



Caboolture Shire Council

Making Lifestyle Really Count

www.caboolture.qld.gov.au

Justin
Veto
3 August 2006

Enquiries: Ms Diana Rampen
Direct Phone: 07 5420 0422
Direct Fax: 07 5420 0193
Our Ref: MCU-2004-1317 &
RAL-2004-3017 (mm)
Item: 3.1.12 01/08/06
Your Ref: 13-792E

Perry and Morphett Pty Ltd
PO Box 1102
CABOOLTURE QLD 4510

Dear Sir/Madam

Re: NEGOTIATED DECISION NOTICE
Integrated Planning Act 1997 S3.5.17
Development Application No.: MCU-2004-1317 & RAL-2004-3017
Property Location: 109 Coach Road West, MORAYFIELD,
1465-1571 Bruce Highway, MORAYFIELD
Property Description: Lot 900 RP 886172, Lot 902 SP 164302
Development: Negotiated Decision – Material Change of Use
– Consequential amendment of the Planning
Scheme to exclude land from Special Rural
zone and include in Residential A zone and
Reconfiguring a Lot - Development Permit (2
into 59 lots in 2 stages plus park and new
road)

Please be advised that on 1 August 2006 Council decided to grant Material Change of Use to Exclude from Special Rural and to include within Residential A – Negotiated Decision Notice in respect of the abovementioned development. This Negotiated Decision Notice replaces the Decision Notice previously issued and dated 28 February 2006.

1. Nature of Changes

The nature of the changes are:

1. Amending Condition 5;
2. Amending Condition 7;
3. By retaining Condition 23 (b) as this is a reasonable and relevant requirement;
4. Amending Advice Clause 3;
5. All other conditions remain unchanged.

Covers the scope of
activities for
CabWater



CERTIFIED QUALITY
MANAGEMENT SYSTEM
1509001

P.O. Box 159, (Shire Administration Centre, 2 Hasking Street) CABOOLTURE QLD 4510
email: ceo@caboolture.qld.gov.au

Telephone: (07) 5420 0100 or 1300 139 130 within Shire (cost of local call)

Facsimile: (07) 5420 0200 ABN 84 582 027 376

2. Conditions of Approval

The Conditions relevant to this approval are listed below:

CONDITION		TIMING
Planning & Environment		
LANDSCAPING		
1.	PS5 Fencing	
	<p>(a) Erect a screen fence along the western boundary of Stage 6C, up until the commencement of proposed park lot 904. Unless an alternative design is agreed to with the owner of adjoining land, the screen fence is to be 1.8 metres in height and be constructed from treated timber.</p> <p>(b) Erect a screen fence along the northern boundary of Stage 6B. Unless an alternative design is agreed to with the owner of adjoining land, the screen fence is to be 1.8 metres in height and be constructed from treated timber.</p> <p>(c) Erect a 1.5 metre high semi transparent fence of 50 percent transparency to the northern boundary of proposed Lot 430.</p> <p>(d) Ensure that some delineation is provided between proposed park 904 and the adjoining allotments to the west. A minimum interface, if there are no existing fences is to be provided by way of bollards.</p>	Prior to the release of survey plans for the respective stages.
2.	PS9 Accordance – Caboolture Shire Tree Planting etc.	
	<p>(a) Carry out landscaping and associated earthworks, site preparation and other necessary works in accordance with approved plans, details and technical specifications of any proposed planting or landscape work (both soft and hard works) where such works will be on land under the control of Caboolture Shire Council, whether as a park, reserve or road reserve. Landscaping is to accord with the Caboolture Shire Tree Planting and Landscaping Guidelines. <u>All acoustic fencing is to be provided with buffer planting that will ultimately screen the fence.</u></p> <p>(b) Before commencing the works obtain approval for the plans, details and technical specifications of any planting or landscape work from Council.</p>	<p>(a) Prior to the release of survey plans.</p> <p>(b) Prior to the works commencing.</p>

XYZ - for x Length

3.	PS120 Street Trees	
	Plant trees in each street of this stage in accordance with Caboolture Shire Tree Planting & Landscape Guidelines.	Prior to the release of survey plans.
4.	PSU Parkland – Revegetation	
	<p>(a) Provide supplementary planting of local indigenous species within the proposed parkland area to provide habitat for local wildlife.</p> <p>(b) Provide revegetation of stormwater flowpaths and biofiltration areas to achieve pollutant reductions that satisfy water quality objectives in the EPA Queensland Water Quality Guidelines 2004.</p> <p>(c) Submit details of revegetation on scaled landscape drawings; including location and botanical name of existing vegetation, specifying vegetation to be retained and that to be removed, and location, species' botanical name, numbers and size of all proposed planting.</p>	<p>(a) Prior to the release of survey plans for Stage 6B.</p> <p>(b) Prior to the release of survey plans for Stage 6B.</p> <p>(c) At the time of lodging an application for operational works for Stage 6B.</p>
HEALTH		
5.	PS24 Acoustic Barrier	
	<p>(a) Erect a 3.0 metre high acoustic barrier along the southern boundary of proposed Lot 449, and along the eastern boundary of proposed Lots 449 to 430 inclusive and along the northern boundary of proposed Lot 430.</p> <p>(b) The barriers must be constructed of a material with a surface area density not less than 10kg/m², have aggregate leakage penetrations of not greater than 1% of the barrier surface area and be of an aesthetically pleasing weather resistant material such as earth, timber, fibre cement or brick.</p> <p>(c) The barrier is also to include appropriate extensions, to ensure its acoustic function is maintained, particularly at the boundary of respective stages.</p> <p>Condition Amended – Negotiated Decision – Council Meeting 01/08/06</p>	Prior to the release of survey plans of the respective stages.

6.	PSU Certification of Barrier Performance	
	<p>A suitably qualified acoustic consultant shall conduct an acoustic assessment of the noise levels within the development, after the construction of the acoustic barriers to certify that appropriate levels of attenuation as predicted by the Ron Rumble Pty Ltd Report No. 04-4349B dated September 2004, are achieved.</p>	<p>Prior to the release of the survey plan.</p>
7.	PSU Assessment of Building Envelope Acoustic Performance	
	<p>Acknowledge in writing that all potential purchasers will be advised that a suitably qualified acoustic consultant is required to conduct an assessment of building design and construction on buildings to be constructed on Lots 391 to 395 and 400 to 449 to certify that construction accords with AS 3671 – Acoustics – Road traffic noise intrusion – building siting and construction and indoor noise levels will not exceed levels recommended in AS/NZS 2107 Acoustics – Recommended design sound levels and reverberation times for building interiors.</p> <p>Condition Amended – Negotiated Decision – Council Meeting 01/08/06</p>	<p>Prior to the release of the survey plan.</p>
8.	PSU Building Construction	
	<p>Residential development on proposed Lots 408 and 409 shall be designed and constructed in accordance with AS 3671-1989 Acoustics – Road traffic noise intrusion – Building siting and construction such that the design internal noise levels as specified in AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors are achieved for a ten year period following assessment.</p> <p>Each residence shall be provided with private formal external open space in which the noise level does not exceed a $L_{A10, 18hr}$ of 60 dB(A) for a ten year period following assessment.</p> <p>Certification from a suitably qualified consultant shall be provided to demonstrate compliance with the noise levels specified above.</p>	<p>Prior to the commencement of use.</p>

9.	PSU Statutory Declaration – Noise	
	Provide a Statutory Declaration that all future purchasers will be advised that lots in Stages 6B and 6C may be affected by traffic noise from the Bruce Highway.	Prior to the release of the survey plan.
RECONFIGURING A LOT – GENERAL		
10.	PS60 Certify Lots in accordance with Proposal Plan	
	Provide certification from a Licensed Surveyor that the lots created accord with the approved plan.	Prior to the release of the survey plan.
11.	PS61 Park – Dedicating Area	
	Dedicate to Council free of cost and compensation the park area of at least 10% of the property in a position as shown on the approved subdivision layout plan.	Prior to the release of the survey plan.
12.	PS62 Park – Applicant’s Surveyor	
	Provide a register of land dedicated to Council as parkland reserve to ensure that the full dedication is made at the completion of the development.	Prior to the release of survey plan.
13.	PS63 Park Best Practice Guidelines	
	Provide land dedicated as park with suitable access, groundcover and where appropriate, irrigation system in accordance with the requirements of the Parks and Recreation Section.	Prior to the release of the survey plan.
14.	PS76 Compliance with General Conditions of Reconfiguring a Lot	
	Comply with all relevant General Conditions of Reconfiguring a Lot attached to the Decision Notice.	Prior to the release of survey plan.

