



7 January 2020

Moorhead Family Communities Bundaberg Pty Ltd C/- Insite SJC

via email: geoff@insitesjc.com.au

Attention: Geoff Campbell

Dear Mr Campbell

RE:

Change Application for Minor Change - Preliminary Approval for a Material Change of Use and Reconfiguring a Lot (Section 241), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 for a Master Planned Residential Community (Headlands Coastal Community); and Development Permit for Reconfiguring a Lot (2 Lots into 329 Lots and access easement) at Logan Road, Innes Park; land described as Lot 1 on SP182595 and Lot 3 on RP7301:

Thank you for your Change Application for Minor Change - Preliminary Approval for a Material Change of Use and Reconfiguring a Lot (Section 241), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 for a Master Planned Residential Community (Headlands Coastal Community); and Development Permit for Reconfiguring a Lot (2 Lots into 329 Lots and access easement) at Logan Road, Innes Park; land described as Lot 1 on SP182595 and Lot 3 on RP7301 lodged with Council on 22 November 2019.

Please find attached the Decision Notice for the above-mentioned Change Application.

Please quote Council's application number: 526.2019.173.1 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Merinda Honor on telephone 1300 883 699.

Yours sincerely

Grant Barringer Senior Development Planner

ENCL.

- DECISION NOTICE Change Application
- APPROVED PLANS



Decision notice — change application

(Given under section 83 of the Planning Act 2016)

Thank your for your Change Application made under section 78 of the *Planning Act 2016* received by the Bundaberg Regional Council on 22 November 2019 for the development approvals dated 9 August 2017 and 3 October 2019. Please be aware the Bundaberg Regional Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Moorhead Family Communities Bundaberg Pty Ltd

C/- Insite SJC

Postal Address: PO Box 1688

BUNDABERG QLD 4670

Email: geoff@insitesjc.com.au

Phone No.: 07 4151 6677 Mobile No.: 0409 528 801

2. Location details

Street address: Logan Road, Innes Park

Real property description: Lot 1 on SP182595 and Lot 3 on RP7301

Local government area: Bundaberg Regional Council

3. Details of Original Approval

Development Application for Preliminary Approval for a Material Change of Use and Reconfiguring a Lot (Section 241), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 for a Master Planned Residential Community (Headlands Coastal Community); and Development Permit for Reconfiguring a Lot (2 Lots into 329 Lots and access easement).

Date of Approval: 9 August 2017 Application Number: 325.2016.45639.1

AND

Approval for Change Application (Minor Change) - Development Application for Preliminary Approval for a Material Change of Use and Reconfiguring a Lot (Section 241), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 for a Master Planned Residential Community (Headlands Coastal Community); and Development Permit for Reconfiguring a Lot (2 Lots into 329 Lots and access easement).

Date of Approval: 3 October 2019 Application Number: 526.2018.49.1

4. Details of the proposed development

Change Application for Minor Change - Preliminary Approval for a Material Change of Use and Reconfiguring a Lot (Section 241), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 for a Master Planned Residential Community (Headlands Coastal Community); and Development Permit for Reconfiguring a Lot (2 Lots into 329 Lots and access easement)

5. Decision for change application

Decision details: The Bundaberg Regional Council has decided to:

Make the change. Please refer to <u>Schedule 1</u>.

The changes agreed to are:

Section 9 (Approved Plans) – Amended.

6. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016.* For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 2.

SCHEDULE 1 EXISTING APPROVAL INCORPORATING CHANGES

This Decision Notice includes change approved on 7 January 2020. Changes are in **bold italics**.



Decision notice — change application

(Given under section 83 of the Planning Act 2016)

Thank your for your change application made under section 78 of the *Planning Act 2016* received by the Bundaberg Regional Council on 20 June 2018 for the development approval dated 9 August 2017. Please be aware the Bundaberg Regional Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Moorhead Family Communities Bundaberg Pty Ltd

C/- Insite SJC

Postal Address: PO Box 1688

BUNDABERG QLD 4670

Email: geoff@insitesjc.com.au

Mobile No.: 0409 528 801

2. Location details

Street address: Logan Road, Innes Park

Real property description: Lot 3 on RP7301 and Lot 1 on SP182595

Local government area: Bundaberg Regional Council

3. Details of Original Approval

Development Application for Preliminary Approval for a Material Change of Use and Reconfiguring a Lot (Section 241), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 for a Master Planned Residential Community (Headlands Coastal Community); and Development Permit for Reconfiguring a Lot (2 Lots into 329 Lots and access easement).

Date of Approval: 09 August 2017 Application Number: 325.2016.45639.1

4. Details of the proposed development

Approval for Change Application (Minor Change) - Development Application for Preliminary Approval for a Material Change of Use and Reconfiguring a Lot (Section 241), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 for a Master Planned Residential Community (Headlands Coastal Community); and Development Permit for Reconfiguring a Lot (2 Lots into 329 Lots and access easement).

5. Decision for change application

Decision details: The Bundaberg Regional Council has decided to:

Make the change and amend and impose development conditions. Please refer to Schedule 1.

The changes agreed to are:

(A) Insertion of the following new plans – at Item 9 Approved Plans:

- Masterplan Drawing No. A1000 Issue F dated 27 September 2018 with amendments marked in "red" and "blue" to include:
 - the full extent of the Coastal Principal pathway [turtle trail] across the eastern portion of the Lot 3 on SP182595 [reserve for beach protection and coastal management] linking southwards to the Esplanade.
 - Pathway through the Headlands Community Reserve [at the rear of the lots in stage 1] and reference to bollard lighting nodes.
 - Notation that the Turtle Trail to be 3.0 metres in width [not 2 metres as shown on the Masterplan]
- Drawing ML15-002-ROL Stage 1 Colour Issue D dated 27 September 2018 Plan of proposed lot reconfiguration Headlands state 1 Lots 1-35, 500, 501, 502, 600 and access and utilities easement cancelling Lot 1 on SP182595 and Lot 3 on RP7301.
- Drawing ML15-002-ROL Colour Issue C dated 27 September 2018 Plan of Proposed Lot Reconfiguration – Headlands - Cancelling Lot 1 on SP182595 and Lot 3 on RP7301.
- (B) In Schedule 1 Part 1A, Amend condition 6 to include reference to "approved plans", to read:
 - "6. Submit and have approved by the Assessment Manager a Building Envelope Plan for the lots within the Headlands Small Lot Residential Precinct, as shown on Approved plans (Masterplan), that:
- (C) In Schedule 1 Part 1A, Amend condition 32 f. to include reference to "approved plans", to read:
 - "32.f. Details of any other landscaping works proposed to 'Headlands Village Green' as shown on *Approved plan (Masterplan)*;
- (D) In Schedule 1 Part 1A, Amend condition 37 to include reference to "approved plans" and include a new condition 37b to read:

Pathways, Park and Bridge

- 37. a. Provide a Coastal Principal Path (turtle trail three (3) metres wide) in accordance with Council's Plans for Trunk Infrastructure at the location generally provided on the Approved Plans (MasterPlan). Such pathway is to be contained either in the roadway or a future or existing park. The pathway must be provided at the adjacent module.
 - b. Provide a minimum 1.8 m wide concrete path on the northern side of the proposed Headlands Community Reserve. The path must link to the Coastal Principal Path and Logan Road.

