

DETAILS OF THE APPROVAL

This application is not taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

64 Deemed approval of applications

(1) This section applies to a development application if—

- (a) the application requires only code assessment; and
- (b) the assessment manager does not decide the application within the period, or extended period, allowed under the development assessment rules.

(5) On the day the assessment manager receives the deemed approval notice, the assessment manager is taken to have given an approval (a *deemed approval*) to the applicant.

(6) The assessment manager may, within 10 business days after receiving the deemed approval notice, give the applicant a decision notice, in the approved form, in which the decision—

- (a) approves the application; or
- (b) approves the application subject to development conditions.

(7) The deemed approval is taken to be—

- (a) to the extent a referral agency or the Minister has directed the approval be a preliminary approval—a preliminary approval; or
- (b) otherwise—the type or types of approval applied for.

(8) The deemed approval is taken to include—

- (a) any conditions that a referral agency's response directed the assessment manager to impose; and
- (b) any conditions that the Minister directed the assessment manager to impose under section 95(1)(d); and
- (c) if the assessment manager does not give a decision notice to the applicant under this section—the conditions (the *standard conditions*) stated in an instrument made by the Minister for this section.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval			

FURTHER DEVELOPMENT PERMITS

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Plan of subdivision (Plan Sealing)
- Operational Works (Civil works)

REFERRAL AGENCIES FOR THE APPLICATION

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice or concurrence agency	Address & Email Address
10.17.3.5.1 - Reconfiguring a lot in a coastal management district	State Assessment and Referral Agency	Concurrence	Wide Bay Burnett regional office Level 1, 7 Takalvan Street, Bundaberg PO Box 979, Bundaberg QLD 4670 WBBSARA@dsdilgp.qld.gov.au
10.20.4.2.1 Reconfiguring a lot in a wetland protection area	State Assessment and Referral Agency	Concurrence	Level 1, 7 Takalvan Street, Bundaberg Level 1, 7 Takalvan Street, Bundaberg PO Box 979, Bundaberg QLD 4670 WBBSARA@dsdilgp.qld.gov.au

A copy of conditions required by the referral agency is attached.

PROPERLY MADE SUBMISSIONS

Not applicable

APPROVED PLANS AND DOCUMENTS

The following plans/documents are Approved plans for the development:

Plan/Document No.	Rev.	Plan Name	Prepared by	Date
21153-02	-	<i>Proposed Reconfiguring a Lot Wilkinson Road Tuan</i> (as amended in red by SARA on 21 November 2024)	Urban Planet Town Planning Consultants	August 2024 Amended by SARA 21 November 2024

REFERENCED DOCUMENTS

Not applicable

CURRENCY PERIOD FOR THE APPROVAL

The currency period for this development approval is four (4) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

CONDITIONS OF APPROVAL

Conditions	Condition Timing	Assessment Benchmark Reference
Administrative		
This approval is subject to the following conditions, which must be met prior to the commencement of the use, or at such other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water (WBW) unless specified in any particular condition.		
1. Carry out the development in accordance with the Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.	PA S164
2. Carry out the development in accordance with the approved plans unless otherwise approved in writing by the Assessment Manager.	At all times.	PA S164
3. Meet the costs of all works associated with this development including any necessary alteration or relocation of services, provision of upgrading of roadworks to accommodate all vehicular access works together with all public utility mains and/or installations.	Prior to the approval of the subdivision plan	Common Law
4. All works associated with this development must be accepted by Council as being 'on maintenance' prior to the approval of the subdivision plan unless approved otherwise by Assessment Manager.	Prior to the approval of the subdivision plan	?
5. Pay any outstanding rates and charges due to Council. <i>Note: please contact Council's Property Rating Department at rates@frasercoast.qld.gov.au and Development Department at development@frasercoast.qld.gov.au prior to payment to confirm any outstanding rates and charges amounts.</i>	Prior to the lodgement of the subdivision plan	LG Act