15.	PS77 Provision of Telecommunications	
	<p>(a) Provide underground telecommunication services within and adjacent to the proposed development.</p> <p>(b) Enter into agreements with telecommunications companies and forward copies of those agreements to Council.</p>	Prior to the release of the survey plan.
16.	PS78 Provision of Underground Electricity	
	Provide underground electricity to each lot within the estate.	Prior to the release of survey plan.
AMENITY – GENERAL		
17.	PSU Concrete Pathway	
	Provide a 2.0 metre wide concrete shared pathway within the proposed park (Lot 903) commencing at Acemia Drive and terminating in Coach Road West opposite the proposed north south pathway within the development to the South of Coach Road West (RAL-2003-2957).	Prior to the release of the survey plan.
CONCURRENCE AGENCY		
18.	PS124 Department of Main Roads Conditions	
	Comply with the conditions imposed by the Concurrence Agency – Department of Main Roads (refer to letter ref 25/10A/702.8 L folio 3 ne4610 dated 16 September 2004).	As Indicated.
Engineering Planning		
STORMWATER DRAINAGE		
19.	TP8 Adverse drainage impact – general	
	Drainage from the development shall not adversely impact adjoining lots. Where an adverse impact is identified the developer is required to submit details of adequate measures to offset such.	Prior to the release of survey plans.

20.	TP9 Stormwater Draining to Land	
	<p>(a) Adequately cater for all stormwater draining to the land, or stormwater flow paths which are interfered with by the development or the filling of the subject land; and</p> <p>(b) Provide drainage easements, free of cost and compensation in Council's favour, over any drainage works on the land should such be required.</p> <p>The drainage system is to be designed to cater for a fully developed upstream catchment.</p> <p>Drainage easements within Residential A lots will not be supported, dedicated pathways are required.</p>	Prior to the release of survey plans.
21.	TP10 Stormwater drainage < 8000sqm	
	<p>Construct at no cost to Council, stormwater drainage works in accordance with the following requirements:</p> <p>For residential and rural residential developments with lots less than 8000m², piped drainage designed to cater for a 10 year ARI storm event and unobstructed overland flow paths to cater for a 50 year less 10 year ARI storm event.</p> <p>The piped drainage is to be collected when the width of the flow in the roadway exceeds 3.0 metres, or when the depth of flow exceeds 10mm at the centreline for pavement widths of less than 6.0 metres.</p> <p>Residential lots are to be 100% above the 1 in 100 year storm/flood event.</p>	Prior to the release of survey plans.
22.	TP12 Stormwater discharge and disposal	
	<p>(a) Collect and dispose of stormwater discharge from the site in accordance with Council's Stormwater Drainage requirements and the "Queensland Urban Drainage Manual".</p> <p>(b) Submit for approval details of the proposed method of control and disposal of stormwater from the developed site including the method of control of run-off from access roads, parking areas and roofs.</p> <p>(c) Provide an ongoing maintenance manual for all stormwater control mechanisms.</p>	Prior to the release of survey plans.

23.	TP13 Stormwater detention	
	<p>(a) Control the discharge of stormwater from the developed site so as to restrict post development flows to pre-development levels for all storm events up to a 100 year ARI storm. Any discharge onto downstream properties must not result in an increase of concentration of the stormwater. The detention basin is to be constructed in a location so as to minimise the extent of vegetation clearing.</p> <p>(b) Submit for approval details of the proposed stormwater detention system.</p> <p>Condition Unchanged – Negotiated Decision – Council Meeting 01/08/06</p>	Prior to the release of survey plan
24.	TP15 Blocks to be graded to ensure self-draining	
	Grade all lots to ensure they are self-draining at a minimum grade of 1 in 100.	Prior to the release of survey plans.
25.	TP16 Provision of Roof and Allotment Drainage System	
	Provide a system of roof and allotment drainage where less than 100% of an allotment slopes towards a road. The drainage is to be in accordance with QUDM Level 3 Rear of Allotment Drainage. Where lots grade directly to parkland, QUDM Level 2 roofwater drainage may be used.	Prior to the release of survey plans.
26.	TPU Trash Racks	
	Provide approved trash racks , energy dissipaters and suitable water polishing measures to all stormwater outlets and ensure the number of outlets are kept to a minimum.	Prior to the release of survey plans for Stage 6B.
ACCESS & ROADS		
27.	TP23 Contributions – Reconfiguring a Lot	
	<p>Pay a contribution towards external roadworks necessitated in part by this development. The amount of contribution payable shall be calculated by the application of the formula $N \times \\$750 \times (C2/C1)$ where :</p> <p>N = the number of new allotments on the plan (excluding any allotment comprising an unsubdivided balance area).</p>	Prior to the release of survey plans.

	<p>C1 = the Consumer Price Index figure (all groups – Brisbane) for the quarter ended prior to the approval.</p> <p>C2 = the Consumer Price Index figure (all groups – Brisbane) current at the time payment is made.</p>	
28.	TPU Road Construction	
	<p>(a) Construct roads within Stage 6B as follows:</p> <p>(i) The road with a reserve width of 18.0 metres as a 10.0 metre wide residential collector road;</p> <p>(ii) All internal roads with a reserve width of 16.0 metres as 8.0 metre residential minor collector roads;</p> <p>(iii) All other roads as a 6.0 metre wide residential access roads;</p> <p>(iv) Construct a concrete splitter island in accordance with Council's standards within the 16.0 metre wide road at the intersection with the 18.0 metre wide road adjacent to proposed Lots 391 & 407; and</p> <p>(v) Provide suitable traffic treatment to the horizontal curve adjacent to proposed Lots 409 and 429 to prevent corner cutting.</p> <p>(b) Construct roads within Stage 6C as follows:</p> <p>(i) All internal roads with a reserve width of 16.0 metres as 8.0 metre residential minor collector roads; and</p> <p>(ii) Provide suitable intersection treatment adjacent to proposed Lots 418/422/439 to promote the priority traffic route of the road adjacent to proposed Lots 419 to 422. Construct a concrete splitter island in accordance with Council's standards within the north-south pavement adjacent to proposed Lot 439.</p>	<p>(a) Prior to the release of survey plans for Stage 6B.</p> <p>(b) Prior to the release of survey plans for Stage 6C.</p>
OTHER – ENGINEERING PLANNING		
29.	TP28 Works – Applicant's expense	
	All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the developer's expense unless otherwise specified.	Prior to the release of survey plans.