This path is to be provided with bollard lighting at key nodes – Logan Road, Esplanade and the central entry in Stage 1 – generally as shown on the amended Masterplan.

- (E) In Schedule 1 Part 1A, Amend condition 42 to include reference to "approved plans" to read:
 - "42. Construct all new roads in accordance with the *Approved Plans and with the following requirements:*
- (F) In Schedule 1 Part 1A, Amend condition 45 to include reference to "approved plans" to read:
 - "45. Provide three roundabouts in locations shown on the *Approved Plans (Master plan), when undertaking associated roadworks*.
- (G) In Schedule 1 Part 1A, Amend condition 54 b to include reference to "approved plans", to read:
 - "b. All new roads on the *approved plans for Stage 1* are dedicated with the first stage of development;
- (H) In Schedule 1 Part 1A, Add new conditions 56 a. ii and 56 a iii to include a new condition with reference to stormwater modelling of Kalina Creek, as a result of the construction of the works in Stage 1 in the Headlands Community Reserve; to read:
 - "ii. Update the SBSMP to include the proposed viewing area/ Park between proposed Lots 8 and 9 and document the works necessary to ensure that the flows in the area are not directly, indirectly changed from the existing conditions in Kalina creek in a manner that would worsen drainage conditions;
 - iii. provide the works identified in the SBSMP within Kalina creek (proposed Headlands Community reserve) and undertake re-vegetation of the area in accordance with an approved remediation plan. The drainage specifics must be determined as part of an application for Operational Works.
- (I) In Schedule 1 Part 1B amend advice A to include reference to approved plans to read:

Nature and Extent of Approved Development

A. Any subsequent development on the approved subject site (as per Approved Plans (Masterplan) is to be in accordance with the approved Headlands Coastal Community Development Plan included as a Schedule in this decision.

Response to Insite SJC letter 11 April 2018

It is recommended that the Applicant be advised that the required construction standard for the multi Modal Pathway is Concrete.

6. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016.* For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in <u>Schedule 2</u>.

SCHEDULE 1 EXISTING APPROVAL INCORPORATING CHANGES

This Decision Notice includes changes approved on 27 September 2018. Changes are in **bold italics**.

9 August 2017

Multilow Pty Ltd C/- Insite SJC C/- Smart e-DA

Decision NoticeSustainable Planning Act 2009 s.335

Thank you for your Development Application for Preliminary Approval for a Material Change of Use and Reconfiguring a Lot (Section 241), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015 for a Master Planned Residential Community (Headlands Coastal Community); and Development Permit for Reconfiguring a Lot (2 Lots into 329 Lots and access easement) at Logan Road INNES PARK; land described as Lot 1 on SP182595 and Lot 3 on RP7301 lodged with Council on 6 May 2016. I wish to advise that Council determined the above Development Application on 8 August 2017. Details of the Council's decision are:

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. DETAILS OF APPROVAL

| | | Development Permit | Preliminary Approval |
|---|-------------------------|-----------------------|-------------------------|
| 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 | | | |
| Reconfiguring a lot | Part 1, table 3, item 1 | | |

The following approvals are given:

Deemed Approval

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

2. 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 | | |
|-------------------------------------|--|--|--|
| Local Planning Instrument | Variation Approved Part 5 – Tables of Assessment - Table 5.4.1 | | |
| Bundaberg Regional Council Planning | Low density residential Zone – Levels of | | |
| Scheme 2015 | Assessment for material change of use is | | |
| | overridden by the provisions of <i>Headlands</i> | | |
| | Coastal Community Plan of Development | | |
| | Table 5.2.1 –Levels of Assessment Table | | |
| | - Material Change of Use - Headlands | | |
| | low density residential precinct as | | |
| | included in the Schedule A. | | |
| | Part 5 – Tables of Assessment - Table 5.4.2 | | |
| | Medium density residential zone – Levels of | | |
| | Assessment for material change of use is | | |
| | overridden by the provisions of <i>Headlands</i> | | |
| | Coastal Community Plan of Development | | |
| | Table 5.2.2 – Levels of Assessment Table | | |
| | - Material Change of Use - Headlands | | |
| | medium density residential precinct as | | |
| | included in the Schedule A. Part 5 – Tables of Assessment - Table 5.4.8 | | |
| | Neighbourhood centre zone – Levels of | | |
| | Assessment for material change of use is | | |
| | overridden by the provisions of <i>Headlands</i> | | |
| | Coastal Community Plan of Development | | |
| | Table 5.2.4 –Levels of Assessment Table | | |
| | - Material Change of Use - Headlands | | |
| | neighbourhood centre precinct as | | |
| | included in the Schedule A. | | |
| | Part 5 – Tables of Assessment - Table 5.5.1 | | |
| | Reconfiguring a lot – Levels of assessment | | |
| | is overridden by the provisions of | | |
| | Headlands Coastal Community Plan of | | |
| | Development Table 5.3.1 -Level of | | |
| | Assessment Table – Reconfiguring a Lot | | |
| | as included in the Schedule A. | | |
| | Part 5 – Tables of Assessment - Table 5.6.1 | | |
| | Building work - Levels of assessment is | | |
| | overridden by the provisions of <i>Headlands</i> | | |
| | Coastal Community Plan of Development | | |
| | Table 5.4.1 - Level of Assessment Table | | |

Building Work as included in the Schedule A.

New insertion of Headlands Coastal Community Plan of Development Table 5.2.3 -Levels of Assessment Table - Material Change of Use - Headlands small lot residential precinct as included in the Schedule A.

New insertion of Headlands Coastal Community Plan of Development Part 6 – Headlands Precinct – Section 6.1 Preliminary as included in the Schedule A. New insertion of Headlands Coastal Community Plan of Development Section 6.2.1 –Headlands medium density residential precinct code as included in the Schedule A.

New insertion of *Headlands Coastal Community Plan of Development Section* 6.2.2 –*Headlands small lot residential precinct code* as included in the Schedule A.

New insertion of *Headlands Coastal Community Plan of Development Section* 6.2.3 – *Headlands neighbourhood centre precinct code* as included in the Schedule A.

New insertion of **Headlands Coastal Community Plan of Development Part 9 – Headlands Development code – Section 9.1 Preliminary** as included in the Schedule A.

New insertion of Headlands Coastal Community Plan of Development – Section 9.2.1 – Headlands dwelling house (small lot) code as included in the Schedule A.

New insertion of **Headlands Coastal Community Plan of Development – Section 9.2.2 – Headlands resort complex code** as included in the Schedule A.