<p>6. Submit to Council, a plan identifying the locations of all buildings, services, structures, water bodies/dams, effluent disposal areas and other improvements on the land in relation to the proposed new and existing boundaries and the distances there from. The plan must contain the following certification duly completed by the surveyor:-</p> <p><i>"I..... being a cadastral surveyor hereby certify as follows:-</i></p> <p><i>(a) The information contained in this plan is accurate at the time of survey and may be relied on by Council.</i></p> <p><i>(b) The distances from the proposed new boundaries of all buildings and structures shown hereon generally conform to the boundary clearance requirements for side and rear boundaries as specified the Building Act 1975 and Council's Planning Scheme.</i></p> <p><i>(c) All services to the existing dwelling from the reticulation mains are contained wholly within the subject lot.</i></p> <p><i>..... (Signature)"</i></p>	<p>Prior to the approval of the subdivision plan</p>	<p>?</p>
<p>7. Submit a <i>Subdivision Plan Compliance Report</i> and supporting documentation to Council demonstrating compliance with each condition of this approval.</p>	<p>Prior to the approval of the subdivision plan</p>	<p>?</p>
<p>8. All new lot boundaries must be set out and surveyed by a Cadastral Surveyor and identified by pegs marked with lot numbers as identified on the approved plan.</p>	<p>Prior to the lodgement of the subdivision plan</p>	<p>Survey and Mapping Infrastructure Act 2003 Land Title Act 1994</p>

Operational Works		
<p>9. Submit an Operational Works application to Council detailing</p> <ul style="list-style-type: none"> • all civil engineering site works, earthworks, and roadworks, within and external to the site and any other works as required by conditions of this approval. • The design of these works must be approved by Council before any works commence on the site. • All such works are to be completed to Council's satisfaction prior to the commencement of the approved use. • All final designs must be designed, supervised and certified by a Registered Professional Engineer of Queensland (RPEQ). 	Prior to the commencement of works.	OWs- advice
<p>10. Lodge a <i>General Performance Bond</i> with Council in accordance with Planning Scheme Policy Schedule 6.3 (Planning scheme policy for development works) for the amount of \$10,000.00 (minimum) prior to the commencement of any building or operational works associated with the development.</p> <p>The bond (less any deductions) will be refunded when:</p> <p>works to revert to Council have been accepted 'On Maintenance'; and (all building and operational works on the site have been completed and a Final Certificate (if applicable) has been issued to Council.</p>	Prior to the commencement of works.	?
SITE WORKS		
Construction and Environmental Management		
<p>11. Prepare and submit to Council in conjunction with an Operational Works application a <i>Construction and Environmental Management Plan</i> (CEMP) for the development in accordance with the Planning Scheme Policy for Development Works SC6.3.</p>	Prior to the approval of Operational Works	OWs- advice

Erosion and Sediment Control		
<p>12. Submit to Council as part of an Operational Works application, a <i>Site-Specific Erosion and Sediment Control Plan</i>.</p> <p>This Plan must be designed in accordance with Planning Scheme Policy for Development Works SC6.3, the International Erosion Control Association (Australasia) Best Practice Erosion and Sediment Control Guidelines (2018), the State Planning Policy objectives and other relevant legislative requirements (e.g. Environmental Protection (Water) Policy).</p>	<p>Prior to approval of Operational Works</p>	<p>OWs- advice</p>
<p>13. Carry out the development in accordance with the approved <i>Site-Specific Erosion and Sediment Control Plan</i> and maintain monitor, and amend where necessary, erosion and sediment control measures during all phases of the construction to ensure all reasonable and practicable actions are taken to prevent environmental harm.</p>	<p>At all times.</p>	<p>OWs- Condition</p>
Stormwater Management		
<p>14. Design the stormwater drainage such that no restriction to existing or developed stormwater flow <u>from upstream properties</u> or ponding of stormwater <u>within upstream properties</u>, including road reserves, occurs as a result of the development, as set out in Schedule 6.3 – Planning scheme policy for development works.</p>	<p>Prior to the lodgement of the subdivision plan</p>	<p>ZC-AO10.4 RC-PO14/PO15</p>
<p>15. Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties.</p>	<p>At all times.</p>	<p>?</p>
<p>16. Any stormwater works <u>associated with the development</u> must not cause adverse effects external to the subject site arising from any increase in velocity, volume and/or redirection of flow; or an increase in the duration of inundation outside the site <u>where such increased inundation could cause loss or damage</u>.</p>	<p>At all times.</p>	<p>?</p>

