

QUEENSLAND FLOODS COMMISSION OF INQUIRY

Oaths Act 1867

Statutory Declaration

QUEENSLAND

TO WIT

I, **Bryan Alfio Ottone**, of care of Council Chambers, corner of Egerton Street and Borilla Street, Emerald in the State of Queensland, Chief Executive Officer, Central Highlands Regional Council, do solemnly and sincerely declare that:-

The following is a true statement containing my response to the queries raised by the Commission in its letter dated 10 August 2011:

1. A complete copy of the current planning scheme(s) administered by Council.

The Central Highlands Regional Council administers four (4) planning schemes, namely:

- a) *Bauhinia Shire Planning Scheme (2007);*
- b) *Duaringa Shire Planning Scheme (2007);*
- c) *Emerald Shire Planning Scheme (Amendment No. 1 – 2009); and*
- d) *Peak Downs Shire Planning Scheme (2005).*

Complete copies of these planning schemes are attached.

2. Any record of the Council's deliberations for community infrastructure designations since 2003, including reports, notes, meeting minutes and all relevant correspondence.

Council holds material on the following community infrastructure designation:

- General Council Meeting Minutes – Excerpt taken from Minutes from 18 October 2010;
- Development Services Report to Council – Proposed Ministerial Designation for Community Infrastructure; Emerald Fire and Rescue Station; 2A Andrews Road, Emerald Lot 4 on SP166044 – 18 October 2010; and
- Letter to Project Services, Queensland State Government – dated 5 October 2010.

Copies of all listed documents have been attached to this response.

3. Any application to the Minister for Local Government and Planning pursuant to which a planning scheme administered by Council to the Minister to seek a finding as to whether it appropriately reflects State Planning Policy 1/03.

The four legacy Councils each had a Planning Scheme gazetted under the Integrated Planning Act 1997 within the life of State Planning Policy 1/03. The Planning Scheme for Emerald Shire 2007, was also amended in 2009.

All four Planning Schemes were given exemptions from the flood component of State Planning Policy 1/03. The Rockhampton office of DLGP has provided a full set of documentation as to the dealings between the legacy Councils and the Department in regard to State Planning Policy 1/03. The negotiations between each of the legacy Councils and the Department were conducted by an external consultant, Gannon & Gannon Pty Ltd.

Rather than duplicate this material, Council would request that they review the DLGP data that has been separately provided to the Commission.

All section 3.1.6 of *Integrated Planning Act 1997* and section 2.4.2 of the *Sustainable Planning Act 2009* have been referred to the Department of Local Government and Planning for approval post gazettal of the IPA Planning Schemes. The Department's review includes all State Planning Policies, including SPP 1/03.

The Council holds material on the following development applications:

- | | |
|-----------|---|
| D537/04 | Lot 38 on SP 161099
Pilot Farm Road, Emerald
Small lot rural estate on community title |
| D452/07 | Lot 2 on RP 842583
Selma Road and Long Street, Emerald
Mixed use estate: residential, aged care and commercial node |
| TP044/08E | Lot 7 on SP 202483
King Street, Robert Street and Selma Road, Emerald
Light Industrial |
| TP146/08S | Lot 3 on SP 164068 and Lot 4 on SP 170740
Dawson Highway, Springsure
Workers Accommodation |
| 4125/09 | Lots 6 and 7 on SP 203782 and Lot 7 on RP 895593
Capricorn Highway and Chalcedony Road, Emerald
Light Industrial |
| 4052/10 | Pt Lot 200 on SP 210534
Rifle Range Road, Emerald
Residential estate |

All of the above developments are located outside of the urban area of a gazetted Planning Scheme and specific details as to how Council has assessed these development applications with regard to SPP 1/03 is available on request.

4. The property and development application files considered by Council since 2004, including correspondence, reports for Council and Council meeting minutes, for the following infrastructure:

- a) Pumping stations, including water and sewer pumping stations;
- b) Wastewater treatment plants;
- c) Mobile phone towers and associated infrastructure;
- d) Electricity; and
- e) Emergency services infrastructure.

4 a) - Pumping stations, including water and sewer pumping stations

Council holds material on the following development applications:

- D101/99 Lot 1 on RP612610
Capricorn Highway, Codenwarra Road and Chalcedony Road, Emerald
- D326/04 Lot 1 on RP614633
Braeside Road, Emerald
The Grove on Borilla Estate
- D494/04 Lot 1 on SP173073
Gregory Highway, Emerald
Mayfair Ridge Estate
- D144/05 Lot 3 on RP841443
Pressler Road, Emerald
The Vines Estate
- D008/06 Lot 37 on RP894119
Rifle Range Road, Emerald
Riverview Estate
- D052/07 Lot 4 on RP887971 and Lot 2 on SP166053
Baker Street and Cotton View Road, Emerald

Copies of all listed files have been attached to this response.

