

28 July 2022

South Beach Elliott Heads Pty Ltd
C/- Insite SJC
via email: randall@insitesjc.com.au

Attention: Randall

Dear Mr Barrington

RE: – Change Application for Minor Change to Preliminary Approval (Master Planned Community) at Breusch Road, Dorflers Road and Elliott Heads Road, Elliott Heads 4670; land described as Lot 81 & Lot 82 on CK495, Lot 1 on RP53148, Lot 10 on SP220665 and Lot 1 on RP113567;

Thank you for your Change Application for Minor Change to Preliminary Approval (Master Planned Community) at Breusch Road, Dorflers Road and Elliott Heads Road, Elliott Heads 4670; land described as Lot 81 & Lot 82 on CK495, Lot 1 on RP53148, Lot 10 on SP220665 and Lot 1 on RP113567 lodged with Council on 18 May 2022.

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

Please quote Council's application number: 526.2022.341.1 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 Scott Irwin on telephone 1300 883 699.

Yours sincerely

Richard Jenner
Manager Development Assessment

ENCL.

- **DECISION NOTICE – Change Application**
- **APPROVED PLANS**



Decision notice — change application

(Given under section 83 of the Planning Act 2016)

Thank you for your Change Application made under section 78 of the *Planning Act 2016* received by the Bundaberg Regional Council on 18 May 2022 for the development approval dated 19 August 2013. Please be aware the Bundaberg Regional Council has assessed your application and decided it as follows:

1. Applicant's details

Name: South Beach Elliott Heads Pty Ltd
Postal Address: C/- Insite SJC
Email: randall@insitesjc.com.au

2. Location details

Street address: Breusch Road, Dorflers Road and Elliott Heads Road, Elliott Heads 4670
Real property description: Lot 81 & Lot 82 on CK495, Lot 1 on RP53148, Lot 10 on SP220665 and Lot 1 on RP113567
Local government area: Bundaberg Regional Council

3. Details of Original Approval

Preliminary Approval for Material Change of Use (Master Planned Community)
Date of Approval: 19 August 2013
Application Number: 322.2007.51238.1

4. Details of the proposed development

Minor Change application to Material Change of Use for a Master Planned Community.

5. Decision for change application

Date of decision: 28 July 2022

Decision details: The Bundaberg Regional Council has decided to:
Make the change and amend existing conditions. Please refer to Schedule 1.

The changes agreed to are:

1. Amend Section 4.1 and delete section 4.2 – Approved plans

2. Amend Section 8.2(b)
3. Amend condition 1 – Approval (General)
4. Amend condition 6.2 and 6.3 – Development Controls – Future Application
5. Amend condition 18 - Stormwater

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 changes approved on 28 July 2022.
Changes are in ***bold italics***.

22 August 2013

Elliott Heads Estate Pty Ltd
c/- Randall Barrington Town Planning P/L PO
Box 8054
BARGARA OLD 4670

Development Application Decision Notice (Part Approval/Part Refusal)

Integrated Planning Act 1997 Section 3.5.15

Dear Mr Barrington

RE: - Development Applications:

- 322.2007.51238.1 Preliminary Approval for Material Change of Use for a Master Planned Community (including, low, medium and high density urban residential development, commercial development, and community land uses) including a component overriding the Planning Scheme under section 3.1.6 of the *Integrated Planning Act 1997*;
- 322.2007.51019.1 (Development Permit for Material Change of Use for Public Utility Undertaking - Sewerage Treatment Plant); and
- 322.2007.51020.1 (Development Permit for Material Change of Use for Public Utility Undertaking - Water Treatment Plant)

over land situated at Atkinsons Road, Shine street, Welch Street, Saunders Street, Rule Street, Moore Street, Elliott Heads Road, Raines Road, Breusch Road, Dorflers Road, Harts Road, ELLIOTT HEADS; described as Lots:

Lot: 77 CK: 495	Lot: 91 CK: 495	Lot: 17 RP: 7354	Lot: 6 RP: 89911
Lot: 78 CK: 495	Lot: 97 CK: 495	Lot: 18 RP: 7354	Lot: 7 RP: 89911
Lot: 79 CK: 495	Lot: 135 CK: 767	Lot: 2 RP: 7355	Lot: 25 RP: 89911
Lot: 80 CK: 495	Lot: 89 CK: 1443	Lot: 2 RP: 49524	Lot: 1 RP: 113567
Lot: 81 CK: 495	Lot: 90 CK: 1443	Lot: 1 RP: 50368	Lot: 1 RP: 152664
Lot: 82 CK: 495	Lot: 26 EH: 1875	Lot: 2 RP: 0368	Lot: 5 RP: 806935
Lot: 85 CK: 495	Lot: 8 RP: 7353	Lot: 1 RP: 0372	Lot: 88 CK: 495
Lot: 86 CK: 495	Lot: 9 RP: 7353	Lot: 2 RP: 0372	Lot: 16 RP: 7353
Lot: 87 CK: 495	Lot: 10 RP: 7353	Lot: 1 RP: 3148	Lot: 10 SP: 220665
Lot: 1 RP: 74477	Lot: 6 SP: 182631	Lot: 5 SP: 82631	(formerly described as Lot: 3 RP: 214907)

Burnett Shire Planning Scheme 2006

I refer to the above-described development application/s, received by Council on 13 June 2007 and 29 June 2007. These applications have been assessed by Council and determined under delegation at the Planning Committee Meeting held on the 19 August 2013.

1. Details of Approval

- Preliminary Approval for Material Change of Use for a Master Planned Community (including, low, medium and high density urban residential development, commercial development, and community land uses), generally in accordance with Approved Plans No. MP-05(G) and MP-06(B), including a component overriding the Planning Scheme under section 3.1.6 of the *Integrated Planning Act 1997*, representing an approval of Development Application No. 322.2007.51238.1 subject to conditions.

2. Details of Refusal/s

- Development Permit for Material Change of Use for Public Utility Undertaking - Sewerage Treatment, depicted on Drawing No.7214/28/001 (Sewerage Treatment Plant) representing Development Application No. 322.2007.51019.1 is REFUSED.
- Development Permit for Material Change of Use for Public Utility Undertaking Water Treatment, depicted on Drawing No.7214/28/003 (Water Treatment Plant) and representing Development Application No. 322.2007.51020.1 is REFUSED.

Grounds of refusal -

- 1) The development proposal in Development Application No. 322.2007.51019.1 provides for infrastructure servicing (sewerage treatment) which does not accord with Council's regional sewerage network strategy and the Elliott Heads Estate Infrastructure Agreement;
- 2) The development in Development Application No. 322.2007.51021.1 provides for infrastructure servicing (water treatment) which does not accord with Council's planned and programmed water reticulation strategy and the Elliott Heads Estate Infrastructure Agreement.

3. Referral Agencies

3.1 Development Application No.

322.2007.51238.1: Concurrence Agencies:

- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Contaminated Land;
- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) - Vegetation Management;

Our Reference: 322.2007.51238.1; 322.2007.51019.1; 322.2007.51020.1
Your Reference: BSC104
Contact Person: Mr Richard Jenner

- o Queensland Transport (now Department of Transport and Main Roads) - Public Passenger Transport and Railways.

Advice Agencies:

- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) - Acid Sulfate Soils;
- o Department of Primary Industries and Fisheries (now Department of Agriculture, Fisheries and Forestry) - Fish Habitat Area;
- o Department of Local Government Sport and Recreation (now Department of State Development, Infrastructure and Planning) - Preliminary Approval (section 3.1.6 of the *Integrated Planning Act 1997*); and
- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Marine Park and Wetland.

Third Party Advice:

- o Department of Housing;
- o Department of Communities (now Department of Communities, Child Safety and Disability Services);
- o Department of Emergency Services (now Department of Community Safety);
- o Queensland Police Service;
- o Queensland Health;
- o Queensland Education (now Department of Education, Training and Employment);
- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) - Service Provision (Water);
- o Telstra;
- o Power Link (Electricity); and
- o Ergon (Electricity).

3.2 Development Application No. 322.2007.51019.1:

Concurrence Agency:

- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Environmentally Relevant Activity (ERA 15(e));
- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Contaminated Land; and
- o Department of Main Roads (now Department of Transport and Main Roads).

Third Party Advice:

- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) -Agricultural Land Matters (GOAL).

3.3 Development Application No. 322.2007.51020.1:

Concurrence Agency:

- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Environmentally Relevant Activity (ERA 16); and
- o Environmental Protection Agency (now Department of Environment and Heritage Protection)- Contaminated Land;

Third Party Advice:

- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) - Agricultural Land Matters (GOAL); and
- o Department of Main Roads (now Department of Transport and Main Roads).

4. Approved Plans

- 4.1 The following documents as amended in accordance with this Preliminary Approval are the Approved Plans:

<i>Plan/Document Number</i>	<i>Plan/Document Name</i>	<i>Prepared By</i>	<i>Date</i>
<i>GC21-343-ZP (SP)</i>	<i>Elliott Heads Estate Zoning Plan – Staging Plan</i>	<i>InsiteSJC</i>	<i>29/04/22</i>
<i>GC21-343-ZP</i>	<i>Elliott Heads Estate Zoning Plan – Overall Plan</i>	<i>InsiteSJC</i>	<i>22/04/22</i>

4.2 Deleted

5. Assessment Manager's Conditions and Advices

- Assessment Manager's Conditions: As per attached Schedule 1.
Assessment Manager's Advices: As per attached Schedule 2.

6. Referral Agency's Response

6.1 Development Application No. 322.2007.51238.1 seeking Preliminary Approval overriding the Planning Scheme under section 3.1.6 of the *Integrated Planning Act 1997* for a Master Planned Residential Community. Responses were provided by the following Agencies:

Concurrence Agencies:

- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Contaminated Land - response received on 9 December 2008;
- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) - Vegetation Management - response received on 24 December 2008;
- o Department of Main Roads (now Department of Transport and Main Roads) response received on 5 April 2012; and
- o Queensland Transport (now Department of Transport and Main Roads) - Public Passenger Transport and Railways - response received on 10 October 2007.

Advice Agencies:

- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) - Acid Sulfate Soils - response received on 24 December 2008;
- o Department of Primary Industries and Fisheries (now Department of Agriculture, Fisheries and Forestry) - Fish Habitat Area - response received on 27 November 2008;
- o Department of Local Government Sport and Recreation (now Department of State Development, Infrastructure and Planning) - Preliminary Approval (section 3.1.6 of the *Integrated Planning Act 1997*) - response received on 11 September 2007; and
- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Marine Park and Wetland - response received on 28 September 2007.

Third Party Advice:

- o Department of Emergency Services (now Department of Community Safety) - response received on 6 August 2007;
- o Queensland Police Service - response received on 8 August 2007;
- o Queensland Health - response received on 13 August 2007;
- o Queensland Education (now Department of Education, Training and Employment) - response received on 6. September 2007;
- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) - Service Provision (Water) - response received on 24 December 2008 ; and

- o Power Link (Electricity) - response received on 26 July 2007.

6.2 Development Application No. 322.2007.51019.1 seeking approval for a Material Change of Use for Public Utility Undertaking - Sewerage Treatment Plant. Responses were provided by the following Agencies:

Concurrence Agency:

- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Environmentally Relevant Activity (ERA 15(e)). Permit issued by decision dated 14 April 2008;
- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Contaminated Land - response received on 27 February 2008; and
- o Department of Main Roads (now Department of Transport and Main Roads) - response received on 25 January 2008.

Third Party Advice:

- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) - Agricultural Land Matters (GQAL) - response received on 20 July 2007.

6.3 Development Application No. 322.2007.51020.1 seeking an approval for a Material Change of Use for Public Utility Undertaking - Water Treatment Plant. Responses were provided by the following Agencies:

Concurrence Agency:

- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Environmentally Relevant Activity (ERA 16) - response received on 6 September 2007; and
- o Environmental Protection Agency (now Department of Environment and Heritage Protection) - Contaminated Land - response received on 27 February 2008.

Third Party Advice:

- o Department of Natural Resources and Water (now Department of Natural Resources and Mines) - Agricultural Land Matters (GOAL) - 20 July 2007; and
- o Department of Main Roads (now Department of Transport and Main Roads)- response received 19 July 2007.

7. **Conflicts with Laws and Policies and Reasons for the Decision Despite the Conflict**

The Assessment Manager considers this decision conflicts with the following Planning Provisions:-

The decision (approval component conflicts with the following codes, planning instrument, local planning instrument, State Planning Policy or Priority Infrastructure Plan.	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict.
<p>Wide Bay Burnett Regional Plan 2031; Burnett Shire Planning Scheme 2006; State Planning Policy 1/92.</p>	<ul style="list-style-type: none"> (a) <i>The eastern part of the development site has been located in the Urban Areas designated of the Wide Bay Burnett Regional Plan 2031;</i> (b) <i>the proposed development site is well positioned adjoining the existing urban township of Elliott Heads;</i> (c) <i>appropriate standards of infrastructure (including reticulated water and sewerage supply) can be conditioned to be provided to service the development;</i> (d) <i>provision of a higher standard of urban infrastructure to this locality in association with the development is likely to provide future opportunities for existing resident/landowners to more readily access new urban infrastructure</i> (e) <i>the proposed development provides for residential and commercial development not currently provided for in the locality and is considered to provide an economic benefit to the community;</i> (f) <i>noting the date the original application was submitted to (the former Burnett Shire) Council (2007) and noting the advanced status of preparation of the Council's new Bundaberg Regional Council Planning Scheme, it is considered that the current Planning Policy designations of the land have been taken over by events, and</i>

	<i>do not represent Council's current thinking on the preferred dominant land use for this area.</i>
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8. Preliminary approval affecting the planning scheme (section 3.5.15(g) of IPA)

A Preliminary Approval to which section 3.1.6 of the *Integrated Planning Act 1997* applies is given and the assessment manager has approved a variation to the local planning instrument, being the Burnett Shire Planning Scheme 2006.

The Preliminary Approval varies the effect of the Burnett Shire Planning Scheme 2006 in the following way:

8.1 Development of the land is:

- (a) exempt development, self-assessable development and assessable development as stated in the following assessment tables of the Burnett Shire Planning Scheme 2006 as varied by this Preliminary Approval:
 - (i) Table 3.1 Assessment table-making a material change of use of premises-Business Zone (Coastal Towns Planning Area);
 - (ii) Table 3.2 Assessment table-making a material change of use of premises-Community Zone (Coastal Towns Planning Area);
 - (iii) Table 3.4 Assessment table-making a material change of use of premises - Urban Residential Zone (Coastal Towns Planning Area);
 - (iv) Table 3.5 Assessment table-development other than making a material change of use (Coastal Towns Planning Area);
- (b) for self-assessable development and code assessable development, to be assessed against the Applicable Codes identified in the assessment tables of the Burnett Shire Planning Scheme 2006 stated in paragraph (a) as varied by this Preliminary Approval;
- (c) for impact assessable development, to be assessed against all relevant provisions of the Burnett Shire Planning Scheme 2006 as varied by this Preliminary Approval.

8.2 The planning areas, zones, precincts and overlay areas identified on the Scheme Maps of the Burnett Shire Planning Scheme 2006 are

varied such that the land the subject of this Preliminary Approval is only included in the following:

- (a) the Coastal Towns Planning Area;
- (b) **the zones and precincts identified on Approved Plan No. GC21-343-ZP.**

To avoid doubt, no overlays apply to the land the subject of this Preliminary Approval.