New insertion of **Headlands Coastal Community Plan of Development – Section 9.3.1 – Headlands reconfiguring a lot code** as included in the Schedule A.

3. 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

4. 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:

- Bundaberg Regional Council Planning Scheme and Associated Planning Scheme Policies
- Headlands Coastal Community Plan of Development

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

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development

| Documents or works requiring compliance assessment | Matters or things against which the document or work must be assessed | Compliance assessor | When the request for compliance assessment must be made |
|--|--|----------------------------------|--|
| Subdivision Plan | The matters or things listed in Schedule 19, Table 1 of the Sustainable Planning Regulation 2009 | Bundaberg Regional Council | In the time stated in Schedule 19, Table 1 of the Sustainable Planning Regulation 2009 |

6. SUBMISSIONS

There were seven (7) submissions 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. Karen Peacock | 42 Coolanblue Avenue, Innes Park, Qld, 4670 |
| 2. Leonore Miller | 127 Logan Road, Innes Park, Qld, 4670 |
| 3. Michael Stacey | 395 Woongarra Scenic Drive, Innes Park, Qld, 4670 |
| 4. John Wood | 141 Logan Road, Innes Park, Qld, 4670 |
| 5. Josephine & Jason Ferris | 44 Coolanblue Avenue, Innes Park, Qld, 4670 |

| 6. Pam Soper | 29 Watsons Road, Bargara, Qld, 4670 |
|---------------------|---------------------------------------|
| 7. Simon de Bomford | 131 Logan Road, Innes Park, Qld, 4670 |

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

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

8. REFERRAL AGENCY

The referral agency for this application are:

| For an application involving | Name of referral agency | Advice agency or concurrence agency | Address |
|--|--------------------------|--|--|
| Schedule 7, Table 2, Item 14 – Tidal works, or development in a coastal management district | Infrastructure, Local | Concurrence | State Assessment and Referral Agency (SARA) E:WBBSARA@dilgp.qld.gov.au P: PO Box 979 Bundaberg Qld 4670 |
| development | | Concurrence | State Assessment and Referral Agency (SARA) E:WBBSARA@dilgp. qld.gov.au P: PO Box 979 Bundaberg Qld 4670 |
| Schedule 7, Table 3, Item 5 – Material change of use, if carrying out the use will involve (a) operational work, other than excluded work, carried out completely or partly in a coastal | Infrastructure, Local | Concurrence | State Assessment and Referral Agency (SARA) E:WBBSARA@dilgp. qld.gov.au P: PO Box 979 Bundaberg Qld 4670 |

| For an application involving | referral agency | Address |
|------------------------------|-----------------|---------|
| management district | | |

9. APPROVED PLANS

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

| Plan/Document number | Plan/Document name | Date |
|--|--|-------------------------|
| CC - 2995 - CON 04 - issue D4 | Sewerage Reticulation Plan 1 of 2 | 10 November 2015 |
| CC - 2995 - CON 05 - issue D4 | Sewerage Reticulation Plans 2 of 2 | 10 November 2015 |
| ML15-002-ROL Stage 1 – Issue F | Issue F Plan of Proposed Lot Reconfiguration Headlands Stage 1 – Lots 1- 35,50-59, 500, 501, 503, 600 and Access and Utilities Easement | 20 November 2019 |
| ML15-002-ROL Overall Plan – Issue F | Plan of Proposed Lot Reconfiguration Headlands – cancelling Lot 1 on SP182595 and Lot 3 on RP7301 | 20 November 2019 |
| ML15-002 - MOD – Issue B | Headlands Stage Modules | 29 January 2016 |
| ML15-002 - MOD | Stage Modules 2 of 5 | 25 July 2017 |
| ML15-002 - MOD | Stage Modules 3 of 5 | 25 July 2017 |
| ML15-002 - MOD | Stage Modules 4 of 5 | 25 July 2017 |
| ML15-002 - MOD | Stage Modules 5 of 5 | 25 July 2017 |
| Document No: 325.2016.45639.1 – Revision 2 | Headlands Coastal Community Plan of Development | As amended 25 July 2017 |
| A1000 – Issue F [as amended in red and blue] | • | 27 September 2018 |

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act* 2009, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

11. REFUSAL DETAILS

Not Applicable

12. 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 |
|---|---|
| 17, 18, 37b, 40, 42a-e(i), 42h, 43, 49, 50, 56b, 56e-f, 57, 59, 60, 61, 62 | Section 665 – Non-trunk Infrastructure |
| 30a, 37a , 38, 41a-c, 42f-g, 44, 45, 46 | Section 646 – Identified Trunk Infrastructure |
| 30b, 30c, 51, 52, 53, 56a, 56c- d, 58 | Section 647 – Other Trunk Infrastructure |

13. APPEAL RIGHTS

Appeal Rights are set out in Schedule 2.

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

Yours sincerely

Richard Jenner

Development Assessment Manager

SCHEDULE 1—Conditions and Advices

Part 1a—Conditions imposed by the assessment manager

Part 1b —Advice Notes

Part 1c - Property Notes

Part 2—Concurrence agency conditions

SCHEDULE 2—SPA extract on appeal rights

SCHEDULE A – Headlands Coastal Community Plan of Development

APPROVED PLANS

ADOPTED INFRASTRUCTURE CHARGES NOTICE



SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A - CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

ALL DEVELOPMENT

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.
- 3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

Assessment Provisions

4. This approval varies the effect of the Bundaberg Regional Council Planning Scheme 2015 to the extent that reconfiguring of approved lots and development on the approved lots must be undertaken in accordance with the tables of assessment and codes included in the Headlands Coastal Community Plan of Development.

Date Development Must be Completed By (Lapsing Date)

5. 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.

Building Envelopes

- 6. Submit and have approved by the Assessment Manager a Building Envelope Plan for the lots within the Headlands Small Lot Residential Precinct, as shown on **Approved plans (Master Plan)**, that:
 - a. is prepared by a surveyor;
 - b. identifies by metes and bounds the approved building envelope for each lot identified on the Approved Plans as having a building envelope, having:
 - i. a minimum street frontage setback of 3 metres;
 - ii. a minimum side boundary setback of one metre, or where within one metre of the side boundary, the envelope has a maximum height of 3.5 metres and a length parallel to the boundary no longer than 12 metres of 50% of the total side boundary length, whichever is the lesser.
 - iii. a minimum rear boundary setback of 1 metre, where a maximum height of 3.5 metres, or 6 metres, where a maximum height of 9 metres;
 - iv. a maximum building height of two storeys, or 9 metres; and
 - v. a maximum site cover of 60%; and
 - c. dimensions each building envelope to a point on the lot boundary with a minimum area of 200 m² unless otherwise identified on the Approved Plans; and

Once approved, the amended plans will form part of the Approved Plans for this development and amendments to the Building Envelope can only be made with the agreement of the Assessment Manager. Any agreement must be obtained in writing.

