



Ms Leisa Dowling
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Cr Natalia Muszkat – Natalia.Muszkat@gladstone.qld.gov.au
Cr Rick Hansen – Rick.Hansen@gladstone.qld.gov.au
Ms Anna Scott General Manager Strategic Asset Performance

Dear Ms Dowling,

New Carpark – 5 Agnes St, Agnes Water (Lot 8 CP910294)

On 30 June 2020, residents of Agnes Water received a letter from Council advising of a proposed new Carpark at 5 Agnes St, and angled parking at Jeffery Court. On researching this proposal it appears designs and plans have been completed along with Development applications, with a solution already fixed.

While you are proposing some pop-up stalls in July the proposed construction commencement date is September 2020, which indicates the pop-ups are not a genuine consultation process but just a way of telling us what you have decided. We would like to challenge this process and work with your team to get the best possible solution for our Community.



The purpose of this letter is to

1. introduce ourselves and make ourselves known for future consultation,
2. request that development application DA/4/2020 on Lot 8 CP910294 be withdrawn and reconsidered, and
3. outline our concerns with the particular carpark at 5 Agnes St Agnes Water.

The Discovery Coast Environment Group (DCEG) was started in 2014 by a group of environmentally conscious and concerned people. We conduct projects around waste, turtle monitoring, pest control and more recently we have formed a project group to be a focal point and voice of our community to value and protect our unique natural environment and way of life.

We love our beautiful town and we wish to have influence to achieve outcomes that defend nature, encourage a vibrant culture and ongoing economic prosperity in the greater Agnes Water region. The ultimate outcome is to work with Council and other Stakeholders to get the best and balanced environmental and economic outcomes for our Region.

In regard to the development application DA/4/2020 on Lot 8 CP910294 we would like to see meaningful consultation and a solution that is sensitive to our environment. Removing established trees, filling in wetland and creating a large bitumen space for 90 vehicles is out of sync with Agnes' valued asset of natural beauty. The proposed carpark solution seems to be a reaction to occasional busy periods and a more sensitive smaller scale solution would be more acceptable and workable with the environmental aspects of this block.

Specifically we feel the carpark design is too extensive in area, there is little landscaping to improve the visual amenity and it destroys the natural beauty of the area. It doesn't alleviate traffic problems by drawing more cars into a limited space. It doesn't solve visitor type and use of area (camper vans), car parking spaces are too tight, the design lacks good planning and vision. The referred overlays in the documentation have not been addressed e.g. flooding, there is no environmental impact statement.

We feel the current proposal will:

1. Increase noise - negatively impacting visitor experience and residential lifestyle quality,
2. Increase levels of litter in and around the car park that will enter the creek system,
3. Increase pollutants such as oils entering the waterway reducing water quality,
4. Create poor traffic flow management that compromises the safety of pedestrians,
5. Further compound poor signage in relation to speed limits,
6. With increased number of users there is an increased impact on existing resources, dune restoration, litter on beach, destruction of dunes due to people not using walking tracks, increased dogs on beach etc. This degradation has not been dealt with in this development application.



For any carpark development on this block we would recommend additional street furniture at the intersection of Agnes and Jeffery Court (Opposite this carpark) to make this section a One Way street, Going down Agnes St, around to the right along Jeffery Sr loop and then exiting the area using Agnes St again. ie to stop cars going up and down the end of Agnes Street in front of Codies and the Motel.

We have started to develop a number of workable options that we would like to propose to council. We are very interested in working with council to rethink and redesign how people will access the beach via the Agnes St. area. The whole area Agnes St, Jeffery Crt, Tom Jefferies park, Caravan Park, needs to be considered when working out a solution.

We will also be running a pop-up station to inform people of the impacts of this development application and hope we can work together productively on future Council proposals.

Respectfully,

Jane Gray

Project Leader

Agnes St Streetscapes

Discovery Coast Environment Group

<mailto:DiscoveryCoastEnviroGroup@gmail.com>

Submission to Gladstone Regional Council

Reference: Proposed car park at 5 Agnes Street, Agnes Water

Authors:

**Tony and Carol McGruther,
7 Jeffery Court
Agnes Water 4677**

Date: August 7 2020

This submission addresses the request for community input to the design and desirability of an extended car park facility within the Agnes Street and Jeffery Court precinct of Agnes Water. We are local residents with a forty year connection with our property at 7 Jeffery Court. The submission is also informed by our lived experience as holiday-makers, residents and parents/grandparents of children as users of our much loved Agnes Water beach and environment and in particular Agnes Street and Jeffery Court..

We acknowledge the invitation to provide input. We also acknowledge the work of both Miriam Vale Shire and Gladstone Regional Councils in their investment in quality foreshore and community facilities especially the substantial improvements that have been provided over the last decade.

We support the need for a car park and generally endorse the planning already undertaken. We have some suggestions to make from our perspectives as residents directly impacted and genuinely concerned local residents.

The presentation provided by Council staff to Community on August 5 established for us three commonly shared principles for the most effective design of the car park facility. These were: the importance of safety, the provision of functional amenity and thirdly environmental/ aesthetic appropriateness.

We would like to present the following suggestions based on these principles within the background of the Town Plan that has evolved over the last forty years of our occupancy of 7 Jeffery Court.

A. Safety:

1. It has always been an underpinning planning goal of the Town Plan in our immediate precinct to minimize unnecessary traffic flow around Jeffery Court. The introduction of additional car parking spaces appears to be contradictory to that ideal. However we accept that additional planned parking will be actually safer than allowing demand to cause more chaotic

parking issues such as cars doing laps or following exiting families to scarce parking spaces.

- a. *Recommendation: Create a one way in and one way out exit to the car park to encourage cars to leave by Agnes Street or move through to Tom Jeffery Park and not to complete the loop through Jeffery Court entry. Install road furniture or roundabouts to encourage this flow.*
 - b. *Recommendation: Preserve the two way thoroughfare of Agnes Street to dissipate traffic flow around the Agnes Street and Jeffery Court precinct.*
2. The narrowing of Jeffery Court through the conversion of parallel parks to reverse angle parking creates only a few additional spaces at significant cost. It also encourages congestion involving larger vehicles and caravans buses etc using Jeffery Court to enter the caravan park or, in the future , to service the commercial and retail premises proposed for the longer term future of Jeffery Court. The concept of reverse angle parking is acknowledged as a safe parking option for families. An alternative provision might consider a drop off and pick up function within Tom Jeffery Park to allow families to leave from cars directly onto the safer surrounds of the park.
- a. *Recommendation: Retain the existing car parking arrangements for Jeffery Court in expectation of its planned future as a residential/retail/entertainment hub.*
 - b. *Recommendation Apply the funds saved above to create a drop off/ pick up zone within Tom Jeffery Park or of necessary within the 5 Agnes Street carpark.*
3. Currently Jeffery Court is predominantly residential and holiday lettings, with the planning assumption being that this will only increase over time. The present hazards for young children and older people alike are that vehicles very regularly turn into Jeffery Court the wrong way. Further the speed limit is also regularly exceeded. Even regular enforcement will not reduce this due to the number of first timers that visit Agnes Water beach. A longer and better serving solution would be to reduce traffic flow and design clearer and more intuitive traffic flow solutions especially from a new facility attracting cars.
4. The current entry to the caravan park provides limited facility for check in and check out traffic flow with vehicles being required to queue along Jeffery Court. Installation of angle parking will compound this problem at the caravan park end.
- a. *Recommendation: Work with the caravan park owners to provide an alternative entry to the park off Springs Road as a longer-term resolution to the potential future conflicting uses of Jeffery Court.*

B Amenity

1. We applaud the Council's initiative in purchasing 5 Agnes Street for car parking. We also note that it has further provision at the location near the shopping centre both of which do not require families to cross the traffic to access the park and beach. During the summer months when

we experience the most significant people flow, the bitumen and concrete surfaces absorb heat and make for unsafe and uncomfortable movements around cars.

- a. *Recommendation: Make the parking surfaces and dividing barriers 'cool and green', conducive to their use as pleasant spaces and safe assembly points for children whilst awaiting for parents and carers.*
2. The car park will border a number of existing commercial and residential properties. Additional light and noise will intrude upon the amenity that existing residents enjoy currently. The amenity of the car park for broader use by visitors should not impede existing residents.
 - a. *Recommendation: Construct landscaping (eg eco-fencing) to provide noise, light and heat abatement to maintain amenity to current residents and neighbours.*

C. Environmental and Aesthetic Issues:

1. The land on which the car park will be formed represents one that attracts debate about its environmental status. Regardless of whether it is already an environmental area ("wetland") or not the opportunity presents itself to create one.
 - a. *Recommendation: Extend the current and future bio diversity of the area with the informed and appropriate planning, planting and landscaping of the site to balance its function as a carpark with its potential as a green space.*
2. Similarly the current trees on the lot may not be the most appropriate for placement in a carpark. Gum trees with brittle limbs, maintained or not, present a potential hazard in beachside tropical weather conditions. Whilst the environmental loss is acknowledged in removing them, the ever present risk of injury, litigation or worse is in our opinion not worth it. The environmental features of the site can be recreated using wise and informed replanting to meet the demands of safety and the potential to expand the appropriate biodiversity of the site.
 - a. *Recommendation: Create a new environmental site that attends to all the issues of human safety whilst still attending to the environmental potential of the site.*
3. The current and past improvements and standards of maintenance within Tom Jeffery park provide an excellent model with respect to harmony with the past, a high level of shade, cool surfaces and public amenity. Whilst the Agnes St car park will serve a different function to that of the park, its final design should continue the 'Agnes feel' created already within Tom Jeffery park as a place of welcome, respect for the past (including importantly our Indigenous history) and amenity for users. Whilst not serving to attract users to loiter dangerously, our new car park should still be an informative and pleasant place to walk through and connect with the Tom Jeffery Park facility. It is possible to be proud of a car park.

- a. *Recommendation: Extend the 'feel' of Tom Jeffery park to the new space and importantly include in both places a genuine consideration of the Aboriginal history of our township alongside our proud Captain Cook links. Utilise fences, fauna and other hard surfaces to display the true story of Agnes Water.*
- b. *Recommendation: Create a partnership with local schools, traditional owners and community groups to assist in the ongoing improvement and maintenance of the car park domain to further its community based ownership and care.*

Bryan Pugsley
38 Beachouses Estate Road
Agnes Water
18/8/2020

Assessment Manager
Gladstone Regional Council
Planning & Development
Application Number DA/4/2020

I, wish to submit 'A properly Made Submission' representing 'Beachouses Estate' and being one of the committee members, with objections to the proposed car park at 5 Agnes Street Agnes Water.

The Grounds of submitted objections are:

1. Foundation wall drawn on council plan is in water on our easement
 2. Lack of Construction details for the car park
 3. Number of car spaces
-
1. Foundation wall as drawn by council is in water on our Body Corporate Easement land, at the deepest part of the pond is not acceptable for construction and environment reasons.

A solution would be to move the pond wall back towards the parking area, so footings for the pond wall would be on dry land, making a more feasible/cost effective construction method.

2. Plan presented at the Public meeting lacked construction and drainage details.

www.townsville.qld.au/waterSensitiveUrbanDesign has provided an excellent fact sheet for the approach to the planning and design of urban car parks in the coastal dry tropics. Design advice, mitigating water from heavy rain, the use of porous surfacing, "Bio Swales", positioning of 'Bio Retention Basin', to act as pollution and litter traps and landscaping is available on this web site. This fact sheet provides advice to professionals in the development industry with an overview of the techniques and principles of 'Water Sensitive Urban Design' in car parks, benefits and opportunities.

3. 90 Car parking spaces as drawn, are more than the dry land area can handle for parking.

Council need to reduce the number of car spaces proposed to enable more water retention and surface absorption before it enters the pond area.

I believe the suggestions above, may contribute towards making the car parking area environmentally acceptable for the local community and visitors.

I wish to thank council for involving residents and taking into consideration their concerns over this matter.

Regards
Bryan Pugsley
bdpugs@spiderweb.com.au
0418721108

Signed Bryan Pugsley 18-8-2020

Brynden Russell
29 Beach Houses Estate Road
Agnes Water,
Queensland, 4677

12 August 2020

Assessment Manager
Gladstone Regional Council
Gladstone,
Queensland, 4680

**Reference DA/4/2020 – Proposed Car Park Development at 5 Agnes Street, Agnes Water,
Qld, 4677.**

Dear Assessment Manager,

I would like to submit a 'properly made submission' to express my objection to the current advertised plans for the proposed car park development to be located at 5 Agnes Street, Agnes Water.

My objections to the current plans relate to the following items, each of which will be further detailed within this submission:

- Environmental issues
- Engineering issues
- Flooding issues
- Inappropriate Parking Space size – not fit for purpose
- Privacy issues
- Campers using Car Park as Campground
- Lack of consultation with community

Environmental issues

Council have identified that the wetland area that is proposed to be filled as part of the current plans for the car park is not a natural wetland area; which is incorrect. This wetland area is and has always been part of the natural junction of the three creeks that feed into the pond area located within Beachouses Estate. This wetland, although small, is home to a large number of native animals, and native flora, that the community has clearly identified as needing to be protected. This wetland also serves to provide a filtration system that assists in keeping the pondwater in a reasonable state of cleanliness which is important as in times of rain events this pond overflows into the ocean (when tides allow).

Council is proposing to cut down and remove several significant, mature trees as part of this development and have identified that the trees are not appropriate to be above parking

spaces. This in my opinion is a maintenance issue rather than a reason for these trees to be removed. I believe that the plans can easily be varied to ensure that a significant number of these mature trees can be preserved.

Agnes Water is an attraction for locals and visitors due to its natural environment. The plans for the car park, as presented do not meet the preferred environmental outcomes identified by the local community. It has been clearly communicated by this community that the preservation of the wetland and the retention of all/most of the mature trees is the preferred outcome in regards to this development.

Engineering issues

The current advertised car park plans include several errors with respect to levels and needs to be revisited to ensure compliance. Acid sulphate soils cannot be removed, yet this would appear to be the construction methodology required to deliver against these current plans. I would question if the consultants that prepared these plans have actually taken the time to attend site and do the required due diligence to ensure compliance to state regulations.

The current plans show concrete footings for a block wall being constructed near / on the wetland area. Considering how porous this area is I firmly believe these proposed footings are completely inadequate and need further investigations as this will potentially lead to significant cost over-runs which we ratepayers would be forced to make up when realised.

Draining of the pond – under current plans it would appear that Council would intend to drain the pond to allow for construction. This would be environmental vandalism to the highest degree considering the native birdlife that depends on this pond for survival. Simple engineering changes can easily maintain the pond and wetlands to a point where the overall objectives of the development can be achieved without negatively impacting the wetlands and pond wildlife.

I would also bring to Councils attention that the current proposed car park plans includes significant capital works to be constructed on the easement located on land owned by Beachouses Estate residents. I would remind council that this easement has very strict conditions and does not allow for any of these works proposed by Council. As a resident of Beachouses Estate I, like other owners are all for appropriate development of the car parking site, but not at our expense. There are more appropriate engineering solutions that would be allowable under the agreed/enforceable easement conditions and also maintain existing storage capacity of the pond, as well as preserving the natural wetland.

Flooding issues

The current car park proposal seeks to provide a large (90 car) parking area based on filling the wetland area. This has the result of reducing the storage capacity of the overall pond retention area.

The pond in Beachouses estate and the wetland area (mostly on 5 Agnes Street) is the junction of three creeks and when at capacity overflows through pipes into the tidal creek at the northern end of Tom Jeffrey park.

The issue with flooding is that this tidal creek under everyday conditions flows upstream at high tide, and empties again at low tide. If we have a rain event the overflow pipes only drain to the ocean at low or outgoing tide(s). If there are large high tides, or if there is any storm surge (which usually happens in a rain event) then the creek backs up and the overflow pipes stop draining. This currently results in minor flooding in Beachouses Estate and other areas along the three creeks.

My issue with the proposed car park is that by filling the wetland area, the storage capacity is reduced by several megalitres of capacity. In a rain event with a storm surge these megalitres of water have nowhere to go but to flood within Beachouses Estate and other low areas along the three creeks.

Any development for the car park needs to either maintain the current level of storage capacity in the wetland and pond area; or aim to provide additional storage through other means. There are several very LARGE housing and retirement living developments already approved within the Agnes Water town area that will add significant additional hard surface storm water volume through these three creeks into the wetlands and pond area. Reducing the current volume as is currently proposed by Council is going to severely add to flooding events when aligned with larger tides or storm surges.

Please keep in mind the catch-22 situation with this car park. The car park is proposed to provide additional parking so that people can use the patrolled beach in front of the caravan park. If the car park reduces the storage capacity of the pond then at low tide there will be significantly more water, debris, and pollution on to the same beach area where it is patrolled.....making it unusable and therefor impacting the need for the parking spaces. This car park development needs to add to the storage capacity, not reduce it. A polluted beach would not then require the parking spaces.....

