

4.1.2 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 INTO 219 LOTS), PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME AND PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE (COMMUNITY CENTRE) - SPRINGS DRIVE, MERIDAN PLAINS

File No: 2007/56-00019
Author/Presenter: Principal Development Planner, Regional Strategy and Planning
Appendix: App A – Conditions of Approval (SPC Page 78)
Attachments: [Att 1 - Proposal Plan](#) (SPC Att Page 49)
[Att 2 - DTMR Agency Response](#) (SPC Att Page 51)
[Att 3 - DERM Agency Response](#) (SPC Att Page 56)

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Jiren Pty Ltd
Proposal:	Development Application for Reconfiguration of a Lot (1 into 219 Lots) Preliminary Approval Overriding the Planning Scheme (varying the level of assessment of a number of uses) Preliminary Approval for a Material Change of Use (Community Centre)
Properly Made Date:	19 December 2007
1st Information Request Date:	11 February 2008
1st Info Response Received Date:	29 October 2009
2nd Information Request Date:	26 February 2010
2nd Info Response Received Date:	16 August 2010
Decision Due Date:	21 June 2011
Number of Submissions:	3 (1 Properly Made and 2 Not Properly Made)
PROPERTY DETAILS	
Division:	1
Property Address:	Springs Drive, Meridan Plains
RP Description:	Lot 12 SP189346
Land Area:	37.667 hectares
Existing Use of Land:	Vacant
STATUTORY DETAILS	
SEQR Designation:	Urban Footprint
Planning Scheme:	Caloundra City Plan 2004
Strategic Plan Designation:	Not Applicable
Planning Area / Locality:	Caloundra West
Planning Precinct / Zone:	Emerging Community
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of the following applications:

- Development Permit for a Reconfiguration of a Lot (1 into 219 lots);
- Preliminary Approval for a Material Change of Use (Community Centre); and
- Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* (varying the levels of assessment).

The application is presented to council as it involves a request for a Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997*.

EXECUTIVE SUMMARY

The application involves 3 requests:

- Development Permit for a Reconfiguration of a Lot (1 into 219 lots);
- Preliminary Approval for a Material Change of Use (Community Centre); and
- Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* (varying the levels of assessment).

The subject site is constrained by wetlands and significant vegetation mapped by the Department of Environment and Resource Management. Additionally, the site is affected by the Habitat and Biodiversity Overlay under Caloundra City Plan 2004 and contains land not intended to be developed under the Caloundra West Planning Area Code. The site also plays a role in stormwater conveyance from the Ivadale Lakes and Creekwood Estates.

The site is entirely mapped as either a wetland or located within the wetland buffer. There are two types of wetland located on the subject site; wet and dry heath wetland and melaleuca wetland. The melaleuca wetland is more resistant to increased nutrient loads typically associated with urban development. However, the quality of the wet and dry heath wetland has been impacted by the urban interface between the Creekwood development and the subject site. The characteristics of the subject site identify an area where the wetland environment has been largely protected. The remaining area is affected by weed infestation and lower quality wetland environment. To increase the quality of the remaining wetland, some development can be accommodated to provide a suitable interface with a road reserve and stormwater management devices to the wet and dry heath wetland environment. This can assist in controlling the levels of nutrients entering the wetland environment.

The northern section of the site is mapped as Essential Habitat and Least Concern Remnant Vegetation. This is supported by council's Habitat and Biodiversity overlay mapping in Caloundra City Plan 2004. These areas should be avoided for development to retain and protect the significant vegetation and essential habitat for threatened fauna species.

The site plays a vital role in stormwater conveyance in the Mooloolah River catchment carrying stormwater generated from the Creekwood Estate to the south and east. The topography of the site also requires a widening of the drainage system connecting from the south of the site. This results in a reduction of lots to accommodate a drainage reserve to adequately address stormwater conveyance through the site.