30.	TP29 Start of works	
	<p>Work shall not commence on the construction (or upgrading) of any proposed (or existing) road, park or other facility under (or proposed to be transferred to) the control, trusteeship or ownership of Council until:</p> <p>(a) All engineering plans, drawings, specifications and drainage calculations for the work has been lodged for Council approval;</p> <p>(b) Council's written approval for (a) has been issued;</p> <p>(c) Any appeal, which has been lodged against Council's decision to approve (with or without conditions) the development application, has been decided or resolved; and</p> <p>(d) The Principal Contractor has accepted the contract in writing and has been appointed as such within the provisions of the <i>Workplace Health and Safety Act 1995</i>, by Council and/or the Owner/Applicant at the Applicant's expense.</p>	Prior to the commencement of site works.
31.	TP31 Erosion control	
	<p>(a) Stormwater run-off from the site is to be controlled so as to minimise the potential for erosion;</p> <p>(b) Submit a Stormwater Management Plan for approval. The Management Plan shall address amongst other things, the maintenance of stormwater drainage devices;</p> <p>Stormwater drainage designs are to incorporate silt and sediment traps generally in accordance with Chapter 9 of the "Queensland Urban Design Manual". All batters steeper than 1 in 4 are to be stone pitched and all batters steeper than 1 in 6 are to be hydro-mulched or turfed; and</p> <p>(c) Maintain the stormwater drainage devices until such time as the development is 'off maintenance'. The applicant is to provide Council with the Manufacturer's maintenance manual and schedule of maintenance for any stormwater drainage devices.</p> <p><i>Guideline: The applicant shall be held responsible for</i></p>	<p>(a) Prior to and during construction and prior to establishment of a dense grass cover.</p> <p>(b) Lodgement of engineering drawings.</p> <p>(c) Maintain devices until such time as the</p>

	<i>the removal of any soil eroded and transferred from the site to adjacent properties or drainage systems as a result of the construction of the development.</i>	development is 'off maintenance'.
32.	TP35 Telstra RIM and Energex Transformer	
	Provide for Telstra RIM and Energex Transformer locations in addition to the nominated road reserve width. These additional areas are to be excised from park areas where possible.	Prior to lodgement of operational works plans.
33.	TP37 Replace existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) to a standard acceptable to the Manager, Engineering Planning should this infrastructure be damaged as part of construction works.	Prior to the release of survey plans.
34.	TP38 Treated Timber Barrier Fences/Bollards	
	Provide treated timber barrier fences/bollards or some other suitable means of preventing vehicular access and where appropriate locking posts: <ul style="list-style-type: none"> • Along all park frontages; • At the entrance to overland flow paths; and • At the entrance to pathways located between lots. 	Prior to the release of survey plans.
35.	TPU Existing Dam	
	Provide certification from a Geotechnical Engineer that the existing dam located adjacent to the southern boundary of existing Lot 9 on RP87981 and potentially impacting the proposed lots within the development will not present any seepage problems to future residents within the development and that the embankment has sufficient structural capacity to cater for a minimum 100 year ARI storm event. In lieu of the above certification, arrange to dewater, de-silt and then fill the existing dam. Prior to dewatering commencing , the applicant is to obtain approval from Council for the discharge point and the proposed method of silt control. Filling is to be carried out in accordance with Level 1 supervision as detailed in AS 3798 and is to be certified by the suitable geotechnical testing authority.	Prior to the release of survey plans for Stage 6B.

36.	TPU Concrete Footpaths	
	Construct 1.2 metre wide concrete footpaths in accordance with CSC standard drawing 01-64C on one side of all internal minor collector roads.	Prior to the release of survey plans.
37.	TPU Indented Parking Bays	
	Provide two (2) indented parking bays adjacent to each of the proposed park areas.	Prior to the release of survey plans.
38.	TPU Flood Plain Management Policy	
	Provide certification from a Licensed Surveyor that all lots comply with Council's Flood Plain Management Policy. The Q100 flood contours are to be located by field survey and marked on the survey plan.	Prior to the release of survey plans.
39.	TPU Temporary Sealed Turnaround Areas	
	Provide a temporary sealed turnaround areas at the end of the 16.0 metre wide roads adjacent to proposed Lots 399, 420, 421 and 429 to facilitate the turning movements of a service vehicle. If necessary, provide suitable easements to accommodate the turnaround area.	Prior to the release of survey plans.
CabWater		
WATER SUPPLY		
40.	WSP4 Water Supply & Sewerage Reticulation – Reconfiguring a Lot	
	Construct water supply and sewerage reticulation to all the proposed allotments within the development including connections to the existing system. All works shall be carried out in accordance with Council's Design and Development Manuals and Standard Drawings. The developer shall be responsible for all costs associated with the connections and inspections of the proposed works.	Prior to the release of survey plans.
41.	WSP5 Water & Sewerage Headworks – Reconfiguring a Lot	
	Pay a contribution towards water supply and sewerage headworks in accordance with Councils policy 'Determination of water supply and sewerage headworks contributions' at the rate current at the time of payment. For information the current applicable rates are as follows:	Prior to the release of survey plans.

	<p><u>Water Supply: Lowland catchment = \$929/equivalent persons</u></p> <p>Lots greater than 1000m² = 3.50 equivalent persons Lots between 500 – 1000m² = 2.90 equivalent persons Lots under 500m² = 2.30 equivalent persons</p> <p><u>Sewerage: South Caboolture STP = \$1063/ equivalent persons</u></p> <p>Lots greater than 1000 m² = 3.30 equivalent persons Lots between 500 – 1000m² = 3.00 equivalent persons Lots under 500m² = 2.40 equivalent persons</p>	
42.	WSP8 Individual Water Services	
	Provide individual water services (20mm diameter) to the boundary of each allotment in accordance with Council's standards.	Prior to the release of survey plans.
43.	WSP9 Water Service conduits	
	Provide water service conduits (100mm diameter min.) under roads to each allotment not directly fronting any water main in accordance with Council's standards.	Prior to the release of survey plans.
SEWERAGE		
44.	WSP18 Sewer Easements	
	<p>Provide a 4.0 metre wide easement for sewerage purposes free of cost and compensation to the Council as follows:</p> <ul style="list-style-type: none"> • over all gravity sewers constructed greater than 3.0 metres in depth and over rising mains located on private properties; • over sewers not constructed within Council's standard sewerage alignment; and • rising mains located on private properties. 	Prior to the release of survey plans.
45.	WSP19 Permit to Enter	
	Provide a written "Permit To Enter" from all property owners, through which external sewer's traverse.	Prior to operational works approval.

ADVICE	
1.	PSU Detention Basin
	The detention basin design information submitted to support the development application is not suitable for operational works approval. The applicant's consultant is to contact Council's Engineering Planning Unit to determine the additional information required.
2.	PSU Use of Potable Water
	During periods of level 2 water restrictions , the use of Potable Water will not be permitted for construction purposes or dust suppression if any part of the works site is within 5 kilometres radial distance of one of Council's recycled water distribution points. During periods of level 3 water restrictions the radial distance will increase to 10 kilometres from one of Council's recycled water distribution points. The location of Council's recycled water distribution points can be obtained by contacting Council's Cabwater Unit on 5420 0100.
3.	PSU Property Note – Traffic Noise on Bruce Highway
	(a) A property note will be placed on Council's database for proposed Lots 399 to 449 notifying that the lots in this development may be affected by noise due to the traffic on the Bruce Highway. 'The acoustic fencing along the property boundary is to be maintained by the property owner.' (b) All two storey/highset residential development shall be designed and constructed in accordance with AS 3671-1989 Acoustics – Road traffic noise intrusion – Building siting and construction such that habitable rooms achieve the design internal noise levels as specified in AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors for a ten year period following assessment. Condition Amended – Negotiated Decision – Council Meeting 01/08/06

3. Details of the Approval

The following type of approval has been issued:

Consequential amendment of the Planning Scheme to exclude land from Special Rural zone and include in Residential A zone and Reconfiguring a Lot - Development Permit (2 into 59 lots in 2 stages plus park and new road) - Negotiated Decision Notice.

4. The Approved Plans

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

Plan Number	Plan Prepared by	Date
13-792LC6BC	Perry & Morphett Pty Ltd	29 June 2004

5. Other necessary Development Permits

Listed below are other development permit/s that are necessary to allow the development to be carried out –

Operational Works – Development Permit

6. Codes for Self-Assessable Development

Not applicable.

7. Superseded Planning Scheme

Not applicable.

8. Preliminary Approval overriding the Planning Scheme

Not applicable.

