the Bundaberg Region Activity Centre Network.	AO1 No acceptable outcome provided.

Performance outcomes	Acceptable outcomes
Relationship of buildings to streets and public spaces	
PO2 The business use is in a building that:- (a) clearly defines, frames or encloses the street and other useable public and semi-public open space; (b) has a front building line that is consistent with the existing or intended built form of the locality; and (c) has a positive streetfront address and helps create or maintain an attractive and coherent local streetscape character.	AO2.1 Buildings located in a main street or a core retail area ¹ are built to the front boundary for all or most of its length so as to create a continuous or mostly continuous edge. AO2.2 Buildings located in areas other than as specified in AO2.1 are setback at least 6m from the street frontage and main entrances front the street.
PO3 Car parking areas, service areas and driveways are located so as not to dominate the streetscape.	AO3 The development provides for:- (a) shared driveways; (b) rear access lanes; and (c) parking and service areas situated at the rear or the site or in a basement.
PO4 The business use provides for footpaths, walkways and other spaces intended primarily for pedestrians to be comfortable to use and adequately sheltered from excessive sunlight and inclement weather.	AO4.1 Development located in a main street or a core retail area provides adequate and appropriate pedestrian shelter along the full length of the street frontage in the form of an awning, colonnade, verandah or the like for the width of the verge. AO4.1 Development in areas other than as specified in AO4.1 no acceptable outcome provided.
PO5 The business use is in a building which is designed to create vibrant and active streets and public spaces.	AO5.1 Development provides for a minimum of 65% of the building frontage to a public street or other public space to present with clear or relatively clear windows and glazed doors. AO5.1 The ground storey level of any building in a main street or core retail area incorporates activities that are likely to foster casual, social and business interaction for extended periods such as shops, restaurants and the like. AO5.3 Development minimises vehicular access across active street frontages.
Building mass and composition	
PO6 The business use is in a building that enhances and complements the character and amenity of streets and neighbouring premises via a built form that:- (a) maintains some area free of buildings at ground level to facilitate pedestrian movement and other functions associated with the building; (b) ensures access to attractive views and prevailing cooling breezes; and (c) reduces the apparent scale and bulk of buildings, to the extent practicable.	AO6.1 Other than where located in a main street or a core retail area, site cover does not exceed:- (a) 70% for that part of the development not exceeding 2 storeys in height; (b) 40% for that part of the development exceeding 2 storeys in height. AO6.2 Buildings are set back from street frontages:- (a) in accordance with Acceptable Outcome AO2.1 and AO2.2 (as applicable) for that part of building up to 2 storeys in height; (b) at least 6m for that part of a building exceeding 2 storeys in height. AO6.3 If not adjoining premises used for a residential activity or included in a residential zone, buildings

¹ Note—for the purposes of this code, a 'main street or core retail area' refers to traditional street based areas within the historic town centres of townships and cities that incorporate a mix of retail, residential, community, and administration uses.

Performance outcomes	Acceptable outcomes
	<p>are set back from other site boundaries as follows:-</p> <p>(a) for that part of a building up to 2 storeys in height:-</p> <p>(i) 0m if adjoining an existing blank wall or vacant land on an adjoining site; or</p> <p>(ii) at least 3m if adjoining an existing wall with openings on an adjoining site;</p> <p>(b) at least 4m for that part of a building exceeding 2 storeys in height.</p> <p>OR</p> <p>If adjoining premises used for a residential activity or included in a residential zone, buildings are set back from other site boundaries as follows:-</p> <p>(a) at least 3m for that part of a building up to 2 storeys or 8.5m in height;</p> <p>(b) at least 6m for that part of a building exceeding 2 storeys or 8.5m in height.</p> <p>AO6.4 Any projection above the podium level outside the boundaries of the building envelope is limited to balconies that do not project more than 1.5m into the setback.</p> <p>AO6.5 All storeys of a building above the second storey have a plan area that does not exceed 1,000m² with no horizontal facade exceeding 45m in length.</p>
Building features and articulation	
<p>PO7 The business use is in a building which:-</p> <p>(a) provides visual interest through form and facade design;</p> <p>(b) provides outdoor or semi-enclosed public spaces that complement adjoining indoor spaces;</p> <p>(c) takes advantage of local climatic conditions in ways that reduce demand on non-renewable energy sources for cooling and heating; and</p> <p>(d) appropriately responds to the character and amenity of neighbouring premises.</p>	<p>AO7.1 The building has articulated and textured facades that incorporates some or all of the following design features to create a high level of openness and visual interest, and provide shading to walls and windows:-</p> <p>(a) pedestrian awning, colonnades, verandahs, balconies and eaves;</p> <p>(b) recesses, screens and shutters;</p> <p>(c) textural and material variation;</p> <p>(d) windows that are protected from excessive direct sunlight during warmer months.</p> <p>AO7.2 The building is articulated and finished in a manner that positively responds to attractive and notable elements of adjacent buildings and the streetscape, such as continuity of colonnades, verandahs, balconies, eaves, parapet lines and roof forms.</p> <p>AO7.3 The building incorporates vertical and horizontal articulation such that no unbroken elevation is longer than 15m.</p>
<p>PO8 Where the business use involves the development of a multi-storey building, the building is designed to:-</p> <p>(a) display the functional differences between the ground level and the above ground level spaces;</p> <p>(b) have a top level and roof form that is shaped to provide a visually attractive skyline silhouette; and</p> <p>(c) effectively screen rooftop mechanical plants</p>	<p>AO8 No acceptable outcome provided.</p>

Performance outcomes	Acceptable outcomes
from view.	
Environmental management and amenity of residential premises	
PO9 The business use does not unreasonably impact upon the amenity or environmental quality of its environs and especially any nearby residential premises.	AO9.1 Undesirable visual, noise and odour impacts on public spaces and residential uses, are avoided or reduced by:- (a) where appropriate, limiting the hours of operation of the business use to maintain acceptable levels of residential amenity relative to the site context and setting; (b) providing vehicle loading/unloading and refuse storage/collection facilities within enclosed service yards or courtyards; and (c) not locating site service facilities and areas along any frontage to a street or other public space. AO9.2 Where the business use requires the use of acoustic attenuation measures to mitigate adverse impacts on nearby sensitive land uses, such measures are designed and constructed to be compatible with the local streetscape. AO9.3 If adjoining premises are used for a residential activity or included in a residential zone, buildings are sited and designed to mitigate adverse micro-climatic impacts from overshadowing or wind tunnelling.
PO10 The business use maintains the reasonable privacy and amenity of residential premises such that the use of indoor and outdoor living areas by residents is not unreasonably diminished.	AO10.1 Where the development is adjacent to an existing or approved building containing residential uses, the reasonable privacy and amenity of such uses is maintained by:- (a) siting and orienting buildings to minimise the likelihood of overlooking occurring; (b) having windows and outdoor areas, (including balconies and terraces) located and designed so that they do not look into dwellings or rooming units; and (c) incorporating screening over building openings.
Safety and security	
PO11 Development contributes to a safe and secure pedestrian environment by:- (a) allowing casual surveillance to and from the street and other public spaces; (b) orienting the upper level windows so that they overlook the street and other public spaces; (c) ensuring entrances to businesses are clearly defined and visible from the street, car parking areas and pathways; (d) providing adequate lighting of entrances; (e) providing clear sightlines for pathways and routes; (f) presenting an active face to the street by generous provision of windows and openings and avoiding the use of security shutters; (g) using external building materials and finishes that are robust and durable; and (h) avoidance of blank exposed walls to discourage vandalism.	AO11 No acceptable outcome provided.
Requirements for corner stores in residential areas	
PO12	AO12.1