The above matters result in a loss of lot yield for the development. Given the number of changes required to the design, it is uncertain as to what the final layout of the reconfiguration of lots would be. Accordingly, only a preliminary approval is recommended.

The applicant also seeks a Preliminary Approval for a community centre. The site shown on the plans for the community centre is recommended as not suitable based on the constraints noted above. Consideration has been given to whether the site can support a community centre elsewhere on the subject site.

However, insufficient detail has been provided regarding noise and traffic considerations to be able to support the community centre at this time. Further, council's Social Infrastructure Strategy identifies a need for additional community meeting spaces but not in a remote or stand alone building. For these reasons, the application for the community centre is recommended for refusal.

The applicant has also requested to vary the levels of assessment for the community centre (accommodation building, community centre, function room, place of worship and restaurant) and residential uses (duplex dwellings and display dwellings).

As the community centre is recommended for refusal, the request to vary the levels of assessment for the community centre uses is also not supported. The Caloundra West Planning Area Code supports duplex dwelling and display dwelling development. Accordingly, the request to vary the level of assessment from Impact Assessment to Self Assessment for duplex dwellings and display dwellings is supported.

The application has undergone a number of changes over the course of time, resulting in the Integrated Development Assessment System process recommencing at the Acknowledgement Stage on 3 occasions. During the course of the application, the extent of developable area has been in question. To allow council officers to prepare a balanced report, additional on site meetings were required to consider all options available to both council and the applicant. In addition, council officers noted a missed concurrence agency response from the Department of Transport and Main Roads. However, the applicant has agreed to allow the Department of Transport and Main Roads to amend their response, which was provided on 20 May 2011.

OFFICER RECOMMENDATION

That Council:

- (a) grant a Preliminary Approval for application number 2007/56-00019 for a Reconfiguration of a Lot (1 into 219 Lots) at Springs Drive, Meridan Plains described as Lot 12 SP189346 subject to the conditions in Appendix A;**
- (b) refuse the application for a preliminary approval for Material Change of Use (Community Centre) for application 2007/56-00019 at Springs Drive, Meridan Plains described as Lot 12 SP189346 for the following reasons:**
 - (i) insufficient information has been provided to demonstrate that the proposed community centre would not impact on residential amenity (noise and traffic);**
 - (ii) Council's Social Infrastructure Strategy does not support a stand alone community centre; and**
 - (iii) no reasons exist to grant approval despite the conflict with the planning scheme;**
- (c) grant a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the residential precinct only (applying to duplex dwellings and display dwellings) for application 2007/56-00019 at Springs Drive, Meridan Plains described as Lot 12 SP189346 subject to the conditions in Appendix A;**

- (d) find the following are sufficient planning grounds to justify the decision, in recommendation (c) above, despite the conflict with the Planning Scheme:
 - (i) duplex dwellings are supported by the Planning Area Code in Caloundra City Plan 2004; and
 - (ii) display dwellings function in a similar manner to a detached dwelling;
- (e) refuse a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct for application 2007/56-00019 at Springs Drive, Meridan Plains described as Lot 12 SP189346 for the following reasons:
 - (i) Council does not support the location of the proposed community centre as identified in recommendation (b) above;
 - (ii) insufficient information has been provided to demonstrate that the proposed community centre would not impact on residential amenity (noise and traffic);
 - (ii) Council's Social Infrastructure Strategy does not support a stand alone community centre; and
 - (iv) no reasons exist to grant approval despite the conflict with the planning scheme.

FINANCE AND RESOURCING

If approved, the applicant would be required to pay the following infrastructure contributions under council's current policies:

Network	Current Amount
Paths	\$ 185,267.00
Biting Insects	\$ 40,637.00
Road Network	\$ 511,256.00
Open Space	\$ 2,612,522.00
Open Space - Trails	\$ 66,537.00
Public Transport	\$ 4,646.00
Stormwater	\$ 2,439,549.00
TOTAL	\$ 5,860,414.00

The above contributions include all residential allotments and duplex development contributions. The duplex development contributions are included at this time as future duplex applications are proposed to be self assessable, and would not require a planning application to council. Under the current legislation, contributions cannot be required for self assessable development.