I would draw Councils attention to the Algae Bloom that took place in the tidal creek at Agnes Waters in 2019. The algae bloom actually took place in the ocean and washed ashore along the coastline. Due to high tides and storm surges this algae bloom was forced up the creek, and also up into the overflow pipes. This information is provided purely to show that the overflow pipes only drain during low tides and provide little drainage when there are storm surges.....again pointing out that storm surges usually take place when there is a rain event.

Inappropriate Parking Space size – not fit for purpose

The functional specification provided to the consultant responsible for designing this car park does not take in to account the types of vehicles locals and visitors actually drive. A significantly large percentage of visitors and locals in/to Agnes Water drive larger 4WD's.

As this parking is proposed to service the overflow parking needs for Agnes Water Beach there will be a large number of families with small children using these parking spots. I firmly believe that Council needs to amend the functional specification to allow for larger parking bays which would assist in minimising the risk to children and other visitors using this facility.

I would ask Council to visit the parking lot at Foodworks in Agnes Water during busy times to see the implications of having inappropriately small parking bays that do not cater to the types of cars predominantly used in this area. These parking bays may be legal and meet code, however they are impractical, difficult to manoeuvre in, dangerous, and not fit for purpose (regardless of their legality). Note that this is in no way a criticism of the owners of the Foodworks parking area, it is purely used as an example of a legal parking lot not meeting the specific local needs.

Regional parking requirements differ significantly to the needs of cities. Regional folk drive large 4WD's and parking designs need to take this in to account.

Privacy issues

The current car park plans make no effort to provide the residents of Beachouses Estate any privacy from headlights, additional noise from cars, etc. There needs to be some form of screening provided in whatever option is ultimately agreed to.

I would also like to point out that there have been discussions about potentially including a viewing platform for the public to look over the pond. I would bring to your attention that this pond is located within Beachouses Estate and that residents have significant privacy concerns about any talk of a viewing platform. The pond is located on Beachouses land and residents should have the right to enjoy our privacy and not be put on display to the general public.

Campers using Car Park as Campground

I would ask for the functional specification for this car park project to be updated to include some means of making it more difficult for campervans and motorhomes to access parking. At the moment the gravel parking bays are used almost on a nightly basis as an ad-hoc campground. Whilst I don't have an issue with people free-camping, there are issues with the compounding amount of grey water that ends up in the wetland area and then in the pond. A trickle over time adds up. As this is currently an ongoing issue whereby Council does not actively police this camping issue, I firmly believe that there needs to be an engineering or traffic flow solution developed to make it more difficult for these vehicles to free camp in this space.

Lack of Consultation with Community

Consultation with the community does not appear to have been part of the process for developing the current set of plans for the car parking at 5 Agnes Street, Agnes Water. There has now been a small number of 'pop up' information sessions and a single workshop which lasted for approx. two hours.

This workshop was intended to allow community members to document their preferred plans to be peer reviewed by other attendees with the ultimate aim by Council to identify three (3) preferred community plans. This process failed to eventuate due to time constraints and Council decided to instead capture some basic agreed community preferences. These were:

- Reduce the size of the car park to protect the wetland area.
- Keep all existing mature trees in car park area
- Include footpath along Jeffrey Court but find way to retain all mature trees and not impact the root systems
- Consider the traffic flow requirements in regards to one way traffic flow
- Consider workable parking solutions along Jeffrey Court whilst also looking at the impacts of Caravan Park entry potentially moving to Springs Road

From my perspective this process is not community consultation, rather it is a rushed process that has not taken into account community desires for this space. Whilst I do not believe that Council have done their due diligence as far as consulting with the community, I do believe that Council has a rough understanding of the communities (Ratepayers) preferences and will be better engaging with community stakeholders moving forward.

Sincerely



Brynden Russell
0468427435

The Assessment Manager
Gladstone Regional Council

Via Email: info@gladstone.qld.gov.au

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25th August 2020

Submission/Objection to DA/4/2020 Lot 8 CP 910294, Agnes Street, AGNES WATER QLD 4677

By Peter Robinson Lot 43 Beachouses Estate Agnes Water

My property lot number 43 Beachouses Estate Road adjoins the western Boundary of Lot 8 CP 910294 "the development application lot". My lot is part of Beachouses Estate, a 45 lot gated community the common property of which adjoins the Western and Southern boundaries of Lot 8 CP 910294. We are not against a car park on this site however this development must have the feel of natural coastal beauty and preserve the environment and the biodiversity of the Agnes Creek area as well as the Agnes Water area, as this is what Agnes Water is.

I am aware that this application is under review, however I believe the correct values of the environment, flooding, aesthetics should be correctly stated in any subsequent application.

The people of Agnes Water do not expect an industrial, totally impervious and environmentally damaging design such that may be acceptable in the main street of Gladstone or at a supermarket. Gladstone Regional Council should engage consultants for this area that can incorporate that natural environment the trees and the feel of the town into a design that will attract tourism, not change the feel of the town such that the tourists decide to go elsewhere.

I am an Engineering Surveyor, who has held the positions of Survey Manager, Project Surveyor, Civil Superintendent, Civil Project Manager, Marine Construction Manager, Marine Site Manager and owner of a successful survey business in Gladstone which I have passed to my children since retirement.

My association with Agnes Water is from the early 1980s and was surveyor on the Springs Road development Agnes Water to Springs and Deepwater. My wife and I have own lot 43 Beachouses Estate since 1998 and built our House there in 1999. I do not have qualifications in environmental or flooding issues however, I have certainly observed and appreciated the natural interactions of birds, mammals, reptiles and their natural environment all my life. More recently I have observed these interactions on a daily basis from my veranda at lot 43 Beachouses Estate overlooking Lot 8 CP 910294 (the proposed Development Site) and the Beachouses common property including the pond, the shore of which is only 11 metres from my veranda. I have witnessed the many floods including ex tropical cyclone Oswald (which inundated houses in Grahame Colyer Drive) and tropical cyclone Debbie that caused major rises in Agnes Creek. My 50 years work in the construction industry has exposed me to some extremely good and environmental designs and some with very poor outcomes, this knowledge I have retained.

1. There are many points to my objection to this application they include:
 - a. That the actual natural values have not been properly stated nor have the negative impacts to the environment and biodiversity from this development application.
 - b. The topography of the site has not been properly stated in the DA.
 - c. The unaesthetic values and the impacts to surrounding properties and the public in general have not been properly stated in the DA
 - d. The flooding impacts have not been properly considered
 - e. The alternatives offered in the development application in many instances contain errors, omissions and statements that are not fact, or made out of ignorance, and offer no positive outcomes merely excuses.
 - f. The design does not take into consideration the fact much of the area is wetland and therefore sheet piling, stripping, footing designs, acid sulfate soil treatment and cartage off site and extra fill have not been considered in the design along with the environmental impacts of winning borrow, carting, spreading and treating acid sulfate soils offsite. These omissions will also greatly increase the cost of the development and therefore impact development time constraints and project costs to the community.
2. My objections in full. In this response I refer to Sections of Town Planning Report 5 Agnes Street Agnes Water 4PLA19181 13 February 2020 Prepared by Cardno (Qld) Pty Ltd and will be referred to as TPR below
3. **TPR clause 2.7 Natural Values. Cardno Response: The site contains vegetation and adjoins an unnamed lake to the rear of the property.**

My Response: The reality is originally there was a natural wetland that extended from the eastern side of Agnes Street through Lot 8 CP 910294 (DA/4/2020) and on through the area which now accommodates the pond on Beachouses Estate. This wetland was the meeting of 2 tributaries of Agnes Creek as well as the terminus of 2 natural springs that followed those creeks. The original bank of the creek flowing from Bicentennial drive adjacent to Springs Road then through the caravan park and filled in by the development at Jeffry Court is located at the Eastern Boundary of Lot 8 CP 910294 (DA/4/2020). Lot 8 CP 910294 (DA/4/2020) contains the last remnant in Agnes Creek of this wetland which encompasses around 1100 sq metres of the lot. This wetland is covered in Riparian vegetation and as with all wetlands is very important for biodiversity, water quality and sediment control within Agnes Creek.

The lot has many large established native trees including 15 Blue Gum, 1 Melaleuca, 10 cabbage palms, 1 Stringy Bark, 1 Morton Bay Ash, a copse of native scrub and 2 mango trees.

Please see my original letter to Council dated 27/6/2020 and attached as appendix A Pages 20-26

Below are pictures taken from my lot "43 Beachouses Estate" of Lot 8 CP 910294 (DA/4/2020)

The development application site



P01 Riparian Vegetation in the wetland Lot 8 CP 910294 (DA/4/2020)



P02 Riparian vegetation and large established trees all to be destroyed by the development



P03 Large established cabbage palms at my corner to be destroyed.

3. **TPR clause 2.8 Topography:** Cardno Response: The site is low lying and varies in elevation from approximately four (4) to five (5) metres above sea level.

*My response: wetland and low lying, varies in elevation from approximately 2 to 5 metres as per cardo plans, See Cardno R2018073-CI-0121 point 58 Bottom of retaining wall R.L. 1.97.
A natural spring flows through the lot terminating at the pond.*

4. **TPR Clause 5.1: Gladstone Regional Council Planning Scheme – Strategic Framework**

The proposed development is consistent with the Gladstone Regional Council Planning Scheme – Strategic - Framework for the following reasons:

Cardno response:

- > The proposed parking station will provide greater access to the nearby land uses;
- > The proposed development will not negatively impact the surrounding environment;
- > The proposed development will encourage an increase in tourism within Agnes Water and in particular the Jeffery Court Precinct;

My response: The proposed development will seriously impact the surrounding environment including destruction of natural wetland. Destruction of habitat, and decrease biodiversity within Agnes Creek. Will remove large native trees that could have been incorporated into the design and does not replace those trees with similar sized trees.

The development will not encourage tourism with the destruction of the natural environment, shade and aesthetics. This can only be done by incorporating the environment into the design.

5. **TPR clause 5.2 talks about compliance with the relevant codes. I do not agree and will demonstrate that later.**
6. **TPR clause 6 talks about conclusions I do not agree with these conclusions.**

7. TPR Appendix A, Code Compliance. States the following codes:

- 1 Mixed Use Zone Code
- 2 Development Design Code
- 3 Landscaping Code
- 4 Acid Sulfate Soils Overlay Code
- 5 Coastal Hazard Overlay Code
- 6 Flood Hazard Overlay Code

8. Appendix A 1. Mixed use Zone Code P027

Development minimises impacts on surrounding land and provides for an appropriate level of amenity within the mixed use centre, having regard to:

- a. noise
- b. hours of operation
- c. traffic
- d. visual impact
- e. signage
- f. odour and emissions
- g. lighting
- h. access to sunlight
- i. privacy, and
- j. outlook.

A027: No acceptable outcome is nominated

Cardno Response: R27 Alternative Outcome (as no Acceptable Outcome is nominated)

The proposed development is not anticipated to generate excessive noise, traffic, odours or emissions and will not negatively impact the visual aesthetics of the area or disrupt adjoining land uses.

My response: My house is located on the western boundary of the proposed parking lot. A large stand of cabbage palms adjacent to my boundary between my house and the nearest proposed car parks are to be removed (See photo P04 next page) which will allow people to look straight into our bedroom window as well as view the entirety of my house including my verandah which I spend a lot of time on. Other houses within Beachouses Estate including 44,45 and 1 as well as the Green Turtle development and Grahame Colyer lots therefore the development will affect privacy therefore Point j. privacy has not been addressed. The Cardno response is erroneous and takes no steps to minimize the effects of a. b. c. d. f. g. and i.

Point a. Noise: At present council have been using a small portion of this site as an overflow car park, we constantly hear talking, arguing, doors slamming, engines idling and revving, car alarms squealing, persons partying after dark and noise from illegal campers emanating from this site. The DA plans show car parks right to my boundary and the clearing of the screening trees along with the parking increasing from around 15 to 89 car parks will be greatly increase the noise to unbearable. The DA has not addressed this issue

Point b. Hours of operation: At present the unapproved overflow car park has no restrictions to operation hours, we have parties and illegal campers at present, this allows light emissions, noise, and vehicle emissions as well as people urinating due to no toilets, to go on all night, council do not enforce any of these issues after dark. These issues will greatly increase due to the tree removal and expansion as in point a. There is no need for persons to park here after dark as plenty of parks are available for evening diners. The car park should have an automatic gate set to close at 6:00pm and open at 8:00 am. A sensor to allow egress of vehicles that are caught behind the closed gate after closing time would solve that issue. Camping should be illegal and enforced. Once again the DA does not address this issue.

Point d. Visual Impact: The DA removes all screening trees and wetland plants including Cumbungie and replaces that with a 2.5 metre wall and bitumen car park that will be clearly visible from my property and to all Beachouses residents particularly when exiting our lovely treed estate. Also visible to houses in Grahame Colyer Drive. Once again the DA does not address this issue

Point f. Odour and emissions: Once again the removal of the natural screening will allow vehicle odour and emissions, smoking odour and emissions as well as light emissions from vehicles head lights to enter our property. Once again not addressed in the DA.

g. Lighting: lighting will not be required if the car park closes at 6:00pm.

h. Privacy: once again the removal of the natural screening trees will seriously disrupt my privacy as my bedroom will be clearly visible to the whole car park as will my main veranda. Once again not addressed by the DA

i. Outlook: See point d.

It is not hard in this day and age of Google and QLD Globe to understand the if P027 will have an effect on other properties, the Cardno response shows at best negligence.



P04 Established Livistonia (cabbage) palm trees to be removed at my boundary allowing light, noise, odour, visual impact/ loss of Aesthetics and loss of privacy.

9. Appendix A 1. Mixed use Zone Code P032

Development responds sensitively to on-site and surrounding topography, coastal foreshores, waterways, drainage patterns, utility services, access, vegetation and adjoining land use, such that:

- a. any hazards to people or property are avoided
- b. any earthworks are minimised
- c. the retention of natural drainage lines is maximised
- d. the retention of existing vegetation is maximised
- e. damage or disruption to sewerage, stormwater and water infrastructure is avoided, and
- f. there is adequate buffering, screening or separation to adjoining development.

A032: No acceptable outcome is nominated.

Cardno Response:

R32 Alternative Outcome (as no Acceptable Outcome is nominated)

The proposed development responds sensitively to onsite and surrounding low lying topography, coastal foreshores, waterways, drainage patterns, utility services, access, vegetation and the adjoining land use. The proposed retaining walls and sediment fencing will reduce the impacts of erosion on the site and the surrounding area and the proposed stormwater drainage infrastructure will reduce the disruption to natural drainage.

My response:

Point b. The area is totally filled and a 2.5 metre retaining wall is located at the boundary with Beachouses Estate this is not minimizing filling, therefore Point b. Cardno response is not acceptable.

c. The wetland area is a natural feature and contains natural creek banks and drainage lines. All natural drainage lines including the wetland are devastated by the filling of these areas. Cardno response is not acceptable.

d. The destruction of riparian vegetation and large native trees are not sufficiently offset by the retention of 2 mango trees in an this area not capable of parking cars. Cardno response is not acceptable.

f.. The location of the retaining wall at the Beachouses estate boundary along with revetment mattresses located within Beachouses Estate demonstrates no separation to adjoining developments. There is no buffering or screening allowed for in the DA or the plans. Cardno response is not acceptable.

10. Appendix A 2. Design Development Code P08

Development is designed such that earthworks and any associated retaining structures:

- (a) result in a landform that is stable,
- (b) maintain as far as practical, and minimize alteration to, the existing landforms,
- (c) minimise height of batter faces and retaining structures,
- (d) do not unduly impact on the amenity or privacy for occupants of the site or on adjoining land,
- (e) do not unduly impact on the amenity of the streetscape,
- (f) achieves a high level of visual amenity,
- (g) does not prevent or obstruct the function of adjacent sites including land in Council ownership; and
- (h) are designed and constructed so that they do not cause unintentional ponding (i.e. ponding not associated with stormwater control) on the site or on nearby land.

AO8.1

Earthworks and any retaining structures (including anchors, sheet piling, seepage drains, construction requirements and retained soil etc.) and their zone of influence must:

- (a) be wholly contained within the development site;
- (b) ensure the top and toe of any batter slope (excluding those associated with road works) is a minimum of 0.9m horizontally from the boundary of the development site;
- (c) not be located on land in Council ownership (e.g. road reserves, parks and drainage reserves)
- (d) not include any services within the retained soil (as determined by the internal friction angle of the soil being retained) or the zone of influence of the retaining structures' foundation; and
- (e) allow for the installation and maintenance of services within any retaining structure
- (f) excavating or filling is no greater than 1m.

Cardno Response: R8.1 Complies! !!!

My Response:

Cardno response is totally incomprehensible, Cardno's own plans show that filling and retaining wall is over 2.45 metres

*The word **must legally is the only word of obligation it tells the reader this point is mandatory** therefore if you do not apply to P08 and A8.1 you are prohibited from developing using the current DA.*

A08.1 Point a. the development is not wholly contained within the development site as revetment mattresses are placed on Beachouses Estate land. Point a has not been complied with

Point b. the toe of batters are not a minimum of 0.9 as the retaining wall on Beachouses Estate is located 150mm from the boundary and the concrete base is located 70mm from the boundary. Point b has not been complied with

Point f. Filling is by the plans over 2.5 metres. Therefore point f has not been complied with.