9. IDAS Referral Agencies –

The IDAS referral agencies applicable to this application are:

Referral Trigger	Name & Address of Agency	Status
Development impacting on State-controlled roads	Department of Main Roads (DMR) PO Box 183 GYMPIE QLD 4570	Concurrence

10. Submissions

There was one (1) properly made submissions about this application.

In accordance with s 4.1.40 of IPA a list of the names and addresses of any submitters will be made available to the applicant upon request, if an appeal is lodged.

In accordance with s.3.5.25(2)(i) of the IPA, the name and address of the principal submitter for each properly made submission are as follows:

Submitter/s List	
Name	Address
Mr I D Matsen	110 Coach Road West, MORAYFIELD QLD 4506

11. Appeal rights

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

12. When the Development Approval takes effect -

This development approval takes effect:

From the time the decision notice is given - if there is no submitter and the applicant does not appeal the decision to the court.

OR

When the submitter's appeal period ends - if there is a submitter and the applicant does not appeal the decision to the court.

OR

Subject to the decision of the court, when the appeal is finally decided - if an appeal is made to the court.

This approval will lapse unless the plan of survey for the reconfiguration is submitted with Council for approval within the above stated currency period (refer to section 3.5.19 and 3.5.20 of IPA for further details).

If this application was submitted as a result of an application for building works it is the applicant's responsibility to provide a copy of this document to the entity undertaking the building approval.

Should you require any further information about this matter, please contact Ms Diana Rampen on 07 5420 0422.

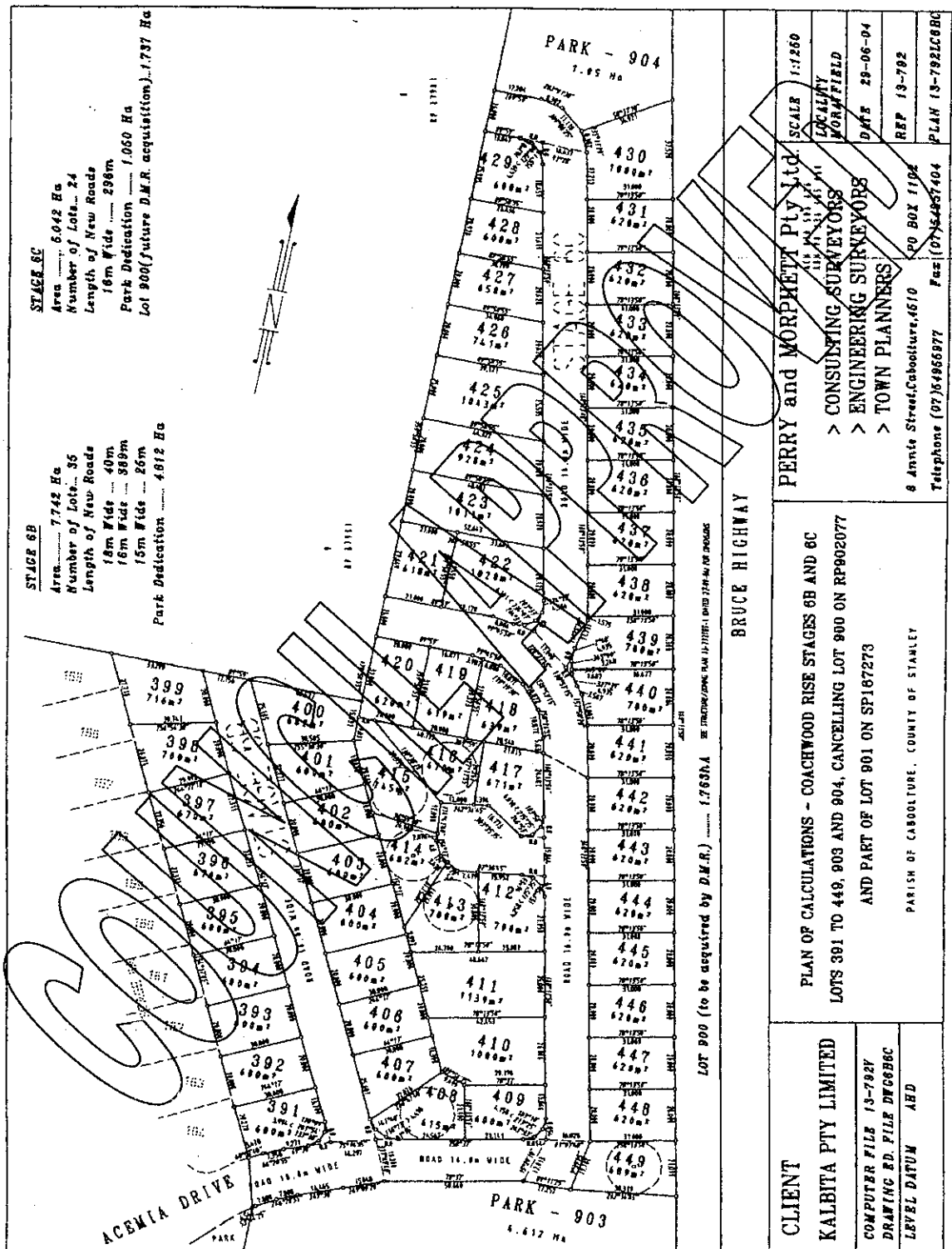
Yours faithfully



AMANDA DRYDEN
COORDINATOR DEVELOPMENT ASSESSMENT

Enclosures

Plan No. 13-792LC6BC 29/06/04



Decision Notice dated 28 February 2006

28 February 2006

Enquiries: Ms Diana Rampen
Direct Phone: 07 5420 0422
Direct Fax: 07 5420 0193
Our Ref: MCU-2004-1317 &
RAL-2004-3017 (mm)
Item: 2.1.9
Your Ref: .13-792E

Perry and Morphett Pty Ltd
PO Box 1102
CABOOLTURE QLD 4510

Dear Sir/Madam

Re: DECISION NOTICE – DEVELOPMENT PERMIT

Integrated Planning Act 1997 S3.5.15

Development Application No.:

MCU-2004-1317 & RAL-2004-3017

Property Location:

Lot 1 Bruce Highway, MORAYFIELD,
109 Coach Road West, MORAYFIELD

Property Description:

Lot 1 RP902077, Lot 900 RP886172

Development:

Material Change of Use – Consequential amendment of
the Planning Scheme to exclude land from Special Rural
zone and include in Residential A zone and
Reconfiguring a Lot - Development Permit (2 into 59 lots
in 2 stages plus park and new road)

Please be advised that on 21 February 2006 the above development application was submitted to Council and the following was resolved.

That Council in accordance with the *Integrated Planning Act 1997* approves a Material Change of Use to facilitate a consequential amendment of the Planning Scheme, to exclude land from the Special Rural zone and include in the Residential A zone, as well as a Reconfiguring a Lot – Development Permit (2 into 59 lots in 2 stages) as shown on Plan 13-792LC6BC prepared by Perry & Morphett Pty Ltd and dated 29 June 2004, subject to the following conditions.