Performance outcomes	Acceptable outcomes
<p>Where the business use involves the establishment of a corner store in a residential area, the corner store:-</p> <ul style="list-style-type: none"> (a) is appropriately located in the residential area taking account of the size and configuration of the neighbourhood and the location of other existing or approved retail facilities; and (b) is compatible with the scale and intensity of development in the neighbourhood. 	<p>The corner store is located on a site that:-</p> <ul style="list-style-type: none"> (a) has access and frontage to a collector street or higher order road; or (b) is adjacent to a community activity or an existing non-residential use. <p>AO12.2</p> <p>The corner store is located on a site that is more than 400m radial distance from:-</p> <ul style="list-style-type: none"> (a) any existing shop; (b) any site with a current approval for a shop; or (c) any land included in a centre zone. <p>AO12.3</p> <p>Site cover for a corner store does not exceed 50%.</p>

4.0 Cummins Street Development Plan Reconfiguring a lot code

4.1 Application

This code applies to development –

- (a) on land within the Cummins Street Development Plan ("the plan area"); and
- (b) identified as requiring assessment against the Cummins Street Development Plan Reconfiguring a lot code by the tables of assessment in the Cummins Street Development Plan.

4.2 Purpose and overall outcomes

- (1) The purpose of the Cummins Street Development Plan Reconfiguring a lot code is to ensure that new lots are configured in a manner which:-
 - (a) is appropriate for their intended use;
 - (b) is responsive to local character and site constraints;
 - (c) ensures protection of productive rural land and the minimisation of conflict between rural activities and other uses;
 - (d) provides appropriate access (including access for services); and
 - (e) supports high quality urban design outcomes.
- (2) The purpose of the Cummins Street Development Plan Reconfiguring a lot code is to provide for the reconfiguration of the land for the following uses:-
 - A. Agricultural Supply Store;
 - B. Wholesale Nursery;
 - C. Hardware and Trade Supplies;
 - D. Outdoor Sales;
 - E. Bulk Landscape Supplies;
 - F. High Impact Industry;
 - G. Low Impact Industry;
 - H. Marine Industry;
 - I. Medium Impact Industry;
 - J. Research and Technology Industry;
 - K. Service Industry;
 - L. Special Industry;
 - M. Transport Depot; and
 - N. Warehouse.
- (3) The purpose of this code is also to support the Cummins Street Development Plan and specifically that assessment in the plan area shall exclude consideration of Defined Riverine flooding and associated Flood hazard;
- (4) Subject to (3) above, the purpose of the Cummins Street Development Plan Reconfiguring a lot code will be achieved through the following overall outcomes:-
 - (a) development provides for lots that are of a size and have dimensions that:-
 - (i) are appropriate for their intended use;

- (ii) are compatible with the prevailing character and density of development within the local area; and
- (iii) sensitively respond to site constraints;

(b) development provides for lots that have a suitable and safe means of access to a public road; and

(c) development provides for subdivisions that result in the creation of safe, healthy and prosperous communities by:-

- (i) incorporating a well-designed and efficient lot layout that promotes walking, cycling and the use of public transport;
- (ii) incorporating a road and transport network with a grid or modified grid street pattern that is responsive to the natural topography of the site, integrated with existing or planned adjoining development and supportive of the circulation of public transport;
- (iii) avoiding adverse impacts on economic or natural resource areas;
- (iv) avoiding, as far as practicable, adverse impacts on native vegetation, watercourses, wetlands and other areas of environmental significance present on, or adjoining the site;
- (v) avoiding, or if avoidance is not practicable, mitigating the risk to people and property of natural hazards, including hazards posed by bushfire, landslide and steep slopes;
- (vi) incorporating a lot layout that is responsive to natural climatic influences and allows for new dwellings to reflect the principles of sub-tropical and sustainable design; and
- (vii) providing timely, efficient and appropriate infrastructure including reticulated water supply and sewerage (where available), sealed roads, pedestrian and bicycle paths, open space and community facilities in urban areas.

4.3 Assessment criteria

Table 4.3.1 Criteria for assessable development

Performance outcomes	Acceptable outcome
Lot layout and site responsive design	
PO1 Development provides for a lot layout and configuration of roads and other transport corridors that is responsive to:- <ul style="list-style-type: none"> (a) the setting of the site within an urban or non-urban context; (b) any natural environmental values or hazards present on, or adjoining the site, with the exception of:- <ul style="list-style-type: none"> (i) Flood hazard; (ii) Riverine defined flood events; or (iii) Riverine defined flood levels. (c) any places of cultural heritage significance or character areas present on, or adjoining the site; (d) any important landmarks, views, vistas or other areas of high scenic quality present on, or able to be viewed from the site; (e) any economic resources present on, adjoining or near the site; and (f) sub-tropical and sustainable design principles including the orientation of lots, the provision of water cycle infrastructure and the incorporation of landscaping within the subdivision. 	AO1 No acceptable outcome provided. Note—the Council may require submission of a local area structure plan for a site exceeding five hectares in area or a development involving the creation of 10 or more new lots to demonstrate compliance with Performance outcome PO1.
Lot layout and neighbourhood/estate design	
PO2	AO2.1