7. All future dwellings and buildings on the approved lots within the Headlands small lot residential precinct, must be sited and constructed in accordance with the approved building envelopes and dwelling controls (ie. the "Plan of Development") shown on the Approved Plans. A copy of the approved Plan of Development must be included in the contract of sale for the approved lots, together with a clause which requires future dwellings to be constructed in accordance with it.

Building Design – Dwelling house in Headlands small lot residential precinct

- 8. Any roof decks or viewing platform must have a setback at least 1.5 metres from the side boundary and a floor level no more than 7 metres above ground level or 1.5 metres less than the overall height, whichever is less.
- 9. All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like, except where required to satisfy any privacy condition of this Decision Notice.
- 10. Unbroken lengths of wall must not exceed:
 - a. 15 metres for walls up to 3.5 metres in height;
 - b. 7.5 metres for walls greater than 3.5 metres in height.

Note: For the purpose of this acceptable outcome, 'Unbroken length of wall' includes any continuous section of wall without a full height separation or recess:

- (a) Greater than 0.5 metres deep; and
- (b) Greater than one metres wide.

Privacy – Dwelling house in Headlands small lot residential precinct

- 11. To ensure privacy is protected between adjoining properties, any windows located on the upper level of buildings where overlooking an adjoining property must either:
 - a. have a minimum window sill height of 1.7 metres above floor level;
 - b. be fitted with translucent glazing;
 - c. be fitted with a fixed external screen;
- 12. To ensure privacy is protected between adjoining properties, any upper level balcony where facing an adjoining balcony or window, must include either balcony planter boxes, balustrading or fixed external screens, positioned in such a way to obscure direct views into the habitable room windows or private open space areas of the adjoining property.

Construction Management

- 13. Unless otherwise approved in writing by the Assessment Manager, do not undertake building work in a way that makes audible noise:
 - a. On a business day or Saturday, before 6.30 am or after 6.30 pm; or
 - b. On any other day, at any time.
- 14. Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.

15. Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.

These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

Turtle Sensitive Lighting

16. Where assessable development regulated by this preliminary approval relates to building work or a material change of use, internal lighting must be shaded through glass tinting on all windows facing or seen from the beach with a transmittance value of 45% or less.

Water

17. Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. Works must include network modelling with internal main sizing to be finalised as part of an application for Operational Works.

Sewerage

18. Provide a reticulated sewerage service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works generally as indicated in Empire Engineering Drawings Sewerage Reticulation Plans CC2995 CON 04 and 05 Issue D4. The nominated point of connection to Council's reticulated sewerage network is sewerage maintenance hole SMH13162 (Discharge Pit) located on the south eastern corner of the Back Windermere Road and Poinciana Drive Intersection.

DEVELOPMENT PERMIT

Easements

- 19. Lodge for registration at the office of the Land Registry the following easement(s):
 - an access and services easement having a minimum width as indicated on the Approved Plans to the benefit of proposed Lot 501. Note: this access easement will no longer be required when the new roadway is constructed;
 - b. stormwater drainage easements having a minimum width of three (3) metres or as determined in an application for Operational Works, whichever is the greater, to the benefit of Council that includes:
 - all stormwater overland flow paths traversing the subject site from upstream catchments (even where such areas where the flows would be covered by a road or reserve) with such easements to be registered in the first stage of development;
 - ii. Q100 ARI stormwater overland flow paths traversing the subject site. Where paths traverse a balance lot they may be partial (stub) easements with additional non-interference clauses to the satisfaction of the Assessment Manager; and
 - iii. any stormwater main existing or proposed to traverse the land located within the easement and a minimum of one (1) metre from the easement boundary;
 - c. stormwater drainage easements over the proposed stormwater treatment facilities (even where such areas would be covered by a road or reserve) as identified on the Approved Plans or as determined in any approval for operational works to the benefit of Council;

- d. sewerage easements having a minimum width of three (3) metres to the benefit of Council that includes any sewerage main (including pressure mains) existing or proposed traversing the land located within the easement and a minimum of one (1) metre from the easement boundary; and
- e. water supply easements having a minimum width of three (3) metres to the benefit of Council that includes any water main existing or proposed traversing the land located within the easement and a minimum of one (1) metre from the easement boundary.
- 20. Draft easement documentation must be submitted to the Assessment Manager for endorsement.
- 21. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.
- 22. Ensure that any easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plans or the conditions of this approval. Proof of the registration or surrender of any easements are to be submitted to the Assessment Manager at the time of the submission of a Plan of Subdivision for compliance assessment and signing.

Electricity, Lighting and Telecommunications

- 23. Enter into an agreement with an approved electricity provider, to ensure that underground electricity will be available to each lot under standard tariff conditions and without further capital contributions. Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the relevant Plan of Subdivision.
- 24. Padmount transformers must be located within the road reserve fronting proposed or existing park or drainage reserves, unless otherwise agreed in writing by the Assessment Manager.
- 25. Street lighting to new roads, multi-modal pathways and intersections must be by way of provision of underground conduits and cables, poles and street lights. The design and provision of street lighting must be in accordance with Australian Standard 1158:2005. The applicable lighting category is P5 with aeroscreens for all roadways.
- 26. Street and park lighting must be the most energy efficient, dark sky compliant (which prevents the light from escaping upward and direct light down and away from the beach) and amber lighting available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015). Ergon Rate 3 Lighting must only be used with the specific approval of the Assessment Manager.
- 27. Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot.
 - Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.
- 28. Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure *Guidelines for Developers*, to the satisfaction of the Assessment Manager.

Fences

29. Any fencing for lots within Stage 1 and interface with the proposed Headlands Community Reserve is to consider CPTED principles and have a maximum height of 1.2 metres.

Land Dedication

- 30. Dedicate land shown on the Approved Plans as follows:
 - a. Land identified as road must be dedicated to the state as road reserve with plan sealing for each relevant stage, unless specifically listed in another condition;
 - At the first relevant stage adjoining the proposed Lot 502 (stage module 11), land identified as proposed Lot 502 must be dedicated to the state as drainage reserve; and
 - c. At the sealing of survey plans for the first stage, land identified as proposed Lot 503 must be dedicated as reserve for park.
- 31. The land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses.

Landscaping

- 32. An overall landscape plan must be submitted to and approved by the Assessment Manager as part of the first application for Operational Works. The plan must be generally in accordance with the Approved Plans, excluding agreed embellishment structures contained within proposed Lot 503 and Lot 3 on SP182595 and have regard to the conditions of this approval and include, but not be limited to, the following features:
 - a. The area or areas set aside for landscaping;
 - b. A schedule of all proposed trees, shrubs and ground covers to be used in landscaping including the utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided). No exotic plants are to be specified;
 - c. Details of any major landscaping structures, including entrance statements;
 - d. A strategy for street tree planting proposed within the road reserves;
 - e. Details of any landscaping works proposed to 'Headlands Community Reserve' as shown on Concept Kalina Creek Rehabilitation Plan A1012 Revision A dated 18.01.16, including the consideration of CPTED principles for the pathway;
 - f. Details of any other landscaping works proposed to 'Headlands Village Green' as shown on *Approved plan (Masterplan)*;

Once approved, the Landscape Plan will form part of the Approved Plans for this development.