4 b) – Wastewater treatment plants

Council has not considered any new wastewater treatment plants since 2004.

4 c) - Mobile phone towers and associated infrastructure

Council holds material on the following development applications:

- TP133/08E – Rifle Range Road, Emerald – Lot 51 on SP135563
- 4004/09 – Blackwater-Rolleston Road, Rolleston – Lot 2 on RP610747
- 4013/10 – 27 Porphyry Street, Springsure – Lot 21 on RP616891
- 4060/10 – Capricorn Highway, Duaranga – Lot 18 on KM11
- 4061/10 – 9 Hibiscus Crescent, Blackwater – Part Lot 17 on HT628
- 4021/11 – Dawson Highway, Rolleston – Lot 1 on SP187944

Copies of all listed files have been attached to this response.

4 d) - Electricity

Council holds material on the following development application:

- 4012/10 – Bluff-Jellinbah Road, Bluff – Lot 15 on RP861407

A copy of this file has been attached to this response.

4 e) - Emergency Services Infrastructure

Council holds material on the following development applications:

- 4027/09 – Cnr Dawson Hwy & Brown St, Rolleston – Lot 1 on DSN946
- 4109/09 – Flagon Alley, Sapphire – Lot 4 on PT364
- Notice of Ministerial Designation for Community Infrastructure – Andrews Rd, Emerald – Lot 4 on SP166044

Copies of all listed files have been attached to this response.

5. The property and development application files since 2004, including all correspondence, reports for Council, Council meeting minutes and development approvals, for the following properties:

- a) 6 Colden Place
- b) Centro Emerald Market – Cnr Egerton St and Max Gorlick Drive
- c) Centro Emerald Village – Cnr Hospital Road and Curt Street
- d) 2 & 14 Waldby Court
- e) 36 & 38 Riverview Street
- f) 2 & 5 Boland Place
- g) 92 & 100 Baker Street
- h) 6 & 34 Kidd Street
- i) 8 & 9 Daniels Street
- j) 9 & 21 Blue Gums Drive
- k) 25 Macaulay Access Road, Gregory Highway
- l) Portion 87 and 88, Parish of Selma, County of Denison

5 a) – 6 Colden Place

Council holds material on the following development applications:

- BA192-10, Dwelling;
- BA30-11, Pool;
- BA40-11, Shed; and
- BA58-10, Patio.

Copies of all listed files have been attached to this response.

5 b) – Centro Emerald Market – Cnr Egerton St & Max Gorlick Drive

Council holds material on the following development applications:

- R4/95 – Egerton St & Max Gorlick Drive Emerald – Lot 2 on RP604548
Part Lot 1 on RP612971 & Part Lots 1-5 on RP606567

- 4095/09 – Egerton St & Max Gorlick Drive Emerald – Lot 31 on RP901712
- BA125-04, Shop fitout
- BA378-04, Partitioning
- BA30-06, Shop fitout
- BA331-06, Retail store
- BA433-07, Shop fitout
- BA121-08, Shop fitout
- BA427-10, Carpark shade sails
- BA152.11, Retail store
- BA229-11 Shop refit
- Not allocated, Shop fitout

Copies of all listed files have been attached to this response.

5 c) – Centro Emerald Village – Cnr Hospital Road & Curt Street

Council holds material on the following development applications:

- R1/84 – Scant Street – Lot 2 on DSN920 (Hospital Road & Curt Street)
- S19/97 – Cypress Dr, Creek St, Curt St & Scant St – Lot 92 on CP893380
Lot 1 on RP609997 & Lot 2 on RP609997
- BA353-04, Internal Partitioning
- BA361-04, Tenancy fitout
- BA104-05, Tenancy fitout
- BA105-05, Fitout retail store
- BA58-06, Fitout retail store
- BA309-06, Alterations to existing Restaurant
- BA337-07, Commercial fitout
- BA167-09, Internal alterations
- BA410-09 Commercial fitout
- BA005-10-Shop fitout
- BA428-10, Carpark shade sails
- BA249-11, Shop re-fit

Copies of all listed files have been attached to this response.

5 d) – 2 & 14 Waldby Ct

Council holds material on the following development applications:

- 2 Waldby Court – BA328-04 – Carport
- 14 Waldby Court – No Applications

Copies of all listed files have been attached to this response.