Performance outcomes	Acceptable outcomes
<p>Development provides for a lot layout, land use and infrastructure configuration that:-</p> <ul style="list-style-type: none"> (a) provides for an efficient land use pattern; (b) effectively connects and integrates the site with existing or planned development on adjoining sites; (c) provides for the efficient movement of pedestrians, cyclists, public transport and private motor vehicles; (d) creates legible and interconnected movement and open space networks; (e) provides defined edges to public open space and avoids direct interface between public open space or drainage reserves and freehold lots; (f) provides for the creation of a diverse range of lot sizes capable of accommodating a mix of housing types and other uses required to support the community as appropriate to the zone; (g) promotes a sense of community identity and belonging; (h) provides for a high level of amenity having regard to potential noise, dust, odour and lighting nuisance sources; (i) accommodates and provides for the efficient and timely delivery of infrastructure appropriate to the site's context and setting; (j) avoids the use of culs-de-sac; and (k) avoids the sporadic or out-of-sequence creation of lots. 	<p>No acceptable outcome provided.</p> <p>Note—the Council may require submission of a local area structure plan for a site exceeding 5 hectares in area or a development involving the creation of 10 or more lots so as to demonstrate compliance with Performance outcome PO2.</p>
Size and dimensions of lots	
<p>PO3</p> <p>Development provides for the size, dimensions and orientation of lots to:-</p> <ul style="list-style-type: none"> (a) be appropriate for their intended use; (b) be compatible with the preferred character of the local area; (c) provide suitable building envelopes and safe pedestrian, bicycle and vehicular access without the need for major earthworks and retaining walls; (d) provide for the efficient use of land whilst including sufficient area for suitable and useable private open space; (e) where not located in a sewered area, provide for the safe and sustainable on-site treatment and disposal of effluent; and (f) take account of and respond sensitively to site 	<p>AO3.1</p> <p>Unless otherwise specified in this code, all reconfigured lots comply with the minimum lot size specified in Table 4.3.1.1 (Minimum lot size and dimensions).</p> <p>AO3.2</p> <p>All reconfigured lots (except rear (hatchet) lots) have a minimum frontage and a maximum depth to frontage ratio that complies with Table 4.3.1.1 (Minimum lot size and dimensions).</p> <p>AO3.3</p> <p>All reconfigured lots on land subject to a constraint or valuable feature, as identified on an overlay map or the SPP interactive mapping system (plan making), contain a development envelope marked on a plan of development that demonstrates that there is an area sufficient to accommodate the intended purpose of the lot that is not subject to the constraint or valuable feature or that appropriately responds to the constraint or valuable feature.</p> <p>Note: This outcome is not applicable in relation to the following –</p> <ul style="list-style-type: none"> (i) Flood hazard; (ii) Riverine defined flood events; or (iii) Riverine defined flood levels. <p>AO3.4</p> <p>Lot boundaries are aligned to avoid traversing areas of environmental significance.</p>

Performance outcomes	Acceptable outcomes
<p>Rear (hatched) lots</p> <p>PO7 Development provides for rear lots to be created only where:-</p> <ul style="list-style-type: none"> (a) the lots are not likely to prejudice the subsequent development of adjoining land; (b) it is not desirable nor practicable for the site to be reconfigured so that all lots have full frontage to a road; (c) the siting of buildings on the rear lot is not likely to be detrimental to the use and amenity of the surrounding area; (d) uses on surrounding land will not have a detrimental effect on the use and amenity of the rear lot; (e) the safety and efficiency of the road from which access is gained is not adversely affected; and (f) vehicular access to rear lots does not have a detrimental impact on lots adjoining the access strip due to excessive noise, light, dust, stormwater runoff and the like. 	<p>AO7 Rear lots are designed such that:-</p> <ul style="list-style-type: none"> (a) the minimum area of the lot, exclusive of any access strip, complies with the minimum lot size specified in Table 4.3.1.1 (Minimum lot size and dimensions); (b) the gradient of the access strip does not exceed 10%; (c) no more than four lots directly adjoin the rear lot, excluding lots that adjoin at one point; (d) no more than three lots gain access from the same access handle; (e) no more than 10% of lots within a subdivision are accessed from an access handle; (f) where two rear lots adjoin each other, a single common driveway and reciprocal access easements are provided; (g) no more than two rear lots and/or rear lot access strips directly adjoin each other (excluding lots that directly adjoin each other at a single point e.g. a corner); (h) rear lot access strips are located on only one side of a full frontage lot; and (i) rear lot access strips and driveways comply with the requirements of the standards specified in the Planning scheme policy for development works.
<p>Irregular shaped lots</p> <p>PO8 Development provides for irregular shaped lots to be created only where:-</p> <ul style="list-style-type: none"> (a) the creation of regular lots is impractical such as at a curve in the road; (b) safe access and visual exposure to and from the site can be provided while not adversely impacting on the functionality of the surrounding road network; and (c) the irregular lot is demonstrably suitable for its intended purpose. 	<p>AO8 Irregular shaped lots are designed so that they:-</p> <ul style="list-style-type: none"> (a) satisfy the requirements for maximum to depth to frontage ratio specified in Table 4.3.1.1 (Minimum lot size and dimensions); and (b) comply with requirements of Table 4.3.1.2 (Minimum width for irregular shaped lots).
<p>Rearrangement of lot boundaries</p> <p>PO9 Development provides that the rearrangement of lot boundaries is an improvement to the existing situation.</p>	<p>AO9 The rearrangement of lot boundaries results in an improvement to the existing situation whereby the size and dimensions of proposed lots comply more fully with Table 4.3.1.1 (Minimum lot size and dimensions), and at least one of the following is achieved:-</p> <ul style="list-style-type: none"> (a) the rearrangement of lots remedies an existing boundary encroachment by a building, structure or other use areas; (b) the rearranged lots will be made more regular in shape; (c) access is provided to a lot that previously had no access or an unsuitable access; (d) the rearranged lots better meet the overall outcomes for the zone and the local plan area in which the site is situated; (e) the rearrangement of lots remedies a situation where an existing lot has multiple zonings; or (f) the rearrangement of lots provides for a material improvement in rural productivity.
Volumetric subdivision	

PO10 Development provides that the subdivision of space above or below the surface of land facilitates efficient development in a manner that is consistent with the overall outcomes for the zone and local plan area in which the site is located, or is consistent with a development approval that has not lapsed.	AO10 No acceptable outcome provided.
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Table 4.3.1.1 Minimum lot size and dimensions

Column 1 Zone	Column 2 Minimum lot size (excluding access strips in rear (back) lots)	Column 3 Minimum frontage (metres)	Column 4 Maximum depth to frontage ratio
<i>Industry zone category</i>			
Industry zone	1,000m ² if in a sewerage area	20	4:1
	1,500m ² if not in a sewerage area	25	4:1
High impact industry zone	2,000m ²	30	4:1

Table 4.3.1.2 Minimum width for irregular shaped lots

Column 1 Zone	Column 2 Minimum width measured at site frontage (metres)	Column 3 Minimum width measured 6m from site frontage (metres)
Low density residential zone	6	10
Medium density residential zone		
High density residential zone	10	15
Principal centre zone	6	10
Major centre zone		
District centre zone		
Local centre zone		
Neighbourhood centre zone		
Specialised centre zone		
Industry zone	12	20
High impact industry zone	15	25
Rural zone	12	20
Rural residential zone		

5.0 Cummins Street Development Plan Works, services and Infrastructure code

5.1 Application

This code applies to development-

- (a) on land within the Cummins Street Development Plan ("the plan area"); and
- (b) identified as requiring assessment against the Cummins Street Development Plan Business uses code by the tables of assessment in the Cummins Street Development Plan.