- 33. Submit with the Operational Works application for each stage, a further detailed landscape plan relevant to each stage, generally in accordance with the overall plan within the above condition which includes:
 - a. The area or areas set aside for landscaping;
 - b. Location and name of existing major trees;
 - c. The existing trees to be maintained;
 - d. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:

- i. The location and sizes at planting and at maturity of all plants:
- ii. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided). No exotic plants are to be specified;
- The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
- f. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
- g. Details of any landscaping structures, including entrance statements;
- h. Details of cutting and filling and all retaining structures and fences and associated finishes.

Note: Where applicable property boundary garden/landscape bed edge walls must be provided with sleeper or equivalent retaining walls to contain the garden material within the site. Such walls must be constructed to a height that is at or above the adjacent kerb;

- i. Contours or spot levels if appropriate;
- j. Fence size and materials where applicable;
- k. Inclusion of a controlled underground or drip irrigation system where applicable. Note: Any such system is to be fitted with an approved backflow water prevention device
- Location of any drainage, sewerage and other underground services and any overhead power lines;
- m. Detail of proposed street trees within the road reserve.
- 34. Complete landscaping shown on the endorsed plans in association with each relevant stage and maintain all landscape works in accordance with the approved design for a period of 24 months from the date works are accepted on maintenance.

New Street Names

- 35. Street names must be submitted to and approved by the Assessment Manager prior to the commencement of Operational Works associated with this approval. A written request for the proposed naming of streets must be submitted that includes three (3) suggested road names for each new street in the development that:
 - a. Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:
 - i. Historical persons / Historical place names;
 - ii. Other relevant aspects (eg. local flora and fauna); and
 - iii. Themed street names. Where 'themed' names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;
 - b. Are nouns and generally contain one (1) word. Composite words may be acceptable when they supplement the primary name; and
 - Are unique and unambiguous to the Bundaberg Regional Council local government area.

(Note: where a street is extended, the new section created will retain the name of the street extended.)

36. Supply and erect all necessary street signs and posts.

Pathways, Park and Bridge

- 37. a. Provide a Coastal Principal Path (turtle trail three (3) metres wide) in accordance with Council's Plans for Trunk Infrastructure at the location generally provided on the Approved Plans (Masterplan). Such pathway is to be contained either in the roadway or a future or existing park. The pathway must be provided at the adjacent module.
 - b. Provide a minimum 1.8 m wide concrete path on the northern side of the proposed Headlands Community Reserve. The path must link to the Coastal Principal Path and Logan Road. This path is to be provided with bollard lighting at key nodes Logan Road, Esplanade and the central entry in Stage 1 generally as shown on the amended Masterplan.
- 38. Provide a Pathway Bridge to the satisfaction of Council across Kalina Creek to link the Principal Path by the earlier of 30 June 2026 or completion of module 16.

Roadworks and Access

- 39. Intersection designs and speed restriction devices must be in accordance with Main Roads Road Planning and Design Manual and, where applicable, Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
- 40. Provide truncations to all street intersection types to a minimum of six (6) metre three (3) chord configuration unless adjacent to proposed Lots 1 and 110 and 226 and 227 where the truncation must be increased to accommodate the proposed roundabouts. The truncation must be dedicated as road reserve.
- 41. At the first stage of development:
 - a. provide a BAL type intersection at Innes Park Road and Logan Road adjusted to suit the existing infrastructure; and
 - b. provide works, such as physical barriers and appropriate signage, as necessary to physically close the Cockerill's Road and Logan Road intersection. The specifics must be determined as part of an application for Operational Works, however, such works must make allowance to:
 - i. restrict construction traffic to Logan Road; and
 - ii. ensure that Cockerill's Road remains open until the completion of Stage 1 works.
 - c. provide Trunk Collector roadway in Logan Road with a paved width of a minimum of 12 metres from the southern property boundary of the subject land to the northern boundary of 131 Logan Road, or such lesser distance as agreed by the Assessment Manager.
- 42. Construct all new roads in accordance with the *Approved Plans* and with the following requirements:
 - a. All roadways must be sealed with asphaltic concrete.
 - b. Provide concrete kerb and channelling on each side of all roadways to the relevant standard.
 - c. The Access Place or cul-de-sac roadway reserve must be of a minimum dedication width of fifteen (15) metres and must be paved to a width seven (7) metres measured between nominal kerb lines:

- d. The Access Street roadway reserve must be of a minimum dedication width of fifteen (15) metres and must be paved to a width of eight (8) metres measured between nominal kerb lines;
- e. The Collector Street roadway reserve must be a minimum dedication width of twenty (20) metres and must be paved to a width of nine (9) measured between nominal kerb lines;
- f. The Trunk Collector roadway reserve being Logan Road must be an ultimate minimum dedication width of twenty-five (25) metres and must be paved to a width of twelve (12) metres (roadway) measured between nominal kerb lines. Works must:
 - i. be to the full property frontage;
 - ii. be provided not later than with the adjacent stages; and
 - iii. be extended to Poinciana Drive in the north by module 24;
- g. The Trunk Collector roadway reserve being Esplanade Road must be an ultimate minimum dedication width of twenty (20) metres and must be paved to a width of twelve (12) metres, or such lesser width as agreed by the Assessment Manager, measured between nominal kerb lines; and
- h. Cul-de-sac bulbs must be provided with a minimum twenty (20) metre turning circle measured from the nominal kerb line.
- 43. Where the staged road layout does not allow a commercial vehicle to manoeuvre within the roadway in a forward gear, provide a temporary sealed turn-around facility. The temporary turn-around facilities must be in accordance with an Operational Works approval and provide a minimum twenty (20) metre turning circle, measured from the edge of the pavement.
- 44. At the second stage of development provide a minimum continuous six (6) metre sealed pavement in Logan Road to Poinciana Drive and prioritise the Poinciana Drive and Logan Road traffic flow;
- 45. Provide three roundabouts in locations shown on the *Approved Plans (Master plan)*, when undertaking associated roadworks.
- 46. Prior to submitting the Plan of Subdivision incorporating the 120th Lot:
 - widen the existing Logan Road from the northern boundary of 131 Logan Road to the intersection with Innes Park Road, to a minimum carriage width of nine (9) metres;
 - b. provide a sealed BAR type intersection at Back Windermere Road and Poinciana Drive

The pavement specifics must be determined as part of an application for Operational Works.

Rock

47. Unless otherwise approved by the Assessment Manager, no rock breaking is to be undertaken outside of trenches and no rock crushing is to be undertaken.

Rural Land Interface

48. Agricultural activities, including grazing are not to be undertaken within 40 metres of each stage boundary on the balance lots area. Appropriate treatments to restrict access may include fencing or similar.