Infrastructure contributions for the community centre are not included above as the consideration of this part of the application would not permit development to occur. As such, no infrastructure contributions are applicable for this component of the development at this time.

It is noted that payments after 1 July 2011 would need to be recalculated in accordance with the new State Government "caps" and any agreement with Unitywater for the splitting of the capped amount. The above table represents approximately \$23,000 per dwelling unit, well under the \$28,000 per dwelling unit proposed by the State Government.

INTRODUCTION

Background/Site History

The application history extends as far back as 2003 when, in December of that year, a prelodgement meeting occurred with council. At that time, council advised that:

- the site was constrained by a Multi Modal Transit Corridor, Q100 flood level, acid sulphate soils, and significant vegetation and bushfire hazard;
- the development needed to respond appropriately to the site's constraints in accordance with the current Planning Scheme provisions and local planning policies and this will affect the ultimate layout and the design and size of lots. The extent of development shown on the concept plan was likely to be substantially reduced. If the application was lodged prior to the Draft City Plan taking effect, it was recommended that the application address the relevant overlay codes; and
- the Draft City Plan had completed its public display and, therefore, had significant weight in the assessment of current applications made under the Transitional Planning Scheme. It was noted that the Draft Planning Area Code Map CWP4 (Structure Planning Elements) identified the site as "constrained land not intended for development". If the applicant was able to demonstrate that the part of the site was suitable for residential development, having regard to the site constraints, then it was recommended that the development design be formulated with regard to the Structure Planning Code in the Draft City Plan.

Since lodgement of the application in 2007, council reiterated the above advice through further requests for information and on-site meetings.

The Regulatory Services Unit of the former Caloundra City Council issued an Interim Vegetation Protection Order on 14 February 2008. This was issued due to a concern that pre-emptive clearing of the site would occur, prior to the full assessment of this Development Application. At the time, the site was identified as having significant environmental values with respect to the vegetation onsite and the limited existing protection on the vegetation due to exemption provisions under the *Vegetation Management Act 1999* and the *South East Queensland Regional Plan 2005-2026*.

At the Ordinary Council Meeting held 4 December 2008, council formalised the Vegetation Protection Order where it resolved:

'That Council make the following Vegetation Protection Order to the land owners of Lot 12 SP189346, Springs Drive, Meridan Plains in accordance with Part 2 of the Caloundra City Council Local Law No 14 (Clearing of Vegetation) 2003:

All vegetation contained within Lot 12 SP189346, Springs Drive, Meridan Plain, is prohibited from being cleared, under a Vegetation Order pursuant to the Caloundra City Council Local Law No 14 (Clearing of Vegetation) 2003, unless approved by Council or its delegate.

The grounds for the Vegetation Protection Order are that:

- (i) the clearing of the nominated vegetation would detrimentally impact on the scenic, aesthetic, scientific and environmental values; and*
- (ii) the clearing of the vegetation would be in conflict with the object of the Caloundra City Council Local Law No. 14 (Clearing of Vegetation) 2003, that is not to clear vegetation that causes land degradation; and*

- (iii) *the clearing of the vegetation would conflict with the Desired Environmental Outcome No. 3 - Natural Assets and Systems of Caloundra City Plan 2004; and*
- (iv) *the vegetation is subject to Remnant Regional Ecosystem Mapping by the Department of Natural Resources and Water under the Vegetation Management Act 1999; and*
- (v) *the vegetation is subject to essential habitat mapping for wildlife listed as endangered, vulnerable, near threatened or rare under the Nature Conservation Act 1992.'*

Should approval be granted to this development, the Vegetation Protection Order would cease to have effect and the conditions of the development approval would override the above decision.