5.2 Purpose and overall outcomes

- (1) The purpose of the Cummins Street Development Plan Works, services and infrastructure code is to ensure that development works and the provision of infrastructure and services meets the needs of the development, and is undertaken in a professional and sustainable manner.
- (2) The purpose of the Cummins Street Development Plan Works, services and infrastructure code is to provide for the following uses-
 - A. Agricultural Supply Store;
 - B. Wholesale Nursery;
 - C. Hardware and Trade Supplies;
 - D. Outdoor Sales;
 - E. Bulk Landscape Supplies;
 - F. High Impact Industry;
 - G. Low Impact Industry;
 - H. Marine Industry;
 - I. Medium Impact Industry;
 - J. Research and Technology Industry;
 - K. Service Industry;
 - L. Special Industry;
 - M. Transport Depot; and
 - N. Warehouse.
- (3) The purpose of this code is also to support the Cummins Street Development Plan and specifically that assessment in the plan area shall exclude consideration of defined riverine flooding and its associated flood hazard,
- (4) Subject to (3) above, the purpose of the Cummins Street Development Plan Works, services and Infrastructure code will be achieved through the following overall outcomes:-
 - (a) works are undertaken such that environmental harm and nuisance resulting from construction activities is avoided or minimised and the environmental values of water are protected;
 - (b) development is designed and constructed to a standard that meets community expectations, maintains public health and safety, prevents unacceptable off-site impacts and minimises whole of life cycle costs;
 - (c) physical and human infrastructure networks that provide basic and essential services and facilities to local communities are able to meet the planned increase in demand resulting from a planned increase in development density;
 - (d) development is provided with an appropriate standard of water supply, wastewater treatment and disposal, drainage, energy and communications infrastructure and other services;
 - (e) infrastructure is designed, constructed and provided in a manner which maximises resource efficiency and achieves acceptable maintenance, renewal and adaptation costs;

- (f) infrastructure is integrated with surrounding networks;
- (g) development over or near infrastructure does not compromise or interfere with the integrity of the infrastructure;
- (h) filling and excavation does not adversely or unreasonably impact on the natural environment, drainage conditions or adjacent properties, however this outcome is not applicable in relation to Flood hazard;
- (i) development has appropriate infrastructure and access for emergency services vehicles for the protection of people, property and the environment from fire and chemical incidents; and
- (j) marina development facilitates the installation, maintenance and availability of reception facilities for ship-sourced pollutants to prevent marine pollution.

5.3 Assessment criteria

Table 5.3.1 Criteria for self assessable operational work

Performance outcomes	Assessable outcomes
Infrastructure, services and utilities	
PO1 The design and construction of works ensures safe and convenient use by users of the site and the general public.	AO1.1 All development works are designed and constructed in accordance with the Planning scheme policy for development works.
PO2 Development works and connections to infrastructure and services are undertaken in accordance with acceptable engineering standards.	AO2.1 All development works are certified by a Registered Professional Engineer Queensland (RPEQ). AO2.2 All connections to infrastructure and services are in accordance with the requirements of the relevant infrastructure entity.

Table 5.3.2 Criteria for assessable development

Performance outcomes	Assessable outcomes
Infrastructure, services and utilities	
PO3 Development is provided with infrastructure, services and utilities that:- (a) are appropriate to its location and setting; (b) are commensurate with the needs of the development and its users; and (c) maintain acceptable public health and environmental standards.	AO3.1 Subject to availability, development is provided with an appropriate connection to reticulated sewerage, water supply, stormwater drainage, electricity, gas and telecommunications services at no cost to the Council, including provision by way of dedicated road, public reserve or as a minimum by way of easements to ensure continued access is available to these services. AO3.2 Where not located in a sewered area, development is provided with an on-site effluent treatment and disposal system in accordance with the requirements of the <i>Plumbing and Drainage Act 2003</i> . AO3.3

Performance outcomes	Applicable outcomes
	<p>Where development is located in an area where reticulated water supply is not available, appropriate on-site rainwater collection and/or other means to service the anticipated water supply needs of the development is provided, including but not limited to potable water supply and fire fighting needs.</p> <p>AO3.4 Where reticulated water supply is not available and the development involves persons working, visiting and temporarily staying on premises (i.e. not permanently residing on the site), potable water supply complies with the <i>Australian Drinking Water Guidelines</i> (NHMRC, 2011).</p>
<p>PO4 Development provides for infrastructure, services and utilities that are planned, designed and constructed in a manner which:-</p> <ul style="list-style-type: none"> (a) ensures appropriate capacity to meet the current and planned future needs of the development; (b) is integrated with and efficiently extends existing networks; (c) with the exception of riverine flood hazard, minimises risk to life and property; (d) avoids areas of environmental significance; (e) minimises risk of environmental harm; (f) achieves acceptable maintenance, renewal and adaptation costs; (g) can be easily and efficiently maintained; (h) ensures the ongoing construction or operation of the development is not disrupted; (i) where development is staged, each stage is fully serviced before a new stage is released; (j) ensures adequate clearance zones are maintained between utilities and dwellings to protect residential amenity and health; and (k) minimises adverse visual impacts, to the extent practicable. 	<p>AO4.1 Infrastructure is planned, and appropriate contributions made, in accordance with the Priority Infrastructure Plan or any other applicable infrastructure charging instrument.</p> <p>AO4.2 Infrastructure is planned, designed and constructed in accordance with the Council's Priority Infrastructure Plan, and the Planning scheme policy for development works, or where applicable, the requirements of the service provider.</p> <p>AO4.3 Compatible public utility services are co-located in common trenching in order to minimise the land required and the costs for underground services.</p> <p>AO4.4 Stormwater drainage, sewerage and sullage systems are designed so that overflows do not enter residences.</p> <p>AO4.5 Infrastructure, services and utilities are located, designed and constructed to:-</p> <ul style="list-style-type: none"> (a) avoid disturbance of areas of environmental significance; (b) minimise earthworks; and (c) avoid crossing water resources or wetlands. <p>AO4.6 The selection of materials used in the construction of infrastructure is suitable, durable, easy to maintain and cost effective, taking into account the whole of life cycle cost, and achieves best practice environmental management and energy savings.</p> <p>AO4.7 In urban areas, electrical and telecommunications reticulation infrastructure is provided underground.</p>
Development over or near sewerage, water and stormwater drainage infrastructure	
<p>PO5 Development near or over the Council's stormwater infrastructure and/or sewerage and water infrastructure:-</p> <ul style="list-style-type: none"> (a) protects the infrastructure from physical damage; and (b) allows ongoing necessary access for maintenance purposes. 	<p>AO5 Development near or over the Council's stormwater infrastructure and/or sewerage and water infrastructure complies with the Planning scheme policy for development works.</p> <p>Editor's note—QDC MP1.4 applies to building work for a building or structure proposed to be carried out on a lot that contains, or is adjacent to a lot that contains, relevant</p>