Flood Immunity		
17. Carry out filling works to provide appropriate flood immunity to all new allotments. The 100yr ARI Storm Tide event is currently RL 2.40m AHD. <u>This is likely to increase to RL 2.65m AHD as part of the current review of Storm Surge levels.</u> To provide the required freeboard, surface levels should be RL 2.95m AHD (minimum). <u>The developer should confirm these levels prior to the submission of an application for Operational Works.</u>	Prior to the lodgement of the subdivision plan	Only that current 6 December 2021
18. Submit documentation, as part of the <i>Request for Approval of the Subdivision Plan Application</i> from a Registered Professional Engineer of Queensland (RPEQ), which certifies that each completed allotment will achieve flood immunity in accordance with <u>Schedule 6.3 – Planning scheme policy for development works.</u>	Prior to the lodgement of the subdivision plan	OWs- Condition
Vehicle Access		
19. Construct a sealed access driveway to each allotment within the allotment's road frontage, from the edge of the road pavement to the property boundary, in accordance with the Planning Scheme and standard drawing No FC-230-03.	Prior to the lodgement of the subdivision plan	ZC-AO10.3 RC-PO10
20. Remove all disused or redundant vehicular crossings and reinstate the verge as required.	Prior to the approval of the subdivision plan	?
Telecommunications		
21. Enter into an agreement with a licensed telecommunication provider to <u>ensure that a telecommunication connection will be available to each proposed allotment</u> under standard tariff conditions and without further capital contributions. These services are to be positioned wholly within the allotment which they are to serve. Provide a Telecommunications Infrastructure Provisioning Letter as evidence of such an agreement to Council.	Prior to approval of the subdivision plan	ZC-AO10.1 RC-PO13

Property Damage & Council Infrastructure		
22. Any existing Council infrastructure or private property (including but not limited to, services, concrete structures, pits, channels, pavement, RCP's, RCBC's, etc.) damaged due to the proposed works is to be rectified or replaced at the applicant's expense prior to the issue of a <i>Subdivision Certificate</i> . The applicant must notify Council Development Engineering Unit immediately of the affected infrastructure. If damage occurs and is not replaced by the client/contractor, Council has the right to undertake the works and charge the landowner accordingly.	Prior to the approval of the subdivision plan	
Location of Services and Structures		
23. Relocate all services and structures as required to ensure that they are not contained within any other allotment unless ownership rights have been granted by way of an easement.	Prior to the approval of the subdivision plan	?
Telecommunications		
24. Enter into an agreement with a licensed telecommunication provider to ensure that a telecommunication connection will be available to each proposed allotment under standard tariff conditions and without further capital contributions. These services are to be positioned wholly within the allotment which they are to serve. Provide a Telecommunications Infrastructure Provisioning letter as evidence of such an agreement to Council.	Prior to the approval of the subdivision plan	

Electricity		
<p>25. Each lot of this approval is to be provided with a reticulated power connection and supply under standard tariff conditions.</p> <p>In this regard, the developer is to enter into an agreement with an approved electricity provider, prior to the approval of the subdivision plan, to ensure that electricity will be available to each allotment under standard tariff conditions and without further capital contributions. Evidence of such an agreement must be:</p> <ol style="list-style-type: none"> 1. Provision of a Certificate of Supply, or 2. Provision of a Certificate of Acceptance, or 3. Provision of a Negotiated Connection Establishment Contract, and evidence of the following; <ol style="list-style-type: none"> i. substantial commencement of the internal electrical work, and ii. evidence of contract with electrical contractor; and iii. evidence of the ability to fund the contract value of the electrical works. 	<p>Prior to the approval of the subdivision plan</p>	<p>ZC-AO10.1 RC-PO13</p>

Water Supply		
26. <u>Submit as part of a building application</u> , details associated with the on-site collection, storage and treatment of a potable water supply.	As part of a building application	DA for BW
Wastewater Treatment		
27. Each lot must install <i>Advanced Secondary Treatment with Nutrient Reduction to Surface irrigation</i> in accordance with the Qld Plumbing and Wastewater Code and relevant Australian Standards.	Prior to the commencement of use	DA for BW
Granting Easements		
28. Grant the following easement(s), as part of the registration of the survey plan <u>where required</u> : Easements for stormwater, electricity and telecommunications services as may be required to service the development.	Prior to the lodgement of the subdivision plan	?
Infrastructure and Services		
29. All <u>existing services</u> shall be relocated as required to ensure that they are not contained within any other allotment unless ownership rights have been granted by way of an easement. Any alteration of services to provide for the development shall be undertaken at no cost to Council.	Prior to the approval of the subdivision plan.	?
30. All damage to Council infrastructure (including pavement and drainage damage) as a result of the development works is to be rectified to the satisfaction of Council prior to the issuing of the certificate of practical completion or approval of the plan of survey.	Prior to the approval of the subdivision plan.	Common law
Disclosures to future purchasers		
31. Include in any Contract of Sale for the lots, a copy of Conditions 26 and 27 of the approval. 32. Include in any Contract of Sale for lot 5, a copy of the State Assessment and Referral Agency response, 2212-26497 SRA and dated 21 November 2024	At all times	?