Council should also be aware that on 10 January 2011, council adopted an amendment to the planning scheme. This allows for extractive industry (sand excavation) on the northern side of Caloundra Mooloolaba Road, which forms the northern boundary of the subject site. Council previously bought this land in 2003 from the applicant for the purposes of Environmental Conservation. This amendment effectively provides for the removal of remnant and significant vegetation from those lots immediately north of the subject site.

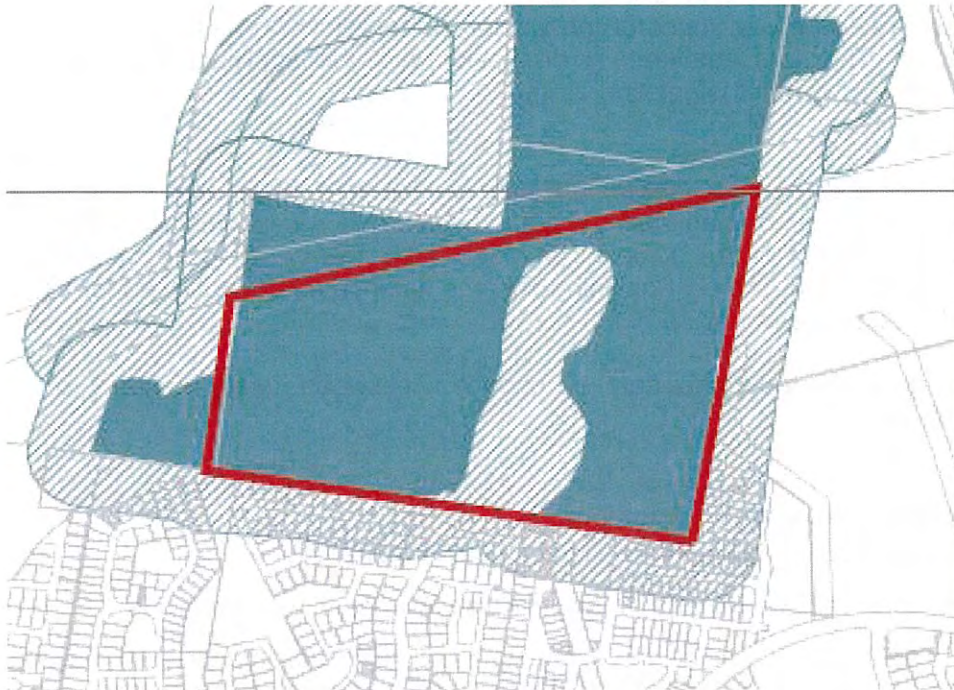
Site Description

The location of the subject site in relation to its surrounds is shown on the image below:



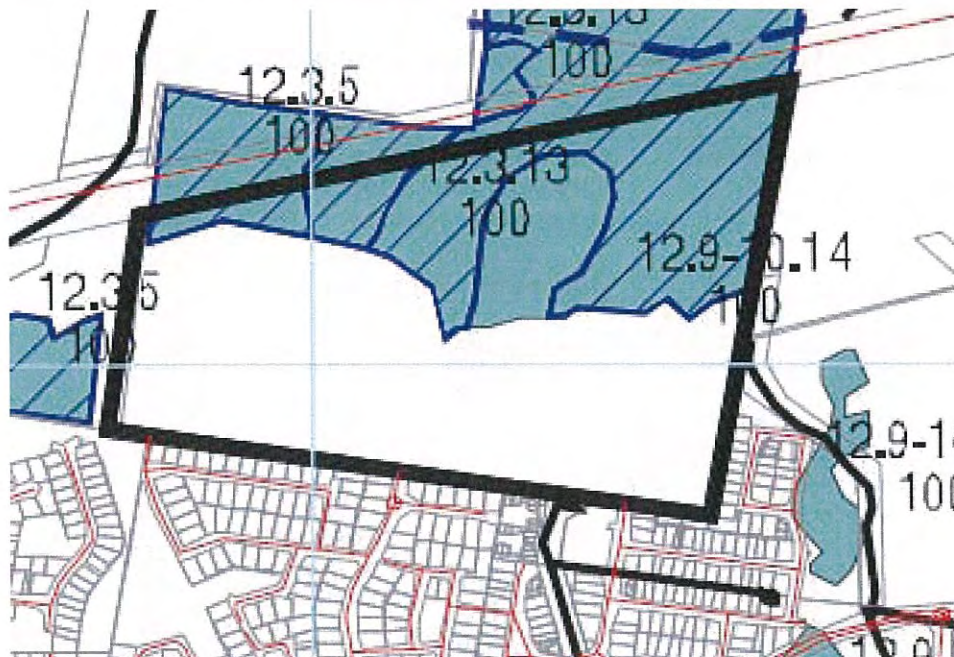
The subject site is relatively flat, with the land located lower than the Caloundra Mooloolaba Road to the north and Creekwood development to the south.