Performance outcomes	Acceptable outcomes
<p>Excavation and filling</p> <p>PO6</p> <p>Excavation and filling, where not related to or impacting upon the following-</p> <ul style="list-style-type: none"> (i) Flood hazard; (ii) Riverine defined flood events; or (iii) Riverine defined flood levels. <ul style="list-style-type: none"> (a) does not cause environmental harm; (b) does not impact adversely on visual amenity; (c) does not impact adversely on adjoining properties; (d) maintains natural landforms as far as reasonably practicable; (e) is stable in both the short and long term; (f) does not prevent or create difficult access to the property; and (g) does not result in ponding, concentration or diversion of overland runoff flows that cause damage to adjacent lands or infrastructure. 	<p>Infrastructure</p> <p>AO6.1</p> <p>Development provides that:-</p> <ul style="list-style-type: none"> (a) on sites of:- <ul style="list-style-type: none"> (i) 15% or more in slope, the extent of excavation (cut) and fill does not involve a total change of more than 1.5m relative to the natural ground level at any point; or (ii) in other areas, the extent of excavation (cut) and fill does not involve a total change of more than 1.0m relative to the natural ground level at any point; (b) no part of any cut or fill batter is within 1.5m of any property boundary except cut and fill involving a change in ground level of less than 200mm that does not necessitate the removal of any vegetation; (c) retaining walls are no greater than 1.0m high; and (d) retaining walls are constructed a minimum 150mm from property boundaries. <p>AO6.2</p> <p>Driveways are able to be constructed and maintained accordance with the requirements of the Planning scheme policy for development works.</p> <p>AO6.3</p> <p>For filling and excavation work altering overland runoff flows no acceptable outcome is provided.</p>
<p>Fire services in developments accessed by common private title¹</p> <p>PO7</p> <p>Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.</p>	<p>AO7.1</p> <p>Residential streets and common access ways within a common private title should have hydrants placed at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.</p> <p>AO7.2</p> <p>Commercial and industrial streets and access ways within streets serving commercial properties such as factories, warehouses and offices should be provided with above or below ground fire hydrants at not more than 90 metre intervals and at each street intersection. Above ground fire hydrants should have dual valved outlets.</p> <p>AO8</p> <p>Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for safe passage of emergency vehicles.</p> <p>AO9</p> <p>Hydrants are identified as specified in 'Identification of street hydrants for fire fighting purposes' available under 'Publications' on the Department of Transport and Main Roads website</p>

¹ Note—this criteria applies where the development:

- (1) is for a material change of use or reconfiguring a lot where part of the development or any dwelling is more than 90 metres from the nearest located fire hydrant; and
- (2) for buildings not covered in other legislation or planning provisions mandating fire hydrants; and
- (3) the proposed development will include streets and common access ways within a common private title in areas serviced by reticulated water.

² Editor's note—the term common private title covers areas such as access roads in community title developments or strata title unit access which are private and under group or body corporate control.

Performance outcomes	Acceptable outcomes
	<p>www.tmr.qld.gov.au/~7media/busind/techstdpubs/trum/125Amend18.pdf</p> <p>Editor's note—For further information on how to address the above criteria please see Queensland Fire and Emergency Service: Fire hydrant and vehicle access guidelines for residential, commercial and industrial lots.</p>
Ship-sourced pollutants reception facilities in marinas with six or more berths	
<p>PO10</p> <p>Marina development provides facilities for the handling and disposal of ship-sourced pollutants.</p>	<p>AO10.1</p> <p>Common user facilities for the handling and disposal of ship-sourced pollutants including oil, garbage and sewerage are provided at a suitable location at the marina;</p> <p>AND</p> <p>Facilities shall be designed and operated to ensure the risk of spillage from operations is minimised;</p> <p>AND</p> <p>Appropriate equipment to contain and remove spillages is stored in a convenient position near the facility and is available for immediate use;</p> <p>AND</p> <p>Boats visiting the marina are able to use the ship-sourced pollutants reception facilities.</p> <p>Editor's note—Refer to: Australian and New Zealand Environment and Conservation Council (ANZECC), 1997, Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand.</p> <p>AO10.2</p> <p>Where practical, the marina pollutant reception facility is connected to sewerage or other waste reception infrastructure.</p> <p>Editor's note—Reception facilities require compliance assessment under the Plumbing and Drainage Act 2002. The plumbing compliance assessment process will ensure that the proposed facilities address 'peak load'.</p>

Table 5.3.3 Additional criteria for operational work only

Performance outcomes	Acceptable outcomes
Excavation and filling	
<p>PO11</p> <p>Filling or excavation is consistent with the intended use of the site and does not:-</p> <p>(a) result in any contamination of land or water;</p> <p>(b) pose a health or safety risk to users and neighbours of the site; and</p> <p>(c) directly, indirectly or cumulatively cause any flooding or drainage problems or worsen any existing problems, except in relation to the following-</p> <p>(i) Flood hazard;</p> <p>(ii) Riverine defined flood events; or</p> <p>(iii) Riverine defined flood levels.</p>	<p>AO11.1</p> <p>Development provides that-</p> <p>(a) the extent of filling or excavation is in accordance with a current development approval for material change of use, reconfiguring a lot or building work;</p> <p>(b) all stored material is:-</p> <p>(i) contained wholly within the site;</p> <p>(ii) located in a single manageable area that does not exceed 50m²; and</p> <p>(iii) located at least 10m from any property boundary; and</p> <p>(c) any batter or retaining wall is structurally adequate.</p> <p>AO1.2</p>

Performance outcomes	Acceptable outcomes
	<p>Development provides that:-</p> <ul style="list-style-type: none"> (a) no contaminated material is used as fill; (b) for excavation, no contaminated material is excavated or contaminant disturbed; and (c) waste materials are not used as fill, including:- <ul style="list-style-type: none"> (i) commercial waste; (ii) construction/demolition waste; (iii) domestic waste; (iv) garden/vegetation waste; and (v) industrial waste.
<p>PO12 Filling or excavation, including the associated transportation of materials:-</p> <ul style="list-style-type: none"> (a) does not cause significant impacts through truck movements, dust or noise, on the amenity of the locality in which the works are undertaken or along routes taken to transport the material; and (b) minimises adverse impacts on the road system. 	<p>AO12 Filling or excavation, and transportation of material, is undertaken in accordance with the requirements of the Planning scheme policy for development works.</p>
Construction management	
<p>PO13 Air emissions, noise or lighting arising from construction activities and works do not adversely impact on surrounding areas.</p>	<p>AO13.1 Dust emissions do not extend beyond the boundary of the site.</p> <p>AO13.2 Air emissions, including odours, are not detectable at the boundary of the site.</p> <p>AO13.3 Noise generating equipment is enclosed, shielded or acoustically treated in a manner which ensures the equipment does not create environmental harm.</p> <p>AO13.4 Outdoor lighting complies with <i>AS4282-1997 Control of the Obtrusive Effects of Outdoor Lighting</i>.</p>
<p>PO14 Construction activities and works provide for:-</p> <ul style="list-style-type: none"> (a) the protection of the aesthetic and environmental values of retained vegetation; and (b) impacts on fauna to be minimised. 	<p>AO14.1 The health and stability of retained vegetation is maintained during construction activities by:-</p> <ul style="list-style-type: none"> (a) clearly marking vegetation to be retained with temporary fencing and flagging tape; (b) installing secure barrier fencing around the outer drip line and critical root zone of the vegetation; (c) preventing any filling, excavation, stockpiling, storage of chemicals, fuel or machinery within the fenced protection area; (d) using low impact construction techniques in the vicinity of vegetation to minimise interference with the vegetation; and (e) removing all declared noxious weeds and environmental weeds from the site. <p>AO14.2 All works carried out in the vicinity of retained vegetation comply with <i>AS4970 Protection of Trees on Development Sites</i> and <i>AS4687 Temporary Fencing and Hoarding</i>.</p> <p>AO14.3 Where construction activities will result in adverse impacts upon fauna and/or the clearing and/or removal of fauna habitat:-</p> <ul style="list-style-type: none"> (a) all vacant hollows and nests are relocated or

