

**From:** Emily Burke <Emily.Burke@frasercoast.qld.gov.au>  
**Sent:** Monday, 13 January 2025 9:54 AM  
**To:** me@warrenbolton.com  
**Cc:** Ward Veitch - Urban Planet; Mud Crabs Direct  
**Subject:** RE: Recommendation

Hi Warren

I can delete out the duplicate condition and fix up the later conditions that refer to condition numbers. This is no problem.

If we issue a decision notice we will subsequently have to issue a negotiated decision notice if the applicant makes representations and we agree.

You can do whatever you like but if your issues are minor it may be better and more time efficient to have a look at any of your concerns now.

Let me know your thoughts. I am not here for a week after Wednesday.

Kind regards

**Emily Burke**  
Senior Planner  
Development  
T 07 4197 4367 | E [Emily.Burke@frasercoast.qld.gov.au](mailto:Emily.Burke@frasercoast.qld.gov.au)

---

**From:** me@warrenbolton.com <me@warrenbolton.com>  
**Sent:** Monday 13 January 2025 9:48 AM  
**To:** Emily Burke <Emily.Burke@frasercoast.qld.gov.au>  
**Cc:** Ward Veitch - Urban Planet <ward@urbanplanet.com.au>; Mud Crabs Direct <mudcrabsdirect@gmail.com>  
**Subject:** RE: Recommendation

Morning Emily

Thanks for sending the draft

It would properly come as no surprise that I have issues with a number of the conditions, putting aside the duplication of clause 21 and 24.

I don't know if you want to wait until I give you our formal response or whether you just issue the decision notice and we proceed from there.

Thanks for your assistance

Regards

Warren

**Warren Bolton**  
Mobile Int. 614 293949 04  
Aust. 04 293949 04

**From:** Emily Burke <[Emily.Burke@frasercoast.qld.gov.au](mailto:Emily.Burke@frasercoast.qld.gov.au)>  
**Sent:** Friday, January 10, 2025 10:13 AM  
**To:** 'me@warrenbolton.com' <[me@warrenbolton.com](mailto:me@warrenbolton.com)>; Ward Veitch ([ward@urbanplanet.com.au](mailto:ward@urbanplanet.com.au)) <[ward@urbanplanet.com.au](mailto:ward@urbanplanet.com.au)>  
**Cc:** 'Mark & Julianne Grunske' <[mudcrabsdirect@gmail.com](mailto:mudcrabsdirect@gmail.com)>  
**Subject:** RE: Recommendation

Hi Warren

I have added an additional condition 32 as follows:

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
--	--------------

Also, in regards to condition 9(b) of the State conditions relating to buffer elements (extracted below).

Does your client know what they will do to comply with this condition? Sometimes council would have conditioned a rehabilitation plan and covenant.

9.	<p>(a) Provide a 50 metre wide buffer for the purpose of maintained and protecting the wetland environmental values as shown on <i>Proposed Reconfiguring a Lot Wilkinson Road Tuan</i> prepared by Urban Planet Town Planning Consultants, Reference 21153-02, and dated August 2024 as amended in red by SARA on <del>17 October 2024</del> <b>21 November 2024</b>.</p> <p>(b) Provide buffer elements in the locations shown on <i>Proposed Reconfiguring a Lot Wilkinson Road Tuan</i> prepared by Urban Planet Town Planning Consultants, Reference 21153-02, and dated August 2024 as amended in red by SARA on <del>17 October 2024</del> <b>21 November 2024</b> to achieve the purposes set out in the <i>Queensland Wetland Buffer Planning Guideline 2011</i>.</p> <p>(c) Written evidence from an appropriately qualified person(s)* that (a) and (b) have been fulfilled is to be provided to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mailed to:</p> <p style="text-align: center;">Department of Environment, <b>Tourism</b>, Science and Innovation          Permit and Licence Management          PO Box 2454          BRISBANE QLD 4001</p> <p><i>Note: Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.</i></p>	<p>(a) Prior to survey plan endorsement.</p> <p>(b) Prior to survey plan endorsement.</p> <p>(c) Prior to survey plan endorsement.</p>
----	---	--

Thanks

Kind regards

**Emily Burke**

Senior Planner

Development

T 07 4197 4367 | E [Emily.Burke@frasercoast.qld.gov.au](mailto:Emily.Burke@frasercoast.qld.gov.au)