Sewerage

49. Make provision for a new sewerage connection suitable to meet the requirements of the development. All live sewer work, including the point of connection, must be undertaken by Council.

- 50. Except where perpendicular to or intersecting with a property boundary, a sewer main must not be situated closer than 1.5 metres to a property boundary, unless otherwise approved by the Assessment Manager.
- 51. At the first stage of development, provide and commission to the satisfaction of Assessment Manager the sewerage pump station in accordance with Council standard plan Bundaberg City Council Plan Number 15970 and provide a pressure main to the Discharge Pit, generally in accordance with the approved plans, and described, but not limited to, as follows:
 - dedicate to Council, Lot 501 as the pump station lot (SPS1) and 20 m access and utilities easement (SPS1 Easement) with terms and conditions acceptable to Assessment Manager;
 - b. provide a minimum 3 metre all weather access from within the SPS1 easement;
 - c. provide a minimum 50 mm potable service;
 - d. immediately upstream of the Discharge Pit provide sewer discharge maintenance hole (Surcharge Pit) to Bundaberg Regional Council standard plan S1001;
 - e. provide a two stage rising main to the satisfaction of the Assessment Manager with a low flow pressure main from SPS1 to the Surcharge Pit and high flow pipe to RM3; and
 - f. provide security fencing and landscape screening, designed to the satisfaction of the Assessment Manager, around and within SPS1 so that the infrastructure will be effectively screened and provide a high degree of amenity.
- 52. At the first stage of development provide the trunk 225 mm gravity sewerage mains from GM1 to SPS1 via GM2 GM4. The sewerage specifics must be determined as part of an application for Operational Works.
- 53. Provide the trunk 225 mm gravity sewerage mains between:
 - a. GM5 and GM4 at the earlier of the adjacent modules or completion of the adjacent road works to Logan Road; and
 - b. GM6 and GM4 at the earlier of the adjacent modules or completion of the adjacent road works to Lot 32 on RP 893359.

Staging

- 54. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order and the developer may sub-stage the release of any or all allotments in that stage, as indicated on the Approved Plans provided that:
 - a. All sewerage infrastructure works relating to the provision of a new pump station occurs with the first stage of the development, including the provision of gravity mains, as listed herein:
 - b. All new roads on the **approved plans for Stage 1** are dedicated with the first stage of development;

- c. All roadworks and necessary infrastructure works to facilitate the provision of continuous sealed pavement in Logan Road and intersection works at Back Windermere Road and Poinciana Drive, occurs at the second stage of development;
- any road access and infrastructure services required to service the particular stage are constructed with that stage.
- 55. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

Stormwater

- 56. Install a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and Queensland Urban Drainage Manual, and must include in particular:
 - a. the works shown on the Approved Plans and the works as described in section 3.3, 3.8 and 3.9 of the Empire Engineering *Site Based Stormwater Management Plan* (dated March 2016 Revision D) except as listed herein and with the exception of the following:
 - upstream flows from Lot 34 (northern Catchment) and Poinciana Drive/existing Logan Road must be conveyed in underground drainage directly to the Headland Village Green water sensitive urban design area (WSUD area);
 - ii. Update the SBSMP to include the proposed viewing area/ Park between proposed Lots 8 and 9 and document the works necessary to ensure that the flows in the area are not directly, indirectly changed from the existing conditions in Kalina Creek in a manner that would worsen drainage conditions;
 - iii. provide the works identified in the SBSMP within Kalina Creek (proposed Headlands Community reserve) and undertake revegetation of the area in accordance with an approved remediation plan. The drainage specifics must be determined as part of an application for Operational Works.
 - b. Shape the surface of each lot to drain directly to either a Road or Drainage Reserve, as no inter-allotment drainage will be permitted, unless it can be demonstrated that Lot filling, shaping, retaining walls or other methods are not practical. Should inter-allotment drainage be accepted for use by Council, interallotment drainage for Q100 ARI flows must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual. The drainage specifics must be determined as part of an application for Operational Works;
 - c. Lateral underground drainage in Logan Road must be to a minimum Q50 ARI standard, unless stated herein, with no afflux to upstream lots. For Kalina Creek Crossing the lateral drainage must also either:
 - i. be designed with the associated downstream catchment for Kalina Creek crossing modified to maintain the pre-development flows; or
 - ii. must be as follows:
 - A. generally in accordance with the recommendations of the SBSMP;

- B. be accompanied with the registration of a Q100 ARI easement in Lot 34 on RP194899 prior to the commencement of works; and
- C. result in no increase in water surface level in Lot 33 on RP194899 immediately upstream of Lot 34;
- d. Lateral underground drainage within the subject land must be provided under the proposed new access roads to a minimum standard of Q10 ARI;
- e. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, i.e., a piped system with a capacity to cater for Q5 residential and Q10 ARI flows for all other uses, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;
- f. Where an overland component of the Q100 ARI flows must be conveyed to an open drain or outlet including in a balance parcel, such open drains must:
 - i. Have capacity for Q100 flows from the existing upstream catchments and this development with a minimum 150 mm freeboards;
 - ii. Have a maximum batter slopes 1V: 6H;
 - iii. Have a maintainable invert; and
 - iv. Drain invert must meander within the general alignment to present a natural appearance; and
- g. The design for the site drainage system and fill, must be undertaken so that flows from adjacent properties will not be impeded by the development, unless as specifically listed herein.
- 57. The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2014, the Empire Engineering Site Based Stormwater Plan March 2016 (Rev D) and the Bundaberg Regional Council Stormwater Management Strategies. A Site Based Stormwater Management Plan and Erosion and Sediment Control Management Plan (SBSMP), inclusive of long term maintenance measures, must be submitted as part of an application for Operational Works outlining how the Stormwater Quality Improvements in both the construction and operational phases of the development will be achieved with special note of stages to ensure that WSUD outcomes are met at all times.
- 58. The Headland Village Green water sensitive urban design area (WSUD area) contained in the SBSMP must prior to the construction of the first stage directing water into the WSUD area:
 - a. be designed, to the satisfaction of the Assessment Manager, by an organisation with specific expertise regarding the detailed design of wetlands;
 - b. be commissioned to the satisfaction of Council, and
 - c. must be maintained and operated for a period of not less than 2 years after the last stage of development directing stormwater into the WSUD area in accordance with an agreed *Wetland Operation and Maintenance Plan* and is then to be transferred generally in accordance with the waterbydesign guideline for the *Transfer of Vegetated Stormwater Assets*.

Water

59. At the time of the first development application for operational works, provide network modelling and layout plans indicating the main sizing internal to the development.