The site is heavily constrained by wetland and vegetation matters administered by the State Government. The wetlands mapping below identifies the extent of the site affected by mapped wetlands.



The site contains 2 types of wetlands; wet and dry heath wetland located on the western side of the almost central ridge line (designated as diagonally hatched above) and melaleuca wetlands on the eastern side of the ridge.

The site is also mapped as containing Regional Ecosystem and Essential Habitat as follows:



The above map shows the extent of essential habitat and regional ecosystem vegetation located on site. This vegetation contains specific vegetation that creates habitat for fauna species such as the wallum froglet and wallum rocketfrog.

A large portion of the site is located under the Q100 Average Recurrence Interval flood level. The applicant previously proposed much of the western area below Q100 as being for an owner's balance lot. This was amended in discussion with the applicant to provide a potential offset for the loss of other vegetation on site.

Surrounding Uses

The subject site is bordered by the Creekwood Estate Stages 9-17 to the east, Creekwood Estate Stages 1-8 to the south and an environmental reserve to the west, vested to council. To the north of the subject is the Caloundra Mooloolaba Road. Beyond Caloundra Mooloolaba Road to the north, a recent planning scheme amendment has allowed for sand extraction, as explained above.

Meridan State College is located further east, beyond the Creekwood Estate Stages 9-17 on the eastern side of Meridan Way.

Proposal

The application seeks approval for the following:

- Development Permit for a Reconfiguration of a Lot (1 into 219 lots);
- Preliminary Approval for a Material Change of Use (Community Centre); and
- Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* (varying the levels of assessment).

The application for reconfiguration of a lot proposes to create a total of 219 lots including 217 residential allotments ranging in size from 300m² to 1224m², a community centre site of approximately 4.432 hectares, and an owner's balance lot of 6474m². The development, if approved, will grant council the balance of the allotment for a reserve for environmental purposes of 17.383 hectares, and a drainage reserve of 6062m². Of the 217 residential allotments, 35 lots are proposed to be allocated for duplex development.

The application for the Preliminary Approval Overriding the Planning Scheme intends to vary the level of assessment for the following land uses:

Plan of Development Precinct	Type of Use	Current Caloundra City Plan 2004 Level of Assessment for Emerging Community Precinct	Proposed Level of Assessment under Preliminary Approval
Residential	Detached House	Self	Self
	Display Dwelling	Impact	Self
	Duplex Dwelling (where nominated on the approved Plan of Development)	Impact	Self
	Park	Exempt	Exempt
	All other defined and non-defined uses	Impact	Impact
Community Centre	Accommodation Building	Impact	Code
	Community Centre	Impact	Code
	Function Room	Impact	Code
	Restaurant	Impact	Code
	Place of Worship	Impact	Code
	Park	Exempt	Exempt

Plan of Development Precinct	Type of Use	Current Caloundra City Plan 2004 Level of Assessment for Emerging Community Precinct	Proposed Level of Assessment under Preliminary Approval
	All other defined and non-defined uses	Impact	Impact

Note – where development exceeds 8.5 metres in height, Impact Assessment is required.