8.3 The following assessment tables of the Burnett Shire Planning Scheme 2006 are varied as follows:

- (a) Table 3.1 Assessment table-making a material change of use of premises-Business Zone (Coastal Towns Planning Area):
 - (i) replace the row for Higher-density Housing with the following:

Assessment table-making a material change of use of premises-Business Zone (CTPA)								
Col 1	Column 2	Col3	Column4					
Type of development			Applicable codes					
Use	Qualifications		Coastal Towns Planning Area	Business Zone	Development Infrastructure & Works	Landscaping	Vehicle Parking and Access	Other
Higher-density Housing	If the maximum building height is not more than 9 metres from natural ground level to the ceiling of the topmost habitable room	Code	✓	✓	✓	✓	✓	Higher-density Housing Code
	Otherwise	Impact						

- (b) Table 3.4 Assessment table-making a material change of use of premises-Urban Residential Zone (Coastal Towns Planning Area):
 - (i) replace the row for Home-based Business with the following:

Assessment table-making a material change of use of premises-Urban Residential Zone (CTPA)								
Col 1	Column 2	Col3	Column4					
Type of development			Applicable codes					
Use	Qualifications		Coastal Towns Planning Area	Urban Residential Zone	Development Infrastructure & Works	Landscaping	Vehicle Parking and Access	Other
Home-based Business		Self						Home-based Business Code (acceptable solutions only)
	If the Home-based Business Code acceptable solutions is not complied with	Code		✓				Home-based Business Code

(ii) replace the row for Higher-density Housing with the following:

Assessment table-making a material change of use of premises-Urban Residential Zone (CTPA)								
Col 1	Column 2	Col3	Column4					
Type of development			Applicable codes					
Use	Qualifications		Coastal Towns Planning Area	Urban Residential Zone	Development Infrastructure & Works	Landscaping	Vehicle Parking and Access	Other
Higher-density Housing	<i>If located in the Medium Density Residential Precinct, where</i>							
	Aged Persons Accommodation and the proposed maximum building height is not more than that specified in Table 3.19 of the Burnett Shire Planning Scheme 2006	Code	✓	✓	✓	✓	✓	Higher-density Housing Code

Otherwise	Impact						
<i>If located in HDR1 of the High Density Residential Precinct, where</i>							
Multiple Dwelling and the proposed maximum building height from natural ground level is not more than 9 metres to the ceiling of the topmost habitable room	Code	✓	✓	✓	✓	✓	Higher Density Housing Code
Otherwise	Impact						
<i>If located in HDR2 of the High Density Residential Precinct where</i>							
Resort Hotel and the proposed maximum building height from natural ground level is not more than 6 metres to the ceiling of the topmost habitable room	Code	✓	✓	✓	✓	✓	Higher Density Housing Code
Otherwise	Impact						

(c) Table 3.5 Assessment table-development other than making a material change of use (Coastal Towns Planning Area):

(i) replace the row for Reconfiguring a lot with the following:

<i>Assessment table---development other than making a material change of use of premises-CTPA</i>			
Column 1 Type of development	Column 2 Qualifications (if any)	Column 3 Assessment category	Column 4 Applicable codes
Reconfiguring a lot		Code	Coastal Towns Planning Area Code Development and Infrastructure Works Code Reconfiguring a Lot Code

			Either the- Business Zone Code if in the Business Zone; or Community Zone Code if in the Community Zone; or Urban Residential Zone Code if in the Urban Residential Zone
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8.4 The following assessment criteria of the Burnett Shire Planning Scheme 2006 are varied:

(a) Schedule 5-Minimum Lot Areas, Frontage and Average Width:

(i) replace all rows under the heading Urban Residential Zone in the Coastal Towns Planning Area with the following:

Zone / Precinct	Minimum Area (m ²)	Minimum Frontage (m)	Minimum Average Width (m)
COASTAL TOWNS PLANNING AREA			
URBAN RESIDENTIAL ZONE			
Mixed Lot Residential Precinct	360	12 (for lots with rear lane access) 15 (for lots without rear lane access)	12
Other	600	20 ⁽¹⁾	18

¹ Recommended reading; DLGP publication "Smart Houses For Small Sites – Guidelines For Designers"

9. Further Development Permits Required

The following development permits are necessary to allow the development to be carried out:-

- Material Change of Use;
- Reconfiguration of a Lot;
- Operational Works;
- Building Works; and
- Plumbing and Drainage Works.

10. Submissions

Development Applications 322.2007.51238.1, 322.2007.51019.1 and 322.2007.51020.1 were advertised in accordance with the requirements of the *Integrated Planning Act 1997* (IPA)

10.1 In respect of Development Application 322.2007.51238.1 there were 58 properly made submissions about the application. In accordance with section 3.5.15(2)0 of the IPA, the name and address of the principal submitter for each properly made submission are as follows:-

Name of Principal Submitter	Address
Robert Terkelsen	44 Kensington Street, Norville OLD 4670
Russell Gollshewsky	12 Esplanade, Elliott Heads OLD 4670
J Lacy & K Taylor	14 Yarabah Crescent, Shailer Park OLD 4128
Jennifer Spence	11 Corolla Street, Elliott Heads OLD 4670
Gwen Capell	2 Lihis Street, Elliott Heads OLD 4670
M Christensen	52 Esplanade, Elliott Heads OLD 4670
Larry Grove	36 Welch Street, Elliott Heads OLD 4670
A Hall	38 Welch Street, Elliott Heads OLD 4670
Ruth Mansfield	36 Welch Street, Elliott Heads OLD 4670
Margaret Law	28 Esplanade, Elliott Heads OLD 4670
Stephan Cheng	2 Esplanade, Elliott Heads OLD 4670
Tracy Hall	4 Ocean View Place, Elliott Head OLD 4670
Christine Wynne	6 Bathurst Street, Elliott Heads OLD 4670
Julie & Graeme Eales	427 Walli Mtn Road, Kenilworth OLD 4574
Lance & Jean Kelly	15 Knudsen Street, Elliott Heads OLD 4670
Marion Rooney	20 Esplanade, Elliott Heads OLD 4670
Peter Head	20 Esplanade, Elliott Heads OLD 4670
Melanie Busato	62 Bathurst Street, Elliott Heads OLD 4670
Adrienne & Ken Forrest	86 Welch Street, Elliott Heads OLD 4670
Wildlife Preservation Society OLD	PO Box 1215, Bundaberg OLD 4670
Marianne Cremin	18 Esplanade, Elliott Heads OLD 4670
Lawrence Cremin	18 Esplanade, Elliott Heads OLD 4670
Leanne Lassig	683 Elliott Head Road, Bundaberg OLD 4670
Burnett Mary Regional Group	PO Box 501, Bundaberg OLD 4670
Ann Jarman	10 Cossart Crescent, Bargara OLD 4670
May Broadway	6 Emperor Drive, Elliott Heads OLD 4670
Wide Bay Burnett Conservation Council	25 Ellena Street, Maryborough OLD 4670
F & J Stevens	8 Emperor Drive, Elliott Heads OLD 4670
Barry & Yvonne Bainbridge	45 Blue Water Drive, Elliott Heads OLD 4670
Bill Murray	13 Bathurst Street, Elliott Heads OLD 4670
Judith Bell	924 Branyan Drive, Branyan OLD 4670
Arlene Delaney	78 Esplanade, Elliott Heads OLD 4670
Alan Gill	5 Hargraves Street, Elliott Heads OLD 4670
Steven McNamee	9 Tonners Drive, Coral Cove OLD 4670
Barry & Samantha Waterworth	10 Corona Court, Elliott Heads OLD 4670
Ray & Coral Spiers	12 Sea Esplanade, Elliott Heads OLD 4670
Karen Shelly	8 Bellbird Court, Buderim OLD 4556
J & S Lembcke	9 Corolla Street, Elliott Heads OLD 4670
Marie Anderson	38 Hunter Street, Bundaberg OLD 4670
Kylie Turrall & Digby Logan	19 Bathurst Street, Elliott Heads OLD 4670
Margaret Phillips	27 Bathurst Street, Elliott Heads OLD 4670
Shirley & Gordon O'Neill	12 Karen Street, Cleveland QLD 4163
Anthea Bell	17 Knudsen Street, Elliott Heads QLD 4670
Kay Stevans	138 Esplanade, Elliott Heads QLD 4670

Name of Principal Submitter	Address
Jane & Chris Sidy	21 Bathurst Street, Elliott Heads QLD 4670
Rita Sinnott	316 Lovers Walk, Bundaberg QLD 4670
Michelle & Brad Andrews	28 Bathurst Street, Elliott Heads QLD 4670
S Andrews	28 Bathurst Street, Elliott Heads QLD 4670
S Norman	29 Bathurst Street, Elliott Heads QLD 4670
Cindy Hyland	70 Bathurst Street, Elliott Heads QLD 4670
D & I Home	2 Sea Esplanade, Elliott Heads QLD 4670
T Whitmore	169 Innes Park Road, Elliott Heads QLD 4670
D Knott	44 Welch Street, Elliott Heads QLD 4670
L Shepherd	1484 Elliott Heads Road, Elliott Heads QLD 4670
P Shepherd	1484 Elliott Heads Road, Elliott Heads QLD 4670
G Shepherd	1484 Elliott Heads Road, Elliott Heads QLD 4670
John Manera	35 Shine Street, Elliott Heads QLD 4670
T Manera	35 Shine Street, Elliott Heads QLD 4670

10.2 In respect of Development Application 322.2007.51019.1 there were 21 properly made submissions about the application. In accordance with section 3.5.15(2)0) of the IPA, the name and address of the principal submitter for each properly made submission are as follows:-

Name of Principal Submitter	Address
Samantha Taylor	Site No 35, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Wayne Grimes	Site No 24, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
O Remely	c/- Bundaberg East Post Office, Bundaberg QLD 4670
Nathan Dunning	Site No 18, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Karen McSween	Site No 65, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Christopher Birt	Site No 4, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Warren Maurer	Site No 37, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Allan Johnston	Site No 26, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Jamie Chambers	Site No 31, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Simone Henderson	Site No 7, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
G Larcombe	Site No 30, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Billy-Joe Tomlinson	Site No 23, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
K Lewins	Site No 14, Farmways Caravan Park, Three Chain

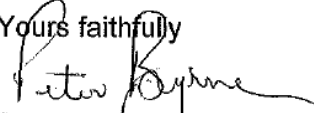
Name of Principal Submitter	Address
	Road, Calavos QLD 467
Blair Dale	Site No 18, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Ken Shierlaw	Site No 6, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
Maggie McCawn	Site No 29, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
C Long	Site No 20, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
C Killpatrick	Site No 38, Farmways Caravan Park, Three Chain Road, Calavos QLD 467
May & Noel Broadway	6 Emperor Drive, Elliott Heads QLD 4670
Christine Wynne	6 Bathurst Street, Elliott Heads QLD 4670
M Rooney & P Head	20 Esplanade, Elliott Heads QLD 4670

10.3 In respect of Development Application 322.2007.51020.1 there were 5 properly made submissions about the application. In accordance with section 3.5.15(2)0) of the IPA, the name and address of the principal submitter for each properly made submission are as follows:-

Name of Principal Submitter	Address
Marion Rooney & Peter Head	20 Esplanade, Elliott Heads QLD 4670
Russell Gollshewsky	12 Esplanade, Elliott Heads QLD 4670
Laurie & Marianne Cremin	18 Esplanade, Elliott Heads QLD 4670
W Murray	13 Bathurst Street, Elliott Heads QLD 4670
May & Noel Broadway	6 Emperor Drive, Elliott Heads QLD 4670

11. Rights of Appeal

Attached is an extract from the *Integrated Planning Act 1997* which details your appeal rights regarding this decision.

Yours faithfully

Peter Byrne
 Chief Executive Officer

Enclosures: Concurrence Agency's Response;
 Extract from the *Integrated Planning Act 1997*.

cc. For Information Purposes
 Environmental Protection Agency
 (now Department of Environment and Heritage Protection)

Administration Officer
Permit and Licence management
Implementation and Support Unit
GRP Box 2454
Brisbane QLD 4001

Department of Main Roads & Department of Transport
(now Department of Transport and Main Roads)
Wide Bay/Burnett Region (Bundaberg)
Locked Bag 486
BUNDABERG QLD 4670

Department of Primary Industries and Fisheries
(now Department of Agriculture, Fisheries and Forestry)
Southern Fisheries Centre
PO Box 5083
SCMC NAMBOUR QLD 4560

Department of Local Government Sport and Recreation *(now Department of State
Development, Infrastructure and Planning)*
Wide Bay Burnett Regional Office
PO box 979
BUNDABERG QLD 4670

Department of Natural Resources and Water *(now Department of Natural
Resources and Mines)*
Administration Officer
Permit and Licence management
Implementation and Support Unit
GRP Box2454
Brisbane OLD 4001

Schedule 1 Assessment Manager's Conditions

Preliminary Approval for Material Change of Use - Impact Assessment

Development Conditions

Approval (General)

1. Development is to be undertaken generally in accordance with Approved Plan **GC-21-343-ZP** and the following development parameters for the zones and precincts:

Zone and Precincts	Development Parameters
<i>Urban Residential Zone (no precinct)</i>	<p>Comprising predominantly Low Density Residential land uses at an average development density of between 7 - 15 dwellings/hectare.</p> <p><u>Intent:</u> development within this precinct is to provide for an attractive, open and low density form of urban residential settlement that maintains a high level of residential amenity. In the Urban Residential Zone (No Precinct) detached housing on freehold lots is predominantly located on lots having land areas exceeding 600m².</p>
Urban Residential Zone - <i>Mixed Lot Residential Precinct</i>	<p>Comprising predominantly Low Density Residential land uses at an average development density of between 12 - 20 dwellings/hectare.</p> <p><u>Intent:</u> development within this precinct is to provide for low density housing types, primarily in the form of dwelling houses and dual occupancies that promote variety in housing size and choice. In the Mixed Lot Residential Precinct detached housing on freehold lots is predominantly located on lots having land areas between 360m² and 600m².</p>
Urban Residential Zone - <i>Medium Density Residential Precinct</i>	<p>Comprising predominantly Medium Density Residential land uses at an average development density of between 20 - 50 dwellings/hectare.</p> <p><u>Intent:</u> development within this precinct is to provide for a mix of medium density dwelling types that are well located and have convenient access to employment opportunities, community facilities, transport networks and services. The Medium Density Residential Precinct provides for retirement living up to two (2) storeys in height.</p>

Zone and Precincts	Development Parameters
Urban Residential Zone - <i>High Density Residential Precinct</i>	<p>Comprising predominantly High Density Residential land uses at an average development density of 50 - 100 dwellings/hectare.</p> <p><u>Intent:</u> development within this precinct is to provide for high density residential uses for permanent residents and visitors in close proximity to Local and Neighbourhood Centres, supported by community uses and a range of retail, commercial and entertainment needs to service the needs of both visitors and surrounding residents. The High Density Residential Precinct provides opportunities for multiple dwellings up to three (3) storeys in height and resort hotel development up to two (2) storeys in height.</p>
Business Zone	<p>Comprising a variety of business uses and mixed use (residential and commercial) development and including a Mixed Use - Town Centre and Village Centre.</p> <p><u>Intent:</u> development within this precinct is to provide for :</p> <ul style="list-style-type: none"> a) A Local Centre (Town Centre) - providing for a limited range of land uses and activities to meet the local retail, business and community needs of a coastal township; b) A Neighbourhood Centre (Village Centre) - providing for a small range of land uses and activities to support the basic convenience needs of the local neighbourhood; c) Within the Town Centre and the Village Centre, the clustering of leisure-based retailing, convenience shopping, professional offices, entertainment, community uses and residential development of different forms and densities, with a focus on enriching the cultural and social life of the community; d) Within the Town Centre and the Village Centre, higher density forms of contemporary residential development, including mixed use buildings, provides permanent or visitor accommodation with a maximum building height of three (3) storeys.
Community Zone	<p>Comprising land areas for a wide variety of public or community purposes including infrastructure, community purposes, educational purposes, stormwater/drainage management, public open</p>

Zone and Precincts	Development Parameters
	<p>space areas, sport and recreation areas.</p> <p><u>Intent:</u> development within this precinct is to provide for community related activities and facilities whether under public or private ownership, to ensure that residents and visitors have convenient access to a wide range of community activities, facilities, open space, and recreation attractions and experiences that service the social, educational, health, and cultural needs of the community. The Community Zone is to provide opportunity for stormwater quality enhancement through water sensitive urban design and co-location of other infrastructure.</p>

2. Dual occupancy development may occur on urban residential lots not less than 800m² in land area.
3. Any future development for business uses, business activities and/or resort hotel uses must provide convenient cycle parking and end of trip facilities in compliance with QDC section 4.1 and AS 2890.3:1993- Bicycle Parking Facilities.