The Cardno response is totally incomprehensible, Cardno's own plans show that filling and retaining wall is over 2.45 metres

The development is prohibited as compliance to A08.1 has not been achieved.

AO8.3

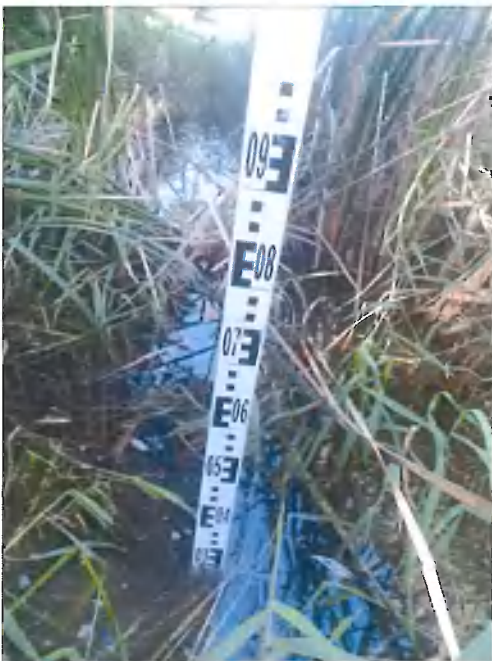
Earthworks and any associated retaining structures are designed and constructed in accordance with the Engineering Design Planning Scheme Policy

Cardno response: R8.3 Complies

The proposed retaining structures are designed in accordance with the Engineering Design Planning Scheme Policy.

My response: the retaining wall design is located on a concrete footing 100mm thick. However this footing is located in a wetland on a mat of rotting vegetation, silt trapped by the riparian vegetation and acid sulfate soil The depth of which is over 700mm thick indeed a blunt survey staff can be penetrated by hand to that depth.

P05 Photo Lot 8 CP 910294 showing bed level at 300mm below water level in the Wetland



Mat

P06 Photo same position with survey staff pushed by hand into the mat 1 metre below water



thickness is 700mm it should be noted that the Beachouses pond is located 0- 2 metres from the retaining wall toe and 1.5 metres below the toe level therefore the design cannot work, the designed 100 wall base cannot support on the mat and will slip into the pond bringing retaining wall silt and acid sulphate soil with it. Therefore an expensive redesign will be required with the footing having to be at least 1500mm thick.

Works will not be allowed within Beachouses land therefore sheet piling will be required. The expense to fix this along with managing the acid sulfate soil will greatly blow out government grants and leave the Gladstone region community footing the bill. The design may or may not comply but it will not work.

11. Appendix A 2. Design Development Code P023

Stormwater management systems:

(a) implement water sensitive urban design (WSUD) principles that:

- (i) protect natural systems and waterways
 - (ii) allow for the detention of stormwater instead of rapid conveyance
 - (iii) minimise impervious areas
 - (iv) utilise stormwater to conserve potable water
 - (v) integrate stormwater treatment into the landscape
 - (vi) ensure water quality values are protected
- (b) where privately owned must be maintained (including costs) for the life of the system
- (c) provide for safe access and maintenance
- (d) maintain natural drainage lines and adequate filtering and settlement of sediment for the protection of watercourses, coastal wetlands and beaches from point source and non-point source stormwater discharges, and
- (e) are designed to minimise ongoing maintenance costs

AO23

Stormwater management systems are designed and constructed in accordance with the *Engineering Design Planning Scheme Policy*.

Note—A site stormwater quality management plan (SQMP) is prepared in accordance with Engineering Design Planning Scheme Policy and the State Planning Policy requirement for stormwater quality treatment measures.

Cardno response: R23 Complies

The proposed stormwater management systems will be designed and constructed in accordance with the *Engineering Design Planning Scheme Policy*.

My response: while Cardno's reply may be correct it is certainly a very sterile and industrial way of doing things this a chance for engineers to look outside the box and come up with a community satisfactory solution.

(a)

(i.) there is a natural waterway running along the northern boundary with riparian vegetation that already is used as a natural bio filter for storm water runoff and should be utilized in the design not filled with 2 metres of material, similarly there are 2 other existing storm water exit points that flow through the natural wetland and riparian vegetation acting as a natural bio filter. This natural wetland should be maintained.

(ii) the designed retention tank is located where existing wetland occurs, so has an impact on flooding not reducing flooding as the tank displaces natural wetland and pond storage, and then fills it with car park runoff, it would be far more refreshing to dam off part of the wetland along the northern boundary at the eastern end to allow for the natural riparian vegetation to deal with that surge of water which could then filter into the rest of the existing natural wetland for further filtering.

(iii) When you total bitumen an area you are not minimizing impervious areas. "The construction of the car parking area should be using a Water Sensitive Urban Design which has been successfully used by Townsville City Council.

The way of mitigating run off from heavy rain is to use porous surfacing in the car parking area, with run off to 'Bio swales' which can be placed in suitable positions to act as pollution and litter traps, and subsequently directed to a 'Bio retention basin' " inverted brackets from a letter from Mr Brian Pugsley of Beachouses Estate.

(iv) Storm water treatment can be integrated into the landscape by utilizing mine and Brian Pugsleys solutions for i, ii, iii,

(vi) Water quality values are protected using my points i, ii, iii above not by destroying them as per the DA

(d) The Cardno design destroys the natural drainage lines and the last remnant natural wetlands.

(e) Ongoing maintenance as well as reduction in initial costs are achieved by my points. i. ii, iii above.

12. Appendix A 2. Design Development Code P024

Development allows for sufficient site area to accommodate an effective stormwater management system.

No acceptable outcome specified

Cardno Response: R24 Alternative Outcome (as no Acceptable Outcome is nominated)The proposed storm water infrastructure is sufficiently accommodated in the site area.

My response: The storm water retention is located by filling the wetland and placing it in the void that was the wetland, therefore has a negative effect due to existing storm water retention by the wetland is displaced by a concrete lined vessel, The Vessel as shown on the plans must negate uplift from the saturated wetland. Therefore the retention system displaces more storm water than it holds. A far cheaper solution is to get rid of the tank and adopt my solutions to P023 above.

13. Appendix A 2. Design Development Code P026

AO26

The release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the nominated design storm is exceeded, by addressing design objectives listed below in Table 9.3.1.3.2—Construction phase, or local equivalent for:

- (a) drainage control
- (b) erosion control
- (c) sediment control, and
- (d) water quality outcomes.

Note—An Erosion and Sediment Control Plan (ESCP) is prepared by a suitably qualified person that demonstrates:

- erosion and sediment control practices (including any proprietary erosion and sediment control products) are designed, installed, constructed, operated, monitored and maintained, and any other erosion and sediment control practices are carried out in accordance with local conditions, or
- how stormwater quality will be managed in accordance with an acceptable regional or local guideline so that target contaminants are treated to a design objective at least equivalent to this Acceptable outcome.

Cardno response:

R26 Complies

Sediment generated during the construction phase of the development will be appropriately managed to minimise the release of sediment laden stormwater. The proposed development also incorporates sediment retention devices which will provide further assistance

My response:

The retaining wall base lies within 70mm of Beachouses Estate and drop to 2 metre deep water this water will swell to 5 metres during a storm event with large currents entering parallel to the wall from the Agnes Hill tributary . Construction sediments will not be able to be contained within the site unless the site is sheet piled, a better approach is my response to P023.

14. Appendix A 3. Lanscaping Code P01

Landscape design of both public and private spaces:

- a. complements the intended character of the streetscape and zone, and
- b. is functional and designed to be visually appealing in the long-term.

No acceptable outcome is nominated

Cardno Response:

R1 Alternative Outcome (as no Acceptable Outcome is nominated)

The proposed development incorporates landscaping that complements the character of the area and allows for functional use of the space.

My response: Cardno designed landscaping is far less pleasing than the original large gum trees etc that could have been incorporated into the design as they were at street level, the shade they produced will never be replicated nor will the appeal of the street to both visitors and locals be anywhere near as pleasing.

15. Appendix A 3. Landscaping Code P05

Wherever possible, landscape design facilitates the retention and integration of mature existing vegetation, both within and external to the site.

AO5.1

Existing mature trees and vegetation are retained and incorporated into the landscape design.

Cardno response:

R5.1 Complies

The proposed development incorporates existing trees into the landscape design where not located in the car park or impacting on proposed drainage or earthworks.

My Response:

The design has never taken into account the existing trees and how they could be incorporated into a far more pleasing and aesthetic design that gave value to this development. Instead the age old practices of slash and burn and create an industrial landscape has been utilized. It is obvious that it is these very practices that the GRC planning scheme has attempted to change. There needs to be a shift to consultants capable of achieving these goals.

The brief from council was to get as many car parks as possible in the development. Therefore the consultants have created a design that could have been generated by a computer, then of course the existing trees didn't fit this design so must go, instead of looking at those beautiful shade gum trees and using them as a centerpiece in the design. These trees are at street level therefore can be incorporated in a design that we would be proud of.



P07 in Cyan Wetland riparian and riverine vegetation that should have been left for bio filtering, shade and screening. Red mature Blue Gums at street level that should have been included in the design.

AO5.2

Removed or damaged mature vegetation is replaced with mature vegetation of a comparable quantity and species.

Cardno response:

R5.2 Alternative Outcome

Where practical the mature existing vegetation will be maintained and integrated within the site.

My response:

This includes to 2 Mango trees native of India. If the mature native Australian trees including 8 blue gum, 1 melaleuca and 10 livistonia palms were integrated into the site there would not need to be an alternative outcome. The alternative outcome is not an outcome. A large amount of mature native trees and riparian vegetation will be removed and not replaced.

16. Appendix A 3. Landscaping Code P06

Planting and landscape elements along boundaries and edges assist in:

- a. maintaining privacy between adjoining buildings
- b. protecting local views, vistas and sightlines
- c. enhancing the visual appearance of the built form
- d. screening service, utility and parking areas
- e. minimising noise impacts between noise sources and sensitive receiving environments, and
- f. reducing the visual impact of acoustic fences, retaining walls and long unbroken walls

No acceptable outcome is nominated

Cardo response:

R6 Alternative Outcome (as no Acceptable Outcome is nominated)

Where landscaping is proposed along the site edges and boundaries it will protect local views, enhance the visual appearance of the car park and screen the car park from the surrounding properties.

My response:

This statement is misleading as no screening has been allowed for in the plans see my response to paragraph 8 Mixed use Zone Code P027. The design removes a stand of Livistonia palms and gum trees that supply an efficient screen to the development see photos P01 – P04 but no screen replaces these therefore the cardno response R6 cannot be true. The design does not achieve any of P06 outcomes

17. Appendix A 3. Landscaping Code P07

Open air car parking areas are provided with suitable levels of shade through the use of appropriate planting.

AO7.1

Shade trees are located at the rate of 1 tree per 6 car spaces.

Cardo response:

R7.1 Can Comply

My response:

If the 3 large gum trees at street level and the established trees in the Wetland area retained there is no need for this ratio of tiny immature trees as those trees shade 70% of the proposed area and give the Agnes Feel.

18. Appendix A 4. Acid Sulfate Soil Overlay Code P01

Development avoids disturbing acid sulfate soils or is managed to prevent the mobilisation and release of acid and metal contaminants.

Note—The presence or absence of acid sulfate soils is required to be determined prior to the lodgement of a development application. The assessment must be undertaken in accordance with the Guidelines for Sampling and Analysis of lowland acid sulfate soils in Queensland 1998 that forms a part of the Queensland Acid Sulfate Soil Technical Manual.

Note—Applicants proposing to disturb acid sulfate soils will be required to engage specialists to provide detailed investigations into the above matters and provide an Acid sulfate soil management plan in order to demonstrate compliance with this performance criterion.

AO1.1

The disturbance of acid sulfate soils is avoided by:

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- a. not excavating or otherwise removing soil or sediment identified as containing acid sulfate soils
- b. not permanently or temporarily extracting groundwater that results in the oxygenation of previously saturated acid sulfate soils
- c. not undertaking filling that results in:
- d. actual acid sulfate soils being moved below the water table
- e. previously saturated acid sulfate soils being aerated.

OR

The disturbance of acid sulfate soils prevents the mobilisation and release of acid and metal contaminants by:

- a. neutralising existing acidity and preventing the generation of acid and metal contaminants using strategies documented in the Queensland Acid Sulfate Soil Technical Manual, and
- b. preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment, and
- c. preventing the in situ oxidation of acid sulfate soils through groundwater level management, and
- d. documenting management strategies and reporting requirements in an acid sulfate soils environmental management plan.

Cardno response:

R1.1 Complies

Disturbance of acid sulfate soils will be avoided by the stockpiling of earthworks spoil on site. The top soil is proposed to be stripped to a depth of 50mm for later respreading on the site. The proposed earthworks will be managed to ensure that groundwater is not extracted and actual acid sulfate soils are not moved below the water table during excavation.

My response: The development includes a large amount of permanently inundated wetland and riparian vegetation. With a 700mm thick mat a survey staff can be penetrated into by hand See my clause 10 Appendix A 2. Design Development Code P08 and photos P05 and P06 (not 50mm as proposed by Cardno see the notes on the drawings) that will have to be removed, this is permanently inundated therefore dewatering of saturated acid sulfate soil will be required which cannot happen under the code or the Cardno response above. The supposed 100 mm thick retaining wall base will be located on this material, obviously this will have to be redesigned around 1500mm depending on soil tests, therefore the excavation forming and pouring of concrete will be in around 2metres of water. Therefore the cardo response is incorrect. Also a spring is located in that fill area which will constantly supply water to that area. There is no outcome supplied by Cardno that prevents acid sulfate contamination to Beachouses Property. Due to the amount of saturated material removed this will have to be carted offsite in sealed trucks and neutralized, which will increase the environmental footprint as will borrowing the extra material to fill the void. This will come at a time and money expense to the community

19. Appendix A 5. Coastal Hazard Overlay Code P011

Public access infrastructure is designed and located to:

- a. maintain or enhance natural and cultural values of the foreshore
- b. avoid areas of significant aquatic or terrestrial habitat values
- c. maintain the natural movement of sand and sediment
- d. avoid contributing to surface or geological instability or erosion of the foreshore
- e. utilise single access points wherever possible
- f. direct people away from sensitive areas
- g. be compatible with scenic coastal landscape values, and
- h. ensure users remain on the footpath and walkways to minimise physical impacts on the local environment

No acceptable outcome is nominated

Cardno Response:

R11 Alternative Outcome (as no Acceptable Outcome is nominated)

The proposed development is a low impact development located away from the shoreline. The entrances provided encourage the movement of pedestrians on the footpaths. During the construction of the development management measures will be implemented to ensure the environment is not negatively impacted and the disturbed soil is retained.

My response:

b. the last remnant of coastal wetland and riparian vegetation within Agnes Creek will be destroyed to make way for this development. Cardno plans do not ensure the environment is not negatively impacted. Sediment will be impacted by the removal of the riparian vegetation / natural filter.

20. Appendix A 6. Flood Hazard Overlay Code P01

Development:

a. does not provide unacceptable risks to people, property or the environment from flood hazard impacts or, the risks are mitigated to an acceptable or tolerable level, or b. does not intensify an existing use in flood hazard area in order to avoid risks to people, property or the environment or the risks are mitigated to an acceptable or tolerable level.

Note—The terms 'acceptable risk' and 'tolerable risk' are defined in State Planning Policy Guideline – Guidance on flood, bushfire and landslide hazards. The National Construction Code, Building Regulation 2006 and the Queensland Development Code Mandatory Part 3.5 may also establish requirements with which development will need to comply.

AO1

Development, including intensification of an existing use, does not occur on land within a flood hazard area.

OR

A site specific flood hazard assessment demonstrates that risks associated with the development can be mitigated to an acceptable or tolerable level.

OR

If the premises is located in a Flood Hazard Investigation Area in the Flood Hazard overlay mapping, a written notice issued by Council at its sole discretion, for the purposes of this acceptable outcome, confirms that it is satisfied that the performance outcome PO1 would be achieved without the need for a site specific flood hazard assessment and/or a Registered Professional Engineer of Queensland certifying the actual level of flood risk for the site and measures required to ensure the risk associated with the development can be mitigated to an acceptable or tolerable level.

Note - In exercising its discretion, Gladstone Regional Council may, without limitation, have regard to:

- the location and characteristics of the site any existing flood studies or work being carried out in the course of undertaking flood studies which may be relevant to the site
- any work undertaken by or on behalf of Gladstone Regional Council in the course of locally verifying the extent of flood hazards which may be relevant to the site.

Note—AS/NZ ISO 31000:2009 Risk management – Principles and guidelines provides guidance on identifying and managing risks. Table 8.2.7.3.3—Table to acceptable outcomes sets out the criteria for establishing the level of flood hazard. A Registered Professional Engineer of Queensland with expertise in undertaking risk and flood analysis is to certify the actual level of flood risk for the site and measures required to ensure the risk associated with the development can be mitigated to an acceptable or tolerable level.

Cardno response:

R1 Alternative Outcome

The location of the proposed development in the Flood Hazard Investigation Area is not considered to result in an unacceptable risk to people or property, having regard to the nature of the use. The site will be subject to minimal improvements and the proposed development is compatible with the nature of the flood risk.