Performance outcomes	Acceptable outcomes
	<p>rendered unusable to prohibit fauna return during clearing works; and</p> <p>(b) all fauna is suitably relocated or humanely dealt with during the pre-clearing inspections or during clearing.</p>
<p>PO15</p> <p>Construction activities and works, including disposal of cleared vegetation:-</p> <p>(a) minimises waste;</p> <p>(b) maximises reuse and/or recycling;</p> <p>(c) minimises impacts on public health and safety and on the amenity of the surrounding area; and</p> <p>(d) minimises the spread of weed species and non-Indigenous plants.</p>	<p>AO15</p> <p>No acceptable outcome provided.</p>
<p>PO16</p> <p>Construction activities and works (including traffic and parking generated by construction activities) are managed to ensure that:-</p> <p>(a) existing utilities and road and drainage infrastructure continue to function efficiently and can be accessed by the relevant authority for maintenance purposes;</p> <p>(b) impacts on the transport network and on the amenity of the surrounding area are minimised; and</p> <p>(c) the environmental values of water and the functionality of stormwater infrastructure are protected from the impacts of erosion, turbidity and sedimentation.</p>	<p>AO16.1</p> <p>Existing utilities and road and drainage infrastructure are protected or relocated in accordance with the standards specified in the Planning scheme policy for development works.</p> <p>AO16.2</p> <p>The costs of any alterations or repairs to utilities and road and drainage infrastructure are met by the developer.</p> <p>AO16.3</p> <p>Traffic and parking generated by construction activities is managed in accordance with a Traffic and Parking Management Plan.</p> <p>AO16.4</p> <p>Development is located, designed and constructed in accordance with an Erosion and Sediment Control Plan prepared in accordance with the requirements specified in the Planning scheme policy for development works.</p>

6.0 Cummins Street Development Plan Transport and parking code^{1 2}

6.1 Application

This code applies to development-

- (a) on land within the Cummins Street Development Plan ("the plan area"); and
- (b) identified as requiring assessment against the Cummins Street Development Plan Business uses code by the tables of assessment in the Cummins Street Development Plan.

6.2 Purpose and overall outcomes

- (1) The purpose of the Cummins Street Development Plan Transport and parking code is to ensure that transport infrastructure (including pathways, public transport infrastructure, roads, parking and service areas) is provided in a manner which meets the needs of the development, whilst maintaining a safe and efficient road network, promoting active and public transport use and preserving the character and amenity of the Bundaberg Region.
- (2) The purpose of the Cummins Street Development Plan Transport and parking code is to provide for the following uses:
 - A. Agricultural Supply Store;
 - B. Wholesale Nursery;
 - C. Hardware and Trade Supplies;
 - D. Outdoor Sales;
 - E. Bulk Landscape Supplies;
 - F. High Impact Industry;
 - G. Low Impact Industry;
 - H. Marine Industry;
 - I. Medium Impact Industry;
 - J. Research and Technology Industry;
 - K. Service Industry;
 - L. Special Industry;
 - M. Transport Depot; and
 - N. Warehouse.
- (3) The purpose of this code is also to support the Cummins Street Development Plan and specifically that assessment in the plan area shall exclude consideration of Defined Riverine flooding and associated Flood hazard;
- (4) Subject to (3) above, the purpose of the Cummins Street Development Plan Transport and parking code will be achieved through the following overall outcomes:-
 - (a) development is consistent with the objectives of the strategic transport network which are to:-
 - (i) provide for a highly permeable and integrated movement network;
 - (ii) improve coordination between land use and transport so as to maximise the potential for walking, cycling and public transport use;
 - (iii) achieve acceptable levels of access, convenience, efficiency and legibility for all transport users;
 - (iv) limit road construction to the minimum necessary to meet the endorsed levels of service for ultimate development of the Bundaberg Region;
 - (v) provide for staging of Council's limited trunk road construction program to maximise sustainability; and
 - (vi) maintain the safety and efficiency of the road network
 - (b) transport infrastructure is designed and constructed to acceptable standards and operates in a safe and efficient manner that meets community expectations, prevents unacceptable off-site impacts and reduces whole of life cycle costs, including ongoing maintenance costs; and
 - (c) development provides for on-site parking, access, circulation and servicing areas that are safe, convenient and meet the reasonable requirements of the development.

Table 6.3.1 Criteria for assessable development

Performance outcomes	Acceptable outcomes
On-site parking and access	
<p>PO1 Development ensures that the location, layout and design of vehicle access, on-site circulation systems and parking and service areas:-</p> <ul style="list-style-type: none"> (a) is safe, convenient and legible for all users including people with disabilities, pedestrians, cyclists and public transport services, where relevant; (b) does not interfere with the planned function, safety, capacity, efficiency and operation of the transport network; (c) provides sufficient on-site parking to meet the needs of, and anticipated demand generated by, the development; (d) limit potential conflict between service vehicles, other vehicles and pedestrians; and (e) minimises adverse impacts on the local streetscape character and amenity of the surrounding area. 	<p>AO1.1 The location, design and provision of any site access, access driveways, internal circulation and manoeuvring areas, service areas and parking areas is in accordance with the standards specified in the Planning scheme policy for development works, including ensuring:-</p> <ul style="list-style-type: none"> (a) the number and type of vehicles planned for the development can be accommodated on-site; (b) on-site vehicle parking and manoeuvring areas provide for vehicles to enter and leave the site in a forward motion; and (c) a progressive reduction in vehicle speed between the external transport corridor and internal parking spaces such that lower speeds occur near areas of high pedestrian activity. <p>AO1.2 For assessable development, the number of site access driveways is minimised (usually one), with access to the lowest order transport corridor to which the site has frontage, consistent with amenity impact constraints.</p> <p>AO1.3 Development provides on-site parking spaces at the rate specified in Table 6.3.1.1 (Minimum on-site parking requirements).</p> <p>Note—where the calculated number of spaces is not a whole number, the required number of parking spaces is the nearest whole number.</p> <p>Note—the minimum on-site parking rates specified in Table 6.4.5.3.2 provide for the needs of all users of the development including employees, customers, students and visitors.</p> <p>AO1.4 Development provides clearly defined pedestrian paths within and around on-site vehicle parking areas that:-</p> <ul style="list-style-type: none"> (a) are located in areas where people will choose to walk; and (b) ensure pedestrian movement through vehicle parking areas is along aisles rather than across them. <p>AO1.5 Driveways, internal circulation areas, manoeuvring areas and service areas (including loading and unloading areas and refuse collection facilities) are:-</p> <ul style="list-style-type: none"> (a) designed and provided to accommodate the nominated design vehicles for each development type; and (b) are constructed in accordance with the standards specified in the Planning scheme policy for development works.