CONDITION	TIMING
Planning & Environment	
LANDSCAPING	

1.	PS5 Fencing	
	<p>(a) Erect a screen fence along the western boundary of Stage 6C, up until the commencement of proposed park lot 904. Unless an alternative design is agreed to with the owner of adjoining land, the screen fence is to be 1.8 metres in height and be constructed from treated timber.</p> <p>(b) Erect a screen fence along the northern boundary of Stage 6B. Unless an alternative design is agreed to with the owner of adjoining land, the screen fence is to be 1.8 metres in height and be constructed from treated timber.</p> <p>(c) Erect a 1.5 metre high semi transparent fence of 50 percent transparency to the northern boundary of proposed Lot 430.</p> <p>(d) Ensure that some delineation is provided between proposed park 904 and the adjoining allotments to the west. A minimum interface, if there are no existing fences is to be provided by way of bollards.</p>	Prior to the release of survey plans for the respective stages.
2.	PS9 Accordance – Caboolture Shire Tree Planting etc.	
	<p>(a) Carry out landscaping and associated earthworks, site preparation and other necessary works in accordance with approved plans, details and technical specifications of any proposed planting or landscape work (both soft and hard works) where such works will be on land under the control of Caboolture Shire Council, whether as a park, reserve or road reserve. Landscaping is to accord with the Caboolture Shire Tree Planting and Landscaping Guidelines. <u>All acoustic fencing is to be provided with buffer planting that will ultimately screen the fence.</u></p> <p>(b) Before commencing the works obtain approval for the plans, details and technical specifications of any planting or landscape work from Council.</p>	<p>(a) Prior to the release of survey plans.</p> <p>(b) Prior to the works commencing.</p>
3.	PS120 Street Trees	
	Plant trees in each street of this stage in accordance with Caboolture Shire Tree Planting & Landscape Guidelines.	Prior to the release of survey plans.
4.	PSU Parkland – Revegetation	
	<p>(a) Provide supplementary planting of local indigenous species within the proposed parkland area to provide habitat for local wildlife.</p> <p>(b) Provide revegetation of stormwater flowpaths and biofiltration areas to achieve pollutant reductions that satisfy water quality objectives in the EPA Queensland Water Quality Guidelines 2004.</p> <p>(c) Submit details of revegetation on scaled landscape drawings; including location and botanical name of existing vegetation, specifying vegetation to be retained and that to be removed, and location, species' botanical name, numbers and size of all proposed planting.</p>	<p>(a) Prior to the release of survey plans for Stage 6B.</p> <p>(b) Prior to the release of survey plans for Stage 6B.</p> <p>(c) At the time of lodging an application for operational works for Stage 6B.</p>

HEALTH		
5.	PS24 Acoustic Barrier	
	<p>(a) Erect a 3.0 metre high acoustic barrier along the southern boundary of proposed Lot 449 and along the eastern boundary of proposed Lots 449 to 430 inclusive, as well as along the eastern boundary of proposed park 904.</p> <p>(b) The barriers must be constructed of a material with a surface area density not less than 10kg/m², have aggregate leakage penetrations of not greater than 1% of the barrier surface area and be of an aesthetically pleasing weather resistant material such as earth, timber, fibre cement or brick.</p> <p>(c) The barrier is also to include appropriate extensions, to ensure its acoustic function is maintained, particularly at the boundary of respective stages.</p>	Prior to the release of survey plans of the respective stages and to be maintained at all times thereafter.
6.	PSU Certification of Barrier Performance	
	A suitably qualified acoustic consultant shall conduct an acoustic assessment of the noise levels within the development, after the construction of the acoustic barriers to certify that appropriate levels of attenuation as predicted by the Ron Rumble Pty Ltd Report No. 04-4349B dated September 2004, are achieved.	Prior to the release of the survey plan.
7.	PSU Assessment of Building Envelope Acoustic Performance	
	A suitably qualified acoustic consultant shall conduct an assessment of building design and construction on buildings to be constructed on Lots 391 to 395, 400 to 449 to certify that construction accords with AS 3671 – Acoustics – Road traffic noise intrusion – building siting and construction and indoor noise levels will not exceed levels recommended in AS/NZS 2107 Acoustics – Recommended design sound levels and reverberation times for building interiors.	Prior to the release of the survey plan.
8.	PSU Building Construction	
	<p>Residential development on proposed Lots 408 and 409 shall be designed and constructed in accordance with AS 3671-1989 Acoustics – Road traffic noise intrusion – Building siting and construction such that the design internal noise levels as specified in AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors are achieved for a ten year period following assessment.</p> <p>Each residence shall be provided with private formal external open space in which the noise level does not exceed a L_{A10, 18hr} of 60 dB(A) for a ten year period following assessment.</p> <p>Certification from a suitably qualified consultant shall be provided to demonstrate compliance with the noise levels specified above.</p>	Prior to the commencement of use.

9.	PSU Statutory Declaration – Noise	
	Provide a Statutory Declaration that all future purchasers will be advised that lots in Stages 6B and 6C may be affected by traffic noise from the Bruce Highway.	Prior to the release of the survey plan.
RECONFIGURING A LOT – GENERAL		
10.	PS60 Certify Lots in accordance with Proposal Plan	
	Provide certification from a Licensed Surveyor that the lots created accord with the approved plan.	Prior to the release of the survey plan.
11.	PS61 Park – Dedicating Area	
	Dedicate to Council free of cost and compensation the park area of at least 10% of the property in a position as shown on the approved subdivision layout plan.	Prior to the release of the survey plan.
12.	PS62 Park – Applicant’s Surveyor	
	Provide a register of land dedicated to Council as parkland reserve to ensure that the full dedication is made at the completion of the development.	Prior to the release of survey plan.
13.	PS63 Park Best Practice Guidelines	
	Provide land dedicated as park with suitable access, groundcover and where appropriate, irrigation system in accordance with the requirements of the Parks and Recreation Section.	Prior to the release of the survey plan.
14.	PS76 Compliance with General Conditions of Reconfiguring a Lot	
	Comply with all relevant General Conditions of Reconfiguring a Lot attached to the Decision Notice.	Prior to the release of survey plan.
15.	PS77 Provision of Telecommunications	
	(a) Provide underground telecommunication services within and adjacent to the proposed development. (b) Enter into agreements with telecommunications companies and forward copies of those agreements to Council.	Prior to the release of the survey plan.
16.	PS78 Provision of Underground Electricity	
	Provide underground electricity to each lot within the estate.	Prior to the release of survey plan.

AMENITY – GENERAL		
17.	PSU Concrete Pathway	
	Provide a 2.0 metre wide concrete shared pathway within the proposed park (Lot 903) commencing at Acemia Drive and terminating in Coach Road West opposite the proposed north south pathway within the development to the South of Coach Road West (RAL-2003-2957).	Prior to the release of the survey plan.
CONCURRENCE AGENCY		
18.	PS124 Department of Main Roads Conditions	
	Comply with the conditions imposed by the Concurrence Agency – Department of Main Roads (refer to letter ref 25/10A/702.8 L folio 3 ne4610 dated 16 September 2004).	As Indicated.
Engineering Planning		
STORMWATER DRAINAGE		
19.	TP8 Adverse drainage impact – general	
	Drainage from the development shall not adversely impact adjoining lots. Where an adverse impact is identified the developer is required to submit details of adequate measures to offset such.	Prior to the release of survey plans.
20.	TP9 Stormwater Draining to Land	
	<p>(a) Adequately cater for all stormwater draining to the land, or stormwater flow paths which are interfered with by the development or the filling of the subject land; and</p> <p>(b) Provide drainage easements, free of cost and compensation in Council's favour, over any drainage works on the land should such be required.</p> <p>The drainage system is to be designed to cater for a fully developed upstream catchment.</p> <p>Drainage easements within Residential A lots will not be supported, dedicated pathways are required.</p>	Prior to the release of survey plans.