When Approval Lapses if Development Started but not Completed

4. In accordance with section 3.5.21A of the *Integrated Planning Act 1997*, this Preliminary Approval to the extent it relates to development not completed will lapse twenty (20) years from the day the first plan of subdivision for the development the subject of this Preliminary Approval is registered.

Development Controls - Future Applications

5. Any future development application, seeking a Development Permit for Material Change of Use or for 'Other Development' (Building Work, Operational Work, and Reconfiguration of a Lot), for development generally in accordance with the Approved Plans (as referenced in the Decision Notice) must demonstrate compliance with the following:
 - the conditions of this Preliminary Approval;
 - the master plan of development required by condition 6 of this Preliminary Approval as approved by Council;
 - the conceptual master plan for landscaping works required by condition 7 of this Preliminary Approval as approved by Council;
 - the management plan for public open space required by condition 9 of this Preliminary Approval as approved by Council;
 - the water supply master plan required by condition 12 of this Preliminary Approval as approved by Council;
 - the sewerage supply master plan required by condition 13 of this Preliminary Approval as approved by Council;
 - the stormwater management plan required by condition 14 of this

Preliminary Approval as approved by Council;

- the road master plan required by condition 20 of this Preliminary Approval as approved by Council; and
 - the cultural heritage management plan required by condition 23 of this Preliminary Approval as approved by Council.
6. A master plan of development must be submitted to and approved by Council as part of the first development application seeking a development permit for Material Change of Use and/or Reconfiguration of a Lot. The master plan of development must incorporate the following:
- 6.1. Amendments directed by the Conditions of this Preliminary Approval;
 - 6.2. The zoning of the development land generally in accordance with the Approved Plan No. **GC21-343-ZP**;
 - 6.3. An indicative staging plan of subdivision nominating the Stages of development within the zones and precincts which is to provide for development Stages to commence from the southern extent of the development area, adjoining existing urban areas of Elliott Heads township and progress generally in a northern and/or westerly direction generally in accordance with Approved Plan No. **GC21-343-ZP (SP)** as amended;
 - 6.4. The other plans required by Conditions 7, 9, 12, 13, 14 and 20.

When approved, the master plan will be an approved plan for this approval for the purposes of section 4 of this decision notice.

Landscaping

7. A conceptual master plan for landscaping works for the land must be submitted to and approved by the Council as part of the first development application seeking a development permit for Material Change of Use and/or Reconfiguration of a Lot. The conceptual master plan for landscaping works must be generally in accordance with the Elliott Heads Estate Infrastructure Agreement and the Landscape Strategy in Appendix 1 of the Elliott Heads Structure Plan dated June 2007 prepared by Anembo Consultants (Reference 4533-01-A) noting the requirements of the Conditions of this Preliminary Approval in respect of Stage 18 being included in the Community Zone and the restriction on urban lakes. At a minimum, the conceptual master plan for landscaping works must include the following:
- 7.1. Proposed street planting within the road network referencing the Streetscapes section on page 73 of the Landscape Strategy in Appendix 1 of the Elliott Heads Structure Plan dated June 2007 prepared by Anembo Consultants (Reference 4533-01-A);
 - 7.2. Proposed estate entry statements and embellishments;
 - 7.3. Proposed signage treatments for development entry points;
 - 7.4. Proposed treatment of Agricultural Buffer areas (as required);
 - 7.5. Proposed treatment of drainage and detention areas.
8. All landscaping works must be undertaken generally in accordance with the conceptual master Plan for landscaping works. Detailed landscaping plan/s must be submitted as part of all subsequent Development Applications for a

Development Permit for Material Change of Use and/or Reconfiguration of a Lot for each Stage of development demonstrating how proposed landscaping works comply with the conceptual master plan for landscaping works.

Public Open Space

9. A management plan for public open space must be submitted to and approved by the Council as part of the first development application seeking a development permit for Material Change of Use and/or Reconfiguration of a Lot. The management plan for public open space must be generally in accordance with the Elliott Heads Estate Infrastructure Agreement and the Landscape Strategy in Appendix 1 of the Elliott Heads Structure Plan dated June 2007 prepared by Anembo Consultants (Reference 4533-01-A) noting the requirements of the Conditions of this Preliminary Approval in respect of Stage 18 being included in the Community Zone and the restriction on urban lakes. At a minimum the management plan for public open space must include the following:
 - 9.1. Dedication of open space areas, drainage areas and designated public open space area/s associated with the development of the land, generally in accordance with the Elliott Heads Estate Infrastructure Agreement;
 - 9.2. Proposed landscaping treatments and embellishments for dedicated open space or community use areas;
 - 9.3. Design detail and location of pedestrian/cycle pathways (minimum 2 metres width) generally in accordance with the Elliott Heads Estate Infrastructure Agreement; and
 - 9.4. Staging of approved embellishment works.
10. Dedication of the balance of public open space areas and provision of landscaping and embellishment works must be completed in accordance with the approved conceptual master plan for landscaping works and approved management plan for public open space, at the time that the Stage in which the open space is located is developed.

Agricultural Buffer

11. For each future development application seeking a development permit for a material change of use or reconfiguring a lot for residential purposes where adjoining land used or zoned for agricultural purposes the developer must provide as part of the application a strategy for the provision of an agricultural buffer that demonstrates compliance with:
 - (a) for a material change of use, SO.134 of the Rural Planning Area Code of the Burnett Shire Planning Scheme 2006 (or an equivalent provision provided for in a subsequent planning instrument); and
 - (b) for reconfiguring a lot, SO.394 of the Reconfiguring a Lot Code of the Burnett Shire Planning Scheme 2006 (or an equivalent provision provided for in a subsequent planning instrument).

Water Infrastructure

12. A water supply master plan for the development must be submitted to and approved by the Council as part of the first development application seeking a development permit for Material Change of Use or Reconfiguring a Lot. The water supply master plan must utilise the following terms of reference:
 - 12.1. The Developer must at its expense provide for the reticulation of potable water to each and every lot into which the land is proposed to be subdivided or used, by supplying within the land all necessary materials and works including structures and equipment, and performing all necessary works to service those lots; and
 - 12.2. The Developer must provide for the external trunk infrastructure to service those lots and/or uses in accordance with the Elliott Heads Estate Infrastructure Agreement.

Sewerage Infrastructure

13. A sewerage supply master plan for the development must be submitted to and approved by the Council as part of the first development application seeking a development permit for Material Change of Use and/or Reconfiguration of a Lot. The sewerage supply master plan submitted to Council for approval must utilise the following terms of reference:
 - 13.1. The Developer must at its expense provide for the reticulation of sewerage to each and every lot into which the land is proposed to be subdivided or used, by supplying within the land all necessary materials and works including structures and equipment, and performing all necessary works to service those lots; and
 - 13.2. The Developer must provide for the external trunk infrastructure to service those lots and/or uses in accordance with the Elliott Heads Estate Infrastructure Agreement.

Stormwater

14. An updated site specific stormwater management plan for the development must be submitted to and approved by the Council as part of the first development application seeking a development permit for Material Change of Use and/or Reconfiguration of a Lot. The stormwater management plan must be prepared by a suitably qualified practicing registered professional engineer of Queensland and must address the following:
 - 14.1. The establishment of Lawful Points of Discharge both internal and external to the development area;
 - 14.2. The plan must also address stormwater quality improvement which could include devices (SQID) and measures to remove pollutants, including sediment, nutrients, metals and trash in accordance with the State Planning Policy for Healthy Waterways (2009) and the former Burnett Shire Council PSP 5: Stormwater Management Planning Scheme Policy;
 - 14.3. The plan must form the basis of the site based stormwater management plans for each Stage of development; and
 - 14.4. Such other issues contained in, but not limited to, this Preliminary Approval.

15. Stormwater drainage internal to the development site must be designed and constructed to convey the existing upstream flows and in accordance with the requirements of the Queensland Urban Drainage Manual and the Bundaberg Regional Council, being a piped system with a minimum capacity as required in the Development Works Planning Scheme Policy for the Burnett Shire Planning Scheme, with overland flowpaths to be provided for a capacity of Q100 ARI less piped flow.
16. The Developer must not block any drainage paths through or into the development without providing stormwater drainage infrastructure and concordant easements. The easements must be a minimum 3.0 metres wide, or such greater width as is required to contain the Q100 ARI overland stormwater flow, and provided in favour of the Bundaberg Regional Council where the stormwater infrastructure and overland flows traverse the subject land from upstream lots. Such easements must extend from property boundary to property boundary. Easement documentation is to be acceptable to the Bundaberg Regional Council and be prepared at no cost to the Bundaberg Regional Council.
17. Detention storage is required to be provided to cater for increased stormwater runoff as a result of this development other than where stormwater is discharged to the Elliott River from within the development area. Stormwater discharge from the subject land is to be limited to pre-development generated peak levels up to and including Q100 ARI flows via the provision of onsite detention storage. The detention storage must be visually integrated into the surrounding landscape and designed with a high level of visual amenity.
18. The Developer must not provide new urban Lakes or ponds as an option for storage or as a component of water quality treatments. The existing farming water storage dam in Stage 3 on Approved Plan **GC21-3434-ZP(SP)**:
 - 18.1. must not be used for retention storage; and
 - 18.2. may continue to be used for farming purposes until it is ultimately removed as part of the development of the land.
19. Lawful points of discharge must be established for development of a Stage with a catchment discharging to the west of Elliott Heads Road before the approval of the first development application seeking a development permit for Material Change of Use and/or Reconfiguration of a Lot for the affected Stage. Lawful points of discharge must be inclusive of the stormwater systems on the following lots:
 - 19.1. Lot 8 in RP 807697 and Lot 2 on RP 194416 (immediately South of the Harts Road and Elliott Heads Road intersection);
 - 19.2. Lot 71 on CK 1356 (immediately North of Harts Road and Elliott Heads Road intersection);
 - 19.3. Lot 140 on CK 817 (immediately north of Lot 71); and
 - 19.4. Such other allotments that might be affected by the development and require a lawful point of discharge.

Roadworks

20. A road master plan for the development must be submitted to and approved by the Council as part of the first development application seeking a development permit for Material Change of Use and/or Reconfiguration of a Lot. The road master plan submitted for approval by Council must document the revised road network and works to be constructed, their concordant Stages, and must utilise, but not necessarily be limited to, the following terms of reference:
 - 20.1. provision of external road upgrades within the local government area must be in accordance with the Elliott Heads Estate Infrastructure Agreement;
 - 20.2. provision of internal roads to be generally consistent with the Elliott Heads Estate Infrastructure Agreement; and
 - 20.3. provision of indicative intersection designs;
21. Roads must be designed and constructed only to the standards included in the Burnett Shire Planning Scheme - Development Works Planning Scheme Policy.

Telecommunications

22. 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 provided to the satisfaction of the Manager Sustainable Development.

Cultural Heritage Management Plan

23. The first development application seeking a development permit for Material Change of Use and/or Reconfiguration of a Lot must be accompanied by a detailed cultural heritage management plan prepared in accordance with the requirements of the *Aboriginal Cultural Heritage Act 2003*, and influenced by the commentary of the submitted Archaeological Investigation (prepared by Everick Heritage Consultants Pty Ltd, dated August 2005), detailing strategies to avoid known heritage sites on the subject land, contingency strategies should cultural heritage sites be discovered during operational activities, and a consultation regime with relevant indigenous groups and State Government Agencies, as applicable. All future development applications seeking a development permit over the subject land will be required to demonstrate compliance with the approved cultural heritage management plan.

End of Schedule 1

Schedule 2

Assessment Manager's Advices

General

- (A) This Preliminary Approval is granted pursuant to Section 3.1.6 of the *Integrated Planning Act 1997* and varies the effect of the Burnett Shire Planning Scheme 2006, to the extent provided for in the related Decision Notice attached to this approval and in accordance with approved plans of development. This approval does not authorise assessable development to occur in the absence of an effective development permit.
- (B) Any subsequent development application made over the land to which this Preliminary Approval applies must comply with the terms of the Elliott Heads Estate Infrastructure Agreement 2013.
- (C) The conditions of this Preliminary Approval prevail over any applicable Planning Scheme Code for the development to the extent of any inconsistency.

Stormwater

- (D) Please note that the surface of each Lot must be shaped 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 physically able to be constructed. Should inter-allotment drainage be accepted for use by Council, inter-allotment drainage (with inlet pits in each allotment if underground drainage) of sufficient capacity to convey up to Q100 ARI, flows or lesser ARI as directed by the Manager Sustainable Development, is to be designed and constructed in accordance with the Queensland Urban Drainage Manual to cater for the stormwater from upstream lots. The drainage specifics is to be determined at the Operational Works Stage.

Electrical

- (E) Please note that underground electricity is required to each Lot of any proposed Lot Reconfiguration. Arrangements for electricity supply and overhead street lighting to the development must be made by liaison for installation of the required works and entering into an agreement with the local Energy Provider.
- (F) To control the obtrusive effects of outdoor lighting on nesting sea turtles in this coastal location, all street lighting, park lighting and outdoor lighting will be required to be low pressure sodium vapour lighting fitted with hoods or fully screened and directed away from the foreshore such that no source light is visible from the coastal zone.

End of Schedule 2

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
 - (ii) 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—
 - (i) 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
 - (l) 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— <ul style="list-style-type: none"> (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 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development Application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 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 waive 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: 526.2022.341.1

Property Address: Breusch Road, Dorflers Road and Elliott Heads Road, Elliott Heads 4670; land described as Lot 81 & Lot 82 on CK495, Lot 1 on RP53148, Lot 10 on SP220665 and Lot 1 on RP113567

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 : _____

PROPOSAL PLAN ONLY
Not to be used for contractual purposes.
Areas & Dimensions are approximate only & subject to Council's Conditions of approval & final survey.