My response:

The site is not subject to minimal improvement in fact fill heights are 2.5 metres which is 2.5 times what is acceptable in the code. This fill is in wetland/retention storage therefore every thousand cubic metres of fill displaces 1 megalitre of water, in a high intensity rain fall event when the pond comes to capacity this displaced volume cannot run downstream through the swollen streams therefore it can only impact on flood heights in Grahame Collyer Drive and 10 lots in Beachouses Estate. The nature of use as described by Cardno has no bearing on flood height. It is the fill/loss of retention that increases flood heights. Note that Grahame Collyer drive suffers flooding and loss before this development.

21. Appendix A 6. Flood Hazard Overlay Code P08

Development, including any earthworks or excavation work in excess of 50 cubic metres, must:

- a. not adversely impact on or change the flood characteristics of a floodplain or waterway
- b. not reduce existing flood storage and flow capacity
- c. avoid any physical change to a floodplain or natural waterway
- d. avoid increased scour and erosion
- e. not increase the depth, velocity or direction of the flow, the rate of flood level rise or the duration of inundation on land external to the site, and
- f. not substantially remove any riparian or riverine vegetation.

No acceptable outcome nominated.

Cradno response:

R8 Alternative Outcome (as no Acceptable Outcome is nominated)

Where earthworks and excavation is proposed for the development it will not impact on or change the flooding characteristics in a negative way.

My response:

The code P08 uses the word MUST which is obligatory and MUST NOT which is prohibitive therefore failure of any of these points is a failure of the application, this application fails all points

- a. natural creeks and wetlands will disappear below the 2.5 metre fill, my previous photographs and submissions prove this.*
- b. the Beachouses pond and adjoining wetland located on DA/4/2020 Lot 8 CP 910294 the development site, are natural flood storage. The 2.5 metre fill will reduce that flood storage and the associated retaining wall will change flow capacity from the tributary running from Agnes Hill and township.*
- c. the 2.5 metre fill will definitely change a natural waterway See photo P8 Next page showing a very old fence post located at the bottom of the natural creek bank northern boundary of the development, note the barbed wire is pre high tensile therefore fencepost is pre 1980, The natural wetland can be seen to the right.*
- d. the retaining wall will restrict the tributary entering from Agnes Hill and township therefore increase water speed and therefore scouring the removal of the wetland and riparian vegetation will increase flows from the stormwater pipes running through the development site increase scour and erosion due to removal of riparian vegetation*
- e. the filling of the wetland 2.5 metres will displace retention water from the wetland which will impact flood heights and duration upstream.*
- f. As the last remnant wetland covered in riparian vegetation (Cumbungie) in Agnes Creek will be destroyed under 2.5 metres of fill, this is total annihilation of riparian vegetation*

*This represents a total failure of 6 point that **must or must not** occur this implies strict prohibition*



P08 Very old fence post at the base of natural creek bank located at the Northern Boundary adjoining Mango Tree Motel. The natural wetland can be seen to the right.

I will not go into the plans as my points raised here apply to the plans and I don't want to keep going round in circles. I will however note that the plans state that the horizontal datum is MGA56. This grid certainly does not exist. The plans need to be amended to reflect the true datum or works cannot be set out.

A response has been handed in by Cardno to questions requested by the town planner I will respond to that. This Cardno response is dated 15 July 2020

RES1 Acceptable Outcome 8.1 (A08.1) requires that Earthworks and any retaining structures and their zone of influence must:

- a. be wholly contained within the development site,**
- b. ensure the top and toe of any batter slope (excluding those associated with road works) is a minimum of 0.9m horizontally from the boundary of the development site.**

On drawing R2018073-CI-0102, Section 2, the proposed retaining wall appears to be constructed against the western property boundary. Whilst on drawing R2018073-CI-0120, the stormwater outlets 1/SW03, 1/SW04 and 1/SW05 are located outside of the subject lot. Provide amended plans that demonstrate that the proposed retaining, including the footing is located 0.9m from the property boundary and the stormwater outlet structures are constructed within the subject lot.

acceptable Outcome 5.1 (A05.1) requires that Development does not result in an increase in flood level flow velocity or flood duration on upstream, downstream or adjacent properties, whilst Acceptable Outcome 23 (A023) requires that Stormwater management systems are designed and constructed in accordance with the Engineering Design Planning Scheme Policy Provide a Site Based Stormwater Management Plan (SBSMP), that addresses both stormwater quality and quantity, for the proposed development in accordance with the Engineering Design Planning.

Cardno Response:

The proposed retaining wall is proposed to be constructed just inside the western boundary, and wholly within the site, to maximise land use and car parks provided. It is considered that this is the most practical solution for this community asset. From a practical standpoint, it is recommended the retaining wall remain in its current position as offsetting the wall 900mm in from the boundary would leave a narrow 900mm strip at the base of the retaining wall with no access for ongoing maintenance of this area.

In addition, it is noted that A08.1 requires the top and tow of a batter, rather than retaining wall, to be setback a minimum of 900mm inside the site boundary. As such, the purposed retaining wall design achieves compliance with AO8.1.

In regards to the stormwater outlets located outside the subject lot, it is noted that outlets are located on adjoining land, and contained within Easement K on SP 113119 (for drainage purposes) which is intended to facilitate drainage infrastructure and discharge. This subject land can be included as part of the subsequent OPW application and should not preclude progressing assessment of this application.

My Response:

*This clause A08.1 states "Earthworks and any retaining structures (including anchors, sheet piling, seepage drains, construction requirements and retained soil etc.) and their zone of influence **must:**"*

Must is mandatory

*To attempt to construct this retaining wall at the boundary with the current design and not filling, displacing, removing riparian vegetation, not providing silt screening and not allow silt or acid sulfate soil to enter Beachouse Estate is not possible to construct without sheet piling. Note Beachouses Estate will **NOT** allow any of this activity on their land especially in the pond. This whole design has not considered constructability in particular the retaining wall with its 100mm thick base located on 700mm thick mat that can be penetrated by a survey staff "see Photos P05 and P06", is constructed beside the boundary, costs will seriously blow out, these costs will be reflected in a handful of car parks that really are not required. There has been no modeling of how many car parks are required, this is simply a reaction to the brief "provide as many carparks as possible". The assertion by Cardno that "In addition, it is noted that A08.1 requires the top and tow of a batter, rather than retaining wall, to be setback a minimum of 900mm inside the site boundary. As such, the purposed retaining wall design achieves compliance with AO8.1" is incorrect as A08.1 is clear that it applies to "Earthworks and any retaining structures (including anchors, sheet piling, seepage drains, construction requirements and retained soil etc.) and their zone of influence **must:**" it should also be noted that retaining walls have tops and toes of batters. Therefore this point does not comply with a mandatory requirement. The Cardno response also implies that the structures intended to be placed within Beachouses Estate are located on easement K on SP113119 this is an incorrect statement as Easement K is located downstream. While there are easements through that area, they are very specific in the rights of the grantor and the obligations of the grantee. **I note Cardno have not searched these easements therefore have no knowledge of their requirements let alone the correct easement.** Under that easement the revetment mattresses would not comply. Cardno need to actually search these easement documents.*

The DA does not comply in any way with the obligatory and prohibitive Clause P08 therefore the development cannot be approved.

My other response to this point My clause 10 still applies.

RES2 Acceptable Outcome 8.1 requires that Excavating or filling is no greater than 1 m. Demonstrate the maximum cut and fill depths and proposed cut/fill volumes for the development.

Cardno response:

The maximum fill depth within the proposed car park area is 2.45m to the west of the carpark adjacent to the retaining wall. There are no cuts greater than 1m in either the Jeffries St or Agnes St carparks.

The proposed carpark as designed is considered to be the most appropriate solution for community infrastructure in terms of allowing practical ingress and egress to the carpark.

The development is considered to comply with the PO8 performance outcomes. In relation to PO8 (d) it is not considered the elevated carpark will impact the amenity of the adjoining land to the west (at the maximum fill depth) as this land is an existing pond/drainage feature.

Refer to Attachment B – Updated Civil Plans for further detail.

My response:

Surprisingly enough the initial response this mandatory point was that they comply, now they admit to 2.45 metres, Acceptable outcome 8.1 uses the word **MUST** therefore there is no acceptable alternative outcome. The Cardno response statement **“it is not considered the elevated carpark will impact the amenity of the adjoining land to the west (at the maximum fill depth) as this land is an existing pond/drainage feature.”** This is a false statement. As I have made aware in my clause 8, my lot adjoins and this structure to the West and that wall will definitely affect my visual amenity. It will be visible not only to myself and my wife, my neighbouring lot 44 but to all owners in Beachouses estate when exiting our beautiful environmentally friendly and aesthetically pleasing estate, it will also be very visible from lots in Grahame Colyer Drive.

Note that Cardno admission that the fill and retaining wall is 2.45 metres is an admission that they do not comply with this clause as it bears the mandatory word **MUST**. The development cannot go ahead.

My prior points to P08 still apply.

Once again the Cardno response is unbelievable it shows that absolutely no research has been done nor is it likely the site has ever been visited.

Sum1 My noncompliance summary.

Agnes Water is a coastal community with high aesthetic values, large native shade trees, and tracts of natural vegetation.

The community is made up of people who love this green and beachy lifestyle, and in recent years has attracted a population of self-funded retirees who love this hassle free lifestyle.

The main industry is tourism, which attract many backpackers, the grey army and people wanting to share our lovely lifestyle.

This development destroys those aspects of environment and aesthetics, the tourists' will go elsewhere, the self-funded retirees will go elsewhere and the community will lose out.

The Gladstone planning codes are an excellent tool for developers to look at the natural topography, the existing established trees, the highly important biomes including riparian vegetation that bring biodiversity to the area, along with filtering sediments, pollutants and keeping our waterways clean. Then designing a development around those elements. If that is done then the vision of the Gladstone Region planning codes will be fulfilled, the environment, the locals, the tourist and the businesses will be on a winner.

It appears the author of the DA is totally unaware of the subcontract surveyor's topographic survey, and the development drawings as they are only mentioned when their content supports the application. The author seems to consider the development is on a desert Island with no neighbors and no environmental values.

This can be seen by their natural values reply and the topography which they state **“The site is low lying and varies in elevation from approximately four (4) to five (5) metres above sea level”**. Considering that the topo survey and the plans show a very different story one can only wonder where and why this reply was dreamed up. Was it to answer the mandatory Design Development Code P08 and A08.1 with **R8.1 Complies** when in fact certainly did not. Then if we look at Mixed use Zone Code P027 Cardno response **Cardno Response: R27 Alternative Outcome (as no Acceptable Outcome is nominated)**

The proposed development is not anticipated to generate excessive noise, traffic, odours or emissions and will not negatively impact the visual aesthetics of the area or disrupt adjoining land uses. This is a car park of course light noise and odour emissions will be generated and the removal of natural screening trees will increase this and destroy the aesthetics. Similarly Landscaping Code P06 **Cardno response: R6 Alternative Outcome (as no Acceptable Outcome is nominated) Where landscaping is proposed along the site edges and boundaries it will protect local views, enhance the visual appearance of the car park and screen the car park from the surrounding properties.** Unfortunately landscaping is not proposed along the boundaries so this

response is inappropriate. We have the obligatory and prohibitive Flood Hazard Overlay Code P08 Cradno response: R8 Alternative Outcome (as no Acceptable Outcome is nominated)

Where earthworks and excavation is proposed for the development it will not impact on or change the flooding characteristics in a negative way. While this I believe this statement is incorrect it also does not answer the other 5 prohibitive points to that question. We have the response to the town planners question Acceptable Outcome 8.1 requires that Excavating or filling is no greater than 1 m. Demonstrate the maximum cut and fill depths and proposed cut/fill volumes for the development. Part of Cardo Response In relation to PO8 (d) it is not considered the elevated carpark will impact the amenity of the adjoining land to the west (at the maximum fill depth) as this land is an existing pond/drainage feature. The fill depth being 2.45 metres, as usual this statement appears to attempt to conceal the truth that my property is looking right at this, as is numerous other houses and the common property of Beachouses Estate.

With the amount of errors, omissions and un factual statements put forward in the DA it could be considered this is merely a document trying to make a case for a very poor design that has no place in Agnes Water and certainly does not comply with the GRC planning codes it destroys the environment including the only remnant natural wetland vegetation in Agnes Creek. It disrupts biodiversity by destroying the only available nesting sites of certain mammal's amphibians and birds thus putting the natural environment out of balance.

With this development application no emphasis has been placed on cost, simply fill the block, however if the codes were properly applied there would be no need for filling above 1 metre, all the car parks gained in the deeper area would certainly cost 4 times the cost of the other carparks, especially considering the amount of vegetative submerged wetland soil to be removed, the cost of Acid Sulfate soil treatment, of controlling silt and runoff, the cost of winning the material from a borrow pit. The environmental cost to clearing that borrow pit. The cost of carting that material to site. The cost of foundations and the wall itself, constructed in a submarine environment. And of course the environment and biodiversity destruction along with the associated aesthetic costs. Not only is this an expense to taxpayers, it certainly would fall back on rate payers when the funding was consumed and cost run overs take effect.

No value has been placed on the irreplaceable beautiful gum trees taller than 20 metres that shade most of block. Many of these trees are at street level and should have been included in the design. That value includes an aesthetic value, is a tree that size worth say \$10,000 to 20,000. How much is the shade worth in the Qld sun? The cost to the birds the mammals the insects and all other creatures that call these trees home. The cost of removing a tree that has to be lopped from the top say \$10,000, the cost to remove the stump and grub the area \$?. To compact. The cost too mulch and cart to the dump. The cost to replace with some inferior sized trees. Is this worth an extra car park? Or is it easier to imply that in leaving a couple of mango trees in an area that hadn't the room for parking, is a fair tradeoff for lovely native trees adjacent to the street.

The fact is this a bad design, does not comply with the code, particularly in the mandatory Design Development code A08, nor the prohibitory Flood Hazard Overlay Code P08, and does not comply with the environmental and aesthetic values of Agnes Water.

The planning code was designed to ensure developments like this do not take place. It is important that as this is a GRC project that they take the lead when it comes to ensuring those requirements are fulfilled, if they do not then the precedent is set for developers to ignore the code.

This application full of errors and omissions leaves itself wide open to injunction and legal battles that will delay the project thus losing the government funding which will then cost the community.

This development must not be approved in its current state

Regards



Peter Robinson

Appendix A

To The Gladstone Regional Council
And those this letter may concern

Peter Robinson
Lot 43 Beach Houses Est Rd
PO Box 402 Agnes Water Qld 4677
Ph 0428791715

peter.robinson@robosurveys.com.au

27/6/2020

A letter by Peter Robinson outlining the environmental importance of certain areas on lot 8 CP910294 being the proposed Council Car Park at Agnes Water.

Introduction:

Peter and Marguerite Robinson are the owners of lot 43 Beach Houses Estate Road Agnes Water and have owned that property since 1998, our lot is bounded by the pond and the proposed council car park lot. We are lovers of the environment and the plethora of bird life that exists on our lot the pond and the proposed car park. I regularly photograph the birds and have noticed an increase of some species over the years, this could be attributed to the fact we regularly clean the pond of bog weed, remove plastic bags bottles etc and toad bust, this has also had an impact on the frog population that is multiplying.

The Cumbungi and low land on the council lot is the only of its type within the Agnes Creek system where cumbungi grows to the edge of deep water, this creates a rare and irreplaceable environment that must be protected as certain important species could not survive or nest in the Agnes Creek if this important environment is removed.

The area is a natural wetland that is the intersection of the main tributaries of Agnes Creek where the tributary from the Agnes hill runs past the shopping centre and meets the tributary from Springs Road that runs through the caravan park and joins at the pond.

Attribution:

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Images of bird life are the intellectual property of Peter Robinson

1. Toad Busters

The pond has at least 3 toad hunters whose populations could not survive without this important area.

- a. Rakali or Water Rat is an Australian native species that nests in burrows in creek banks, over the years I have observed them grabbing female toads while they are mating and eating the eggs from their bellies, it is not uncommon to find the female toad bodies upside down on the bank displaying the hole in their bellies. They are regularly seen leaving the nesting area at dusk to hunt among the cumbungi and the pond in general as well as the downstream sections, however they only burrow and nest in the cyan bank section as shown on the nesting area plot.
- b. Keel Back Snake is an avid hunter of baby toads up to 40mm long and regularly seen hunting for them along the "cyan" bank sections and the cumbungi "Yellow"
- c. Swamp Hen these large water fowl are observed to eat the front feet from toads they come across while hunting the cumbungi and pond banks.

2. Important Nesting sites (See the Satellite image next Page for detail) The lot has 3 important areas for nesting animals and birds, some of these cannot survive in Agnes Creek without those areas

- a. The Cyan Area on the following plot is the burrowing and nesting site of the Rakali (Water Rat) it is the only suitable site for them to nest,

This is also the nesting site of the black ducks that frequent the pond.