21.	TP10 Stormwater drainage < 8000sqm	
	<p>Construct at no cost to Council, stormwater drainage works in accordance with the following requirements:</p> <p>For residential and rural residential developments with lots less than 8000m², piped drainage designed to cater for a 10 year ARI storm event and unobstructed overland flow paths to cater for a 50 year less 10 year ARI storm event.</p> <p>The piped drainage is to be collected when the width of the flow in the roadway exceeds 3.0 metres, or when the depth of flow exceeds 10mm at the centreline for pavement widths of less than 6.0 metres.</p> <p>Residential lots are to be 100% above the 1 in 100 year storm/flood event.</p>	Prior to the release of survey plans.
22.	TP12 Stormwater discharge and disposal	
	<p>(a) Collect and dispose of stormwater discharge from the site in accordance with Council's Stormwater Drainage requirements and the "Queensland Urban Drainage Manual".</p> <p>(b) Submit for approval details of the proposed method of control and disposal of stormwater from the developed site including the method of control of run-off from access roads, parking areas and roofs.</p> <p>(c) Provide an ongoing maintenance manual for all stormwater control mechanisms.</p>	Prior to the release of survey plans.
23.	TP13 Stormwater detention	
	<p>(a) Control the discharge of stormwater from the developed site so as to restrict post development flows to pre-development levels for all storm events up to a 100 year ARI storm. Any discharge onto downstream properties must not result in an increase of concentration of the stormwater. The detention basin is to be constructed in a location so as to minimise the extent of vegetation clearing.</p> <p>(b) Submit for approval details of the proposed stormwater detention system.</p>	Prior to the release of survey plan
24.	TP15 Blocks to be graded to ensure self-draining	
	Grade all lots to ensure they are self-draining at a minimum grade of 1 in 100.	Prior to the release of survey plans.
25.	TP16 Provision of Roof and Allotment Drainage System	
	Provide a system of roof and allotment drainage where less than 100% of an allotment slopes towards a road. The drainage is to be in accordance with QUDM Level 3 Rear of Allotment Drainage. Where lots grade directly to parkland, QUDM Level 2 roofwater drainage may be used.	Prior to the release of survey plans.
26.	TPU Trash Racks	
	Provide approved trash racks , energy dissipaters and suitable water polishing measures to all stormwater outlets and ensure the number of outlets are kept to a minimum.	Prior to the release of survey plans for Stage 6B.

ACCESS & ROADS		
27.	TP23 Contributions – Reconfiguring a Lot	
	<p>Pay a contribution towards external roadworks necessitated in part by this development. The amount of contribution payable shall be calculated by the application of the formula $N \times \\$750 \times (C2/C1)$ where :</p> <p>N = the number of new allotments on the plan (excluding any allotment comprising an unsubdivided balance area).</p> <p>C1 = the Consumer Price Index figure (all groups – Brisbane) for the quarter ended prior to the approval.</p> <p>C2 = the Consumer Price Index figure (all groups – Brisbane) current at the time payment is made.</p>	Prior to the release of survey plans.
28.	TPU Road Construction	
	<p>(a) Construct roads within Stage 6B as follows:</p> <ul style="list-style-type: none"> (i) The road with a reserve width of 18.0 metres as a 10.0 metre wide residential collector road; (ii) All internal roads with a reserve width of 16.0 metres as 8.0 metre residential minor collector roads; (iii) All other roads as a 6.0 metre wide residential access roads; (iv) Construct a concrete splitter island in accordance with Council's standards within the 16.0 metre wide road at the intersection with the 18.0 metre wide road adjacent to proposed Lots 391 & 407; and (v) Provide suitable traffic treatment to the horizontal curve adjacent to proposed Lots 409 and 429 to prevent corner cutting. <p>(b) Construct roads within Stage 6C as follows:</p> <ul style="list-style-type: none"> (i) All internal roads with a reserve width of 16.0 metres as 8.0 metre residential minor collector roads; and (ii) Provide suitable intersection treatment adjacent to proposed Lots 418/422/439 to promote the priority traffic route of the road adjacent to proposed Lots 419 to 422. Construct a concrete splitter island in accordance with Council's standards within the north-south pavement adjacent to proposed Lot 439. 	<p>(a) Prior to the release of survey plans for Stage 6B.</p> <p>(b) Prior to the release of survey plans for Stage 6C.</p>
OTHER – ENGINEERING PLANNING		
29.	TP28 Works – Applicant's expense	
	All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the developer's expense unless otherwise specified.	Prior to the release of survey plans.

30.	TP29 Start of works	
	<p>Work shall not commence on the construction (or upgrading) of any proposed (or existing) road, park or other facility under (or proposed to be transferred to) the control, trusteeship or ownership of Council until:</p> <p>(a) All engineering plans, drawings, specifications and drainage calculations for the work has been lodged for Council approval;</p> <p>(b) Council's written approval for (a) has been issued;</p> <p>(c) Any appeal, which has been lodged against Council's decision to approve (with or without conditions) the development application, has been decided or resolved; and</p> <p>(d) The Principal Contractor has accepted the contract in writing and has been appointed as such within the provisions of the <i>Workplace Health and Safety Act 1995</i>, by Council and/or the Owner/Applicant at the Applicant's expense.</p>	Prior to the commencement of site works.
31.	TP31 Erosion control	
	<p>(a) Stormwater run-off from the site is to be controlled so as to minimise the potential for erosion;</p> <p>(b) Submit a Stormwater Management Plan for approval. The Management Plan shall address amongst other things, the maintenance of stormwater drainage devices;</p> <p>Stormwater drainage designs are to incorporate silt and sediment traps generally in accordance with Chapter 9 of the "Queensland Urban Design Manual". All batters steeper than 1 in 4 are to be stone pitched and all batters steeper than 1 in 6 are to be hydro-mulched or turfed; and</p> <p>(c) Maintain the stormwater drainage devices until such time as the development is 'off maintenance'. The applicant is to provide Council with the Manufacturer's maintenance manual and schedule of maintenance for any stormwater drainage devices.</p> <p><i>Guideline: The applicant shall be held responsible for the removal of any soil eroded and transferred from the site to adjacent properties or drainage systems as a result of the construction of the development.</i></p>	<p>(a) Prior to and during construction and prior to establishment of a dense grass cover.</p> <p>(b) Lodgement of engineering drawings.</p> <p>(c) Maintain devices until such time as the development is 'off maintenance'.</p>
32.	TP35 Telstra RIM and Energex Transformer	
	<p>Provide for Telstra RIM and Energex Transformer locations in addition to the nominated road reserve width. These additional areas are to be excised from park areas where possible.</p>	Prior to lodgement of operational works plans.

33.	TP37 Replace existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) to a standard acceptable to the Manager, Engineering Planning should this infrastructure be damaged as part of construction works.	Prior to the release of survey plans.
34.	TP38 Treated Timber Barrier Fences/Bollards	
	Provide treated timber barrier fences/bollards or some other suitable means of preventing vehicular access and where appropriate locking posts: <ul style="list-style-type: none"> • Along all park frontages; • At the entrance to overland flow paths; and • At the entrance to pathways located between lots. 	Prior to the release of survey plans.
35.	TPU Existing Dam	
	Provide certification from a Geotechnical Engineer that the existing dam located adjacent to the southern boundary of existing Lot 9 on RP87981 and potentially impacting the proposed lots within the development will not present any seepage problems to future residents within the development and that the embankment has sufficient structural capacity to cater for a minimum 100 year ARI storm event. In lieu of the above certification, arrange to dewater, de-silt and then fill the existing dam. Prior to dewatering commencing , the applicant is to obtain approval from Council for the discharge point and the proposed method of silt control. Filling is to be carried out in accordance with Level 1 supervision as detailed in AS 3798 and is to be certified by the suitable geotechnical testing authority.	Prior to the release of survey plans for Stage 6B.
36.	TPU Concrete Footpaths	
	Construct 1.2 metre wide concrete footpaths in accordance with CSC standard drawing 01-64C on one side of all internal minor collector roads.	Prior to the release of survey plans.
37.	TPU Indented Parking Bays	
	Provide two (2) indented parking bays adjacent to each of the proposed park areas.	Prior to the release of survey plans.
38.	TPU Flood Plain Management Policy	
	Provide certification from a Licensed Surveyor that all lots comply with Council's Flood Plain Management Policy. The Q100 flood contours are to be located by field survey and marked on the survey plan.	Prior to the release of survey plans.
39.	TPU Temporary Sealed Turnaround Areas	
	Provide a temporary sealed turnaround areas at the end of the 16.0 metre wide roads adjacent to proposed Lots 399, 420, 421 and 429 to facilitate the turning movements of a service vehicle. If necessary, provide suitable easements to accommodate the turnaround area.	Prior to the release of survey plans. 1 August 2006