Table 9.1.1.1.1 Criteria for assessable development only

Performance outcome	Acceptable Outcomes
<p>Strategic transport network</p> <p>PO2 Development, particularly where involving high trip generating land uses or the creation of new roads and other transport corridors, ensures provision of a transport network that:-</p> <ul style="list-style-type: none"> (a) accords with the Strategic transport network as shown on Strategic Framework Map SFM-003 (Transport and infrastructure elements) and the Priority Infrastructure Plan; (b) provides visible distinction of roads, with the design of streets and roads based on function, safety and efficiency; (c) provides convenient, safe and efficient movement for all modes of transport between land use activities with priority given to pedestrian movement and bicycle use over vehicle movements; (d) allows for unimpeded and practical access to the development site and each proposed lot; (e) facilitates and promotes the use of public and active transport, including access to cycle and pedestrian pathways; (f) facilitates a high standard of urban design which reflects a grid pattern (or modified grid pattern) to assist in connectivity and permeability, particularly for pedestrians and cyclists; (g) connects to and integrates with existing roads and other relevant facilities within and external to the land to be developed or subdivided; (h) provides for the dedication and construction of roads where required to allow access to, and proper development of, adjoining land that is intended for development; (i) provides for the construction and adequate drainage of all proposed roads, pathways, laneways and bikeways within and adjoining the land to be developed, however this outcome is not applicable in relation to the following- <ul style="list-style-type: none"> (i) Flood hazard; (ii) Riverine defined flood events; or (iii) Riverine defined flood levels; (j) minimises any adverse impacts on the existing transport network, surrounding land uses, and the amenity of the surrounding environment, except where the impacts relate to ; <ul style="list-style-type: none"> (i) Flood hazard; (ii) Riverine defined flood events; or (iii) Riverine defined flood levels; <p>does not adversely impact on wildlife movement corridors.</p>	<p>AO2.1 No acceptable outcome provided.</p> <p>Editor's note—the Planning scheme policy for development works specifies standards and provides guidance for the design and construction of roads and transport corridors.</p> <p>Editor's note—the Council may require submission of a traffic impact assessment report prepared in accordance with the Planning scheme policy for information that Council may require to demonstrate compliance with Performance outcome PO1.</p>
<p>Pedestrian and bicycle network and facilities</p> <p>PO3 Development provides for the establishment of a safe and convenient network of pedestrian and bicycle paths that:-</p> <ul style="list-style-type: none"> (a) provides a high level of permeability and connectivity; (b) provide for joint usage where appropriate; 	<p>AO3 No acceptable outcome provided.</p> <p>Editor's note—the Planning scheme policy for development works specifies standards and provides guidance for the design and construction of pedestrian and bicycle paths.</p>

Performance outcomes	Acceptable outcomes
<p>(c) maximises opportunities to link activity centres, employment areas, residential areas, community facilities, open space and public transport stops located internally and externally to the site;</p> <p>(d) have an alignment that maximises visual interest, allows for the retention of trees and other significant features and does not compromise the operation of or access to other infrastructure;</p> <p>(e) incorporates safe street crossings with adequate sight distances, pavement markings, warning signs and safety rails; and</p> <p>(f) is well lit and located where there is casual surveillance from nearby premises.</p>	
<p>PO4</p> <p>Appropriate on-site end of trip facilities are provided to encourage walking and cycling as an alternative to private car travel.</p>	<p>AO4.1</p> <p>Development for a business activity, community activity, sport and recreation activity, or for rooming accommodation, short term accommodation, resort complex or air services provides residents, employees and visitors with shower cubicles and ancillary change rooms and lockers (including provision for both males and females) at the following rates:-</p> <p>(a) 1 cubicle and 5 lockers for the first 5,500m² of gross floor area, provided that the development exceeds a minimum gross floor area of 1,500m²; plus</p> <p>(b) 1 additional cubicle and 5 additional lockers for that part of the development that exceeds 5,500m² gross floor area up to a maximum of 30,000m² gross floor area; plus</p> <p>(c) 2 additional cubicles and 10 additional lockers for that part of the development that exceeds 30,000m² gross floor area.</p> <p>AO4.2</p> <p>Development provides bicycle access, parking and storage facilities that:-</p> <p>(a) are located close to the building's pedestrian entrance;</p> <p>(b) are obvious and easily and safely accessible from outside the site;</p> <p>(c) do not adversely impact on visual amenity; and</p> <p>(d) are designed in accordance with the Planning scheme policy for development works.</p>
Public transport facilities	
<p>PO5</p> <p>Development encourages the use of public transport through:-</p> <p>(a) appropriate development design which maximises accessibility via existing and planned public transport facilities; and</p> <p>(b) appropriate provision of on-site or off-site public transport facilities, having regard to the specific nature and scale of development, and the number of people or lots involved.</p>	<p>AO5.1</p> <p>Development is designed and arranged to provide safe, convenient and functional linkages to existing and proposed public transport facilities.</p> <p>AO5.2</p> <p>On-site public transport facilities are provided in conjunction with the following development:-</p> <p>(a) shopping centre, where having a gross floor area of greater than 10,000m²;</p> <p>(b) tourist attraction, having a total use area of greater than 10,000m²;</p> <p>(c) educational establishment, where accommodating more than 500 students;</p> <p>(d) major sport, recreation and entertainment facility;</p> <p>(e) indoor sport and recreation, where having a gross floor area of more than 1,000m² or for spectator sports; and</p>

Performance outcomes**Acceptable outcomes**

- (f) outdoor sport and recreation where for spectator sports.

AO5.3

On-street public transport facilities are provided as part of the following development:-

- (a) shopping centre, where having a gross floor area of 10,000m² or less;
- (b) tourist attraction, where having a gross floor area of 10,000m² or less;
- (c) educational establishment, where accommodating 500 or less students; and
- (d) indoor sport and recreation where having a gross floor area of 500m² or less and not for spectator sports.