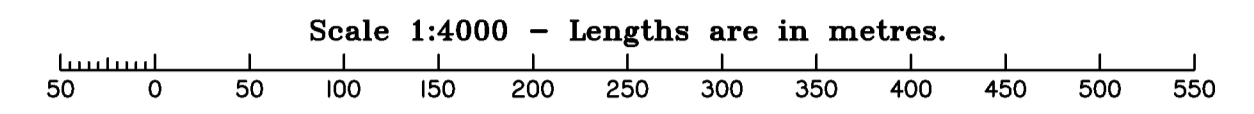
CLIENT: South Beach Elliott Heads Pty Ltd
SCALE: 1:4000 on A1

DESIGN: RB
DRAWN: JR
CHECKED: AUJ

PLAN REFERENCE No. GC21-343 - ZP (SP)

PARISH of BAROLIN
LOCALITY of Elliott Heads

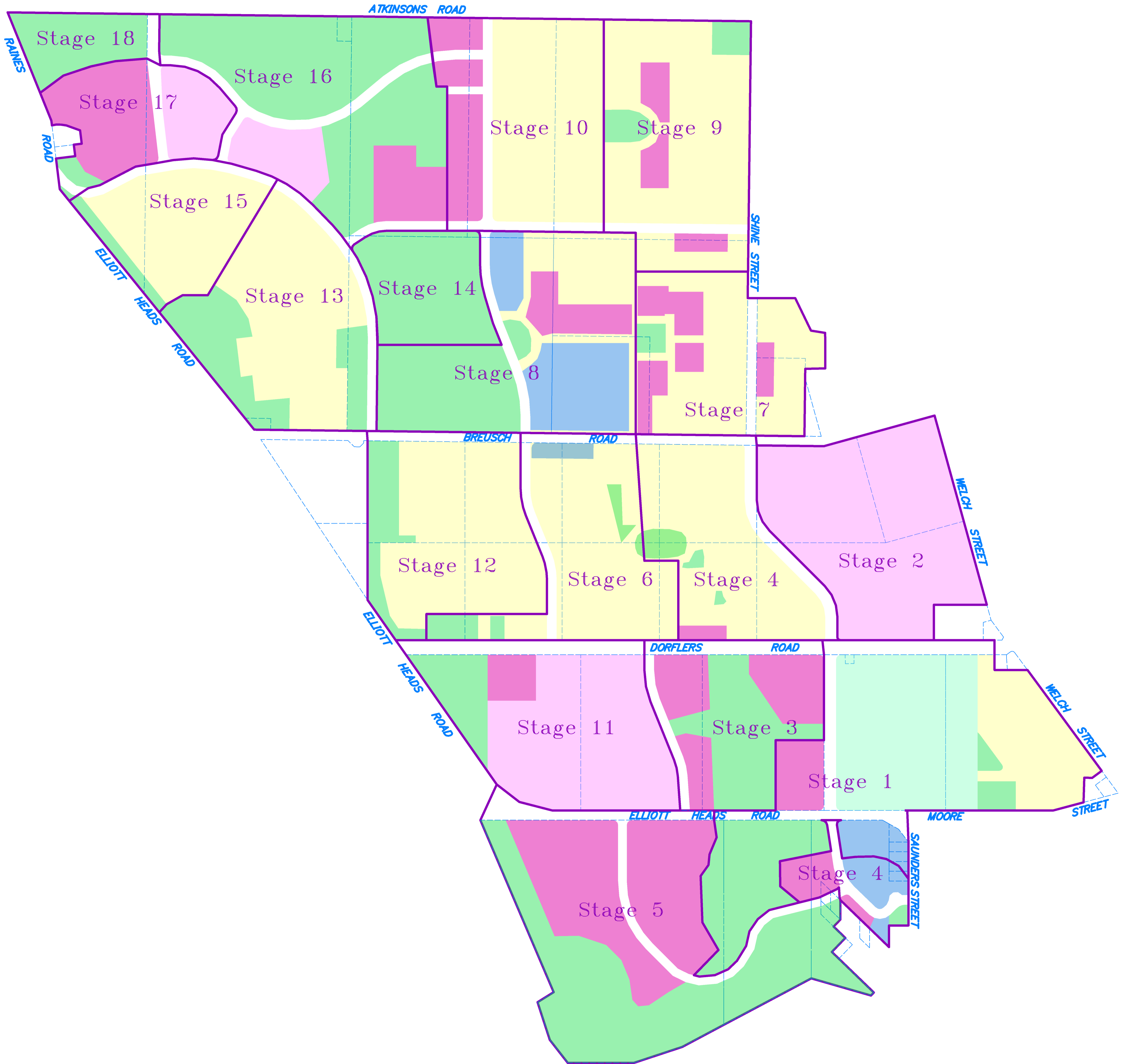
DATE: April 2022
DATE: 29/04/22
DATE: 29/04/22



Revision	Notes	AMENDMENTS	Date
A

- Business Zone
- Community Zone
- Urban Residential Zone
- Mixed Lot Residential Precinct
- Medium Density Residential Precinct
- High Density Residential Precinct

APPROVED PLAN
Date: 28/07/2022
Application No.: 526.2022.341.1



Insite SJC
Town Planning | Surveying | Projects

ABN 42 329 746 542 Phone: 07 4151 6677
67 Barolin Street PO Box 1688 BUNDABERG QLD 4670
admin@insitejc.com www.ijc.com.au

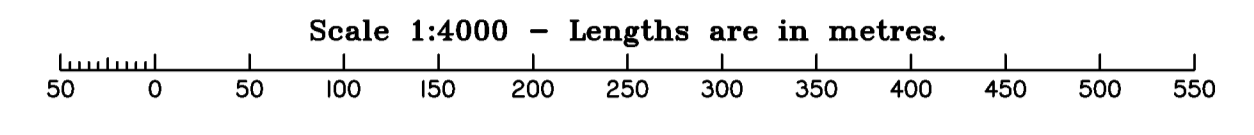
PROPOSAL PLAN ONLY
Not to be used for contractual purposes.
Areas & Dimensions are approximate only & subject to Council's Conditions of approval & final survey.

PARISH of **BAROLIN**
LOCALITY of **Elliott Heads**

Elliott Heads Estate Zoning Plan
Overall plan
Elliott Heads Rd, Dorflers Rd, Saunders St, Moore St, Welch St, Breusch Rd, Shine St, Raines Rd and Atkinson Rd
Elliott Heads

CLIENT: South Beach Elliott Heads Pty Ltd
SCALE: **1:4000 on A1**

DESIGN <i>RB</i>	DRAWN <i>JR</i>	CHECKED <i>AJJ</i>	PLAN REFERENCE No. GC21-343 - ZP
DATE <i>April 2022</i>	DATE <i>22/04/22</i>	DATE <i>22/04/22</i>	



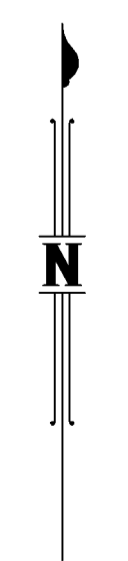
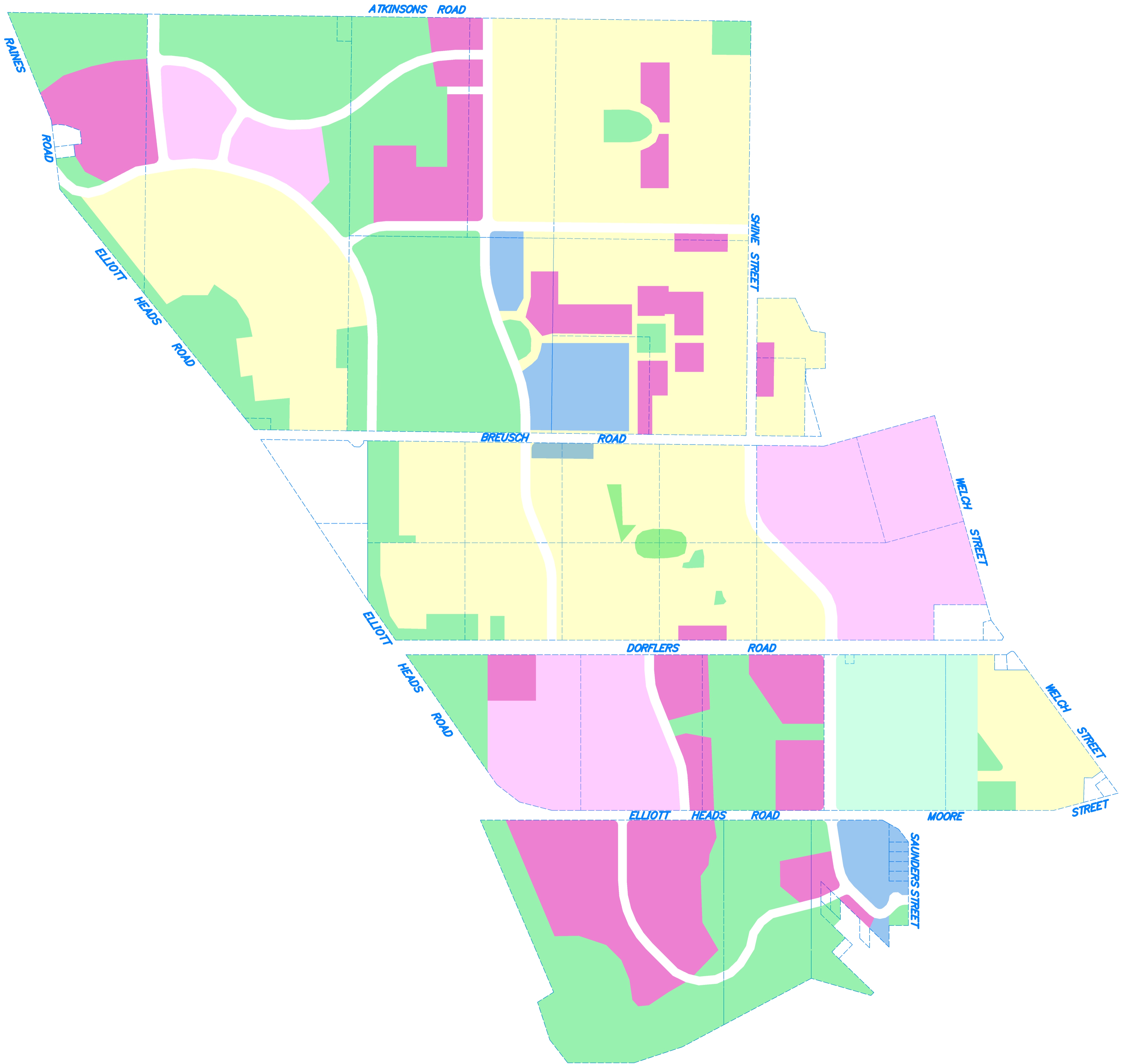
Revision	Notes	AMENDMENTS	Date
A

- Business Zone
- Community Zone
- Urban Residential Zone
- Mixed Lot Residential Precinct
- Medium Density Residential Precinct
- High Density Residential Precinct

APPROVED PLAN

Date: 28/07/2022

Application No.: 526.2022.341.1



Our Reference: RAA 54
 Enquiries: Jodie Smith
 Phone: 323 71770
 Address: PO Box 15031, City East Qld 4002
 Email Address: jodie.smith@dlgpsr.qld.gov.au



Department of
 Local Government, Planning,
 Sport and Recreation

Statutory Planning – Southern Region

6 September 2007

Mr Wayne Phillips
 Director - Planning and Development
 Burnett Shire Council
 Locked Bag 1
 BARGARA QLD 4670

SHIRE OF BURNETT			
Reply	Reply Due	Scanned:	
Info	<input checked="" type="checkbox"/> Reply by Ph:	/ /	
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RECEIVED 11 SEP 2007			
FILE: Z-2007123-800	PT: 2	REG NO: 07/03307	
FILE:	PT:	REG NO:	
AO: Riley, M		CC:	
COMMENTS:			

Dear Mr Phillips

RE: ADVICE AGENCY REFERRAL ASSESSMENT

I refer to the referral of 23 July 2007, regarding a development application for the following proposal:

Applicant: Elliott Heads Estate Pty Ltd

Proposed Development: Development Application for:
 • Preliminary Approval (s3.1.6) overriding the planning scheme, Material Change of Use

Referral Trigger: (Integrated Planning Act 1997)
 Section 3.1.6 - preliminary approval overriding the planning scheme

Location: Atkinsons, Elliott Heads, Raines, Breusch and Dorflers Roads; and Shine, Welch, Saunders, Rule and Moore Streets, Elliott Heads described as Lots 77-82, 85-88, 91 & 97 on CK495, Lot 135 on CK767, Lots 89-90 on CK1443, Lot 26 on EH1875, Lots 8-10 & 16 on RP7353, Lots 17-18 on RP7354, Lot 2 on RP7355, Lot 2 on RP49524, Lots 1-2 on RP50368, Lots 1-2 on RP50372, Lot 1 on RP53148, Lot 1 on RP74477, Lots 6-7 & 25 on RP89911, Lot 1 on RP113567, Lot 1 on RP152664, Lot 3 on RP214907 and Lot 5 on RP806935

Assessment Manager: Burnett Shire Council

Council Reference No: Z-2007123-800



D100895

The application has been examined and, based upon the information supplied, the following advice is provided:

The Proposal

The proposal relates to a Preliminary Approval for a Material Change of Use overriding the planning scheme under section 3.1.6 of the *Integrated Planning Act 1997* (IPA) for a master planned community on 238.39 hectares of land in the Rural Zone.

The proposal comprises town and village centres, commercial services, tourist resort, 3,073 residential dwellings, school, community use, nursing home, public open space, roads and water management areas to accommodate a residential population of 7,317 people and a working population of 2,072 people.

The land is to be developed in 17 stages over a period of 20 years. The applicant is therefore seeking to extend the currency period for any approval to 20 years.

Advice Agency Assessment

Conflicts with Burnett Shire Planning Scheme

The section 3.1.6 preliminary approval provisions of the IPA are not intended to be used to circumvent an inconsistency between proposed development and the planning scheme in an ad hoc and unplanned manner. A preliminary approval overriding the scheme must still demonstrate compliance with the planning scheme.

An assessment manager must not, under s.3.5.14A 2(b) of the IPA, approve development that compromises the achievement of the Desired Environmental Outcomes (DEOs) of the planning scheme area or conflicts with the planning scheme unless there are sufficient grounds to justify the decision despite the conflict.

Desired Environmental Outcomes

The applicant has failed to adequately demonstrate that the proposal complies with the DEOs of the Burnett Shire Planning Scheme. Of particular relevance to the proposal are the DEOs relating to settlement pattern, infrastructure, community well-being, landscape and cultural heritage and economic development as set out in Part 2 – DEOs of the Planning Scheme.

The settlement pattern DEOs of the Burnett Shire Planning Scheme specifically state:

"2.2 (1) Settlement pattern comprising discrete coastal and hinterland towns, proximate to either Bundaberg or the local government area's towns in nominated locations."

"2.2 (2) The remainder of the local government area accommodates large rural lots."

"2.2 (6) A sufficient supply of land suitable for urban development is available in locations that do not place the community at an unacceptable risk from natural hazards and do not prejudice economically or environmentally significant resources."