- b. The Red Area is the nesting site of many birds including the Brush Turkey that has had a mound there for many years, Many types of honey eaters including Lewin's, Brown, Little friar bird and Noisy Friar Bird, it is also the nesting site of the Rufous Shrike Thrush and the Tawny Frogmouth.
- c. The Yellow area is the cumbungi area and is the only one of its type on Agnes Creek and supplies the only nesting sites for the Dusky Moorhen and the Swamp Hen, without this nesting site they would no longer exist in Agnes Creek. The area is also the nesting site of Pheasant Coucal while Spangled Drongo nest in the trees within this area,

Moorhens and Chicks in the Cumbungi Area





3. Amphibians

While we are not conversant with the names of frogs, their numbers and types have increased over the years with the reduced toad numbers due to the feeding of the 3 natives mentioned along with the efforts of Margie and Myself.

One Frog in particular that I have never seen but regularly hear makes a popping sound and can only be heard in the yellow and cyan sections on the nesting plot. It is likely this frog would disappear from Agnes if those sites were disturbed.

4. Birds

The area surrounding the pond is home to hundreds of species of birds far too many to name some are seasonal most live here all year round.

Water species include: Dusky Moorhen, Swamp Hen, Black Duck, Burdekin Duck, Wood Duck, White Eyed Duck, Large Egret, White Necked Heron, White Faced Heron, Nankeen Night Heron, Straw Necked Ibis, White Ibis, Royal Spoonbill and Yellow Billed Spoonbill, Little Pied Cormorant and Little Black Cormorant, Forest Kingfisher, Azure Kingfisher.

Waders include: Bush Stone Curlew and Masked Plover.

Others include 9 species of Honey Eaters, 2 Species of Friar Bird, 4 Species of Fly Catcher, Rainbow Bee Eaters, Rufous Shrike Thrush, Australian Magpie Lark, 4 Species of Dove, 2 species of Cuckoo Shrike, Fairy Martins, Rufous Whistler, 2 species of Owl, Tawny Frogmouth, 3 species of Cuckoo, Fig Birds, Red Browed Firetails, Double-barred Finch, Brush Turkey, Striated Pardalote, Olive Backed Oriole, Pied Currawong, Kookaburra, Spangled Drongo, Crested hawk and the list goes on.

Red Browed Firetails and Double-barred finch feeding at the pond edge



5. Bird Bathing

The pond area is where all the birds drink and bath. Their habit is to congregate in the trees at the western and northern end of the pond and fly into the water then fly to the blue gum and paper bark trees on the yellow section of the carpark to fluff and dry in the sun. This is a very important activity for the birds and those trees are necessary for that activity.

6. Animal corridors

The Satellite image on the next Page shows the animal corridors in Cyan. The red yellow and green sections on the nesting image are part of a very important corridor especially for birds as those sections provide the link to the bird corridor at the beach side creek section from the corridors in the wooded area on the opposite side of Springs Road and the corridor that leads down the creek past Beachouses Estate, Sand Castles and Arthurs park. This provides a high level of protection for traveling species throughout Agnes Water.

7. Bird Feeding

Many of the water birds regularly forage in the low wetland areas including the cyan and yellow areas for a major source of their food



A Royal Spoonbill and Large Egret feeding at the pond,



Animal Corridors in Cyan

The areas highlighted in this letter need not only to be kept intact but should be excluded from the public so the birds can nest and feed without disturbance.

8. Flooding

The pond and the low wetland on the proposed car park lot provide a retention area for floods, as high intensity rain falls in the area the pond fills and the creek and 2x1800 pipes begin to flow, if they cannot handle the incoming water the pond levels and low wetland area levels rise which reduces upstream impacts, if the volume of this retention area is reduced the upstream impacts will be greater and flooding of property more likely to occur. This was identified by Gladstone Regional Council in the development application by the previous owners and the restrictions applied by council was the reason they sold the land instead of continuing. The low wetland areas identified as environmentally important by myself therefore should be also retained to keep the current retention volume thus not increasing upstream impacts



A Dusky Moorhen sits on her eggs in the cumbungi (yellow nesting area) if this habitat is removed the Moorhens will not be able to breed and have to leave the Agnes Creek Area

I hope this letter was of interest to council in their efforts to develop this site, if you would like any other information regarding this subject please contact me see top of letter for my contact details.

Regards

A handwritten signature in black ink that reads "Peter Robinson". The signature is written in a cursive style with a long horizontal stroke at the end.

Peter Robinson

Gladstone City Council
101 Goonoon St
Gladstone, 4680. Qld
30/08/2020

To the Assessment Manager,

Regarding DA/4/2020, I have requested the flood mapping, development proposal and the environmental assessment documents from the council but they have not been forthcoming. I wish to raise an official objection to the current carpark proposal for 5 Agnes St with the limited information that was publicly available at the pop up stalls and the community centre meeting on the 5th Aug. My objection is based on the following points.

- Aesthetics- Removing all trees from the proposed car park area detracts from the natural beauty and history of the area. To replace it with a bitumen only tarmac is unacceptable.
- Privacy- As a neighbor most affected by this it is of great concern that i can already easily see from my verandah, kitchen and lounge room (40 metres away) into the south/ south-west corner of the carpark of people illegally camping, getting changed and using the Beach Houses Estate fence and reeds as a toilet. There is no privacy screen by way of either trees or a fence to shield this eyesore in the current proposal.
- Lighting- Currently cars headlights shine directly into our lounge room and onto the balcony as cars maneuver in and out of the car park, there is no screening in the current proposal to address this.
- Noise- Loud music and loud unsavory conversations can be easily heard from my balcony and lounge room if the door is open (as will be the case in summer). There is not enough/nill buffering of noise to neighbors in the current proposal.
- Environment- The removal of the trees and the filling in of the wetlands will displace and eliminate breeding areas of many animals including kookaburras, hawks, water hens, storks, peewees and ducks to name a few.
- Flooding- Currently the house i am residing in floods at least once a year (under the house) with the main issues being the undermining and potential undermining of at least half of the footings, potential damage to air conditioners and actual damage to gardening equipment like lawn mowers. All of these issues occur on the freehold land above the council/estate easement in Beach Houses Estate. The filling in of the wetlands area removes a catchment area to absorb a reasonable inflow/inrush from the Graham Colyer Dr drainage area into the Beach Houses pond and can only increase the likelihood of more damage to this and other properties and their effects. The underground tanks in the proposal will have zero impact on reducing the flooding, in fact they are only there to trap the carpark water and Jeffery Court area as a first flush at the expense of other inflows to the pond adjacent to the carpark, hence more water into the pond trying to escape in a hurry and forcing it up under my residence. The addition of bitumen to the whole area also removes the absorbent qualities of dirt and in the event of heavy rain that water now has to run off as opposed to being absorbed by the ground until it is saturated (before any run off occurs). This in turn just pours more water into the pond and increases the flooding height. The comment was made at the pop ups and community centre that "flood mapping/assessment had been completed with no difference in flood heights being noted". This would seem extremely unlikely unless the drainage from Graham Colyer Drive area was not taken into account.

Feel free to contact me on the below for any questions or clarifications

Regards



Paul Schubert
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Agnes Water, 4677. Qld

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paulschubert4@bigpond.com

The Assessment Manager
Gladstone Regional Council
Email: info@gladstone.qld.gov.au

Beachouses Estate Body Corporate
Postal Address:
C/O Archers Strata Management
Level 1 / 35 Dalton Drive
Maroochydore, Qld, 4558

26th August 2020

CC – Beachouses Estate Legal Counsel

Submission/Objection to DA/4/2020 Lot 8 CP 910294, Agnes Street, AGNES WATER QLD 4677

Dear Assessment Manager

Beachouses Estate adjoins the western Boundary of Lot 8 CP 910294 “the development application lot” and comprises a total of forty-five (45) lots within our gated community. This submission is provided by the Body Corporate Committee on behalf of the owners of the estate.

Beachouses Estate Body Corporate is in principle not against the development of 5 Agnes Street as a parking facility. The committee does however have concerns that the proposed development in its current format has the very real potential to adversely impact our estate based on the following:

- Environmental impact to the wetland and pond area
- Potential for flooding within the estate and in other low-lying areas within Agnes Water due to the proposed reduction in storage in the wetland / pond area due to the amount of fill proposed. The committee feels that there needs to be an overall stormwater review undertaken by Gladstone Council that not only includes the additional stormwater runoff from this proposed parking area, but also the impact of other approved developments in Agnes Water that will increase the hard surface stormwater runoff in to the creeks that feed the wetland/pond area impacted by this parking lot development
- Overall compliance concerns as it does not appear that the Councils surveys include correct levels in current plans
- Engineering concerns relating to proposed works on the boundary / easement that goes against the conditions of the controlling easement
- Privacy concerns to our residents due to lack of screening
- Lack of consultation with the local community to best understand the community preference for this parking facility

This submission by Beachouses Estate Body Corporate is leveraging the submission supplied by Mr Peter Robinson and acknowledges his considerable work to compile his detailed submission. As the Body Corporates concerns mirror those of Mr Robinson we have duplicated his submission with minor changes where applicable.

We would request that all correspondence in relation to this submission be provided to our Body Corporate Manager (Archers) as defined in the above address information. We have also included email addresses for committee members in the signature block below. These committee members have delegated authority to provide this submission and to work with Gladstone Council to find a workable compromise that enables this parking lot development to proceed.

Should you have any immediate questions or concerns relating to this submission, please do not hesitate contacting any of the undersigned at your earliest convenience.

Sincerely

Per Tony Baldwin



Tony Baldwin

Chairman

Ph 0448885121

Email tbaldwin@mccoskers.com.au

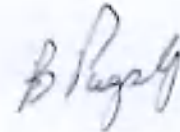


Bryn Russell

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Committee Member

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Beachouses Estate Submission – per Peter Robinson

1. There are many points to our objection to this application and include:
 - a. That the actual natural values have not been properly stated nor have the negative impacts to the environment and biodiversity from this development application.
 - b. The topography of the site has not been properly stated in the DA.
 - c. The unaesthetic values and the impacts to surrounding properties and the public in general have not been properly stated in the DA
 - d. The flooding impacts have not been properly considered
 - e. The alternatives offered in the development application in many instances contain errors, omissions and statements that are not fact, or made out of ignorance, and offer no positive outcomes merely excuses.
 - f. The design does not take into consideration the fact much of the area is wetland and therefore sheet piling, stripping, footing designs, acid sulfate soil treatment and cartage off site and extra fill have not been considered in the design along with the environmental impacts of winning borrow, carting, spreading and treating acid sulfate soils offsite. These omissions will also greatly increase the cost of the development and therefore impact development time constraints and project costs to the community.
2. *Mr Robinson* objections in full. In this response we refer to Sections of Town Planning Report 5 Agnes Street Agnes Water 4PLA19181 13 February 2020 Prepared by Cardno (Qld) Pty Ltd and will be referred to as TPR below
3. **TPR clause 2.7 Natural Values.** Cardno Response: The site contains vegetation and adjoins an unnamed lake to the rear of the property.

Mr Robinson Response: The reality is originally there was a natural wetland that extended from the eastern side of Agnes Street through Lot 8 CP 910294 (DA/4/2020) and on through the area which now accommodates the pond on Beachouses Estate. This wetland was the meeting of 2 tributaries of Agnes Creek as well as the terminus of 2 natural springs that followed those creeks. The original bank of the creek flowing from Bicentennial drive adjacent to Springs Road then through the caravan park and filled in by the development at Jeffry Court is located at the Eastern Boundary of Lot 8 CP 910294 (DA/4/2020). Lot 8 CP 910294 (DA/4/2020) contains the last remnant in Agnes Creek of this wetland which encompasses around 1100 sq metres of the lot. This wetland is covered in Riparian vegetation and as with all wetlands is very important for biodiversity, water quality and sediment control within Agnes Creek.

The lot has many large established native trees including 15 Blue Gum, 1 Melaleuca, 10 cabbage palms, 1 Stringy Bark, 1 Morton Bay Ash, a cove of native scrub and 2 mango trees.

Please see Mr Robinson's original letter to Council dated 27/6/2020 and attached as appendix A Pages 20-26

Below are pictures taken from lot "43 Beachouses Estate" of Lot 8 CP 910294 (DA/4/2020)

The development application site



P01 Riparian Vegetation in the wetland Lot 8 CP 910294 (DA/4/2020)



P02 Riparian vegetation and large established trees all to be destroyed by the development



P03 Large established cabbage palms at my corner to be destroyed.

3. **TPR clause 2.8 Topography:** Cardno Response: The site is low lying and varies in elevation from approximately four (4) to five (5) metres above sea level.

Mr Robinson response: wetland and low lying, varies in elevation from approximately 2 to 5 metres as per cardo plans, See Cardno R2018073-CI-0121 point 58 Bottom of retaining wall R.L. 1.97. A natural spring flows through the lot terminating at the pond.

4. **TPR Clause 5.1: Gladstone Regional Council Planning Scheme – Strategic Framework:**

The proposed development is consistent with the Gladstone Regional Council Planning Scheme – Strategic - Framework for the following reasons:

Cardno response:

- > The proposed parking station will provide greater access to the nearby land uses;
- > The proposed development will not negatively impact the surrounding environment;
- > The proposed development will encourage an increase in tourism within Agnes Water and in particular the Jeffery Court Precinct;

Mr Robinson response: The proposed development will seriously impact the surrounding environment including destruction of natural wetland. Destruction of habitat, and decrease biodiversity within Agnes Creek. Will remove large native trees that could have been incorporated into the design and does not replace those trees with similar sized trees.

The development will not encourage tourism with the destruction of the natural environment, shade and aesthetics. This can only be done by incorporating the environment into the design.

5. **TPR clause 5.2 talks about compliance with the relevant codes. I do not agree and will demonstrate that later.**
6. **TPR clause 6 talks about conclusions I do not agree with these conclusions.**

7. **TPR Appendix A, Code Compliance. States the following codes:**

- 1 Mixed Use Zone Code
- 2 Development Design Code
- 3 Landscaping Code
- 4 Acid Sulfate Soils Overlay Code
- 5 Coastal Hazard Overlay Code
- 6 Flood Hazard Overlay Code

8. **Appendix A 1. Mixed use Zone Code P027**

Development minimises impacts on surrounding land and provides for an appropriate level of amenity within the mixed use centre, having regard to:

- a. noise
- b. hours of operation
- c. traffic
- d. visual impact
- e. signage
- f. odour and emissions
- g. lighting
- h. access to sunlight
- i. privacy, and
- j. outlook.

A027: No acceptable outcome is nominated

Cardno Response: R27 Alternative Outcome (as no Acceptable Outcome is nominated)

The proposed development is not anticipated to generate excessive noise, traffic, odours or emissions and will not negatively impact the visual aesthetics of the area or disrupt adjoining land uses.

Mr Robinson response: My house is located on the western boundary of the proposed parking lot. A large stand of cabbage palms adjacent to my boundary between my house and the nearest proposed car parks are to be removed (See photo P04 next page) which will allow people to look straight into our bedroom window as well as view the entirety of my house including my verandah which I spend a lot of time on. Other houses within Beachouses Estate including 44,45 and 1 as well as the Green Turtle development and Grahame Colyer lots therefore the development will affect privacy therefore Point j. privacy has not been addressed. The Cardno response is erroneous and takes no steps to minimize the effects of a. b. c. d. f. g. and i.

Point a. Noise: At present council have been using a small portion of this site as an overflow car park, we constantly hear talking, arguing, doors slamming, engines idling and revving, car alarms squealing, persons partying after dark and noise from illegal campers emanating from this site. The DA plans show car parks right to my boundary and the clearing of the screening trees along with the parking increasing from around 15 to 89 car parks will be greatly increase the noise to unbearable. The DA has not addressed this issue

Point b. Hours of operation: At present the unapproved overflow car park has no restrictions to operation hours, we have parties and illegal campers at present, this allows light emissions, noise, and vehicle emissions as well as people urinating due to no toilets, to go on all night, council do not enforce any of these issues after dark. These issues will greatly increase due to the tree removal and expansion as in point a. There is no need for persons to park here after dark as plenty of parks are available for evening diners. The car park should have an automatic gate set to close at 6:00pm and open at 8:00 am. A sensor to allow egress of vehicles that are caught behind the closed gate after closing time would solve that issue. Camping should be illegal and enforced. Once again the DA does not address this issue.

Point d. Visual Impact: The DA removes all screening trees and wetland plants including Cumbungie and replaces that with a 2.5 metre wall and bitumen car park that will be clearly visible from my property and to all Beachouses residents particularly when exiting our lovely treed estate. Also visible to houses in Grahame Colyer Drive. Once again the DA does not address this issue

Point f. Odour and emissions: Once again the removal of the natural screening will allow vehicle odour and emissions, smoking odour and emissions as well as light emissions from vehicles head lights to enter our property. Once again not addressed in the DA.

g. Lighting: lighting will not be required if the car park closes at 6:00pm.

h. Privacy: once again the removal of the natural screening trees will seriously disrupt my privacy as my bedroom will be clearly visible to the whole car park as will my main veranda. Once again not addressed by the DA

i. Outlook: See point d.

It is not hard in this day and age of Google and QLD Globe to understand the if P027 will have an effect on other properties, the Cardno response shows at best negligence.