CabWater		
WATER SUPPLY		
40.	WSP4 Water Supply & Sewerage Reticulation – Reconfiguring a Lot	
	Construct water supply and sewerage reticulation to all the proposed allotments within the development including connections to the existing system. All works shall be carried out in accordance with Council's Design and Development Manuals and Standard Drawings. The developer shall be responsible for all costs associated with the connections and inspections of the proposed works.	Prior to the release of survey plans.
41.	WSP5 Water & Sewerage Headworks – Reconfiguring a Lot	
	Pay a contribution towards water supply and sewerage headworks in accordance with Council's policy 'Determination of water supply and sewerage headworks contributions' at the rate current at the time of payment. For information the current applicable rates are as follows: <i>Water Supply: Lowland catchment = \$929/equivalent persons</i> Lots greater than 1000m ² = 3.50 equivalent persons Lots between 500 – 1000m ² = 2.90 equivalent persons Lots under 500m ² = 2.30 equivalent persons <i>Sewerage: South Caboolture STP = \$1063/ equivalent persons</i> Lots greater than 1000 m ² = 3.30 equivalent persons Lots between 500 – 1000m ² = 3.00 equivalent persons Lots under 500m ² = 2.40 equivalent persons	Prior to the release of survey plans.
42.	WSP8 Individual Water Services	
	Provide individual water services (20mm diameter) to the boundary of each allotment in accordance with Council's standards.	Prior to the release of survey plans.
43.	WSP9 Water Service conduits	
	Provide water service conduits (100mm diameter min.) under roads to each allotment not directly fronting any water main in accordance with Council's standards.	Prior to the release of survey plans.
SEWERAGE		
44.	WSP18 Sewer Easements	
	Provide a 4.0 metre wide easement for sewerage purposes free of cost and compensation to the Council as follows: <ul style="list-style-type: none"> • over all gravity sewers constructed greater than 3.0 metres in depth and over rising mains located on private properties; • over sewers not constructed within Council's standard sewerage alignment; and • rising mains located on private properties. 	Prior to the release of survey plans.
Attachment Folder		Page 100 of 132
		1 August 2006

45.	WSP19 Permit to Enter	
	Provide a written "Permit To Enter" from all property owners, through which external sewer's traverse.	Prior to operational works approval.

ADVICE		
1.	PSU Detention Basin	
	The detention basin design information submitted to support the development application is not suitable for operational works approval. The applicant's consultant is to contact Council's Engineering Planning Unit to determine the additional information required.	
2.	PSU Use of Potable Water	
	<p>During periods of level 2 water restrictions, the use of Potable Water will not be permitted for construction purposes or dust suppression if any part of the works site is within 5 kilometres radial distance of one of Council's recycled water distribution points.</p> <p>During periods of level 3 water restrictions the radial distance will increase to 10 kilometres from one of Council's recycled water distribution points.</p> <p>The location of Council's recycled water distribution points can be obtained by contacting Council's Cabwater Unit on 5420 0100.</p>	
3.	PSU Property Note – Traffic Noise on Bruce Highway	
	<p>(a) A property note will be placed on Council's database for proposed Lots 399 to 449 notifying that the lots in this development may be affected by noise due to the traffic on the Bruce Highway.</p> <p>(b) All two storey/highset residential development shall be designed and constructed in accordance with AS 3671-1989 Acoustics – Road traffic noise intrusion – Building siting and construction such that habitable rooms achieve the design internal noise levels as specified in AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors for a ten year period following assessment.</p>	

1. Details of the approval

The following type of approval has been issued -

PERMIT	Development Permit	Preliminary Approval
Material change of use of premises under the planning scheme	<input checked="" type="checkbox"/>	
AND		
• Reconfiguring a Lot – Development Permit	<input checked="" type="checkbox"/>	

2. The currency period

The standard currency periods stated in section 3.5.21 of IPA apply to each aspect of development in this approval.

3. The approved plans

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

Plan Number	Plan Prepared by	Date
13-792LC6BC	Perry & Morphett Pty Ltd	29 June 2004

4. Other necessary development permits

Listed below are other development permit/s that are necessary to allow the development to be carried out -

Operational Works - Development Permit

5. Codes for self-assessable development

Not applicable.

6. Superseded planning scheme

Not applicable.

7. Preliminary approval overriding the Planning Scheme

Not applicable.

8. IDAS Referral Agencies

The IDAS referral agencies applicable to this application are:

Referral Trigger	Name & Address of Agency	Status
Development impacting on State-controlled roads	Department of Main Roads (DMR) PO Box 183 GYMPIE QLD 4570	Concurrence

9. Submissions

There was one (1) properly made submissions about this application.

In accordance with s 3.5.25(2)(i) of the IPA, the name and address of the principal submitter for each properly made submission are as follows:

Submitter/s List	
Name	Address
Mr I D Matsen	110 Coach Road West, MORAYFIELD QLD 4506

10. Appeal rights

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

11. **When the development approval takes effect**
 Attachment Folder Page 102 of 132

This development approval takes effect:

1 August 2006

From the time the decision notice is given - if there is no submitter and the applicant does not appeal the decision to the court.

OR

When the submitter's appeal period ends - if there is a submitter and the applicant does not appeal the decision to the court.

OR

Subject to the decision of the court, when the appeal is finally decided - if an appeal is made to the court.

This approval will lapse unless the plan of survey for the reconfiguration is submitted with Council for approval within the above stated currency period (refer to section 3.5.19 and 3.5.20 of IPA for further details).

Should further information be required concerning this matter please contact Council's Planning & Environment Unit as above referenced.

Yours faithfully

**LEO JENSEN
MANAGER PLANNING & ENVIRONMENT**

Enclosures.

CONDITION		TIMING
1.	Road Construction	
	<p>Construct all new roads within the subdivision to the following standards:</p> <ul style="list-style-type: none"> (i) Fully formed to permanent levels including footpaths. (ii) Concrete kerb and channel on each side of the new road in the Residential zones, Rural Residential zone, Business and Industrial zones. Soil under drains is to be provided adjacent to all kerb and channel. (iii) All footpaths and areas within allotments where the natural surface is disturbed are to be grassed to provide a cover of eight 8.0m² in every 10.0m². (iv) An 18.0 metre diameter turning circle with bitumen surfaced pavement at the head of each cul-de-sac. (v) Service conduits for all public services under new road pavements. 	Prior to release of survey plans.
2.	Water Points	
	<p>Provide water points within public areas such as roundabouts, central medians and parks where the landscaping will require regular watering. The watering points are to be provided by the developer as an integral component of the construction works and are to be connected to Council mains in approved locations. Watering point locations are to be clearly nominated as part of landscaping proposals submitted to Council for assessment and approval.</p> <p><i>Note: The developer is required to arrange for all water meters to be read including any associated Council charges. All outstanding water charges are to be paid to Council prior to the development being considered "off maintenance".</i></p>	Prior to the release of survey plans.
3.	Truncations and Line marking	
	<ul style="list-style-type: none"> (i) Truncate all street corners with truncations being 8.0 metres minimum in each direction from the point that would be the intersection point of each of the road frontages. Truncations for Industrial zones shall be 11.0 minimum. (ii) Provide linemarking of the road centreline and parking lanes on all pavements with an ultimate width of 10.0 metres and 12.0 metres. 	Prior to the release of survey plans.
4.	Permanent Survey Marks	
	<ul style="list-style-type: none"> (i) Place permanent survey marks in accordance with the regulations under "The Survey Co-ordination Act of 1952" and advise the Australian Height Datum level of the marks. The PSM's are to be connected to the cadastral survey. (ii) Where PSM's are placed after survey plans are lodged with Council, an identification survey must be lodged with the Department of Natural Resources and Council showing the connections. The identification survey plan may consist of a copy of the registered plan with the connections added. 	<ul style="list-style-type: none"> (i) Prior to the release of survey plans. (ii) Prior to the reconfiguration being accepted "on maintenance".
5.	Street Names	
	<ul style="list-style-type: none"> (i) Submit names for the new streets for Council approval. (ii) Erect street name boards on all new roads. (iii) Mark all street names on the Survey Plan. 	Prior to the release of survey plans.
6.	Footpaths – Residential zones	
	<ul style="list-style-type: none"> (a) Construct a footway of minimum width 1.2 metres, in concrete or other approved material as follows: <ul style="list-style-type: none"> (i) Where the reconfiguration has frontage to one side of a minor collector, collector or arterial road, then along that frontage only. (ii) Where the reconfiguration has frontage to both sides of a minor collector road, then along one frontage only as determined by Council. (iii) Where the reconfiguration has frontage to both sides of a collector or arterial road, then along both frontages. (iv) In lieu of constructing the above works the applicant may elect to make a financial contribution to Council towards the construction. (b) Construct a footway of minimum width 1.2 metres, in concrete or other approved material within all pathways. The footway is to commence at the rear of the kerb and is to be accessed via a pram ramp. (c) The balance area of footpaths and footways must be formed to permanent levels, covered with loam not less than 50mm deep and grassed in a suitable manner. 	Prior to the release of survey plans.