The proposal is located predominantly in the Rural Zone in the Rural Planning Area outside of the area nominated for urban expansion in conflict with these DEOs.

Other DEOs relate to:

- protecting existing and planned infrastructure from future development such that any land development does not prejudice its safety, efficiency or cost;
- residential subdivision is to occur where community infrastructure is most efficiently provided;
- rural landscape values including farmland and remnant vegetation and coastal zone values are protected;
- in the Rural Planning Area, good quality agricultural land (GQAL) is conserved for agricultural production, unless an overriding community need exists; and
- in Coastal towns, discrete nodes of economic activity provide employment opportunities.

The scale of the proposal will result in Elliott Heads no longer being a small coastal town with discrete economic areas but becoming a significant urban area. The proposal provides for a potential residential population of between 7,000 and 10,000 people (it is noted that the population figures vary within different reports in the applicant's proposal). This is a highly significant increase given the estimated residential population for the whole of the Burnett Shire in 2006 was 27,745 people (PIFU, August 2007). This would significantly alter the balance of zones in the Shire and represents a substantial departure from the current policy intent of the Planning Scheme.

The land proposed to be developed is identified as GQAL. The development of this land for urban purposes will result in a loss of GQAL in contravention of DEO 2.7(2) *"unless there is an overriding community need and no other site is available for the particular purpose."* The applicant does not supply sufficient evidence of overriding community need for the proposal on the site such that conservation of the land is no longer warranted.

The proposal is anticipated to generate an additional demand for 8,070 square metres of retail floor space and 3,840 square metres of commercial floor space (Economic Assessment for the Elliott Heads Development, AEC group, 2007). The provision of commercial floor space of this size is equivalent to a regional centre and directly conflicts with the economic development DEOs 2.7 (2) and 2.7 (3) by providing for development on GQAL land outside the designated Coastal Towns Planning Area. The extent of the departure from the Planning Scheme completely undermines the existing policy direction.

The proposal would threaten the rural landscape values and coastal zone values of the locality by removing substantial areas of rural land and significantly altering the character of the area in contravention of DEO 2.5 (1).

The proposal for a master planned community on the site will compromise the achievement of the DEOs of the Burnett Shire Planning Scheme.

Rural Planning Area and Rural Zone

The site is located in the Rural Zone of the Rural Planning Area of the Burnett Shire Planning Scheme.

The Planning report submitted with the application fails to address the Rural Planning Area Code or Rural Zone Code which apply to the land.

The Overall Outcomes of the Rural Planning Area Code state:

"4.3.3 (2) (a) The rural landscape of farms interspersed with the natural environment is maintained and contributes to the attractiveness of the local government area,..."

This outcome is supported by the Overall Outcomes of the Rural Zone Code which state:

"4.6.3 (2) (a) Productive and potentially productive agricultural land is protected and preserved for sustainable production."

"4.6.3 (2) (b) The rural character of the area is maintained."

"4.6.3 (2) (c) Residential uses are primarily associated with rural production."

"4.6.3 (2) (f) Uses other than those referred to above are located in the Rural zone only where-

- (i) the development provides a significant and direct community benefit; and*
- (ii) no other location is suitable and available having regard to the activity's specific locational requirements, land area requirements or likely off-site impacts."*

The proposal for a master planned community on the site will compromise the Overall Outcomes for both the Rural Planning Area and Rural Zone Codes by establishing non-rural activities on the land resulting in the loss of rural land and significantly altering the rural character of the locality. The applicant has failed to adequately demonstrate that the proposal is needed in the public interest and cannot be provided on existing, suitably zoned land within the Shire.

Conflict with the Wide Bay Burnett Regional Plan 2007-2026

The preferred settlement pattern of the Wide Bay Burnett (WWB) Regional Plan 2007-2026 includes the site within the Preferred Intensive Agriculture designation.

The Regional Plan states:

"Land based agriculture capitalises on the region's natural assets and the resourcefulness of primary producers and processors to serve expanding local, domestic and international markets; with regional employment and economic returns as outcomes. Urban development pressure on agricultural land and rising community expectations regarding management of off-site impacts from all land uses highlight the need for protection of this resource and maintenance of its productive capacity through sustainable land management practices".

Policy principle 1.2.1 is to identify and protect land suitable for agricultural production, outside of areas of biodiversity significance through planning measures.

The regional settlement pattern strategy aims to help balance economic, social, environmental, infrastructure and human services needs and provide a blueprint for the future provision of community services to the time horizon of 2026. In particular, the strategy (Section 3.1):

- identifies developable land to accommodate projected future population growth to 2026;
- develops a regional infrastructure plan to ensure the timely and cost effective provision of infrastructure and community services;
- develops sound urban planning principles that support a compact well serviced and efficient urban form; and
- integrates land use, transport and economic activities.

Development in the region is to be coordinated so that existing infrastructure and services are used efficiently and effectively and new infrastructure and services is planned and supplied in an orderly and efficient manner (Policy 3.3.1).

The Regional Plan also recognises rural areas and the communities they support play an important contribution to the economy and character of the region (Section 5).

The development of a master planned residential estate on the site is contrary to the regional settlement pattern and the orderly provision of infrastructure and services under the Wide Bay Burnett Regional Plan. It also has the potential to erode the landscape, character, community, environmental and economic values of the site as sought to be retained in the WBB Regional Plan.

Insufficient Planning Grounds

Justification for the proposal to override the planning scheme appears to be based upon four key planning grounds:

1. The Planning Scheme does not provide for the potential for population growth in the Shire especially when having an 8 year planning horizon.
2. The land surrounding Elliott Heads is no longer suitable for agricultural production due to poor water supply.
3. The Elliott Heads area is an appropriate location to accommodate predicted population growth.
4. There will be community benefits to Elliott Heads residents as a result of the proposal.
5. Wide Bay Burnett Regional Plan recognises that greenfield master planned communities can offer sustainable benefits to communities where in appropriate locations.

1. Planning Scheme - Population growth predictions

The applicant (KPMG "Burnett Residential Demand Study") claims that population growth in the coastal "sea-change" area of the Burnett coast will be greater than forecast by the Department (upon which the Planning Scheme is based). This will result in a potential shortfall of residential land in the Shire by 2021 of between 3,800 and 5,000 lots based upon various projection models.

Response

The assumptions made in determining these population projections can be refuted and are not those currently accepted by the Department. The population growth predictions used as a basis for planning within the Burnett Shire are soundly based and are supported by the Department. The recently completed broad hectare study for Burnett Shire indicates the Shire has sufficient land to accommodate estimated population growth for the next nine years. On this basis the proposal is at best a premature development given that there is no need for the proposal within this timeframe.

Further, even if the KPMG figures were accepted, there remains no justification to accept that this additional growth should occur on the proposed land without consideration of the Shire wide and regional planning implications of locating a significant urban population on rural land in contravention of the Planning Scheme and Wide Bay Burnett Regional Plan.

The applicant (Section 3.1.3.4, Economic Assessment for the Elliott Heads Development, AEC group, 2007) suggests a further driver of population growth in Burnett Shire may be 'water refugees' seeking to escape water restrictions in SEQ. This argument is simplistic in its application and, among other things, fails to recognise the temporary and geographically shifting nature of climatic conditions.

The proposal represents an ad hoc and premature development which if approved would substantially alter the balance of zones and create inefficiencies in the provision of physical and social infrastructure for the entire Shire and the Region.

2. Unsuitable for Agricultural use

The loss of GQAL is justified by the applicant based on the lack of sufficient quantity and suitable quality of water to the land such that agriculture in this area is no longer economically viable. The groundwater supply is becoming increasingly saline and sufficient surface water supplies are not available and unlikely to become available at a reasonable cost to producers (Landloch Pty Ltd, 2007).

Response

It is recommended that the Council seek third party advice from the Department of Natural Resources, Mines and Water to determine the veracity of these claims. Particularly as the Wide Bay Burnett Regional Plan identifies the area as preferred for intensive agriculture.

It appears that the claims made by the applicant most clearly establish that the current use of the land for cane farming is no longer considered economically viable by the current land holder. The supply of suitable water to the site is subject to change over time as is the potential viability of the land. It is with this variability in mind that *The Planning Guidelines: The Identification of Good Quality Agricultural Land* sets out Agricultural land classes from Class A to Class D which acknowledges varying levels of agricultural use (refer to Table 1 below). The applicant has not satisfactorily established that the land is not GQAL.

TABLE 1. AGRICULTURAL LAND CLASSES

CLASS	DESCRIPTION
Class A	Crop land - Land that is suitable for current and potential crops with limitations to production which range from none to moderate levels.
Class B	Limited crop land - Land that is marginal for current and potential crops due to severe limitations; and suitable for pastures. Engineering and/or agronomic improvements may be required before the land is considered suitable for cropping.
Class C	Pasture land - Land that is suitable only for improved or native pastures due to limitations which preclude continuous cultivation for crop production; but some areas may tolerate a short period of ground disturbance for pasture establishment.
Class D	Non-agricultural land - Land not suitable for agricultural uses due to extreme limitations. This may be undisturbed land with significant habitat, conservation and/or catchment values or land that may be unsuitable because of very steep slopes, shallow soils, rock outcrop or poor drainage.

The primary policy principle of *State Planning Policy 1/92 Development and Conservation of Agricultural Land* is that:

- "1. Good quality agricultural land has a special importance and should not be built on unless there is an overriding need for the development in terms of public benefit and no other site suitable for the particular purpose exists."

The applicant has not demonstrated an "overriding need" for the development given that there remains a significant supply of urban land to meet the requirements of the Shire for the next 7 – 12 years (Broad hectare Study, PIFU, August 2007).

Notwithstanding the potential lack of suitability for agriculture, this does not justify the use of the land for urban purposes in conflict with the Planning Scheme. The applicant has not demonstrated an "overriding community need". The most appropriate use for the land should be in accordance with the Planning Scheme and Regional Plan.

3. Elliott Heads suitability

The applicant's justification for the proposal states the proposal reinforces Elliott Heads as a discrete coastal township. The development is to be on land which does not have any physical, environmental or servicing constraints to development (p 9-10 Town Planning Report). The expansion of the township is supported by the KPMG "Burnett Residential Demand Study" which states there will be a land supply deficit of 3,800 to 5,000 dwellings in the Shire by 2021.

Response

Should this proposal proceed Elliott Heads Township will become an urban area at a scale equivalent to a Regional Centre (cities and large rural towns with a population of 7,000 or greater) in accordance with the WBB Regional Plan which is the largest type of regional centre for the WBB area. This is much larger than the township envisaged by the Planning Scheme.

A significant constraint to development in this locality is the lack of suitable water and sewerage infrastructure which is not anticipated to be provided in this locality under the existing Planning Scheme infrastructure provisions. The applicant proposes to provide a water treatment plant on nearby land to support the proposed development and is part of a separate application. Given the significant reliance of the proposal upon approval for the provision of infrastructure, the potential significant environmental impacts of the water treatment proposal must also be resolved prior to any approval of this master planning proposal. The proposal clearly constitutes out-of-sequence development that would compromise the orderly provision of infrastructure.

The land is zoned Rural and included within the Rural Planning Area of the Planning Scheme and in the WBB Regional Plan 2007-2026 is designated as Preferred Intensive Agriculture. The planning intentions for this area are clearly based on the continued agricultural use of the land.

4. Economic and Community Benefits

The economic and community benefits of the proposal put forward by the applicant (p 43 Town Planning Report and AEC group, Economic Assessment for the Elliott Heads Development, 2007) are that the proposal will:

- generate employment opportunities;
- generate additional demand for commercial and retail services to the extent that such services will then be provided to the township;
- provide improved infrastructure services to Elliott Heads being reticulated sewerage;
- provide additional social infrastructure being a child care centre, nursing home and community hall;
- improve bus services to Elliott Heads;

- provide affordable housing to Elliott Heads; and
- improve mobile phone coverage to Elliott Heads.

Response

Regional economic development is a product of a variety of factors, one of which is population growth. One of the purposes of a planning scheme is to estimate likely population growth and ensure an adequate amount of land is available for residential development, to ensure economic development is not hindered through an under or oversupply of housing. The recently completed broad hectare study for Burnett Shire indicates the Shire has sufficient land to accommodate estimated population growth for the next nine years. The applicant (AEC group, Economic Assessment for the Elliott Heads Development, 2007) appears to infer the proposed residential development in and of itself will generate population growth, and thus economic development. The basis of this argument is not accepted.

In regard to the broad economic benefits of the proposal, it is accepted that a significant number of construction jobs will be generated during construction. The degree to which ongoing employment will be realised is dependent on the market demand for the development, which in part is determined by likely population growth in the Shire. Construction employment is likely to be a consequence of any large development proposal and is not considered appropriate justification for the development.

The Economic Assessment report infers that demand for services and facilities, whether publicly or privately funded, will increase because of the development and the provision of such services can therefore be considered to be a positive outcome for the community. This line of reasoning is considered flawed as any development is capable of delivering some benefits to the community. The pertinent issue is whether the development is needed for the community's benefit. The demonstration of sufficient grounds should outline how the benefits derived from the proposal differ from any other large development proposal and are overriding in the public interest.

The applicant does not adequately demonstrate that there is an existing community need for social services (child care centre, community hall, nursing home) which are not currently being met by existing services in the locality. It appears that the need for these services is generated by the proposal itself. Furthermore, whilst these services may not currently be available within the Elliott Heads Township, the applicant has not established that these services are not within acceptable travel distances having regard to the reasonable expectations of residents.

Similarly, the need for reticulated sewerage is primarily generated by the proposal itself as the Elliott Heads township currently relies upon existing on-site effluent disposal methods.

Decisions regarding the upgrade and expansion of publicly funded community services and infrastructure are primarily a matter for government agencies. In their decision making processes State agencies have regard to local government planning schemes. Developments which are inconsistent with planning schemes have the potential to impact negatively on the orderly provision of State funded facilities.

The applicant has no control over the provision of mobile phone services and bus services to the locality and cannot be certain that such benefits will automatically follow from the development proposed.

Section 5 of the Economic Assessment report suggests the proposal will improve housing affordability. Housing affordability is a function of a variety of micro and macro economic forces. The degree to which housing affordability will be impacted by the proposal is not

quantified in any meaningful way. The proposal does not contain any concrete mechanism to ensure housing will be affordable or targeted to low-income households in need of such housing. Therefore the proposal is largely indistinguishable from any other residential development proposal in relation to its ability to positively impact on housing affordability by increasing supply.

In its review of factors influencing population growth, section 3.1.3.3 of the Economic Assessment report suggests houses in Burnett Shire, with a median price of \$288,000 are more affordable than those in SEQ, with a median price of \$350,000. Affordability is a product of income and price and therefore while houses in Burnett Shire are cheaper than those in Brisbane any claim regarding their relative affordability needs to be balanced by reference to average incomes. This analysis is not presented in the report.

The applicant fails to adequately acknowledge that there may be significant adverse social consequences such as:

- Permanent and irreversible loss of lifestyle as the area shifts from a quiet coastal settlement to a significant urban area;
- Changes to existing levels of amenity due to increases in noise and traffic etc;
- Closure of existing businesses due to competition from proposed commercial and tourist orientated uses leading to existing residents being further removed from convenience services; and
- Potential loss of agricultural production and the flow on effect to existing support businesses in the region.