P04 Established Livistonia (cabbage) palm trees to be removed at my boundary allowing light, noise, odour, visual impact/ loss of Aesthetics and loss of privacy.

9. Appendix A 1. Mixed use Zone Code P032

Development responds sensitively to on-site and surrounding topography, coastal foreshores, waterways, drainage patterns, utility services, access, vegetation and adjoining land use, such that:

- a. any hazards to people or property are avoided
- b. any earthworks are minimised
- c. the retention of natural drainage lines is maximised
- d. the retention of existing vegetation is maximised
- e. damage or disruption to sewerage, stormwater and water infrastructure is avoided, and
- f. there is adequate buffering, screening or separation to adjoining development.

A032: No acceptable outcome is nominated.

Cardno Response:

R32 Alternative Outcome (as no Acceptable Outcome is nominated)

The proposed development responds sensitively to onsite and surrounding low lying topography, coastal foreshores, waterways, drainage patterns, utility services, access, vegetation and the adjoining land use. The proposed retaining walls and sediment fencing will reduce the impacts of erosion on the site and the surrounding area and the proposed stormwater drainage infrastructure will reduce the disruption to natural drainage.

Mr Robinson response:

Point b. The area is totally filled and a 2.5 metre retaining wall is located at the boundary with Beachouses Estate this is not minimizing filling, therefore Point b. Cardno response is not acceptable.

c. The wetland area is a natural feature and contains natural creek banks and drainage lines. All natural drainage lines including the wetland are devastated by the filling of these areas. Cardno response is not acceptable.

d. The destruction of riparian vegetation and large native trees are not sufficiently offset by the retention of 2 mango trees in an this area not capable of parking cars. Cardno response is not acceptable.

f.. The location of the retaining wall at the Beachouses estate boundary along with revetment mattresses located within Beachouses Estate demonstrates no separation to adjoining developments. There is no buffering or screening allowed for in the DA or the plans. Cardno response is not acceptable.

10. Appendix A 2. Design Development Code P08

Development is designed such that earthworks and any associated retaining structures:

- (a) result in a landform that is stable,
- (b) maintain as far as practical, and minimize alteration to, the existing landforms,
- (c) minimise height of batter faces and retaining structures,
- (d) do not unduly impact on the amenity or privacy for occupants of the site or on adjoining land,
- (e) do not unduly impact on the amenity of the streetscape,
- (f) achieves a high level of visual amenity,
- (g) does not prevent or obstruct the function of adjacent sites including land in Council ownership; and
- (h) are designed and constructed so that they do not cause unintentional ponding (i.e. ponding not associated with stormwater control) on the site or on nearby land.

AO8.1

Earthworks and any retaining structures (including anchors, sheet piling, seepage drains, construction requirements and retained soil etc.) and their zone of influence must:

- (a) be wholly contained within the development site;
- (b) ensure the top and toe of any batter slope (excluding those associated with road works) is a minimum of 0.9m horizontally from the boundary of the development site;
- (c) not be located on land in Council ownership (e.g. road reserves, parks and drainage reserves)
- (d) not include any services within the retained soil (as determined by the internal friction angle of the soil being retained) or the zone of influence of the retaining structures' foundation; and
- (e) allow for the installation and maintenance of services within any retaining structure
- (f) excavating or filling is no greater than 1m.

Cardno Response: R8.1 Complies!!!

Mr Robinson Response:

Cardno response is totally incomprehensible, Cardno's own plans show that filling and retaining wall is over 2.45 metres

*The word **must legally is the only word of obligation it tells the reader this point is mandatory** therefore if you do not apply to P08 and A8.1 you are prohibited from developing using the current DA.*

A08.1 Point a. the development is not wholly contained within the development site as revetment mattresses are placed on Beachouses Estate land. Point a has not been complied with

Point b. the toe of batters are not a minimum of 0.9 as the retaining wall on Beachouses Estate is located 150mm from the boundary and the concrete base is located 70mm from the boundary. Point b has not been complied with

Point f. Filling is by the plans over 2.5 metres. Therefore point f has not been complied with.

The Cardno response is totally incomprehensible, Cardno's own plans show that filling and retaining wall is over 2.45 metres

The development is prohibited as compliance to A08.1 has not been achieved.

A08.3

Earthworks and any associated retaining structures are designed and constructed in accordance with the Engineering Design Planning Scheme Policy

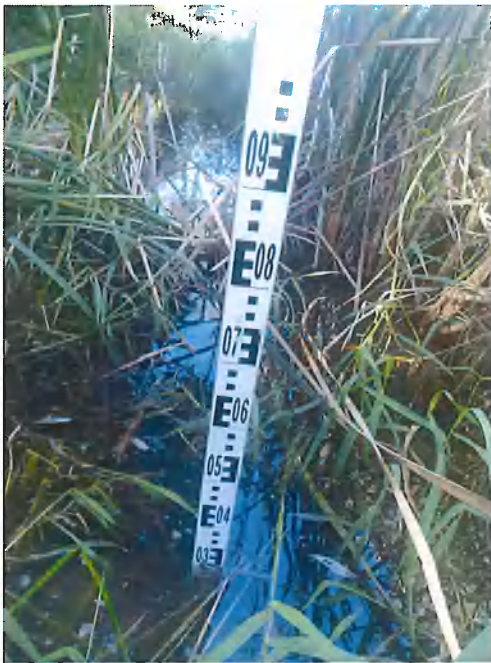
Cardno response: R8.3 Complies

The proposed retaining structures are designed in accordance with the Engineering Design Planning Scheme Policy.

Mr Robinson response: the retaining wall design is located on a concrete footing 100mm thick. However this footing is located in a wetland on a mat of rotting vegetation, silt trapped by the riparian vegetation and acid sulfate soil

The depth of which is over 700mm thick indeed a blunt survey staff can be penetrated by hand to that depth.

P05 Photo Lot 8 CP 910294 showing bed level at 300mm below water level in the Wetland



Mat

P06 Photo same position with survey staff pushed by hand into the mat 1 metre below water



thickness is 700mm it should be noted that the Beachouses pond is located 0- 2 metres from the retaining wall toe and 1.5 metres below the toe level therefore the design cannot work, the designed 100 wall base cannot support on the mat and will slip into the pond bringing retaining wall silt and acid sulphate soil with it. Therefore an expensive redesign will be required with the footing having to be at least 1500mm thick.

Works will not be allowed within Beachouses land therefore sheet piling will be required. The expense to fix this along with managing the acid sulfate soil will greatly blow out government grants and leave the Gladstone region community footing the bill. The design may or may not comply but it will not work.

11. Appendix A 2. Design Development Code P023

Stormwater management systems:

- (a) implement water sensitive urban design (WSUD) principles that:
 - (i) protect natural systems and waterways
 - (ii) allow for the detention of stormwater instead of rapid conveyance
 - (iii) minimise impervious areas
 - (iv) utilise stormwater to conserve potable water
 - (v) integrate stormwater treatment into the landscape
 - (vi) ensure water quality values are protected
- (b) where privately owned must be maintained (including costs) for the life of the system
- (c) provide for safe access and maintenance
- (d) maintain natural drainage lines and adequate filtering and settlement of sediment for the protection of watercourses, coastal wetlands and beaches from point source and non-point source stormwater discharges, and
- (e) are designed to minimise ongoing maintenance costs

AO23

Stormwater management systems are designed and constructed in accordance with the *Engineering Design Planning Scheme Policy*.

Note—A site stormwater quality management plan (SQMP) is prepared in accordance with Engineering Design Planning Scheme Policy and the State Planning Policy requirement for stormwater quality treatment measures.

Cardno response: R23 Complies

The proposed stormwater management systems will be designed and constructed in accordance with the Engineering Design Planning Scheme Policy.

Mr Robinson response: while Cardno's reply may be correct it is certainly a very sterile and industrial way of doing things this a chance for engineers to look outside the box and come up with a community satisfactory solution.

(a)

(i.) *there is a natural waterway running along the northern boundary with riparian vegetation that already is used as a natural bio filter for storm water runoff and should be utilized in the design not filled with 2 metres of material, similarly there are 2 other existing storm water exit points that flow through the natural wetland and riparian vegetation acting as a natural bio filter. This natural wetland should be maintained.*

(ii) *the designed retention tank is located where existing wetland occurs, so has an impact on flooding not reducing flooding as the tank displaces natural wetland and pond storage, and then fills it with car park runoff, it would be far more refreshing to dam off part of the wetland along the northern boundary at the eastern end to allow for the natural riparian vegetation to deal with that surge of water which could then filter into the rest of the existing natural wetland for further filtering.*

(iii) *When you total bitumen an area you are not minimizing impervious areas. "The construction of the car parking area should be using a Water Sensitive Urban Design which has been successfully used by Townsville City Council.*

The way of mitigating run off from heavy rain is to use porous surfacing in the car parking area, with run off to 'Bio swales' which can be placed in suitable positions to act as pollution and litter traps, and subsequently directed to a 'Bio retention basin' " inverted brackets from a letter from Mr Brian Pugsley of Beachouses Estate.

(iv) *Storm water treatment can be integrated into the landscape by utilizing mine and Brian Pugsleys solutions for i, ii, iii,*

(vi) *Water quality values are protected using my points i, ii, iii above not by destroying them as per the DA*

(d) *The Cardno design destroys the natural drainage lines and the last remnant natural wetlands.*

(e) *Ongoing maintenance as well as reduction in initial costs are achieved by my points. i. ii, iii above.*

12. Appendix A 2. Design Development Code P024

Development allows for sufficient site area to accommodate an effective stormwater management system.

No acceptable outcome specified

Cardno Response: R24 Alternative Outcome (as no Acceptable Outcome is nominated) The proposed storm water infrastructure is sufficiently accommodated in the site area.

Mr Robinson response: The storm water retention is located by filling the wetland and placing it in the void that was the wetland, therefore has a negative effect due to existing storm water retention by the wetland is displaced by a concrete lined vessel, The Vessel as shown on the plans must negate uplift from the saturated wetland. Therefore the retention system displaces more storm water than it holds. A far cheaper solution is to get rid of the tank and adopt my solutions to P023 above.

13. Appendix A 2. Design Development Code P026

AO26

The release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the nominated design storm is exceeded, by addressing design objectives listed below in Table 9.3.1.3.2— Construction phase, or local equivalent for:

- (a) drainage control
- (b) erosion control
- (c) sediment control, and
- (d) water quality outcomes.

Note—An Erosion and Sediment Control Plan (ESCP) is prepared by a suitably qualified person that demonstrates:

- erosion and sediment control practices (including any proprietary erosion and sediment control products) are designed, installed, constructed, operated, monitored and maintained, and any other erosion and sediment control practices are carried out in accordance with local conditions, or
- how stormwater quality will be managed in accordance with an acceptable regional or local guideline so that target contaminants are treated to a design objective at least equivalent to this Acceptable outcome.

Cardno response:

R26 Complies

Sediment generated during the construction phase of the development will be appropriately managed to minimise the release of sediment laden stormwater. The proposed development also incorporates sediment retention devices which will provide further assistance

Mr Robinson response:

The retaining wall base lies within 70mm of Beachouses Estate and drop to 2 metre deep water this water will swell to 5 metres during a storm event with large currents entering parallel to the wall from the Agnes Hill tributary . Construction sediments will not be able to be contained within the site unless the site is sheet piled, a better approach is my response to P023.

14. Appendix A 3. Landscaping Code P01

Landscape design of both public and private spaces:

- a. complements the intended character of the streetscape and zone, and
- b. is functional and designed to be visually appealing in the long-term.

No acceptable outcome is nominated

Cardno Response:

R1 Alternative Outcome (as no Acceptable Outcome is nominated)

The proposed development incorporates landscaping that complements the character of the area and allows for functional use of the space.

Mr Robinson response: Cradno designed landscaping is far less pleasing than the original large gum trees etc that could have been incorporated into the design as they were at street level, the shade they produced will never be replicated nor will the appeal of the street to both visitors and locals be anywhere near as pleasing.

15. Appendix A 3. Lanscaping Code P05

Wherever possible, landscape design facilitates the retention and integration of mature existing vegetation, both within and external to the site.

AO5.1

Existing mature trees and vegetation are retained and incorporated into the landscape design.

Cardno response:

R5.1 Complies

The proposed development incorporates existing trees into the landscape design where not located in the car park or impacting on proposed drainage or earthworks.

Mr Robinson Response:

The design has never taken into account the existing trees and how they could be incorporated into a far more pleasing and aesthetic design that gave value to this development. Instead the age old practices of slash and burn and create an industrial landscape has been utilized. It is obvious that it is these very practices that the GRC planning scheme has attempted to change. There needs to be a shift to consultants capable of achieving these goals.

The brief from council was to get as many car parks as possible in the development. Therefore the consultants have created a design that could have been generated by a computer, then of course the existing trees didn't fit this design so must go, instead of looking at those beautiful shade gum trees and using them as a centerpiece in the design. These trees are at street level therefore can be incorporated in a design that we would be proud of.



P07 in Cyan Wetland riparian and riverine vegetation that should have been left for bio filtering, shade and screening. Red mature Blue Gums at street level that should have been included in the design.

AO5.2

Removed or damaged mature vegetation is replaced with mature vegetation of a comparable quantity and species.

Cardno response:

R5.2 Alternative Outcome

Where practical the mature existing vegetation will be maintained and integrated within the site.

Mr Robinson response:

This includes to 2 Mango trees native of India. If the mature native Australian trees including 8 blue gum, 1 melaleuca and 10 livistonia palms were integrated into the site there would not need to be an alternative outcome. The alternative outcome is not an outcome. A large amount of mature native trees and riparian vegetation will be removed and not replaced.

16. Appendix A 3. Landscaping Code P06

Planting and landscape elements along boundaries and edges assist in:

- a. maintaining privacy between adjoining buildings
- b. protecting local views, vistas and sightlines
- c. enhancing the visual appearance of the built form
- d. screening service, utility and parking areas
- e. minimising noise impacts between noise sources and sensitive receiving environments, and
- f. reducing the visual impact of acoustic fences, retaining walls and long unbroken walls

No acceptable outcome is nominated

Cardno response:

R6 Alternative Outcome (as no Acceptable Outcome is nominated)

Where landscaping is proposed along the site edges and boundaries it will protect local views, enhance the visual appearance of the car park and screen the car park from the surrounding properties.

Mr Robinson response:

This statement is misleading as no screening has been allowed for in the plans see my response to paragraph 8 Mixed use Zone Code P027. The design removes a stand of Livistonia palms and gum trees that supply an efficient screen to the development see photos P01 – P04 but no screen replaces these therefore the cardno response R6 cannot be true. The design does not achieve any of P06 outcomes

17. Appendix A 3. Landscaping Code P07

Open air car parking areas are provided with suitable levels of shade through the use of appropriate planting.

AO7.1

Shade trees are located at the rate of 1 tree per 6 car spaces.

Cardo response:

R7.1 Can Comply

Mr Robinson response:

If the 3 large gum trees at street level and the established trees in the Wetland area retained there is no need for this ratio of tiny immature trees as those trees shade 70% of the proposed area and give the Agnes Feel.

18. Appendix A 4. Acid Sulfate Soil Overlay Code P01

Development avoids disturbing acid sulfate soils or is managed to prevent the mobilisation and release of acid and metal contaminants.

Note—The presence or absence of acid sulfate soils is required to be determined prior to the lodgement of a development application. The assessment must be undertaken in accordance with the Guidelines for Sampling and Analysis of lowland acid sulfate soils in Queensland 1998 that forms a part of the Queensland Acid Sulfate Soil Technical Manual.

Note—Applicants proposing to disturb acid sulfate soils will be required to engage specialists to provide detailed investigations into the above matters and provide an Acid sulfate soil management plan in order to demonstrate compliance with this performance criterion.

AO1.1

The disturbance of acid sulfate soils is avoided by:

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- a. not excavating or otherwise removing soil or sediment identified as containing acid sulfate soils
- b. not permanently or temporarily extracting groundwater that results in the oxygenation of previously saturated acid sulfate soils
- c. not undertaking filling that results in:
- d. actual acid sulfate soils being moved below the water table
- e. previously saturated acid sulfate soils being aerated.

OR

The disturbance of acid sulfate soils prevents the mobilisation and release of acid and metal contaminants by:

- a. neutralising existing acidity and preventing the generation of acid and metal contaminants using strategies documented in the Queensland Acid Sulfate Soil Technical Manual, and
- b. preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment, and
- c. preventing the in situ oxidation of acid sulfate soils through groundwater level management, and
- d. documenting management strategies and reporting requirements in an acid sulfate soils environmental management plan.

Cardno response:

R1.1 Complies

Disturbance of acid sulfate soils will be avoided by the stockpiling of earthworks spoil on site. The top soil is proposed to be stripped to a depth of 50mm for later respreading on the site. The proposed earthworks will be managed to ensure that groundwater is not extracted and actual acid sulfate soils are not moved below the water table during excavation.