The application for Preliminary Approval for the Community Centre intends to create a framework for the construction of a Community Centre of an undetermined size, to be located on the Community Centre land identified in the Plan of Development. The preliminary plans for the Community Centre include a sports stadium, pool, gymnasium, aerobics room, offices, kiosk, meeting rooms and crèche. While no specific details of car parking have been provided, the preliminary plans show 5 car parking areas.

ASSESSMENT

State Planning Policies/Management Plans

The following State Planning Policies are applicable to this application:

- State Planning Policy 1/92 - Development & Conservation of Agricultural Land;
- State Planning Policy 1/02 - Development in the Vicinity of Certain Airports & Aviation Facilities;
- State Planning Policy 2/02 - Planning & Managing Development Involving Acid Sulphate Soils;
- State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide; and
- Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006-2016.

Of the above, State Planning Policy 1/92, State Planning Policy 1/02, State Planning Policy 1/03 (for bushfire only) and State Planning Policy 2/02 have been appropriately reflected in the planning scheme.

As the site is not identified as being steep or unstable land, the proposal is consistent with the intent of the landslide component of State Planning Policy 1/03.

The site is identified on the Overlay Maps as being affected by flood prone land. The State Planning Policy discusses the need for *development to which this State Planning Policy applies is [to be] compatible with the nature of the natural hazard*. An assessment against the provisions of the State Planning Policy relating to flood matters is contained within the body of this report.

A Protected Koala Bush Habitat Area is located on the northern side of Caloundra Mooloolaba Road. The development complies with the State Planning Policy as no development or clearing of native vegetation is proposed in these areas.

South East Queensland Regional Plan

The site is located within the Urban Footprint designation of the South East Queensland Regional Plan. The proposal complies with the regulatory provisions of the South East Queensland Regional Plan.

The relevant aspects of the policies of the South East Queensland Regional Plan include:

- protection of scenic amenity as an entry point to the urban areas of the greater Caloundra area;
- identifying and addressing social and community needs of higher density development;
- focus on higher density and mixed use developments in and around regional activity centres and public transport corridors;
- achieve a minimum density of 15 dwellings per hectare (net) for new residential development;
- ensuring that new development reinforces the character of the urban area in which it sits;
- provision of an integrated urban green space corridor for the broader community; and
- minimising the impacts of localised and regional flooding.

The above components of the policies are discussed in greater detail within the body of this report.

Planning Scheme

Desired Environmental Outcomes

When considering the proposed development, the following extracts of the Desired Environmental Outcomes are relevant to council's consideration of the application:

- Desired Environmental Outcome No 2 – Community Life and Wellbeing
- (2) *The integration of new communities with existing communities, where:*
- (a) *Development in newly emerging communities (such as Caloundra West and master planned communities) is integrated with the character, scale and movement networks of existing developed areas, and contributes to a sense of community belonging and social cohesion.*
 - (c) *Increased urban densities are encouraged in areas well served with physical and human services infrastructure.*
 - (d) *The identity of existing communities is retained by careful attention to the location, scale and intensity of new development.*
- (4) *Access to appropriate and affordable housing, where:*
- (a) *Areas identified as suitable for revitalisation are redeveloped, ensuring increased housing choice, affordable housing for low income households, social diversity and opportunities to meet existing gaps in social infrastructure provision.*
 - (b) *A wide range of housing types is provided across Caloundra City to meet the affordability, life cycle and lifestyle needs of all different households, irrespective of their economic circumstances. The provision of well designed and located affordable housing to meet the needs of low income groups will be encouraged through retaining existing affordable housing stock (such as boarding houses and caravan parks) and promoting new affordable housing.*
 - (c) *Affordable housing and housing for people with special needs is well designed, integrated in residential areas and located in proximity to essential services and public transport.*