5. Wide Bay Burnett Regional Plan

The WBB Regional Plan states one of the policy actions of the plan is to "*Ensure sufficient flexibility exists within planning and development assessment processes to allow for the consideration of unanticipated development proposals that could provide significant sustainable benefits to their communities and/or region.*" (s3.1.1 (i) p.46)

The applicant contends the WBB Regional Plan is supportive of the proposal because the proposal is in an appropriate location and offers sustainable benefits to the community (Town Planning Report, p 37).

Response

As previously discussed the site is located on land significantly constrained by its agricultural values and lack of any available infrastructure to service the proposal. Further, the proposal provides few real benefits to the existing residents of Elliott Heads or to the region. There are significant potential disadvantages in that premature development of land for residential use may lead to urban blight and poor provision of services to new residents as the lag time between establishment of residential land and supporting infrastructure increases.

IDAS Workability

Section 3.1.6 of the IPA is relevant where an application applies for a preliminary approval to establish in effect a unique scheme for the development of a site and part of the application states the way in which the applicant seeks the preliminary approval to vary the effect of any local planning instrument. This type of preliminary approval may:

- establish the level of assessment for subsequent development on the site. Utilising this provision the level for assessment (e.g. impact assessment) that would otherwise be required for the subsequent development may be altered (e.g. to code assessment);
- identify the codes against which the subsequent development would be assessed.

The language and operation of the preliminary approval must be in accordance with Chapter 3 (IDAS) of the IPA.

Section 3.1.6 of the IPA does not provide that the definitions of the Planning Scheme can be overridden. Accordingly, the master plan should include a statement that definitions are as per the IPA Planning Scheme.

Any further development arising from the approval should be assessed against the preliminary approval, if granted, and all other relevant provisions of the planning scheme that are not overridden.

Level of Assessment

The structure and format of the proposed level of assessments should be consistent with the Assessment Tables in the IPA Planning Scheme.

Where an application proposes an alternative level of assessment for a development the assessment manager must consider the suitability of the proposed level of assessment when compared to existing assessment across the planning scheme. The assessment manager must also have regard to a submitter's right to appeal future development in accordance with s. 3.5.5A 2(c) of IPA.

The urban uses proposed are generally impact assessable in the Planning Scheme. Sufficient justification and detail has not been provided to reduce the proposed levels of assessment from impact to code assessment in the Master Plan. Reasonable community expectations for development are established in the Planning Scheme. The overlay maps in the IPA planning scheme include levels of assessment. Care must be taken in allowing the proposal to override the assessment levels of these codes. The effect of physical constraints needs to be considered in devising the levels of assessment in the Master Plan.

Any approval must establish clear limits on the scale as well as the nature of the uses proposed. The qualifications in the level of assessment need to be further extended to encompass residential densities and floorspace for retail and commercial uses, above which development would be impact assessable. The level of assessment should not be inconsistent with and duplicate the Queensland Development Code.

Assessment Criteria

The application must be self contained in terms of identifying all relevant assessment criteria (i.e. codes) which Council will use to assess future development proposals against. Any newly proposed codes should not result in unnecessary duplication with the IPA planning scheme. If existing suitable codes exist these should be used in preference to new codes. Only exceptions to the codes should be noted rather than the duplication of entire codes.

Recommendation

The assessment manager is recommended to refuse the development application on the grounds the proposal:

- is contrary to the regional settlement pattern, principles and policies of the Wide Bay Burnett Regional Plan 2007-2026;
- is contrary to the Overall Outcomes for both the Rural Planning Area and Rural Zone Codes of the Planning Scheme;

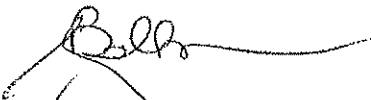
- compromises the DEOs of the Planning Scheme with respect to settlement pattern, infrastructure, community well-being, landscape and cultural heritage and economic development;
- is contrary to orderly, efficient and consolidated urban growth and infrastructure provision in Burnett Shire and the Wide Bay Burnett Region;
- is premature and not supported by demonstrated planning need;
- will adversely impact on the rural economy, landscape, character, community and environmental values of the locality, Burnett Shire and the region;
- will adversely impact on preferred urban growth patterns and infrastructure and service provision within designated towns, villages and urban communities;
- has not been adequately justified by sufficient grounds despite its conflict with the Planning Scheme and Regional Plan;
- represents the overdevelopment of the site; and
- requires amendment to ensure that the proposal meets IDAS workability standards.

Planning schemes are agreements between the community, the local government and the State government and have undergone a rigorous preparation process under the IPA. As such they cannot be lightly put aside without good and proper reason. Decisions which step outside planning schemes and which cannot be justified, only serve to undermine community confidence in and the integrity of the planning scheme. Accordingly, Burnett Shire Council must be satisfied that there are sufficient and relevant planning grounds to justify the proposal despite the conflict with the planning scheme.

According to section 3.3.19 (3) (b) of the IPA this response is to be treated as a properly made submission.

If you have any queries in relation to this matter, please contact Andrew Woodhouse, Statutory Planning Branch of the Department on telephone number 323 80344.

Yours sincerely



GRAEME BOLTON
Director
Statutory Planning

CC to: Elliottt Heads Estate Pty Ltd
 C/- Mr Randall Barrington
 Randall Barrington Town Planning Pty Ltd
 PO Box 8054
 BARGARA QLD 4670



Queensland Health

Enquiries to: Neil Payne
Telephone: 3131 6516
Facsimile: 3131 6522
File Ref: 0230-0016-001

Mr W Phillips
Director Planning and Development
Burnett Shire Council
Locked Bag 1
Bargara Qld 4670

Attention: Ms Michelle Riley

Dear Ms Riley

SHIRE OF BURNETT			
Reply	Reply Due	Scanned:	
Info	✓ Reply by Ph:	/ /	
Amend to info	Reply by Fax:	/ /	
Amend to Reply	Reply by E-Mail:	/ /	
RECEIVED 13 AUG 2007			
FILE: 2-2007123-800	PT: 1	REG NO: 07103008	
FILE:	PT:	REG NO:	
AO: Riley		CC:	
COMMENTS:			

Re: Development Application for Preliminary Approval overriding the Planning Scheme under S3.1.6 of IPA – Elliott Heads Estate, Elliott Heads

I refer to correspondence from the Director of Planning and Development, Burnett Shire Council, dated 18 July 2007, requesting comments in relation to the above Development Application.

Queensland Health advises that the Department has no property interests within or adjacent to the proposed development and has no plans at this time to develop a facility at Elliott Heads.

However, the Environmental Health Unit, Queensland Health has provided this Branch with information addressing various aspects of the abovementioned Development Application.

Attached are comments provided by the Acting Senior Environmental Health Adviser, Environmental Health Policy & Research Section, Environmental Health Unit. Also the Acting Director Environmental Health, Wide Bay Population Health Unit has advised that he had no concerns with this specific application, from an environmental health perspective, in that it is limited to extending the existing urban area of Elliott Heads upon adjoining land that he considers suitable for that purpose.

He further advised that in his opinion, the establishment of a built environment in the area and as proposed will not at all negatively impact upon the natural environment or the health of existing or future residents and visitors, although it may require some additional attention by the Environmental Health Unit and the Burnett Shire Council, such as public education regarding the use of rainwater tanks and community monitoring.

Office
Queensland Health
Capital Works and Asset Management
Branch
Building 2, Lobby 4, Level 1
153 Campbell Street, Herston, Q 4006

Postal
GPO Box 48, Brisbane, Q 4001

Phone
3131 6516

Fax
3131 6522



D099702

The Acting Director Environmental Health, Wide Bay Population Health Unit also provided the following comments in relation to the Development Application:

- “This application includes several references, without detail, to the proposed construction of a water treatment plant and a sewage treatment plant on a neighbouring parcel of land, which are intended to service the extended Elliott Heads community, as well as existing and proposed urban developments in nearby Coral Cove and Innes Park.

Michelle Riley, Planning and Development Officer with the Burnett Shire Council told me today that the application for approval of the water and sewage treatment plant was not subject of this specific application by Elliott Heads Estates, but that the developer would most likely submit a separate application, if and only if Council gave its approval in support of this application.

Whilst the information exchange and planning process between the developer and Council, in connection with these treatment facilities, appears to be well advanced, I cannot now provide a comment, in regard to the viability and health impact of constructing and operating these facilities.

- The use of recycled, treated waste water/sewage effluent is also referenced in some documents supporting this particular application, but again, no detail is included, as this proposal too, depends upon the construction of the water and sewage treatment plants, which may be conditional to approval of this specific application.”

Should you require any additional information or clarification with respect to this matter, please contact Neil Payne on telephone 31316516.

Yours sincerely



Neil Payne
Senior Planning Officer Tenure
Planning & Development Unit
Capital Works & Asset Management Branch

0870907

**DEVELOPMENT APPLICATION - ELLIOTT HEADS ESTATE
QUEENSLAND HEALTH ENVIRONMENTAL HEALTH UNIT**

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought
1.	Ecological Assessment Report	<p>Impacts of mosquitoes and biting midge – It is acknowledged that the report has identified areas adjacent to the proposed development site as breeding grounds for mosquitos and biting midge and the likely impacts given the proposed increased population.</p> <p>It also acknowledged that the report has identified the limited ability for the local government authority to implement control programs due to the environmental values of the Elliott River.</p> <p>Notwithstanding, Council has an obligation to meet its public health responsibilities and should ensure that any proposed activities do not cause a public health risk.</p> <p>It is also noted that the legislative responsibilities of Council are cited with reference to the "Health Regulation 1996". This aspect of the Regulation has been repealed and is now captured by the Public Health Act 2005 and subordinate legislation.</p>	<p>The Queensland Health "Guidelines to minimise mosquito and biting midge problems in new development areas" might be referenced to assist in understanding and mitigating their impacts. This might be referenced throughout the plan.</p> <p>Refer to the <i>Public Health Act 2005</i> and <i>Public Health Regulation 2005</i> for obligations in relation to public health risks.</p>
2.	Stormwater Management Plan	<p>A variety of stormwater management techniques have been identified. Given the established predisposition of the area as a mosquito and biting midge breeding area, consideration should be given to ensure that any management technique employed does not exacerbate the current problem.</p>	As above.
3.	Town Planning Report – SO20 (pg21)	<p>The proposed town & village centre and the businesses contained therein will have the potential to emit nuisances such as noise and light. These may affect the amenity of residents adjacent to these centres.</p>	<p>If the development progresses, consideration will need to be given to remove or minimise impacts from noise and light emissions. For example design and construct lighting amenities (eg. car park lighting) and location of certain businesses likely to be the source of noise emissions (eg. taverns, night clubs) away from residential areas.</p>
4.	Town Planning Report – 8.3 (pg43)	<p>The new resident population will require a secure potable water supply. This is particularly for those aspects of the development that cater to high risk groups</p>	<p>Careful planning should be undertaken at all stages of the development to ensure that the supply of potable</p>

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought
		<p>such as nursing homes and child care centres. The allusion is made that provision of a water treatment plant (WTP) will secure water supply. While the WTP will secure the quality of potable water for residents, the supply of water will still be dependant on the availability of water to the area.</p> <p>Much has been made in the associated documentation of the inability of the area to continue to sustain agriculture due to groundwater salinity problems and the inability of water providers to meet water allocations. Reference has been made to the ability of the Paradise Dam to meet predicted water needs. Currently the Paradise Dam is at approximately 15% capacity, is unable to meet current water needs and has other issues that are beyond the scope of this response.</p>	<p>water meets the demands of the increased population including during peak tourist seasons. The increased exposure and amenity of the area is likely to attract a greater number of visitors over time, placing a greater strain on water resources and associated infrastructure.</p> <p>Further measures must be implemented to ensure water quality standards recommended in Australian Drinking Water Guidelines 2004 are met.</p>



Queensland Government

Department of Primary Industries and Fisheries

Reference: 08-00483 / NAM/140/006 (83)

25 November 2008

Mr Alaister Macrae
Cardno (Qld) Pty Ltd
Suite 13-17 Commercial Centre
Isle of Capri Q 4217

COPY

Dear Mr Macrae

Development application for a master planned community at Elliot Heads -- response to information request

I refer to your letter, dated 27 October 2008, requesting advice from the Department of Primary Industries and Fisheries (DPI&F) with regard to the above. DPI&F has assessed the information supplied and provides the following comments:

Fisheries Issues

Please be advised that the basis of DPI&F's comments lies within the jurisdiction of the Fisheries Act 1994, and that a site inspection was not undertaken for the purposes of these comments.

DPI&F does not object to the development of a master planned community at the proposed location adjoining the declared Elliot River Fish Habitat Area (FHA) (Management A), but does have some concerns with aspects of the proposal. Specifically, Departmental policies do not support:

- the inclusion of areas of tidal land or marine plants in waterway or wetland buffers; or
- the inclusion of stormwater management infrastructure in waterway or wetland buffers.

The original submitted information stated that there would be approximately 48 hectares of public open space, including a portion to be located along the south west site boundary adjacent to the FHA as a buffer area. This proposed buffer would include areas of tidal land and marine plants. It is also noted that this buffer would contain public use infrastructure such as pathways, cycleways and picnic areas, potentially reducing the effectiveness of the zone as a riparian buffer.

BUNDABERG REGIONAL COUNCIL

RETENTION	70 yrs
DOCUMENT NO	08/00483

RECEIVED/SENT

27 NOV 2008

FILE NO	322001.051237.001
ACTION OFFICER	N Phillips

Mission Vision
 Profitable primary industries for Queensland
 Maximise the economic potential of Queensland primary industries on a sustainable basis

91-95 Howard Street
 PO Box 5165 Sunshine Coast Mail
 Centre Nambour
 Queensland 4560 Australia
 Call Centre 13 25 23
 Website www.dpi.qld.gov.au
 ABN 78 342 684 030

It is unclear if the proposed buffer zone would also contain components of the proposed stormwater treatment infrastructure. Appendix 2 of the Information Request Response includes ML Design drawing 'Land Use Structure Plan, Elliot Heads, Elliot Heads Estate Pty Ltd' dated 22/10/08, which shows two water management areas within the open space buffer in close proximity to tidal lands, one of which includes tidal land (PP24). A cross-reference of previously submitted information indicates that no waterbodies or retention basins associated with stormwater treatment would be located in the buffer area, however, the recently submitted information states that some stormwater treatment areas are also proposed in areas adjacent to the FHA.

DPI&F considers a buffer between development activities and tidal lands to be an important management tool, assisting in the protection and management of adjacent aquatic features by reducing bordering effects and providing filters for run off, etc. DPI&F Policy Guideline FHG003 (Fish Habitat Buffer Zones) supports the retention of a minimum buffer width of 100m (incorporating natural vegetation and other buffer elements) set back between development and tidal aquatic features, including marine plants, especially if adjacent to a declared fish habitat area. This generic buffer width is considered a 'starting point' from which site specific requirements can be negotiated. It is appreciated that the final buffer determination by the relevant agencies will consider the type of proposal, the capacity for impacts, environmental characteristics, biodiversity values, etc.

It is noted that the proposal includes a water main to be located within the declared Elliot River FHA. DPI&F Policy FHMOP 002 (Management of declared Fish Habitat Areas) states that the depth of a declared FHA for management purposes is 2 metres measured vertically beneath the substratum of the area. Provided the water main is wholly directionally drilled below this depth, it will not be within the FHA and no approval from DPI&F for operational works in a fish habitat area will be required. DPI&F policy does not support such infrastructure being located within fish habitat areas (Management A).