Mr Robinson response: The development includes a large amount of permanently inundated wetland and riparian vegetation. With a 700mm thick mat a survey staff can be penetrated into by hand See my clause 10 Appendix A 2. Design Development Code P08 and photos P05 and P06 (not 50mm as proposed by Cardno see the notes on the drawings) that will have to be removed, this is permanently inundated therefore dewatering of saturated acid sulfate soil will be required which cannot happen under the code or the Cardno response above. The supposed 100 mm thick retaining wall base will be located on this material, obviously this will have to be redesigned around 1500mm depending on soil tests, therefore the excavation forming and pouring of concrete will be in around 2metres of water. Therefore the cardo response is incorrect. Also a spring is located in that fill area which will constantly supply water to that area. There is no outcome supplied by Cardno that prevents acid sulfate contamination to Beachouses Property. Due to the amount of saturated material removed this will have to be carted offsite in sealed trucks and neutralized, which will increase the environmental footprint as will borrowing the extra material to fill the void. This will come at a time and money expense to the community

19. Appendix A 5. Coastal Hazard Overlay Code P011

Public access infrastructure is designed and located to:

- a. maintain or enhance natural and cultural values of the foreshore
- b. avoid areas of significant aquatic or terrestrial habitat values
- c. maintain the natural movement of sand and sediment
- d. avoid contributing to surface or geological instability or erosion of the foreshore
- e. utilise single access points wherever possible
- f. direct people away from sensitive areas
- g. be compatible with scenic coastal landscape values, and
- h. ensure users remain on the footpath and walkways to minimise physical impacts on the local environment

No acceptable outcome is nominated

Cardno Response:

R11 Alternative Outcome (as no Acceptable Outcome is nominated)

The proposed development is a low impact development located away from the shoreline. The entrances provided encourage the movement of pedestrians on the footpaths. During the construction of the development management measures will be implemented to ensure the environment is not negatively impacted and the disturbed soil is retained.

Mr Robinson response:

b. the last remnant of coastal wetland and riparian vegetation within Agnes Creek will be destroyed to make way for this development. Cardno plans do not ensure the environment is not negatively impacted. Sediment will be impacted by the removal of the riparian vegetation / natural filter.

20. Appendix A 6. Flood Hazard Overlay Code P01

Development:

a. does not provide unacceptable risks to people, property or the environment from flood hazard impacts or, the risks are mitigated to an acceptable or tolerable level, or b. does not intensify an existing use in flood hazard area in order to avoid risks to people, property or the environment or the risks are mitigated to an acceptable or tolerable level.

Note—The terms 'acceptable risk' and 'tolerable risk' are defined in State Planning Policy Guideline – Guidance on flood, bushfire and landslide hazards. The National Construction Code, Building Regulation 2006 and the Queensland Development Code Mandatory Part 3.5 may also establish requirements with which development will need to comply.

AO1

Development, including intensification of an existing use, does not occur on land within a flood hazard area.

OR

A site specific flood hazard assessment demonstrates that risks associated with the development can be mitigated to an acceptable or tolerable level.

OR

If the premises is located in a Flood Hazard Investigation Area in the Flood Hazard overlay mapping, a written notice issued by Council at its sole discretion, for the purposes of this acceptable outcome, confirms that it is satisfied that the performance outcome PO1 would be achieved without the need for a site specific flood hazard assessment and/or a Registered Professional Engineer of Queensland certifying the actual level of flood risk for the site and measures required to ensure the risk associated with the development can be mitigated to an acceptable or tolerable level.

Note - In exercising its discretion, Gladstone Regional Council may, without limitation, have regard to:

- the location and characteristics of the site any existing flood studies or work being carried out in the course of undertaking flood studies which may be relevant to the site
- any work undertaken by or on behalf of Gladstone Regional Council in the course of locally verifying the extent of flood hazards which may be relevant to the site.

Note—AS/NZ ISO 31000:2009 Risk management – Principles and guidelines provides guidance on identifying and managing risks. Table 8.2.7.3.3—Table to acceptable outcomes sets out the criteria for establishing the level of flood hazard. A Registered Professional Engineer of Queensland with expertise in undertaking risk and flood analysis is to certify the actual level of flood risk for the site and measures required to ensure the risk associated with the development can be mitigated to an acceptable or tolerable level.

Cardno response:

R1 Alternative Outcome

The location of the proposed development in the Flood Hazard Investigation Area is not considered to result in an unacceptable risk to people or property, having regard to the nature of the use. The site will be subject to minimal improvements and the proposed development is compatible with the nature of the flood risk.

Mr Robinson response:

The site is not subject to minimal improvement in fact fill heights are 2.5 metres which is 2.5 times what is acceptable in the code. This fill is in wetland/retention storage therefore every thousand cubic metres of fill displaces 1 megalitre of water, in a high intensity rain fall event when the pond comes to capacity this displaced volume cannot run downstream through the swollen streams therefore it can only impact on flood heights in Grahame Collyer Drive and 10 lots in Beachouses Estate. The nature of use as described by Cardno has no bearing on flood height. It is the fill/loss of retention that increases flood heights. Note that Grahame Collyer drive suffers flooding and loss before this development.

21. Appendix A 6. Flood Hazard Overlay Code P08

Development, including any earthworks or excavation work in excess of 50 cubic metres, must:

- a. not adversely impact on or change the flood characteristics of a floodplain or waterway
- b. not reduce existing flood storage and flow capacity
- c. avoid any physical change to a floodplain or natural waterway
- d. avoid increased scour and erosion
- e. not increase the depth, velocity or direction of the flow, the rate of flood level rise or the duration of inundation on land external to the site, and
- f. not substantially remove any riparian or riverine vegetation.

No acceptable outcome nominated.

Cradno response:

R8 Alternative Outcome (as no Acceptable Outcome is nominated)

Where earthworks and excavation is proposed for the development it will not impact on or change the flooding characteristics in a negative way.

Mr Robinson response:

The code P08 uses the word MUST which is obligatory and MUST NOT which is prohibitive therefore failure of any of these points is a failure of the application, this application fails all points

- a. natural creeks and wetlands will disappear below the 2.5 metre fill, my previous photographs and submissions prove this.*
- b. the Beachouses pond and adjoining wetland located on DA/4/2020 Lot 8 CP 910294 the development site, are natural flood storage. The 2.5 metre fill will reduce that flood storage and the associated retaining wall will change flow capacity from the tributary running from Agnes Hill and township.*
- c. the 2.5 metre fill will definitely change a natural waterway See photo P8 Next page showing a very old fence post located at the bottom of the natural creek bank northern boundary of the development, note the barbed wire is pre high tensile therefore fencepost is pre 1980, The natural wetland can be seen to the right.*
- d. the retaining wall will restrict the tributary entering from Agnes Hill and township therefore increase water speed and therefore scouring the removal of the wetland and riparian vegetation will increase flows from the stormwater pipes running through the development site increase scour and erosion due to removal of riparian vegetation*
- e. the filling of the wetland 2.5 metres will displace retention water from the wetland which will impact flood heights and duration upstream.*
- f. As the last remnant wetland covered in riparian vegetation (Cumbungie) in Agnes Creek will be destroyed under 2.5 metres of fill, this is total annihilation of riparian vegetation*

*This represents a total failure of 6 point that **must or must not** occur this implies strict prohibition*



P08 Very old fence post at the base of natural creek bank located at the Northern Boundary adjoining Mango Tree Motel. The natural wetland can be seen to the right.

I will not go into the plans as my points raised here apply to the plans and I don't want to keep going round in circles. I will however note that the plans state that the horizontal datum is MGA56. This grid certainly does not exist. The plans need to be amended to reflect the true datum or works cannot be set out.

A response has been handed in by Cardno to questions requested by the town planner I will respond to that. This Cardno response is dated 15 July 2020

RES1 Acceptable Outcome 8.1 (A08.1) requires that Earthworks and any retaining structures and their zone of influence must:

- a. be wholly contained within the development site,**
- b. ensure the top and toe of any batter slope (excluding those associated with road works) is a minimum of 0.9m horizontally from the boundary of the development site.**

On drawing R2018073-CI-0102, Section 2, the proposed retaining wall appears to be constructed against the western property boundary. Whilst on drawing R2018073-CI-0120, the stormwater outlets 1/SW03, 1/SW04 and 1/SW05 are located outside of the subject lot. Provide amended plans that demonstrate that the proposed retaining, including the footing is located 0.9m from the property boundary and the stormwater outlet structures are constructed within the subject lot.

acceptable Outcome 5.1 (A05.1) requires that Development does not result in an increase in flood level flow velocity or flood duration on upstream, downstream or adjacent properties, whilst Acceptable Outcome 23 (A023) requires that Stormwater management systems are designed and constructed in accordance with the Engineering Design Planning Scheme Policy Provide a Site Based Stormwater Management Plan (SBSMP), that addresses both stormwater quality and quantity, for the proposed development in accordance with the Engineering Design Planning.

Cardno Response:

The proposed retaining wall is proposed to be constructed just inside the western boundary, and wholly within the site, to maximise land use and car parks provided. It is considered that this is the most practical solution for this community asset. From a practical standpoint, it is recommended the retaining wall remain in its current position as offsetting the wall 900mm in from the boundary would leave a narrow 900mm strip at the base of the retaining wall with no access for ongoing maintenance of this area.

In addition, it is noted that A08.1 requires the top and tow of a batter, rather than retaining wall, to be setback a minimum of 900mm inside the site boundary. As such, the purposed retaining wall design achieves compliance with AO8.1.

In regards to the stormwater outlets located outside the subject lot, it is noted that outlets are located on adjoining land, and contained within Easement K on SP 113119 (for drainage purposes) which is intended to facilitate drainage infrastructure and discharge. This subject land can be included as part of the subsequent OPW application and should not preclude progressing assessment of this application.

Mr Robinson Response:

This clause A08.1 states "Earthworks and any retaining structures (including anchors, sheet piling, seepage drains, construction requirements and retained soil etc.) and their zone of influence must:"

Must is mandatory

*To attempt to construct this retaining wall at the boundary with the current design and not filling, displacing, removing riparian vegetation, not providing silt screening and not allow silt or acid sulfate soil to enter Beachouse Estate is not possible to construct without sheet piling. Note Beachouses Estate will **NOT** allow any of this activity on their land especially in the pond. This whole design has not considered constructability in particular the retaining wall with its 100mm thick base located on 700mm thick mat that can be penetrated by a survey staff "see Photos P05 and P06", is constructed beside the boundary, costs will seriously blow out, these costs will be reflected in a handful of car parks that really are not required. There has been no modeling of how many car parks are required, this is simply a reaction to the brief "provide as many carparks as possible". The assertion by Cardno that "In addition, it is noted that A08.1 requires the top and tow of a batter, rather than retaining wall, to be setback a minimum of 900mm inside the site boundary. As such, the purposed retaining wall design achieves compliance with AO8.1" is incorrect as A08.1 is clear that it applies to "Earthworks and any retaining structures (including anchors, sheet piling, seepage drains, construction requirements and retained soil etc.) and their zone of influence must:" it should also be noted that retaining walls have tops and toes of batters. Therefore this point does not comply with a mandatory requirement. The Cardno response also implies that the structures intended to be placed within Beachouses Estate are located on easement K on SP113119 this is an incorrect statement as Easement K is located downstream. While there are easements through that area, they are very specific in the rights of the grantor and the obligations of the grantee. **I note Cardno have not searched these easements therefore have no knowledge of their requirements let alone the correct easement.** Under that easement the revetment mattresses would not comply. Cardno need to actually search these easement documents.*

The DA does not comply in any way with the obligatory and prohibitive Clause P08 therefore the development cannot be approved.

My other response to this point My clause 10 still applies.

RES2 Acceptable Outcome 8.1 requires that Excavating or filling is no greater than 1 m. Demonstrate the maximum cut and fill depths and proposed cut/fill volumes for the development.

Cardno response:

The maximum fill depth within the proposed car park area is 2.45m to the west of the carpark adjacent to the retaining wall. There are no cuts greater than 1m in either the Jeffries St or Agnes St carparks.

The proposed carpark as designed is considered to be the most appropriate solution for community infrastructure in terms of allowing practical ingress and egress to the carpark.

The development is considered to comply with the PO8 performance outcomes. In relation to PO8 (d) it is not considered the elevated carpark will impact the amenity of the adjoining land to the west (at the maximum fill depth) as this land is an existing pond/drainage feature.

Refer to Attachment B – Updated Civil Plans for further detail.

Mr Robinson response:

Surprisingly enough the initial response this mandatory point was that they comply, now they admit to 2.45 metres, Acceptable outcome 8.1 uses the word **MUST** therefore there is no acceptable alternative outcome. The Cardno response statement **"it is not considered the elevated carpark will impact the amenity of the adjoining land to the west (at the maximum fill depth) as this land is an existing pond/drainage feature."** This is a false statement. As I have made aware in my clause 8, my lot adjoins and this structure to the West and that wall will definitely affect my visual amenity. It will be visible not only to myself and my wife, my neighbouring lot 44 but to all owners in Beachouses estate when exiting our beautiful environmentally friendly and aesthetically pleasing estate, it will also be very visible from lots in Grahame Colyer Drive.

Note that Cardno admission that the fill and retaining wall is 2.45 metres is an admission that they do not comply with this clause as it bears the mandatory word **MUST**. The development cannot go ahead.

My prior points to P08 still apply.

Once again the Cardno response is unbelievable it shows that absolutely no research has been done nor is it likely the site has ever been visited.

Sum1 My noncompliance summary.

Agnes Water is a coastal community with high aesthetic values, large native shade trees, and tracts of natural vegetation.

The community is made up of people who love this green and beachy lifestyle, and in recent years has attracted a population of self-funded retirees who love this hassle free lifestyle.

The main industry is tourism, which attract many backpackers, the grey army and people wanting to share our lovely lifestyle.

This development destroys those aspects of environment and aesthetics, the tourists' will go elsewhere, the self-funded retirees will go elsewhere and the community will lose out.

The Gladstone planning codes are an excellent tool for developers to look at the natural topography, the existing established trees, the highly important biomes including riparian vegetation that bring biodiversity to the area, along with filtering sediments, pollutants and keeping our waterways clean. Then designing a development around those elements. If that is done then the vision of the Gladstone Region planning codes will be fulfilled, the environment, the locals, the tourist and the businesses will be on a winner.

It appears the author of the DA is totally unaware of the subcontract surveyor's topographic survey, and the development drawings as they are only mentioned when their content supports the application. The author seems to consider the development is on a desert Island with no neighbors and no environmental values.

This can be seen by their natural values reply and the topography which they state **"The site is low lying and varies in elevation from approximately four (4) to five (5) metres above sea level"**. Considering that the topo survey and the plans show a very different story one can only wonder where and why this reply was dreamed up. Was it to answer the mandatory Design Development Code P08 and A08.1 with **R8.1 Complies** when in fact certainly did not. Then if we look at Mixed use Zone Code P027 Cardno response **Cardno Response: R27 Alternative Outcome (as no Acceptable Outcome is nominated)**

The proposed development is not anticipated to generate excessive noise, traffic, odours or emissions and will not negatively impact the visual aesthetics of the area or disrupt adjoining land uses. This is a car park of course light noise and odour emissions will be generated and the removal of natural screening trees will increase this and destroy the aesthetics. Similarly Landscaping Code P06 **Cardno response: R6 Alternative Outcome (as no Acceptable Outcome is nominated) Where landscaping is proposed along the site edges and boundaries it will protect local views, enhance the visual appearance of the car park and screen the car park**

from the surrounding properties. Unfortunately landscaping is not proposed along the boundaries so this response is inappropriate. We have the obligatory and prohibitive Flood Hazard Overlay Code P08 Cradno response: R8 Alternative Outcome (as no Acceptable Outcome is nominated)

Where earthworks and excavation is proposed for the development it will not impact on or change the flooding characteristics in a negative way. While this I believe this statement is incorrect it also does not answer the other 5 prohibitive points to that question. We have the response to the town planners question Acceptable Outcome 8.1 requires that Excavating or filling is no greater than 1 m. Demonstrate the maximum cut and fill depths and proposed cut/fill volumes for the development. Part of Cardo Response In relation to PO8 (d) it is not considered the elevated carpark will impact the amenity of the adjoining land to the west (at the maximum fill depth) as this land is an existing pond/drainage feature. The fill depth being 2.45 metres, as usual this statement appears to attempt to conceal the truth that my property is looking right at this, as is numerous other houses and the common property of Beachouses Estate.

With the amount of errors, omissions and un factual statements put forward in the DA it could be considered this is merely a document trying to make a case for a very poor design that has no place in Agnes Water and certainly does not comply with the GRC planning codes it destroys the environment including the only remnant natural wetland vegetation in Agnes Creek. It disrupts biodiversity by destroying the only available nesting sites of certain mammal's amphibians and birds thus putting the natural environment out of balance.

With this development application no emphasis has been placed on cost, simply fill the block, however if the codes were properly applied there would be no need for filling above 1 metre, all the car parks gained in the deeper area would certainly cost 4 times the cost of the other carparks, especially considering the amount of vegetative submerged wetland soil to be removed, the cost of Acid Sulfate soil treatment, of controlling silt and runoff, the cost of winning the material from a borrow pit. The environmental cost to clearing that borrow pit. The cost of carting that material to site. The cost of foundations and the wall itself, constructed in a submarine environment. And of course the environment and biodiversity destruction along with the associated aesthetic costs. Not only is this an expense to taxpayers, it certainly would fall back on rate payers when the funding was consumed and cost run overs take effect.

