

**Monday, 30<sup>th</sup> April 2018**

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



Dear Sir/Madam,

**RE: Negotiated Conditions of Approval for Development Application for Material Change of Use – Change of Density (Rural to Rural Residential) and Development Permit – Reconfiguring a Lot (1 lot into 61) at 105 Stowe Road, Calliope described as Lot 20 on SP189737.**

We have received the decision notice and relevant conditions of approval and wish to discuss, clarify or negotiate the following:

- *Special Condition 2 – the Applicant has four years to complete the development in its entirety upon the relevant period taking effect prior to the Development Permit lapsing.*

This condition allows for an unreasonable timeframe and completely negates the need to stage the development. Our proposal will be to spend some time now developing the Operational Works plans for Stage 1A and lodging for approval within the next 2 years. We can then commence operational design of Stage 1B to be lodged and approved prior to the completion of Stage 1A and so forth. This way the number of properties available can be controlled by the Developer to ensure that supply does not exceed demand and lower the value of the development. We request this condition be amended to state *the Applicant has 4 years to complete Stage 1 and the approval will remain current as long as there is a current development approval for work on site.*

- *Steep Land 6 – As part of Operational Works, building envelopes are to be constructed for each lot. The building envelopes are to be of regular shape, have a minimum area of 1,000 sqm, have a minimum dimension of 18m and not be located on land steeper than 16%. All building envelopes are to be located outside of waterways, channels and have safe access to the public road without crossing the waterway.*

We acknowledge the need for building envelopes on new properties that are affected by slopes in excess of 16% or include a waterway and we are prepared to provide a suitable building envelope on those properties. However, we believe it is an unnecessary restriction on the remaining properties. The remaining properties should be free from building envelopes so the Owners are free to locate and design the dwellings of their choice dependent on their personal preferences. There are no legitimate safety concerns on these properties that would prevent them from establishing a dwelling in the location of their choice with due regard to planning and building codes. To clarify we are assuming that a building envelope differs from a building pad. On properties subject to slopes in excess of 16% or with waterways will be provided with a 1,000sqm building envelope with an 18m x 18m minimum flat dwelling building pad. We request that this condition be revised and reworded.

- *Transportation Services 12b – Remodel the Bloomfield Street and Dawson Highway intersection as the merging lanes are significantly shorter than the existing intersection design.*

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I request that this condition be removed. I have spoken to my designing Engineer who has confirmed that all modelling has been completed with the current existing conditions and no intersection or merging lane has been reduced in size.

- *Transportation Services 13 – Rural Residential Collector Roads.*  
There are no rural residential collector roads proposed as part of this development and we request that this condition be deleted.
  
- *Transportation Services 17 – As part of and Development Application for Operational Works, the Applicant is to provide to Council for approvals, plans detailing the upgrade of the closest existing bus stop to the development on Stowe Road in accordance with current Engineering Standards, including lighting, shelter, line marking and/or resealing or extension of the dedicated bay. Upon approval of this plan, the Applicant is to upgrade and construct the bus stop as part of Operational Works.*  
We do not believe that this condition is relevant or legal to impose on the Applicant. It is fair to assume that Council is responsible for the repair, maintenance and/or upgrade of any existing bus stop and this should occur as routine by Council to avoid any possible litigation that may come from personal injury or damage. It is unclear where the closest existing bus stop is to this development and with the current public transport routes it is unclear whether the occupants from this development will even use said bus stop. We request that this condition be deleted and that Council accept the responsibility for the repair, maintenance and upgrade of existing public bus stops.
  
- *Adopted Infrastructure Charge Notice*
  - The proposal is for a total of 61 lots. Lot 21 is proposed to be developed as a reserve for stormwater drainage and storage and will not be suitable for sale or to establish a dwelling. We request that the adopted infrastructure charge notice be amended to reflect the removal of Lot 21 and fees associated with Stage 1B be amended to reflect 3 lots only.
  - We wish to negotiate the infrastructure charge amount per lot for the following reasons:
    1. During initial discussions with Council Officers it was established that infrastructure charges were \$16,000 per new lot. We all acknowledge that these charges can increase but in this case charges have increased by 169% in the period from when a request to lodge a superseded planning scheme application was approved and the Development Application was lodged. This increase is not sustainable for a developer. We have to ask the question why the charges were increased in this area by such a substantial amount after Council was made aware that an application was being lodged.
    2. Given that an application for assessment under a superseded planning scheme was lodged on 13<sup>th</sup> October 2016 we request that the infrastructure charges applicable at that time be applied to this application. Or we request the ability to negotiate a fair and sustainable infrastructure charge.
    3. Affordable housing is a great concern in the Gladstone Regional Council area and such a large increase will ultimately be passed on the property buyers and will reduce the attractiveness of the development.

If you have any queries relating to this request, please contact myself on the details below.

Yours sincerely,



Rebecca Doak  
**Bael Building Design**