DPI&F management and policies associated with the declared Elliot River FHA do not allow for permanent disturbances for private purposes within the declared area. This would include operational works such as erosion protection, boat ramps, pontoons, etc.

It should also be noted that under Section 3.3.2A of the *Integrated Planning Act 1997*, any proposal to disturb marine plants associated with this development would require lodgement of an operational works application at or before the MCU stage.

Should the current application be approved, DPI&F requests that Council includes conditions of approval to ensure the inclusion of a buffer to tidal lands and marine plants of a width appropriate to adequately protect the adjacent declared FHA and any other tidal areas. The buffer should not include any tidal lands, marine plants or stormwater infrastructure, and any other disturbances in the buffer area (eg. for community infrastructure) should be kept to an absolute minimum.

Agricultural Issues

DPI&F offers no support for the use of Good Quality Agricultural Land (GQAL) for urban development in a rural zone. DPI&F acknowledges the subject land has current issues with water availability however this situation may change in the future.

No information has been provided to DPI&F regarding the use of water from the proposed waste water treatment plant to be built near the site. In lieu of any information to the contrary, DPI&F suggests this may be an alternative source of water to supplement bore water for irrigation use.

DPI&F acknowledges that the inclusion of suitable buffers to separate the proposed residential development from existing agricultural operations may ameliorate conflict arising from incompatible land uses, however the same may be said for the current land use activities. This would allow current and future agricultural practices to continue without impact to nearby existing residential areas.

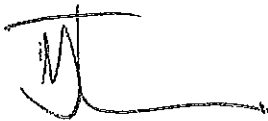
It should be noted that the Department of Natural Resources and Water (DNRW) is the lead agency for GQAL issues and DPI&F will support that department's advice on this issue.

Biosecurity Issues

DPI&F notes that two Class 3 weed species (Lantana and Cats claw creeper) have been identified on the site. DPI&F recommends that should the development be approved, any Environmental Management Plans prepared for the site includes a pest species management plan to reduce spread of existing weeds and pests, and the introduction of others.

If you require any further information regarding this matter, in the first instance, please contact Mathew Johnston on telephone 07 5430 4917, or email mathew.johnston@dpi.qld.gov.au.

Yours sincerely



For
David Loch
A/Regional Director (South East)

CC Dan Mayer, Manager, Planning and Assessment (South), Department of Primary Industries and Fisheries, Southern Fisheries Centre, PO Box 76, DECEPTION BAY QLD 4508;
Wayne Phillips, Director, Planning and Development, Bundaberg Regional Council, PO Box 3130
190 Bourbong Street, BUNDABERG QLD 4670.



04 SEP 2007

Department of Education and the Arts

Mr Wayne Phillips
Director Planning and Development
Burnett Shire council
Locked Bag 1
BARGARA QLD 4670

Dear Mr Phillips

Thank you for your letter dated 18 July 2007 seeking third party advice under S 3.2.7 of the Integrated Planning Act 1997 concerning the development application known as Elliott Heads Estate, Elliott Heads, Burnett Shire.

It is noted that S3.2.7 allows the assessment manager to seek advice, at any stage of the application, from third parties. The Elliott Heads Estate proposal is in its early stages. The Department envisages further dealings with the application as it progresses through the mechanisms attendant upon applications that seek to override the planning scheme.

At this point in time the Department's response is that it would not endorse the indication on such a document that the Elliott Heads State School is to be relocated. Please ensure that any public exposure that is given to this document does not reflect this and that any references in the plan or accompanying documents to relocating the school are deleted.

Should you wish to discuss this matter further, you can contact Mr Jim Wiedman, Principal Advisor Facilities Planning, on telephone (07) 323 70224.

Thank you for bringing this matter to my attention.

Yours sincerely

Handwritten signature of Jason Furner

Jason Furner
Chief Facilities Officer
Strategic Facilities Branch

Ref: 07/97523

SHIRE OF BURNETT
Reply, Info, Amend to Info, Amend to Reply
Reply Due, Reply by Ph, Reply by Fax, Reply by E-Mail
RECEIVED 06 SEP 2007
FILE: 2-2007123-800 PT: 2 REG NO: 07/03206
FILE: AO: Kiley, M CC:
COMMENTS:



Burnett Shire Council
D100669

Strategic Facilities Branch
Floor 14 Education House
30 Mary Street Brisbane 4000
PO Box 15033 City East
Queensland 4002 Australia
Telephone +61 7 3235 4176
Facsimile +61 7 3235 4367
Website www.education.qld.gov.au
ABN 76 337 613 647



5 October 2007

Queensland Transport

Chief Executive Officer
Burnett Shire Council Locked Bag 1
BARGARA QLD 4670

SHIRE OF BURNETT			
Reply	Reply Due	Scanned:	
Info	✓ Reply by Fax:	/ /	
Amend to Info	Reply by Fax:	/ /	
Amend to Reply	Reply by E-Mail	/ /	
RECEIVED		10 OCT 2007	
FILE: Z-2007/123-800	PT: 2/	REG NO: 07/03580	
FILE:	PT:	REG NO:	
AO: M. Riley		CC:	
COMMENTS:			

Attention: Michelle Riley

Dear Michelle

Concurrence Agency Response—Integrated Planning Act 1997 (IPA) s3.3.16
Queensland Transport Ref: 1039

Application for: Preliminary Approval over-riding the Planning Scheme under s3.1.6 of IPA for a Masterplanned Community
Atkinson road, Shine Street, Welsh Street, Saunders Street, Rule Street, Moore Street, Elliot Heads Road, Raines Road, Breusch Road, Dorflers Road Elliot Heads
Lot 77 CK: 495 to Lot 82 CK: 495, Lot 85 CK: 495 to Lot 88 CK: 495, Lot 91 CK: 495, Lot 97 CK: 495, Lot 135 CK: 767, Lot 89 CK: 1443 to Lot 90 CK: 1443, Lot 26 EH: 1875, Lot 8 RP: 7353 to Lot 10 RP: 7353, Lot 16 RP: 7353, Lot 17 RP: 7354 to Lot 18 RP: 7354, Lot 2 RP: 7355, Lot 2 RP: 49524, Lot 1 RP: 50368 to Lot 2 RP: 50368, Lot 1 RP: 50372 to Lot 2 RP: 50372, Lot 1 RP: 53148, Lot 1 RP: 74477, Lot 6 RP: 89911 to Lot 7 RP: 89911, Lot 25 RP: 89911, Lot 1 RP: 113567, Lot 1 RP: 152664, Lot 3 RP: 214907
Lot 5 RP: 806935
Burnett Shire Council
Application Ref: Z-2007123-800

I refer to the application from Randall Barrington Town Planning P/L received by this department on 24 August 2007 seeking approval for the above proposal, as indicated on the plans listed in the table below.

Integrated Transport Planning
Transport Planning
Floor 12 Cromwell House
200 Mary Street Brisbane Queensland 4000
GPO Box 213 Brisbane Queensland 4001
ABN 13 200 330 520

Our ref 890/BRIS-1039 P24346
Your ref
Enquiries Tina Highet (Planner)
Telephone +61 7 3117 5505
Facsimile +61 7 3117 5554
Website www.transport.qld.gov.au
Email tina.l.highet@transport.qld.gov.au

Advice:

Potential Bus stops location and details

QT recommends that further discussions are held between QT, Main Roads and Burnett Shire Council to ensure that potential future public transport services, and proposed infrastructure do not prejudice the function of the State Controlled Road. This will also apply to bus interchanges and taxi drop of facilities that should be integrated into the design of the proposed town centre and urban village.

Notwithstanding the details submitted within the *Public Transport Network Plan (Elliot Structure Plan Volume)*, the location of bus stops and details of the public transport interchanges will be subject to discussions with QT and the service providers Stewart & Sons.

Attachment 1

Queensland Transport Concurrence Agency Conditions and Statement of Reasons BRIS-1039

<p>Prior to sealing of the plan of survey</p>	<p>Public Transport Accessibility</p> <p>1. Roads designated as a bus routes within the submitted <i>Public Transport Network Plan</i> Ref MP-06(A) included within the applicant's <i>Structure Plan Volume 2, June 2007 prepared by ML Designs</i> shall be designed and constructed generally in accordance with development standards outlined in the <i>Transport Planning and Coordination Regulation 2005</i>, Schedule 1, Part 2.</p>		<p>s8A of the <i>Transport Planning and Coordination Act 1994</i></p>	<p>It is anticipated that the proposed development will create a demand for public transport services. As it is envisaged that public transport may be extended to service the site in the future, it is essential that the road network is designed to allow buses to safely and efficiently run throughout the development.</p>
<p>Prior to sealing of the plan of survey</p>	<p>Pedestrian and Cyclist Connectivity</p> <p>2. Pedestrian and Cyclist pathways shall be designed and constructed generally in accordance with, the <i>Section 4.0 Pedestrian and Cycle Network and the Pedestrian circulation plan</i> included with the applicant's <i>Structure Plan Volume 2</i>. All pedestrian and cyclist paths shall comply with <i>Austroroads Parts 13 and 14</i> respectively.</p>		<p>s8A of the <i>Transport Planning and Coordination Act 1994</i></p>	<p>The layout of the development should allow for direct, safe and convenient connections through the site to enable pedestrians and cyclists to access proposed public transport infrastructure.</p>

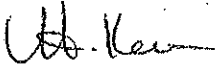
Plan/Document/ Name	Plan Date	Drawn By:
<i>Elliott Heads Estate Structure Plan - Design Report and Landscape Strategy: Volume 2</i>	June 2007	<i>ML Design Pty Ltd</i>

An assessment of the proposed development on Queensland Transport's (QT) jurisdiction, namely the increased integration between land use and transport (s8A of the *Transport Planning and Coordination Act 1994*) has been completed.

It is advised that the proposal is supported with conditions of development as identified on the attached Statement of Reasons. These conditions must be included in any development permit issued for this proposal.

A copy of this letter and the Statement of Reasons has been sent to the applicant.

Yours sincerely



Helen Kerr

A/Principal Advisor



QUEENSLAND POLICE SERVICE

Property and Facilities Branch
200 Roma Street, Brisbane Q 4000
GPO Box 1440, Brisbane, Q 4001

TELEPHONE (07) 3384 3702 FACSIMILE (07) 3384 4673

3 August 2007

Mr Wayne Phillips
Director Planning and Development
Burnett Shire Council
Locked Bag 1
BARGARA QLD 4670

Dear Mr Phillips

COMMENTS REGARDING DEVELOPMENT - ELLIOTT HEADS ESTATE

Thank you for your correspondence of 18 July 2007 seeking Queensland Police Service input in relation to the development application package prepared by the Burnett Shire Council.

As requested, the Queensland Police Service has reviewed the draft report however as the planning scheme has minimal impact upon the operations of the Service no additional comment regarding the suitability of the draft is provided.

The Service appreciates your invitation to peruse the IPA Planning Scheme at key stages throughout the planning process and I would take this opportunity to thank you for your consideration.

Yours faithfully


S G SPANNER

Program Manager (Property Services)
PROPERTY AND FACILITIES BRANCH
H:\Property Services\Town Planning\Burnett Shire Elliott Heads.doc

SHIRE OF BURNETT			
Reply	Reply Due	Forward:	
Info	<input checked="" type="checkbox"/> Reply by File		1 / 1
Attend to Info	Reply by Fax		1 / 1
Attend to Reply	Reply by E-Mail		1 / 1
RECEIVED		08 AUG 2007	
FILE: 2-2007123-802	PT: 1	REGNO: 07/0296	
FILE:	PT:	REGNO:	
CC: M Riley	CC:		
COMMENTS:			

Burnett Shire Council



D099468

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone: (07) 3225 1827 Fax: (07) 3247 3278
www.epa.qld.gov.au ABN:87221158786



Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Notice of concurrence agency response Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, to advise you of a decision or action.

Enquiries to: Allen Johns
Telephone: (07) 3224 5099
Your reference: Z-2007123-800
Our reference: Appl'n: Burnett/09/07 Part 1 File No.: BNE33539

CC: Mr Randall Barrington
Randall Barrington Town Planning
PO Box 8054
BARGARA 4670

Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670

Attention: Mr Wayne Phillips

Re: Application (No. Z-2007123-800) for development approval for assessable development to be carried out at Atkinsons Road, Shine Street, Welch Street, Saunders Street, Rule Street, Moore Street, Elliott Heads Road, Raines Road, Breusch Road, Dorflers Road, ELLIOTT HEADS (L77-82, 85-88, 91,97 CK495

L135 CK767
L89, 90 CK1443
L26 EH1875, Lots 8-10, 16 RP7353
L17,18 RP7354
L2 RP7355
L2 RP49524
L1, 2 RP50368
L1, 2 RP50372
L1 RP53148
L1 RP7447
L6, 7, 25 RP89911
L1 RP113567
L1RP152664
L3 RP214907
L5 RP806935).

BUNDABERG REGIONAL COUNCIL

RETENTION	20 years
DOCUMENT NO	08/004761

RECEIVED/SENT - 9 DEC 2008

FILE NO	322-2007-051238-001
ACTION OFFICER	W Phillips

Bundaberg Regional Council



D141338

Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency (EPA) – Contaminated Land Unit (CLU) is a concurrence agency for the development application:

Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

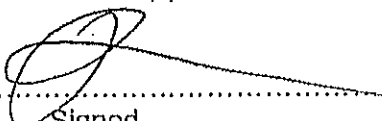
The EPA-CLU, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA-CLU has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title

issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number provided .


.....
Signed

27/11/2008
.....
Date

**Delegate of Administering Authority
Environmental Protection Act 1994.**

Council Application Number:
EPA Application Number:

Z-2007123-800
Burnett/09/07 Part 1

Concurrence agency response

Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

Applicant:	Randall Barrington Town Planning Elliott Heads Estate Pty Ltd
Council Application Number:	Z-2007123-800
EPA Application Number:	Burnett/09/07 Part 1
Date application received by EPA:	30/08/2007
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i>
Jurisdiction:	Chapter 7, Part 8 <i>Environmental Protection Act 1994</i>

Development Description:

Material Change of Use - Master planned residential community comprising residential development at different densities including retirement village, medium density housing, dual occupancy, conventional and small lot housing; resort; village and town centres incorporating

where:

- the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the *Environmental Protection Act 1994*.
- the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity.
- the land is on the Environmental Management Register or Contaminated Land Register under the *Environmental Protection Act 1994*.**
- the land is wholly or partly within an area for which an Area Management Advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes.
- the land is wholly or partly in an area for which an Area Management Advice for unexploded ordnance has been issued.

at the following place(s):

Atkinsons Road, Shine Street, Welch Street, Saunders Street, Rule Street, Moore Street, Elliott Heads Road, Raines Road, Breusch Road, Dorflers Road, ELLIOTT HEADS (L77-82, 85-88, 91,97 CK495

L135 CK767

L89, 90 CK1443

L26 EH1875, Lots 8-10, 16 RP7353

L17,18 RP7354

L2 RP7355

L2 RP49524

L1, 2 RP50368

L1, 2 RP50372

L1 RP53148

L1 RP7447
L6, 7, 25 RP89911
L1 RP113567
L1RP152664
L3 RP214907
L5 RP806935)

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that

- conditions must attach to any development approval
- any approval must be for part only of the development
- any approval must be a preliminary approval only**
- there are no concurrence agency requirements
- the application must be refused

Conditions of the development approval

1. Sufficient information provided in accordance with the *Environmental Protection Act 1994* and the *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland* (DEH, 1998) specifying that the land is suitable for the intended use or enabling a statement of suitability with a Site Management Plan (SMP).
2. The information requested under clause 1 above must be reviewed and consented to by the Third Party Reviewer (TPR) before submitting to the EPA.
3. **Third Party Reviewer.** A Third Party Reviewer (TPR) must be appointed under the EPA's *Terms of Reference - Use of a Third Party Reviewer for Assessment and Management of Site Contamination dated 15 Feb 2008* (TOR).
4. A TPR acceptable to the EPA must be engaged at all times until draft Site Management Plans, acceptable to the EPA are submitted or the subject land has been removed from the Environmental Management Register.