No value has been placed on the irreplaceable beautiful gum trees taller than 20 metres that shade most of block. Many of these trees are at street level and should have been included in the design. That value includes an aesthetic value, is a tree that size worth say \$10,000 to 20,000. How much is the shade worth in the Qld sun? The cost to the birds the mammals the insects and all other creatures that call these trees home. The cost of removing a tree that has to be lopped from the top say \$10,000, the cost to remove the stump and grub the area \$?. To compact. The cost too mulch and cart to the dump. The cost to replace with some inferior sized trees. Is this worth an extra car park? Or is it easier to imply that in leaving a couple of mango trees in an area that hadn't the room for parking, is a fair tradeoff for lovely native trees adjacent to the street.

The fact is this a bad design, does not comply with the code, particularly in the mandatory Design Development code A08, nor the prohibitory Flood Hazard Overlay Code P08, and does not comply with the environmental and aesthetic values of Agnes Water.

The planning code was designed to ensure developments like this do not take place. It is important that as this is a GRC project that they take the lead when it comes to ensuring those requirements are fulfilled, if they do not then the precedent is set for developers to ignore the code.

This application full of errors and omissions leaves itself wide open to injunction and legal battles that will delay the project thus losing the government funding which will then cost the community.

This development must not be approved in its current state

Regards



Peter Robinson

Appendix A

To The Gladstone Regional Council
And those this letter may concern

Peter Robinson
Lot 43 Beach Houses Est Rd
PO Box 402 Agnes Water Qld 4677
Ph 0428791715

peter.robinson@robosurveys.com.au

27/6/2020

A letter by Peter Robinson outlining the environmental importance of certain areas on lot 8 CP910294 being the proposed Council Car Park at Agnes Water.

Introduction:

Peter and Marguerite Robinson are the owners of lot 43 Beach Houses Estate Road Agnes Water and have owned that property since 1998, our lot is bounded by the pond and the proposed council car park lot. We are lovers of the environment and the plethora of bird life that exists on our lot the pond and the proposed car park. I regularly photograph the birds and have noticed an increase of some species over the years, this could be attributed to the fact we regularly clean the pond of bog weed, remove plastic bags bottles etc and toad bust, this has also had an impact on the frog population that is multiplying.

The Cumbungi and low land on the council lot is the only of its type within the Agnes Creek system where cumbungi grows to the edge of deep water, this creates a rare and irreplaceable environment that must be protected as certain important species could not survive or nest in the Agnes Creek if this important environment is removed.

The area is a natural wetland that is the intersection of the main tributaries of Agnes Creek where the tributary from the Agnes hill runs past the shopping centre and meets the tributary from Springs Road that runs through the caravan park and joins at the pond.

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Images of bird life are the intellectual property of Peter Robinson

1. Toad Busters

The pond has at least 3 toad hunters whose populations could not survive without this important area.

- a. Rakali or Water Rat is an Australian native species that nests in burrows in creek banks, over the years I have observed them grabbing female toads while they are mating and eating the eggs from their bellies, it is not uncommon to find the female toad bodies upside down on the bank displaying the hole in their bellies. They are regularly seen leaving the nesting area at dusk to hunt among the cumbungi and the pond in general as well as the downstream sections, however they only burrow and nest in the cyan bank section as shown on the nesting area plot.
- b. Keel Back Snake is an avid hunter of baby toads up to 40mm long and regularly seen hunting for them along the "cyan" bank sections and the cumbungi "Yellow"
- c. Swamp Hen these large water fowl are observed to eat the front feet from toads they come across while hunting the cumbungi and pond banks.

2. Important Nesting sites (See the Satellite image next Page for detail) The lot has 3 important areas for nesting animals and birds, some of these cannot survive in Agnes Creek without those areas

- a. The Cyan Area on the following plot is the burrowing and nesting site of the Rakali (Water Rat) it is the only suitable site for them to nest,

This is also the nesting site of the black ducks that frequent the pond.

- b. The Red Area is the nesting site of many birds including the Brush Turkey that has had a mound there for many years, Many types of honey eaters including Lewin's, Brown, Little friar bird and Noisy Friar Bird, it is also the nesting site of the Rufous Shrike Thrush and the Tawny Frogmouth.
- c. The Yellow area is the cumbungi area and is the only one of its type on Agnes Creek and supplies the only nesting sites for the Dusky Moorhen and the Swamp Hen, without this nesting site they would no longer exist in Agnes Creek. The area is also the nesting site of Pheasant Coucal while Spangled Drongo nest in the trees within this area,

Moorhens and Chicks in the Cumbungi Area





3. Amphibians

While we are not conversant with the names of frogs, their numbers and types have increased over the years with the reduced toad numbers due to the feeding of the 3 natives mentioned along with the efforts of Margie and Myself.

One Frog in particular that I have never seen but regularly hear makes a popping sound and can only be heard in the yellow and cyan sections on the nesting plot. It is likely this frog would disappear from Agnes if those sites were disturbed.

4. Birds

The area surrounding the pond is home to hundreds of species of birds far too many to name some are seasonal most live here all year round.

Water species include: Dusky Moorhen, Swamp Hen, Black Duck, Burdekin Duck, Wood Duck, White Eyed Duck, Large Egret, White Necked Heron, White Faced Heron, Nankeen Night Heron, Straw Necked Ibis, White Ibis, Royal Spoonbill and Yellow Billed Spoonbill, Little Pied Cormorant and Little Black Cormorant, Forest Kingfisher, Azure Kingfisher.

Waders include: Bush Stone Curlew and Masked Plover.

Others include 9 species of Honey Eaters, 2 Species of Friar Bird, 4 Species of Fly Catcher, Rainbow Bee Eaters, Rufous Shrike Thrush, Australian Magpie Lark, 4 Species of Dove, 2 species of Cuckoo Shrike, Fairy Martins, Rufous Whistler, 2 species of Owl, Tawny Frogmouth, 3 species of Cuckoo, Fig Birds, Red Browed Firetails, Double-barred Finch, Brush Turkey, Striated Pardalote, Olive Backed Oriole, Pied Currawong, Kookaburra, Spangled Drongo, Crested hawk and the list goes on.

Red Browed Firetails and Double-barred finch feeding at the pond edge



5. Bird Bathing

The pond area is where all the birds drink and bath. Their habit is to congregate in the trees at the western and northern end of the pond and fly into the water then fly to the blue gum and paper bark trees on the yellow section of the carpark to fluff and dry in the sun. This is a very important activity for the birds and those trees are necessary for that activity.

6. Animal corridors

The Satellite image on the next Page shows the animal corridors in Cyan. The red yellow and green sections on the nesting image are part of a very important corridor especially for birds as those sections provide the link to the bird corridor at the beach side creek section from the corridors in the wooded area on the opposite side of Springs Road and the corridor that leads down the creek past Beachouses Estate, Sand Castles and Arthurs park. This provides a high level of protection for traveling species throughout Agnes Water.

7. Bird Feeding

Many of the water birds regularly forage in the low wetland areas including the cyan and yellow areas for a major source of their food



A Royal Spoonbill and Large Egret feeding at the pond,



Animal Corridors in Cyan

The areas highlighted in this letter need not only to be kept intact but should be excluded from the public so the birds can nest and feed without disturbance.

8. Flooding

The pond and the low wetland on the proposed car park lot provide a retention area for floods, as high intensity rain falls in the area the pond fills and the creek and 2x1800 pipes begin to flow, if they cannot handle the incoming water the pond levels and low wetland area levels rise which reduces upstream impacts, if the volume of this retention area is reduced the upstream impacts will be greater and flooding of property more likely to occur. This was identified by Gladstone Regional Council in the development application by the previous owners and the restrictions applied by council was the reason they sold the land instead of continuing. The low wetland areas identified as environmentally important by myself therefore should be also retained to keep the current retention volume thus not increasing upstream impacts



A Dusky Moorhen sits on her eggs in the cumbungi (yellow nesting area) if this habitat is removed the Moorhens will not be able to breed and have to leave the Agnes Creek Area

I hope this letter was of interest to council in their efforts to develop this site, if you would like any other information regarding this subject please contact me see top of letter for my contact details.

Regards

A handwritten signature in black ink that reads "Peter Robinson". The signature is written in a cursive style with a long horizontal stroke at the end.

Peter Robinson

GLADSTONE REGIONAL COUNCIL

03 SEP 2020

RECORDS RECEIVED



Your ref: DA/4/2020
Date: 22 August 2020

Chief Executive Officer
Gladstone Regional Council
PO Box 29
Gladstone QLD 4680

Attention: Assessment Manager

Dear Sir/Madam

Re: SUBMISSION TO DEVELOPMENT APPLICATION NUMBER DA/4/2020, LOT 8 CP910294, AGNES STREET, AGNES WATER QLD 4677

We refer to Gladstone Regional Council application number DA/4/2020, currently being considered by Council, seeking the development of an 87 space, carpark at 5 Agnes Street, Agnes Water, Lot 8 CP910294, and changing the parking in Jeffrey Court Agnes Water from parallel parking to angle parking to gain an additional 5 car parks.

The abovementioned application is currently undertaking public notification, and this submission is lodged on behalf of the Discovery Coast Environment Group, PO Box 353 Agnes Water Qld 4677.

In accordance with the *Planning Act 2016*, this submission is properly made submission, as it is:

- In writing and signed by each person making the submission,
- Received by Gladstone Regional Council during the public notification period ending 3 September 2020,
- States the name and residential or business address of each person who are making the submission,
- States the grounds of the submission and the facts and circumstances relied on in support of the grounds, and
- Made to the Assessment Manager (Gladstone Regional Council).

Grounds for Submission

Intent for the Area – In the 2013 Agnes Water/1770 Structural report the vision for the Agnes Water area is one of a quiet village atmosphere attracting tourism due to its unique natural environment. Based on this vision the development should reflect the feel of the natural coastal beauty and preserve the environment and the biodiversity of the Agnes Creek area as well as the Agnes Water area.

The proposal and the scope for this development is based on maximising the number of carparks on the block and is more of an industrial design which does not reflect the Agnes Water character.

It is agreed additional parking is required however as there has been no studies on the expected parking demand and the current temporary parking had very low demand it is suggested as an alternative that 30 parks be developed on the existing pads, which would appear to more than cater for current demand. This will allow



the current flora and wetland to be retained which provides a habitat for many birds and animals and provide a natural buffer between the carpark and adjoining residential areas.

As Agnes Water receives a large influx of visiting 4WD vehicles, we suggest reviewing the size of each car space to adequately accommodate 4WD vehicles (TYP 1.9m wide) as an alternative to the current proposed car park size of 2.6m x 5.4m.

Compatibility with surrounding development - Looking at other parking in the area provides good examples of more environmentally sensitive developments. Gladstone Regional Council has done an excellent job on the Jeffery Park carpark and should aim to replicate this style at 5 Agnes Street. Retaining mature flora on this site would be more compatible with the surrounding streetscapes and the existing Jeffery Park carpark and surrounds.

Street Interfaces with adjoining properties - This is a mixed use zone and is adjoined by two accommodation facilities and two residential areas, opposite and behind this property. Building an industrial carpark in this area would be to the detriment of these properties and would look inappropriate and incredibly out of place with the existing landscapes.

Traffic and Carparking issues - The proposals for 5 Agnes Street and Jeffrey Court create poor traffic flow management issues that compromises the safety of pedestrians. The angle parking in Jeffrey Court will cause congestion and safety issues for families accessing their vehicles particularly with children moving behind vehicles. A more pedestrian friendly arrangement would be to maintain the current parallel parking and put in a footpath next to the parking. We suggest moving the parallel parking in towards the centre of Jeffrey Court, thereby providing space to construct a 1.2m wide footpath. This will avoid substantial excavation of the bank and save the trees already in place.

The 5 Agnes St parking will cause congestion and have a high interface with pedestrians as this is the main footpath access to the beach. Reducing the number of parks and encouraging other forms of transport like cycling and walking lend themselves better to the character of the precinct.

Hours of Operation - Currently there is a social issue at Jeffrey park which attracts overnight vehicle campers. There appears to be little compliance in this area. The concern is a large open carpark will only increase this issue and will also put these 'campers' in closer proximity to residential property. A smaller carpark will be easier to manage and Council is urged to enforce some compliance in this area.

Impact on drainage patterns over area - A large bitumen area will require all water to be managed for release on this block. This will increase the amount of water flowing into the current system and without the reeds from the wetland will reduce the ability to filter outflows other than the first flush system proposed. The current proposal will also increase levels of litter in and around the car park that will enter the creek system. It is suggested a smaller park retaining the flora of the area and retaining the wetlands will service this area better and fit with the current vision for the Agnes Region. It is also suggested that a geoweb product together with gravel or decomposed granite will be a better natural surface and allow water to penetrate the ground to sustain the vegetation in the area.

Protection of the natural environment - It is considered the current proposal does not adequately protects the natural environment. The removal of vegetation and the filling of this block to its border would destroy the



environmental aspects of this area. While it is debated whether there is a recognised wetland at the rear of this block, a wetland of some form does exist. It provides a natural filtration system and is home to a large number of native fauna.

This is the only location along Agnes Creek that allows a breeding habitat and provides a corridor for a number of fauna in the area and as such is an important community feature to retain.

The block has many large established native trees including 15 Blue Gum, 1 Melaleuca, 10 Cabbage Palms, 1 Stringy Bark, 1 Morton Bay Ash, native scrub and 2 mango trees.

The Cumbungi and low land on Lot 8 is the only area of its type within the Agnes Creek system and creates a rare and irreplaceable environment that must be protected as certain species could not survive or nest in the Agnes Creek if it is removed. Fauna such as Rakali is an Australian native species that nests in burrows in creek banks. The habitat provides an area for a lot of birdlife including Swamp Hens, brush Turkey and many types of honey eaters.

Increased Waste generated – With an increase in visitor numbers we anticipate and have seen an increase in litter in and around Tom Jeffery Park, this proposed carpark development, the beach and adjoining streets. We would like to see waste bins (2 bins, General and Recycling waste) erected at the 5 Agnes Street carpark to accommodate the increase in waste generate.

It is considered an alternative smaller development of this area could create an excellent compromise and would more appropriately reflect the village feel and natural environment of the Agnes Water area.

Accordingly, Discovery Coast Environmental Group respectfully recommends that Council take this opportunity to ensure development outcomes that do not respect the natural environment and are not in keeping with the village atmosphere of Agnes Water are replaced with more appropriate solutions.

Should you wish to discuss this matter further please contact Jane Gray on 0448 750 559 or discoverycoastenviorgroup@gmail.com.

Yours sincerely

Michael Dietrich

President

Discovery Coast Environment Group

discoverycoastenviorgroup@gmail.com



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Yours sincerely



Michael Dietrich

President

Discovery Coast Environment Group

discoverycoastenvirogroup@gmail.com

Gladstone Regional Council
PO Box 29
Gladstone QLD 4680
info@gladstone.qld.gov.au

Objections to Development Application **DA/4/2020**

1st September 2020

To the Assessment Manager

We are owners of Lot 44 Beachhouses Estate Agnes Water and we are writing with objections regarding the proposed carpark adjacent to our property on Agnes Street. Our property backs onto the water catchment that the carpark also backs onto.

We purchased our property 12 years ago and have seen the water catchment flood after large downpours and we have experienced water levels come under our house above the easement and close to our air conditioning units and storage area. During these times, we have witnessed the water overflow through the proposed car park onto Agnes Street.

Our concern is that the carpark area will stop the overflow from the water catchment and displace a large area that water can flow into, increasing the level of flooding onto our property well above the easement.

We understand that the underground tanks will account for the run off from Agnes Street and the carpark, but there is no information in regards to the displacement of the water catchment area due to land reclamation which carries the flow from the stormwater culvert that travels from upstream under Captain Cook Drive and beyond.

The development application does not provide:

1. Stormwater management plans with flood reports and flood mapping (we have requested these and not received any information)
2. Side elevation diagrams detail regarding a barrier providing protection from noise and light pollution along the rear of the carpark (we have requested these and not received any information). The very minimal plants proposed will take an exceptionally long time before providing the little protection they will provide. A physical barrier is also needed for security for the estate.

We appreciate that after the pop up stall and meeting, the council has taken some of the community concerns have responded with several options.

These however are not what is lodged in the development application, and our direct requests have not been addressed, we still have no information regarding flooding or physical barrier for noise and light pollution.

Our intention is not to go against the carpark, as we know it is needed, but not at the large capacity proposed. We need assurances the flood levels will not rise and that our other concerns will not impact our rental income and property value due to dust, noise, privacy and security during

construction period and beyond. We also need direct confirmation regarding flood levels, and information to what we can do if flood levels raise and damage our property.

Regards

David and Nicole (nee Whiteley) Long
15 Mallard Court
South Gladstone Q 4680
Owners of lot 44 Beachouses Estate, Agnes Street,
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