5 e) – 36 & 38 Riverview St

Council holds material on the following development applications:

- 36 Riverview Street – No Applications
- 38 Riverview Street – BA177-09 – Re-stump dwelling

Copies of all listed files have been attached to this response.

5 f) – 2 & 5 Boland Place

Council holds material on the following development applications:

- 2 Boland Place – No Applications
- 5 Boland Place – No Applications

Copies of all listed files have been attached to this response.

5 g) – 92 & 100 Baker St

Council holds material on the following development applications:

- 92 Baker Street – BA132-06 – Shed
- 100 Baker Street – BA84-05 – Verandah & Carport

Copies of all listed files have been attached to this response.

5 h) – 6 & 34 Kidd St

Council holds material on the following development applications:

- 6 Kidd Street – No Applications
- 34 Kidd Street – BA104-04 – Dwelling & shed
BA475-07 – Dwelling additions
BA533-07 – Pool

Copies of all listed files have been attached to this response.

5 i) – 8 & 9 Daniels St

Council holds material on the following development applications:

- 8 Daniels Street – No Applications
- 9 Daniels Street – No Applications

Copies of all listed files have been attached to this response.

5 j) – 9 & 21 Blue Gums Dr

Council holds material on the following development applications:

- 9 Blue Gums Drive – BA21-11 – Dwelling
- 21 Blue Gums Drive – No Applications

Copies of all listed files have been attached to this response.

5 k) – 25 Macauley Access Rd, Gregory Hwy

Council holds material on the following development applications:

- 25 Macauley Access Road/Gregory Highway – Application not received –
New construction of workshop addition

Copies of all listed files have been attached to this response.

5 l) – Port 87 & 88 Parish of Selma, County of Dennison (Now Lot 200 on CP888637)

Council holds material on the following development applications:

- Portion 87 & 88 Parish of Selma, County of Denison (Lot 200 on CP888637) – No Applications

Copies of all listed files have been attached to this response.

6. The property and development application file for the subdivision and material change of use of all properties in the following:

- a) Industrial area north of Munro Road and west of the Gregory Highway
- b) Industrial area south of Braeside Road to the LN1 drain and east of the Gregory Highway
- c) Industrial area to the west of the Emerald Showgrounds and north of the Capricorn Highway
- d) Centro Emerald Market - Cnr Egerton St and Max Gorlick Drive
- e) Centro Emerald Village – Cnr Hospital Road and Curt Street

6 a) - Industrial area north of Munro Road and west of the Gregory Highway

Council holds material on the following development applications:

- R5/86 – Gregory Highway Emerald – Allotment 1 Suburban Section 77
- R3/88 – Gregory Highway Emerald – Part Lot 1 on RP611127
- R4/92 – Gregory Highway Emerald – Lot 12 on RP609621
- R11/93 – Gregory Highway Emerald (Mattingley Industrial Park Estate) Lot 2 on RP8494510
- S24/93 – Cnr Munro Rd & Gregory Hwy Emerald – Lots 2 & 5 on RP611127
- S27/93 – Gregory Highway Emerald – Lot 3 on RP609621
- T11/93 – Gregory Highway Emerald – Lot 22 on RP610430
- T9/94 – Baker Street Emerald – Lot 19 on RP609621
- T20/94 – Gregory Highway Emerald – Lot 2 on RP849451
- R12/94 – Gregory Highway Emerald – Lot 11 on RP609621
- S15/94 – Gregory Highway Emerald – Lot 26 on RP884526
- S16/94 – Munro Road Emerald – Lot 8 on RP8555498
- S36/94 S43/94 – Gregory Highway Emerald – Lot 1 on RP860119
- S39/94 - Wills Road Emerald – Lot 154 on DSN685
- S7/95 – Gregory Highway Emerald – Lot 1 on E21629
- S10/95 – Gregory Highway Emerald – Lots 6 & 7 on RP609621
- A13/96 – Gregory Highway Emerald – Lot 2 on RP849451
- S4/96 – Gregory Highway Emerald – Lot 2 on RP849951
- S18/96 – Gregory Highway Emerald – Lot 2 on RP849451
- A9/97 – Gregory Highway Emerald – Lot 12 on RP849451
- S38/97 – Gregory Highway Emerald – Lot 2 on RP849451
- S42/97 – Gregory Highway Emerald – Lot 2 on RP849451
- D69/98 – Industrial Drive & Cotton View Road Emerald – Lot s 43 & 44 on RP884512
- D124/98 – 12 Cotton View Road Emerald – Lot 42 on RP864581
- D190/98 – Gregory Hw & Industrial Dr Emerald – Lot 2 on RP615363 & Lot 24 on RP610430
- D59/02 – 61 Macaulay Road Emerald – Lot 9 on RP609621
- D49/03 – 1 Macauley Road Emerald – Lot 8 on RP855498
- D411/03 – Cotton View Road Emerald – Lot 43 on SP147342