AO5.4

Where not otherwise specified above, on-street public transport facilities are provided where development is located on an existing or future public transport route.

AO5.5

Public transport facilities are located and designed in accordance with the standards specified in the Planning scheme policy for development works.

Amenity and environmental impacts of transport infrastructure**PO6**

Development ensures that on-site vehicle access, manoeuvring and parking facilities do not have adverse impacts on people, properties or activities, with regard to light, noise, emissions or stormwater run-off, however this outcome is not applicable in relation to the following-

- (i) Flood hazard;
- (ii) Riverine defined flood events; or
- (iii) Riverine defined flood levels;

AO6

No acceptable outcome provided.

Transport corridor widths, pavement, surfacing and verges**PO7**

Development provides the reserve width and external road works along the full extent of the site frontage, and other transport corridors where appropriate, to support the function and amenity of the transport corridor, including where applicable:-

- (a) paved roadway;
- (b) kerb and channel;
- (c) safe vehicular access;
- (d) safe footpaths and bikeways;
- (e) safe on-road cycle lanes or verges for cycling;
- (f) stormwater drainage;
- (g) provision of public utility services;
- (h) streetscaping and landscaping; and
- (i) provision of street lighting systems, road signage and line marking.

AO7

The design and construction of road works, including external road works, is:-

- (a) undertaken in accordance with the Planning scheme policy for development works; and
- (b) consistent with the characteristics intended for the particular type of transport corridor specified in the Planning scheme policy for development works.

Intersections and traffic controls**PO8**

Development provides for traffic speeds and volumes to be catered for through the design and location of intersections and traffic controls so as to:-

- (a) ensure the function, safety and efficiency of the road network is maintained;
- (b) minimise unacceptable traffic noise to adjoining land uses; and

AO8

Intersections and speed control devices are designed and constructed in accordance with the Planning scheme policy for development works.

Performance outcomes	Acceptable outcomes
(c) maintain convenience and safety levels for pedestrians, cyclists and public transport.	
Development staging	
PO9 Staged development is planned, designed and constructed to ensure that:- (a) each stage of the development can be constructed without interruption to services and utilities provided to the previous stages; (b) transport infrastructure provided is capable of servicing the entire development; (c) early bus access and circulation is achieved through the connection of collector roads; and (d) materials used are consistent throughout the development.	AO9 No acceptable outcome provided.

Table 6.3.1.1 Minimum on-site parking requirements

Column 1 Land uses	Column 2 Cars	Column 3 Service vehicles	Column 4 Bicycles
Business activities other than where in the Bundaberg, Childers or Gin Gin CBDs as identified in Figure 8.4.5 (CBD Parking Areas)			
Agricultural supplies store	1 space / 20m ² total use area if less than 100m ² total use area + 1 space / 50m ² total use area for that part exceeding 100m ² total use area	Not specified	1 space / 400m ² GFA (minimum 4 spaces)
Hardware and trade supplies	1 space / 20m ² total use area if less than 100m ² total use area + 1 space / 50m ² total use area for that part exceeding 100m ² total use area	1 SRV if less than 500m ² GFA or 1 SRV and 1 LRV if 500m ² to 1,999m ² GFA or not specified if 2,000m ² GFA or above	1 space / 400m ² GFA (minimum 4 spaces)
Outdoor sales	1 space / 150m ² total display area + 4 spaces per maintenance bay	1 AV	1 space / 400m ² total use area (minimum 4 spaces)
Industry activities			
Bulk landscape supplies	1 space / 100m ² total use area	1 LRV	Not required
Extractive industry	Not specified	Not specified	Not required
Service Industry	1 space / 40m ² GFA	1 MRV	1 space / 400m ² GFA (minimum 4 spaces)
All other industrial activities	1 space / 50m ² if less than 500m ² GFA + 1 space / 100m ² GFA for that part exceeding 500m ² GFA	1 AV	1 space / 400m ² GFA (minimum 4 spaces)



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0816-032480
Your reference: 325.2016.46102.1

13 September 2016

Mr Peter Byrne
Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670
ceo@bundaberg.qld.gov.au

Attention: Mr Peter Byrne

Dear Mr Byrne

Concurrence agency response—no requirements

59 Cummins Street, Bundaberg North QLD 4570 - Lot 10 on SP271539
(Given under Section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under Section 272 of the *Sustainable Planning Act 2009* on 9 August 2016.

Applicant details

Applicant name: Tech Park No 1 Pty Ltd, Tech Park No 2 Pty Ltd,
Tech Park No 3 Pty Ltd, Tech Park No 4 Pty Ltd,
Tech Park No 5 Pty Ltd and Tech Park No 6 Pty Ltd
C/- Planning Australia

Applicant contact details: PO Box 8
FORTITUDE VALLEY QLD 4006
dbrown@planaust.com.au

Site details

Street address: 59 Cummins Street, Bundaberg North
 Lot on plan: Lot 10 on SP271539
 Local government area: Bundaberg Regional Council

Application details

Proposed development: Preliminary Approval for Material Change of Use under Sections 241 and 242 of the *Sustainable Planning Act 2009* (Agricultural Supplies Store, Wholesale Nursery, Hardware and Trade Supplies, Outdoor Sales, Bulk Landscape Supplies, High Impact Industry, Low Impact Industry, Marine Industry, Medium Impact Industry, Research and Technology Industry, Service Industry, Special Industry, Transport Depot and Warehouse).

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Preliminary Approval	Agricultural Supplies Store, Wholesale Nursery, Hardware and Trade Supplies, Outdoor Sales, Bulk Landscape Supplies, High Impact Industry, Low Impact Industry, Marine Industry, Medium Impact Industry, Research and Technology Industry, Service Industry, Special Industry, Transport Depot and Warehouse	Impact Assessment
Material Change of Use	Preliminary Approval	Preliminary Approval overriding the Planning Scheme under Section 242 of the <i>Sustainable Planning Act 2009</i>	Impact Assessment

Referral triggers

The development application was referred to the Department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral triggers Schedule 7, Table 3, Item 2 – Development impacting on State transport infrastructure

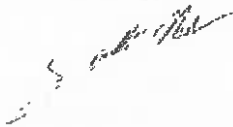
No requirements

The Department advises the Assessment Manager under Section 287(2)(a) of the *Sustainable Planning Act 2009* that it has no requirements relating to the application.

A copy of this response has been sent to the applicant for their information.

For further information, please contact Peter Muica, Principal Planning Officer, SARA Wide Bay Burnett on (07) 4331 5614, or email WBBSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Garth Nolan
Manager (Planning)

cc: Tech Park No 1 Pty Ltd & others
C/- Planning Australia
PO Box 8
FORTITUDE VALLEY QLD 4006
dbrown@planaust.com.au