Additional comments or advice about the application

The Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland may be obtained from the Environmental Protection Agency's internet site at www.epa.qld.gov.au, or by contacting the EPA's Contaminated Land Unit. Please ensure that the appropriate statutory fee [as of the 1 July 2008 \$1048.00 per lot listed on the Environmental Management Register] is included with this application for the assessment of the site investigation and / or validation reports.

Under section 371 (1) of the Environmental Protection Act, If the owner or occupier of land becomes aware a notifiable activity is being carried out on the land, the owner or occupier must, within 22 business days after becoming aware the activity is being carried out, give notice under the subsection to the administering authority in the approved form.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

Enquiries Maria Zann
Telephone (07) 4121 1855
Your reference 130.2007.1238.1
Our reference 316197 MBH185-10 2007/2158

28 September 2007

Wayne Phillips
Planning and Development
Burnett Shire Council
Locked Bag 1
BARGARA QLD 4670

Dear Sir,

Advice re Development Application involving land bounded by Atkinsons Road, Shine Street, Welch Road, Moore Street and Elliott Heads Road, Burnett Shire

Please treat this response as a properly made submission

The Environmental Protection Agency acknowledges receipt of a request to provide advice for a development application in accordance with schedule 2 of the *Integrated Planning Act 1997*. This information relates to the following proposal:

Applicant: Elliott Heads Estates Pty Ltd
Activity description: MCU for a master planned residential community
Referral Triggers: Sch 2, Table 2, Item 38 (Applications and referrals relating to wetlands)
Description of subject land: Land bounded by Atkinsons Rd, Shine St, Welch Rd, Moore St & Elliott Heads Rd being lots: 3RP214907, 1RP50372, 5RP806935, 80CK495, 97CK495, 2RP7355, 2RP49524, 87CK495, 81CK495, 1RP113567, 1RP53148, 86CK495, 25RP89911, 90CK1443, 78CK495, 1RP152664, 26EH1875, 91CK495, 88CK495, 77CK495, 2RP50372, 2RP50368, 89CK1443, 79CK495, 85CK495, 1RP50368, 82CK495, 3RP214907, 5RP806935, 80CK495, 10RP7353, 97CK495, 87CK495, 1RP74477, 81CK495, 18RP7354, 86CK495, 25RP89911, 16RP7353, 78CK495, 1RP152664, 135CK767, 26EH1875, 91CK495, 88CK495, 77CK495, 82CK495, 17RP7354, 9RP7353, 79CK495, 85CK495, 7RP89911, 8RP7353 and 6RP89911

EPA issued an information request to the above applicants on 13 September 2007 as a Concurrence Agency in respect of contaminated land issues. The Agency has now reviewed the information provided in respect of referral triggers under Schedule 2 of the *Integrated Planning Regulation 1998* (*viz.* within 100m of a wetland and within 100m of conservation estate) and, as an Advice Agency, recommends the application be refused.

Statement of Reasons

The *Integrated Planning Act 1997* requires that State Planning Policies be considered in the assessment of development applications. The SCMP has the effect of a State Planning Policy. The proposed development has been assessed as being inconsistent with the SCMP, specifically the following policies:

Policy 2.1.2 Settlement Pattern and Design

The nature and size of the proposed development (as set out in the Elliott Heads Structure Plan) is inconsistent with Policy 2.1.2 of the SCMP which requires: *to the extent practicable, the coast is conserved in its natural or non-urban state outside of existing urban areas and urban growth is managed to protect coastal resources and their values by minimising adverse impacts...growth of urban settlements should not occur on or within erosion prone areas, significant coastal wetlands, riparian areas, sites containing important coastal resources of economic, social, cultural and ecological value, or areas identified as having or the potential to have unacceptable risk from coastal hazards.*

Whilst the proposal adjoins the existing township Elliott Heads the site has not been identified as an area for future urban development in any local or regional plan (statutory or non-statutory). The proposed development (as set out in the Elliott Heads Structure Plan) seeks to accommodate a population of 7317 residents – three times the size of the existing township. This scale of development is unwarranted in this location and will increase the likelihood of linear strip development along the Burnett coast, which is incompatible with Policy 2.1.2 of the SCMP which seeks to promote/maintain coastal development in discrete nodes.

Policies 2.4.1 Water quality management 2.4.2 Wastewater discharges to coastal waters

Stormwater discharges from a proposed township of ~7000 people are likely to adversely impact on groundwater resources and surface water quality of adjacent coastal wetlands unless best practice stormwater management practices are implemented. A drainage plan is not provided in the stormwater management plan so it is not possible to assess whether water sensitive urban design is adequately employed. Note that lakes (as referred to in the SMP p. 19) typically exhibit a trend towards decline in ecological health and increasing maintenance costs. Drawdown, flushing of lakes and time of water residence, presence and type of vegetation and alignment with prevailing winds all contribute to lake health. No strategy to address these issues is presented in the application.

To be consistent with the *Environmental Protection Policy (water)* the proposed development needs to demonstrate retention of existing water quality in High Ecological Value (HEV) waterways such as Woongarra coast coral reef (scheduled under *EPP (water)*) and the Elliott River estuary (draft HEV area identified in the public consultation process associated with the development of a Burnett North Water Quality Improvement Plan (see Attachment 1).

The following acceptable solutions would need to be demonstrated before the proposed development could be deemed to meet SCMP water quality policy requirements:

- 1) best practise urban stormwater management incorporating water sensitive urban design is planned for construction and post-construction development phases (refer to *EPA Best Practice Environmental Management – Urban Stormwater 2007.*);
- 2) wetland buffers sufficient to filter contaminants surface water runoff contaminants are incorporated in the development design (buffer setbacks should not be less than those prescribed in the *Regional Vegetation Management Code for Southeast Queensland Bioregion* issued 20/11/06 i.e. 200 metres in the case of *significant coastal wetlands*);
- 3) acceptable accredited site erosion and sediment control plans are developed and implemented,

Development of this size and scale requires an adequate sewerage treatment plant, proposed for Elliott Heads but not currently approved. Disposal of treated wastewater in such a plant will need to demonstrate compliance with Policy 2.4.2 Wastewater discharges to coastal waters in the SCMP, notably: *'For coastal waters where nutrients have been identified as a problem, sewage treatment works are designed and managed to enable appropriate nutrient removal ... into coastal waters – by 2010'*.

Policies 2.8.1 Areas of State Significance (Natural Resources) and 2.8.2 Coastal Wetlands

The size and scale of the proposed development is likely to adversely impact an adjacent *significant coastal wetland* as defined by the SCMP¹. This *significant coastal wetland* extends from Elliott River to Theodolite Creek (in the south) and northward along the Woongarra coast to the mouth of the Burnett River (in the north). This wetland is part of a Marine Conservation Zone declared under the Great Sandy Marine Park Zoning Plan.

Significant coastal wetlands are Areas of State Significance (Natural Resources) under the SCMP, where Policies 2.8.1 and 2.8.2 both apply. Policy 2.8.1 of the SCMP specifies: *'land*

¹ Wetlands associated with the proposed development site satisfy the following criteria for *significant coastal wetlands* as defined by the SCMP:

(c)(i) *a good example of a wetland type occurring within a bioregion in Queensland*

- all palustrine wetlands on the proposed development area were identified as natural wetlands under the Queensland wetlands mapping program; estuarine wetlands adjacent the site are 'Highly protected areas' under the Great Sandy Marine Park Zoning Plan and part of a Fish Habitat Area 'A'.

(ii) *plays an important ecological or hydrological role in the natural functioning of a major wetland system*

- palustrine wetlands on the proposed development play an important role in maintaining water quality and hydrology of the High Ecological Waters of the Elliott River estuary; shorebird roost/ nesting sites and coral reef at Dr Mays Island and Woongarra.

(iii) *important as a habitat for animal taxa at a vulnerable stage in their life cycles, or provides a refuge when adverse conditions such as drought prevail*

- 200m from the boundary of the property is a shorebird roost mapped by the Queensland Wader Study Group; the Elliott River contains three other significant shorebird roosts and important fish nurseries.

allocation for uses and activities adjacent to 'areas of state significance (natural resources)' is to be compatible with the maintenance of the area's values.' Policy 2.8.2 of the SCMP specifies: *'further loss or degradation of coastal wetlands (including land within 100 metres of a coastal wetland) is to be avoided and impacts on coastal wetlands prevented, minimised or mitigated (in order of preference).'*

The application fails to demonstrate the proposed development will not result in adverse impacts to AOSS (NR) or that it is of net benefit to the state as a whole.

Policy 2.8.3 Biodiversity

The proposed development is inconsistent with Policy 2.8.3 of the SCMP which specifies: *'biodiversity on the coast is to be safeguarded through conserving and appropriately managing the diverse range of habitats including coral reefs, seagrass, ..saltflats, ... coastal wetlands and riparian vegetation..'*

Significant wildlife habitats are located immediately adjacent to the proposed development site. This includes extensive areas of intertidal flats which are important habitat for resident and migratory shorebirds (including the Little Tern *Sterna albifrons* and Eastern Curlew *Numenius madagascariensis*). Elliot River estuary, itself, has extensive shallow marine waters important as seagrass and fish breeding habitat. The estuary is directly linked to the Woongarra fringing coral reef community protected as part of the Great Sandy Marine Park.

Proposed development is likely to adversely impact biodiversity values of state significance, both directly and indirectly, as a result of increased human and domestic animal local populations, spread of exotic weeds and pests, diminished water quality etc. This includes potential for adverse impacts on scheduled wildlife species such as the Hawksbill Turtle *Eretmochelys imbricate* and Loggerhead Turtle *Carretta Caretta*.

Policy 2.8.3 requires *'retention of and appropriate management of riparian vegetation along waterways of sufficient width to provide for a self-sustainable linked network'*. Riparian vegetation adjoining wetlands is not of sufficient width to protect the values of the significant wildlife habitats described above, nor does the proposed network of parklands provide sufficient natural riparian vegetation to act as a protective self-sustainable linked network.

SUMMARY

1. The size and scale of the proposed development presented in the Elliott Heads Structure Plan is inappropriate and is outside the projected urban needs of the Burnett Shire;
2. The proponent has not demonstrated that the proposed development is consistent with various policies contained in the SCMP (as detailed above);
3. On this basis it is recommended that the application be refused.

If you have any inquiries regarding this response please contact either Ms Maria Zann or myself by telephoning (07) 4121 1855

Yours sincerely

Stephen Barry
A/Planning Manager
Wide Bay Burnett

C/c Randall Barrington
Principal
Randall Barrington Town Planning Pty Ltd



Our Ref: P131732
Your Ref: Z-2007123-800

Strategic Policy and
Executive Services

Department of
Emergency Services

1 August 2007

Mr Wayne Phillips
Director Planning and Development
Burnett Shire Council
Locked Bag 1
BARGARA QLD 4670

Dear Mr Phillips

Thank you for your letter dated 18 July 2007, regarding the development application for Preliminary Approval Overriding the Planning Scheme under S3.1.6 of IPA for the Elliott Heads Estate Development.

Department of Emergency Services (DES) officers have reviewed the application regarding compliance with State Planning Policy 1/03 (SPP 1/03) and other emergency services provision issues.

DES judges the development to be compliant with SPP 1/03 and requires no further information regarding the development application.

Should further information be required, please do not hesitate to contact Mr Gavin McCullagh, A/Senior Policy Officer, on telephone number (07) 3247 8782, who will be pleased to assist. Should any operational consultation be required, contact information is attached for the three regional operational agencies within DES.

Yours sincerely

Richard Williams
Director

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Reply	Reply Due	Scanned	
Info	✓ Reply by File	/ /	
Amend to Info	Reply by Fax	/ /	
Amend to Reply	Reply by E-Mail	/ /	
RECEIVED 06 AUG 2007			
FILE: 2-2007123-800	PC: 1	REG NO: 07/02941	
FILE:	ET:	REG NO:	
AO: m Riley		CC:	
COMMENT:			

Strategic Policy Unit

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Cnr Kedron Park Road and Park Road
Kedron Queensland 4031

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North Coast Regional Contacts

Queensland Fire and Rescue Service
Assistant Commissioner
Telephone Number (07) 4190 4815

Queensland Ambulance Service
Assistant Commissioner
Telephone Number (07) 5420 9999

Emergency Management Queensland
Regional Director
Telephone Number (07) 5436 4212



Queensland
Government

18 April 2012

Mr Peter Byrne
Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
Bundaberg Qld 4670



Attention Mr Richard Jenner

Dear Mr Byrne

Bundaberg Regional Council: Elliott Heads Road
Applicant: Elliott Heads Estate Pty Ltd
**Proposal: Preliminary approval to override the Planning Scheme – Master
Planned Estate**
Access location: 172 at 14.176L

Under section 658 of the *Sustainable Planning Act 2009* (SPA) Elliott Heads Estate Pty Ltd and the State of Queensland (represented by the Department of Transport and Main Roads) have entered into an agreement that constitutes an infrastructure agreement under section 660 of the SPA.

This infrastructure agreement has arisen as a result of the development application proposed by Elliott Heads Estate Pty Ltd for a preliminary approval to override the planning scheme.

The department has recently issued a concurrence agency response for the proposal dated 4 April 2012, a copy of which has previously been provided to Council. The infrastructure agreement that has been made is referred to in Condition 11 of the department's response.

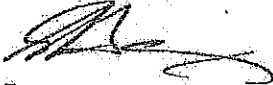
In accordance with section 662 of the *Sustainable Planning Act 2009* please find enclosed a copy of the Infrastructure Agreement for your attention.


Department of Transport and Main Roads
Bundaberg Office - Wide Bay/Burnett Region
21-23 Quay Street, Bundaberg Qld 4670
Locked Bag 486 Bundaberg Queensland 4670
ABN 39 407 690 291
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Our ref 500/84(1) P21290 P22089
Your ref 130.2007.1238.1
Enquiries Adam Fryer
Telephone 07 4154 0200
Facsimile 07 4152 3878
Website www.tmr.qld.gov.au
Email: bundaberg.office@tmr.qld.gov.au

If you have any queries or wish to discuss this matter further, please contact Adam Fryer,
Senior Advisor Strategic Planning on 4154 0200.

Yours sincerely



 Doug Wass
Regional Director (Wide Bay/Burnett)

Encl

- (1) Infrastructure Agreement for Transport Infrastructure Contributions for Elliott Heads Development Elliott Heads Road