- D181/04 – 79 Macaulay Rd & 7&11 Kyle St Emerald – Lot 1 on RP901717 & Lots 4 & 5 on SP101685
- D268/04 – Macaulay Road Emerald – Lot 67 on SP117835
- D142/05 – Munro Road Emerald – Lot 9 on RP855498
- D198/05 – Munro Road Emerald – Lot 9 on RP855498
- D263/05 – 1 Macaulay Road Emerald – Lot 8 on RP855498
- D259/05 – 31 Macaulay Road Emerald – Lot 1 on RP615363
- D087/06 – 12-16 Kyle Street Emerald – Lot 65 on SP186041
- D505/06 – Macaulay Road Emerald – Lot 8 on RP855498
- D052/07 – Baker Street Emerald – Lot 4 on RP887971 & Lot 2 on SP166053
- D053/07 – Baker Street Emerald – Lot 3 on RP887971
- D138/07 – 17 Kyle Street Emerald – Lot 8 on SP101685
- D145/07 – Cotton View Road Emerald – Lots 44 & 2 on SP141316
- D336/07 – Macaulay Road Emerald – Lot 68 on SP174989
- D349/07 – 8 Cotton View Road Emerald – Lot 40 on RP864581
- D350/07 – Munro Road Emerald – Lot 9 on RP855498 - **UNDECIDED**
- D351/07 – Munro Road Emerald – Lots 4 & 5 on RP907153
- D352/07 – Cotton View Road Emerald – Lot 44 on SP141316
- D443/07 – Macaulay Road Emerald – Lot 68 on SP174989
- D489/07 – Cotton View Road Emerald – Lot 2 on SP141316
- D544/07 – 15 Kyle Street Emerald – Lot 7 on RP101685
- D630/07 – 23 Macaulay Road Emerald – Lot 21 on RP610430
- D689/07 – 11 Industrial Drive Emerald – Lot 3 on RP860119
- D003/08 – Wills Road Emerald – Lot 1 on RP849451
- D066/08 – Gregory Highway Emerald – Lot 1 on RP849451
- TP018/08E – Macaulay Road Emerald – Lot 58 on SP117835
- TP037/08E – 40 Industrial Drive Emerald – Lot 12 on SP210516
- TP043/08E – 29 Macaulay Road Emerald – Lot 18 on RP610430
- TP058/08E – Cotton View Road Emerald – Lot 1 on SP210527
- TP062/08E – 19 Macaulay Road Emerald – Lot 23 on RP610430
- TP063/08E – 21 Macaulay Road Emerald – Lot 22 on RP610430
- TP073/08E – 9-11 Cotton View Road Emerald – Lot 2 on SP210527
- TP091/08E – 24-26 Industrial Drive Emerald – Lot 8 on RP860119
- TP103/08E – 10 Kyle Street Emerald – Lot 64 on SP101685
- 4059/09 – Munro Road Emerald – Lot 9 on RP855498
- 4072/09 – Macaulay Road Emerald – Lot 2 on RP615363
- 4120/09 – 13 Kyle Street Emerald – Lot 6 on SP101685
- 4128/09 – Munro & Cameron Roads Emerald – Lots 4 & 5 on RP907153
- 4129/09 – Richards Court Emerald – Lot 3 on SP223678
- 4003/10 – Cameron & Munro Roads Emerald – Part Lots 4 & 5 on RP907153 – **UNDECIDED**
- 4019/10 – Cameron & Munro Roads & Creek Street Emerald – Lot 3 on E21695
- 4032/10 – 19 Cotton View Road Emerald – Lot 4 on SP224235
- 4040/10 – 15 Macaulay Road Emerald – Lot 2 on RP615363
- 4074/10 – 11 Kyle Street Emerald – Lot 5 on SP170724
- 4087/10 – Cotton View Road Emerald – Lot 5 on SP224235

- 4109/10 – Gregory Highway Emerald – Lot 3 on RP901717 & Lot 68 on SP228003
- 4110/10 – 31 Macaulay Road Emerald – Lot 1 on RP615363
- 4112/10 – 54 Industrial Drive Emerald – Lot 15 on RP884512
- 4005/11 – Industrial Drive Emerald – Lot 1 on SP166053 – **UNDECIDED**
- 4010/11 – Industrial Drive Emerald – Lot 9 on SP223678 – **UNDECIDED**
- 4028/11 – Willis Road Emerald – Lots 2, 3 & 4 on SP233368
- 4045/11 – Cotton View Road Emerald – Lot 5 on SP224235 – **UNDECIDED**
- 4094/11 – 25 Macaulay Road Emerald – Lot 20 on RP610430 - **UNDECIDED**

Copies of all listed files have been attached to this response.