GENERAL CONDITIONS OF RECONFIGURING A LOT

7.	Street Lighting	
	<p>(i) Lodge a contribution for street lighting with ENERGEX and provide Council with evidence of payment. Arrange for the preparation of the design and estimate by ENERGEX.</p> <p>(ii) Install street lighting in accordance with the current version of AS/NZ1158.3.1.</p> <p>(iii) Comply with any requirements of the Queensland Electricity Commission with respect to any works in the existing transmission line.</p> <p><i>Note: In conjunction with future reviews of street lighting standards Council reserves the right to amend, relocate or remove any streetlight which has been erected as a requirement of a reconfiguration approval. In such cases no refunds or compensation will be paid by Council because of these alterations.</i></p>	Prior to the release of survey plans.
8.	Rates	
	Pay all outstanding rates and charges applicable to the subject land.	Prior to the release of survey plans.
9.	Noxious Weeds – Rural / Rural Residential	
	Provide certification from Council's Inspector of Noxious Weeds or an approved person or company licensed under the Agricultural Chemicals Distribution Act (1996-1970) that the area is free of groundsel and other noxious weeds.	Prior to the release of survey plans.
10.	Water - General	
	<p>(i) Water for general road making purposes shall not be taken from Council's potable water supply by means of hydrants or any other fitting, unless otherwise approved by the Manager CabWater.</p> <p>(ii) Water shall only be taken from Council's potable water supply in the case of development for the purpose of filling, flushing and testing of new water mains and filling rolling equipment associated with asphaltic concrete work subject to Council conditions.</p> <p><i>Note:</i> <i>In accordance with Section 56(1)(b) of the Water Resources Act, water may be taken from watercourses within the Shire only after approval from the Department of Natural Resources Mines and Energy.</i> <i>Effluent from Council's Sewage Treatment Plants may be used for road making purposes subject to Council conditions.</i></p>	During site works.
11.	Dust	
	Employ appropriate methods to minimise dust nuisance to Council's satisfaction. In extreme conditions all vehicular traffic, including construction equipment, may have to be prohibited from all or part of the area until Council can be assured that the dust nuisance is controlled.	During site works.
12.	Removal of Organic Material	
	Process all dead organic material by chipping and mulching and use on-site in future landscaping works. Alternatively remove material from the site.	During site works.

Appeals by Submitters

Division 8 - Appeals to court relating to development applications

Appeals by submitters

- 4.1.28.(1) A submitter for a development application may appeal to the court about –
- (a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
 - (b) the length of a currency period for the approval.
- (2) The appeal must be started within 20 business days (the **submitter's appeal period**) after the day the decision notice or negotiated decision notice is given to the submitter.
- (3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.
- (4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

Appeals by advice agency submitters

- 4.1.29.(1) An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if –
- (a) the development application involves impact assessment; and
 - (b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.
- (2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

Division 10 - Making an appeal to court

How appeals to the court are started

4.1.39.

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

Certain appellants must obtain information about submitters.

4.1.40.

- (1) If the applicant or a submitter for a development application appeals about the part of the application involving impact assessment, the appellant must ask the assessment manager to give the appellant the name and address of each principal submitter who made a properly made submission about the application and has not withdrawn the submission.
- (2) The assessment manager must give the information requested under subsection (1) as soon as practicable.

Notice of appeal to other parties (div 8)

4.1.41.

- (1) An appellant under division 8 must, within 10 business days after the day the appeal is started (or if information is requested under section 4.1.40, within 10 business days after the day the appellant is given the information) give written notice of the appeal to –
 - (a) if the appellant is an applicant – the assessment manager, any concurrence agency, any principal submitter whose submission has not been withdrawn and any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal – the assessment manager, the applicant and any concurrence agency; or
 - (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given – the assessment manager and any entity that was a concurrence agency for the development application.
- (2) The notice must state –
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 – that the person, within 10 business days after the day the notice is given, may elect to become a co-respondent to the appeal.

How a person may elect to be a co-respondent

4.1.45.

- (1) An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of the appeal is given to the entity, a notice of election under the rules of court.
- (2) If a principal submitter is entitled to elect to become a co-respondent, any other submitter for the submission may also elect to become a co-respondent to the appeal.

Appeals By Applicants

Division 8 - Appeals to court relating to development applications

Appeals by applicants

4.1.27.

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **applicant's appeal period**) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Division 10 - Making an appeal to court

How appeals to the court are started

4.1.39.

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

Certain appellants must obtain information about submitters.

4.1.40.

- (1) If the applicant or a submitter for a development application appeals about the part of the application involving impact assessment, the appellant must ask the assessment manager to give the appellant the name and address of each principal submitter who made a properly made submission about the application and has not withdrawn the submission.
- (2) The assessment manager must give the information requested under subsection (1) as soon as practicable.

Notice of appeal to other parties (div 8)

4.1.41.

- (1) An appellant under division 8 must, within 10 business days after the day the appeal is started (or if information is requested under section 4.1.40, within 10 business days after the day the appellant is given the information) give written notice of the appeal to—
 - (a) if the appellant is an applicant – the assessment manager, any concurrence agency, any principal submitter whose submission has not been withdrawn and any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal – the assessment manager, the applicant and any concurrence agency; or
 - (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given – the assessment manager and any entity that was a concurrence agency for the development application.
- (2) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 – that the person, within 10 business days after the day the notice is given, may elect to become a co-respondent to the appeal.

Respondent and co-respondents for appeals under div 8.

4.1.43.

- (1) This section applies to appeals under division 8 for a development application.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
- (5) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
- (6) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (7) A person to whom a notice of appeal is required to be given under section 4.1.41 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.

INDIGENOUS CULTURAL HERITAGE LEGISLATION AND DUTY OF CARE REQUIREMENT

The *Aboriginal Cultural Heritage Act 2003* commenced in Queensland on April 16, 2004. The Act is administered by the Department of Natural Resources, and Mines (DNR&M). Under the new Act, Indigenous parties are key in assessing cultural heritage significance.

The *Aboriginal Cultural Heritage Act 2003* establishes a Duty of Care for Indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting an activity.

Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.

Those proposing an activity that involves additional surface disturbance beyond that which has already occurred at the proposed site need to be mindful of the Duty of Care requirement.

Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.

Caboolture Council strongly advises that you contact DNR&M's Cultural Heritage Coordination Unit on 3238 3838 to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developers under the terms of the *Aboriginal Cultural Heritage Act 2003*.