---

**From:** Emily Burke

**Sent:** Friday 10 January 2025 9:57 AM

**To:** [me@warrenbolton.com](mailto:me@warrenbolton.com); Ward Veitch ([ward@urbanplanet.com.au](mailto:ward@urbanplanet.com.au)) <[ward@urbanplanet.com.au](mailto:ward@urbanplanet.com.au)>

**Cc:** 'Mark & Julianne Grunske' <[mudcrabsdirect@gmail.com](mailto:mudcrabsdirect@gmail.com)>

**Subject:** Recommendation

Hi Warren and Ward,

Please find recommendation for RAL21/0138. I will ask admin to prepare the decision notice please let me know if you have any problems.

**DECISION DETAILS**

Type of Decision: Approved in full with conditions

Type of Approval: Development Permit – Reconfiguring a lot – One Lot into Five Lots

**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*.

The following approvals are given:

	<b>Planning Regulation 2017 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
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 <a href="mailto:WBBSARA@dsdilgp.qld.gov.au">WBBSARA@dsdilgp.qld.gov.au</a>
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 <a href="mailto:WBBSARA@dsdilgp.qld.gov.au">WBBSARA@dsdilgp.qld.gov.au</a>

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
<b>Administrative</b>	
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.	

Conditions	Condition Timing
1. Carry out the development in accordance with the Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
2. Carry out the development in accordance with the approved plans unless otherwise approved in writing by the Assessment Manager.	At all times.
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
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
<p>5. Pay any outstanding rates and charges due to Council.</p> <p><i>Note: please contact Council's Property Rating Department at <a href="mailto:rates@frasercoast.qld.gov.au">rates@frasercoast.qld.gov.au</a> and Development Department at <a href="mailto:development@frasercoast.qld.gov.au">development@frasercoast.qld.gov.au</a> prior to payment to confirm any outstanding rates and charges amounts.</i></p>	Prior to the lodgement of the subdivision plan
<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>	Prior to the approval of the subdivision plan
7. Submit a Subdivision Plan Compliance Report and supporting documentation to Council demonstrating compliance with each condition of this approval.	Prior to the approval of the subdivision plan
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.	Prior to the lodgement of the subdivision plan
<b>Operational Works</b>	

Conditions	Condition Timing
<p>9. Submit an Operational Works application to Council detailing 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).</p>	<p>Prior to the commencement of works.</p>
<p>10. Lodge a General Performance Bond 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> <ul style="list-style-type: none"> <li>(i) works to revert to Council have been accepted 'On Maintenance'; and</li> <li>(ii) all building and operational works on the site have been completed and a Final Certificate (if applicable) has been issued to Council.</li> </ul>	<p>Prior to the commencement of works.</p>
<b>SITE WORKS</b>	
<b>Construction and Environmental Management</b>	
<p>11. Prepare and submit to Council in conjunction with an Operational Works application a Construction and Environmental Management Plan (CEMP) for the development in accordance with the Planning Scheme Policy for Development Works SC6.3.</p>	<p>Prior to the approval of Operational Works</p>
<b>Erosion and Sediment Control</b>	
<p>12. Submit to Council as part of an Operational Works application, a Site-Specific Erosion and Sediment Control Plan. 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>13. Carry out the development in accordance with the approved Site-Specific Erosion and Sediment Control Plan 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>

Conditions	Condition Timing
<b>Stormwater Management</b>	
14. Design the stormwater drainage such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties, including road reserves, occurs as a result of the development, as set out in Schedule 6.3 – Planning scheme policy for development works.	Prior to the lodgement of the subdivision plan
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.	At all times.
16. Any stormwater works associated with the development 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 where such increased inundation could cause loss or damage.	At all times.
<b>Flood Immunity</b>	
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. This is likely to increase to RL 2.65m AHD as part of the current review of Storm Surge levels. To provide the required freeboard, surface levels should be RL 2.95m AHD (minimum). The developer should confirm these levels prior to the submission of an application for Operational Works.	Prior to the lodgement of the subdivision plan
18. Submit documentation, as part of the Request for Approval of the Subdivision Plan Application from a Registered Professional Engineer of Queensland (RPEQ), which certifies that each completed allotment will achieve flood immunity in accordance with Schedule 6.3 – Planning scheme policy for development works.	Prior to the lodgement of the subdivision plan
<b>Vehicle Access</b>	
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
20. Remove all disused or redundant vehicular crossings and reinstate the verge as required.	Prior to the approval of the subdivision plan
<b>Telecommunications</b>	
21. Enter into an agreement with a licensed telecommunication provider to ensure that a telecommunication connection will be available to	Prior to approval of the subdivision plan