6 b) - Industrial area south of Braeside Road to the LN1 drain and east of the Gregory Highway

Council holds material on the following development applications:

- R4/83 - Hawkins Place Emerald - Lot 5 on RP11125 & Lot 5 on RP14192
- R10/89 - Hawkins Place Emerald - Lot 4 on RP14192
- R1/90 - Braeside Road & Gregory Highway Emerald - Lot 1 on RP E21629
- S12/91 - Off Hawkins Place Emerald - Lot 1 on RP611126 & Lots 7 & 8 on RP614192
- S3/93 - Gregory Highway Emerald - Lot 5 on RP614192
- R30/94 - Hawkins Place Emerald - Lot 6 on RP614192
- S45/94 - Hawkins Place Emerald - Lot 5 on RP611125 & Lot 5 on RP614192
- T1/95 - Corner Gregory highway & Braeside Road Emerald - Lot 1 on E21629
- S45/95 - Hawkins Place Emerald - Lots 12-14 on RP860079
- A1/96 - Hawkins Place Emerald - Lots 12-14 on RP860079
- S18/97 - 10 Hawkins Place Emerald - Lot 2 on RP843241
- D22/01 - 24 Gregory Highway Emerald - Lot 1 on RP843241
- D214/02 - Hawkins Place Emerald - Lot 11 on SP100436 & Lot 34 on RP843251
- D339/06 - Hawkins Place Emerald - Lot 2 on SP175038
- D471/07 - 12 Hawkins Place Emerald - Lot 11 on SP152372
- D708/07 - 5 Hawkins Place Emerald - Lot Lots 1 & 2 on RP614192
- D007/08 - 2 Hawkins Place Emerald - Lot 10 on RP614192
- TP072/08E - 56 Gregory Highway Emerald - Lot 1 on SP175038
- 4038/09 - Hawkins Place Emerald - Lot 4 on SP210523
- 4068/10 - 32 Hawkins Place Emerald - Lot 3 on SP210523
- 4084/10 - 56 Gregory Highway Emerald - Lot 1 on SP175038
- 4086/10 - 26 Hawkins Place Emerald - Lot 16 on RP860079 - **UNDECIDED**

Copies of all listed files have been attached to this response.

6 c) - Industrial are to the west of the Emerald Showgrounds and north of the Capricorn Highway

Council holds material on the following development applications:

- T4/97 - Corner Batts Street & Glasson Street Emerald - Lot 9 on DSN978
- T5/97 - Batts Street Emerald - Part Lot 1 on CP891097
- D002/05 - 24-26 Brown Street Emerald - Lot 43-45 on RP865226
- D237/05 - Capricorn Highway & Brown Street Emerald - Lot 204 on CP859942 & Lot 44 on RP898315
- D253/06 - 6 Daniels Street Emerald - Lot 106 on E216110
- D297/06 - 13-15 Hicks Street Emerald - Lot 4 on E216109
- D393/06 - 13 Daniels Street Emerald - Lot 20 on E216110
- D415/07 - 10 Glasson Street Emerald - Lot 59 on RP843232
- D575/07 - Glasson Street Emerald - Lot 24 on RP620703
- D614/07 - 6 McCosker Street Emerald - Lot 1 on CP801450
- TP003/08E - 20 Brown Street Emerald - Lot 2 on RP865227
- TP036/08E - 34 Batts Street - Emerald - Lot 8 on DSN978
- TP050/08E - 1-7 Beezley Street Emerald - Lot 2 on SP206627
- 4044/09 - 11a Glasson Street Emerald - Lot 1 on CTP104329
- 4074/11 - Brown Street Emerald - Lot 1 on SP179591

Copies of all listed files have been attached to this response.

6 d) - Centro Emerald Market – Cnr Egerton St and Max Gorlick Drive

- See response to 5 b)

6 e) - Centro Emerald Village – Cnr Hospital Road and Curt Street

- See response to 5 c)

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

.....
Declare

Taken and declared at **Emerald** this **1st** day of **September 2011**, before me

.....
Lawyer/Justice of the Peace/Commissioner of Declarations
FRANCES KIRIA ROFE