- 60. A 150 mm water main must be provided in Logan Road to service the development. The main (Looped Main) must be positioned on the eastern side of Logan Road and must extend the existing 150 mm main in Logan Road to the existing main in Poinciana Drive. The Looped Main must be completed at the earlier of:
 - a. the module indicated in the network modelling;
 - b. module 24; or
 - c. when the Logan Road kerb and channel is extended to Poinciana Drive.
- 61. Arrangements for the installation of any metered service and sub-meters, or removal of an existing service, are to be made with Council's Operations Centre. All works are to be undertaken by Council at the Developer's expense.
- 62. A fire hydrant, or equivalent and sluice valve must be provided at the termination of reticulation at the Stage boundaries.

Infrastructure Agreement

63. The developer must comply with the requirements of the Headlands Coastal Community Infrastructure Agreement.

PART 1B - ADVICE NOTES

ALL DEVELOPMENT

Nature and Extent of Approved Development

- A. Any subsequent development on the approved subject site (as per *Approved Plans* (*Masterplan*) is to be in accordance with the approved Headlands Coastal Community Development Plan included as a Schedule in this decision.
- B. Any subsequent development works or application made over the land to which this Preliminary Approval applies must comply with the terms of the Headlands Coastal Community Infrastructure Agreement 2017.
- C. This Decision Notice does not represent an approval to commence Building Works.

Fencing

- D. Should any existing fence not comply with the requirements of this approval, the existing fence must be replaced in accordance with the requirements of this approval.
- E. 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

F. 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 the Plan of Subdivision being endorsed by the Assessment Manager.

Environmental Harm

G. 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 effect, or potential adverse effect 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.

Signage

H. An Operational Works permit is required to be obtained for all signs and advertising devices associated with the development that do not comply with the self-assessable criteria of the Planning Scheme in effect at the time of the proposed works.

Operational Works

I. This Decision Notice does not represent an approval to commence Operational Works. Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment.

Acid Sulfate Soils

J. An acid sulfate soils management plan will be required to be submitted as part of an application for Operational Works.

Water & Sewer Connections

- K. Council permits one water property service only 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;
- L. Water and sewer connections to Council infrastructure will not be granted until approval is issued from Service Provider. An application for water and/or sewer connection for proposed development is to be made to the Service Provider through any one of Council Service Centre's. Water & Wastewater Operations & Reticulation Section requests the following requirements to be lodged with application:
 - Site plan;
 - Floor plan;
 - Hydraulic plans showing proposed meter locations and sizes;
 - All plans are to be scaled and at minimum size of A3.
- M. The Developer is to make arrangements with Council for the provision of a new point of connection, at the Developer's expense, to satisfy the requirements of the development.
- N. All live sewer work, including the main replacement and new sewer point of connection, are to be undertaken by Council at the Developer's expense.

Temporary Closure of Cockerill's Road

O. A resolution of Council will be required to temporarily close Cockerill's road. The Developer is requested to provide Council with a minimum of three (3) months notice prior to the proposed closure.

PART 1C - PROPERTY NOTES

P1. Development Approval 325.2016.45639.1 – Building Envelopes

The following notation applies to approved Lots 300 - 330:

Building Envelope restrictions apply in respect to the use and development of this property. A copy of the Plan of Development and Building Envelope Plan is available from the Council. Landowners or purchasers are strongly advised to seek further details by contacting the Council's Development Assessment Branch.

PART 2—CONCURRENCE AGENCY CONDITIONS

The Department of Infrastructure, Local Government and Planning, by letter dated 7 June 2017 (copy letter attached for information).

SCHEDULE 2 – PA EXTRACT ON APPEAL RIGHTS

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to-
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note — See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—

- (a) the respondent for the appeal; and
- (b) each co-respondent for the appeal; and
- (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The service period is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
- (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to-
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or

- (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
- (i) a decision to give an infrastructure charges notice; or
- (j) the refusal, or deemed refusal, of a conversion application; or
- (k) a matter that, under another Act, may be appealed to the tribunal; or
- a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal 2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application. Column 1 Column 2 Column 3 Column 4 **Appellant** Respondent Co-Co-respondent by election (if any) respondent (if any) The 1 The applicant If an affected 1 A concurrence agency for the development responsible entity starts Application 2 If the responsible entity the appeal— 2 If a chosen assessment manager is the entity is the the applicant respondent—the prescribed assessment manager assessment manager-an 3 A private certifier for the development application affected entity 4 Any eligible advice agency for the change that gave a preapplication request notice or response notice 5 Any eligible submitter for the change application

Note:

Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waiver the 20 day appeal period available under the *Planning Act 2016*.

SCHEDULE 3 – RIGHT OF APPEAL WAIVER



Mail To: Bundaberg Regional Council

Email Address: development@bundaberg.qld.gov.au

Attention: Development Assessment

RE:

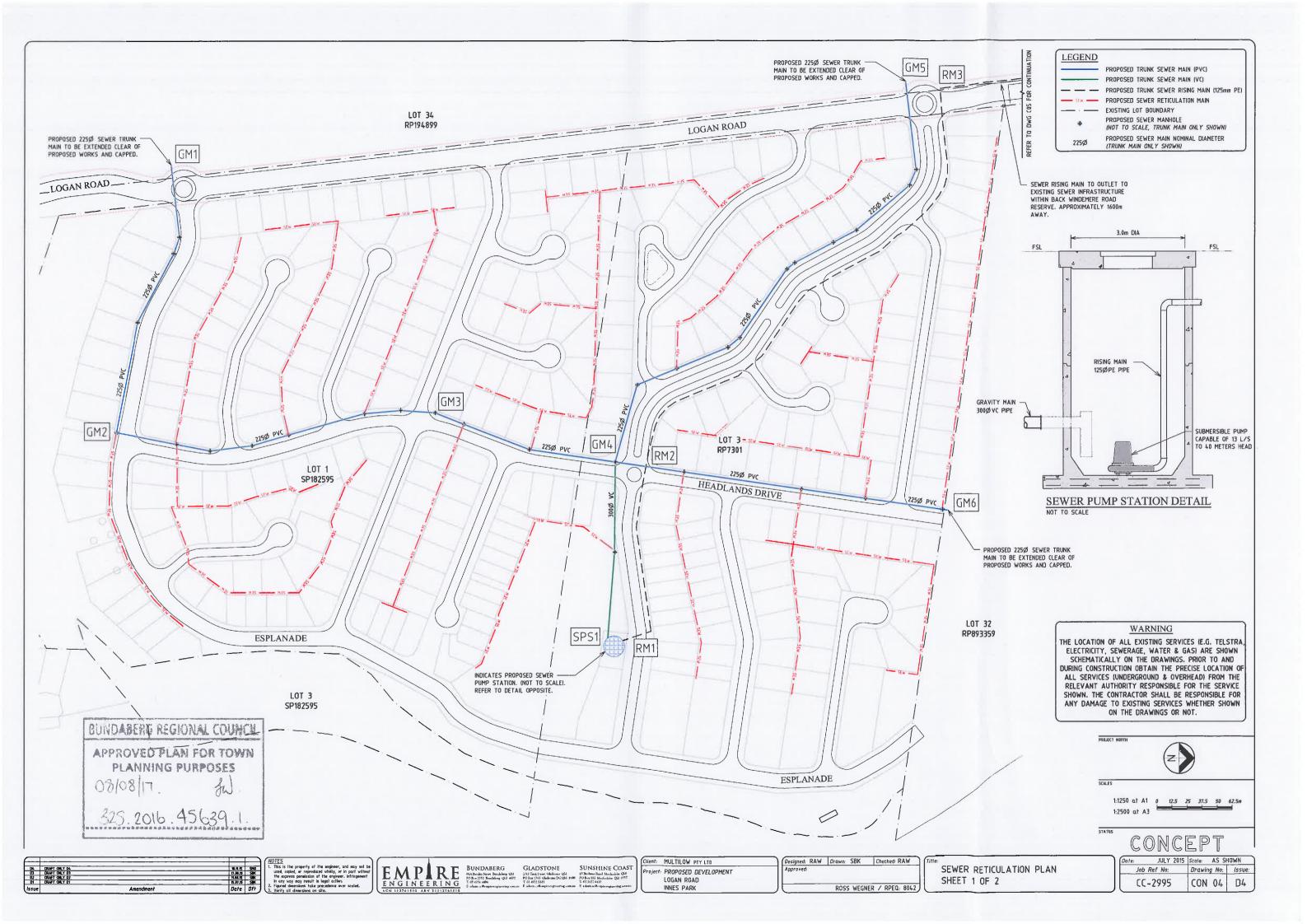
Council reference: 526.2019.173.1

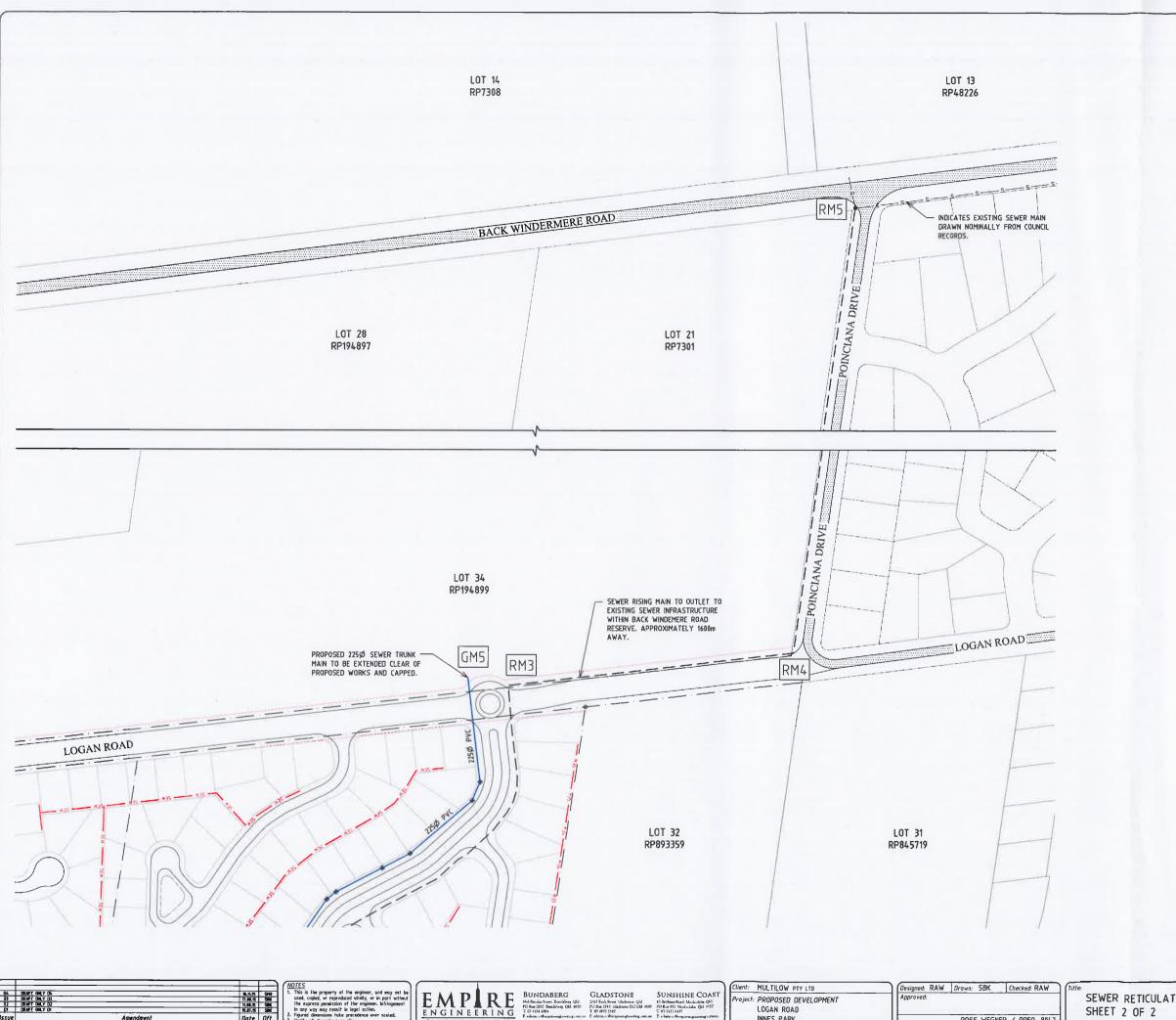
Property Address: Logan Road Innes Park; land described as Lot 1 on SP182595 and

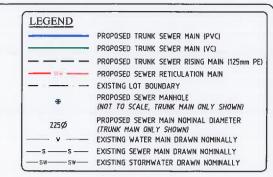
Lot 3 on RP7301

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 *Planning Act 2016.*

| Applicants Name: | |
|------------------|--|
| Signature: | |
| Date : | |







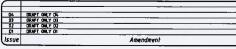
BUNDABERG REGIONAL COUNCIL APPROVED PLAN FOR TOWN PLANNING PURPOSES 08/08/17. 325.2016.45639.1.

WARNING

THE LOCATION OF ALL EXISTING SERVICES (E.G. TELSTRA, ELECTRICITY, SEWERAGE, WATER & GAS) ARE SHOWN SCHEMATICALLY ON THE DRAWINGS. PRIOR TO AND DURING CONSTRUCTION OBTAIN THE PRECISE LOCATION OF ALL SERVICES (UNDERGROUND & OVERHEAD) FROM THE RELEVANT AUTHORITY RESPONSIBLE FOR THE SERVICE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING SERVICES WHETHER SHOWN ON THE DRAWINGS OR NOT.



1:1250 at A1 0 12.5 25 37.5 50 62.5m 1:2500 at A3



LOGAN ROAD

ROSS WEGNER / RPEQ: 8042

SEWER RETICULATION PLAN SHEET 2 OF 2

Date: JULY 2015 Scale: AS SHOWN Job Ref No: Drawing No: Issue: CON 05 D4 CC-2995