Conditions	Condition Timing
<p>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.</p>	
<b>Property Damage &amp; Council Infrastructure</b>	
<p>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 Subdivision Certificate. 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.</p>	<p>Prior to the approval of the subdivision plan</p>
<b>Location of Services and Structures</b>	
<p>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.</p>	<p>Prior to the approval of the subdivision plan</p>
<b>Telecommunications</b>	
<p>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.</p>	<p>Prior to the approval of the subdivision plan</p>
<b>Electricity</b>	
<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"> <li>1. Provision of a Certificate of Supply, or</li> <li>2. Provision of a Certificate of Acceptance, or</li> <li>3. Provision of a Negotiated Connection Establishment Contract, and evidence of the following;</li> </ol>	<p>Prior to the approval of the subdivision plan</p>



<b>Conditions</b>	<b>Condition Timing</b>
<ul style="list-style-type: none"> <li>i. substantial commencement of the internal electrical work, and</li> <li>ii. evidence of contract with electrical contractor; and</li> <li>iii. evidence of the ability to fund the contract value of the electrical works.</li> </ul>	
<b>Water Supply</b>	
26. Submit as part of a building application, details associated with the on-site collection, storage and treatment of a potable water supply.	As part of a building application
<b>Wastewater Treatment</b>	
27. Each lot must install Advanced Secondary Treatment with Nutrient Reduction to Surface irrigation in accordance with the Qld Plumbing and Wastewater Code and relevant Australian Standards.	Prior to the commencement of use
<b>Granting Easements</b>	
28. Grant the following easement(s), as part of the registration of the survey plan where required: <ul style="list-style-type: none"> <li>(i) Easements for stormwater, electricity and telecommunications services as may be required to service the development.</li> </ul>	Prior to the lodgement of the subdivision plan
<b>Infrastructure and Services</b>	
29. All existing services 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.
<b>Disclosures to future purchasers</b>	
31. Include in any Contract of Sale for the lots, a copy of Conditions 26 and 27 of the approval.	At all times

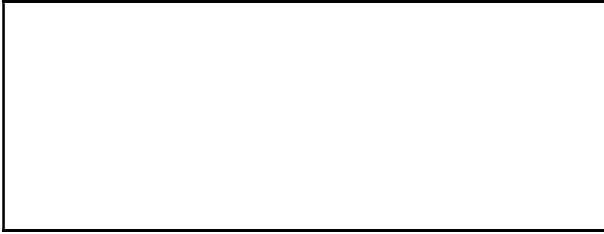
Kind regards

**Emily Burke**

Senior Planner

Development

T 07 4197 4367 | E [Emily.Burke@frasercoast.qld.gov.au](mailto:Emily.Burke@frasercoast.qld.gov.au)

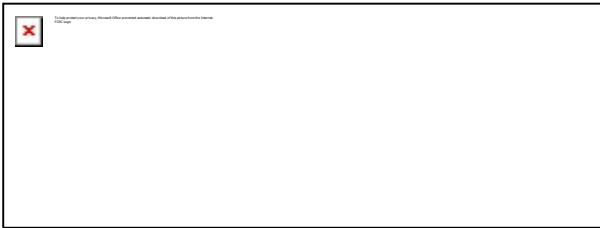


PO Box 1943, HERVEY BAY Q 4655

T 1300 79 49 29 | F (07) 4197 4455

Keep up to date with Council activities and have your say at [frasercoast.qld.gov.au](http://frasercoast.qld.gov.au)

Disclaimer: If you receive this email by mistake please notify the sender and do not make any use of it. Council does not waive any privilege, confidentiality or copyright associated with this email or any attachments.



PO Box 1943, HERVEY BAY Q 4655

T 1300 79 49 29 | F (07) 4197 4455

Keep up to date with Council activities and have your say at [frasercoast.qld.gov.au](http://frasercoast.qld.gov.au)

Disclaimer: If you receive this email by mistake please notify the sender and do not make any use of it. Council does not waive any privilege, confidentiality or copyright associated with this email or any attachments.