- (6) *Development which maintains enduring social networks, positive community identity, and services which support individual and family wellbeing and economic security, where:*
- (a) *Development is of a type, location, scale and intensity that is compatible with maintenance of the range and standard of services and facilities presently enjoyed by the community or planned for it in the future.'*

- **Desired Environmental Outcome No 3 – Natural Assets and Systems**

'Caloundra City's natural resources are managed in a sustainable way, to maintain biodiversity, ecological processes, character, lifestyle, and community wellbeing with the individual and cumulative impacts of development on natural resources comprehensively assessed and effectively managed. These natural resources (including unnatural water supply systems) include:

- (1) *Ecosystems and the species they support where:*
- (a) *The natural resources contained within National Parks, Conservation Parks, State Forest Reserves, Environmental Reserves, other conservation areas and natural waterways and wetlands are protected from incompatible land uses and development.*
- (b) *The impact of new development on local, State and regionally significant ecosystems, vegetation and wildlife and on Caloundra City's Habitat Network is minimised.*
- (3) *Water resources such as the Pumicestone Passage, the Mooloolah, Mary (including Obi Obi Creek) and Stanley Rivers and their tributaries and groundwater where:*
- (a) *Development incorporates stormwater, erosion and siltation management systems which contribute to the maintenance or improvement of water quality.*
- (b) *The occurrence of filling and other potentially damaging activities within floodplains is avoided.*
- (e) *The disturbance of acid sulphate soils is minimised and where disturbance is unavoidable, effective treatment is implemented.'*

- **Desired Environmental Outcome No 4 – Character and Identity**

- (5) *The individual character and diversity of communities within Caloundra City where:*
- (a) *Development (including associated landscaping and signage) complements and strengthens the key elements of local character reflected in any applicable Planning Area Code.'*

- **Desired Environmental Outcome No 5 – Access and Mobility**

- (1) *Support, and are supported by, orderly and sequenced development where:*
- (b) *Medium density housing and mixed use development is encouraged around public transport stops and interchanges.*
- (5) *Protect residential amenity where:*
- (a) *Development adjoining existing and proposed major transport corridors incorporates appropriate acoustic attenuation devices and high quality landscape treatments.'*

- **Desired Environmental Outcome No 6 – Infrastructure**

- (6) *The flood carrying capacity of waterways, wetlands and floodplains is not adversely affected by development.'*

To summarise the above, the following points are pertinent in assessing whether the development is justified in this location:

- integration of the development with the surrounding locality;
- increased density being located in close proximity to services;
- protection against filling in the floodplain; and
- protection of residential uses against noise.

Precinct Intent

The subject site is located in Caloundra West Planning Area, in the Emerging Community Precinct.

The overall outcomes of the planning area code for the Caloundra West Planning Area indicate that development is expected to maintain a high level of residential amenity. This should have regard to site constraints, the layout of adjacent development and take a coordinated approach to the delivery of infrastructure.

Specifically focussing on the overall outcomes of the Emerging Community precinct, development should be undertaken in the following manner:

- *is an integrated residential community with a number of high quality, attractive, environmentally responsive and sustainable residential neighbourhoods;*
- *provides for a series of interconnected neighbourhoods, which includes a mix of low to medium density housing, including detached houses, duplex dwellings, multiple dwellings and retirement communities; and*
- *is provided in an orderly and systematic manner and with due regard to the form and layout of development on adjoining sites. The provision of major road links, bikeways, open space, inter-allotment drainage and other essential infrastructure is coordinated.*

The proposed development for detached and duplex dwellings is integrated with road connections from the southern and eastern boundary of the site connecting to those established through the Creekwood development. The development can also be fully serviced.

Detached Dwellings are designated as a consistent use in the Emerging Community precinct and can be supported on any lot created. Duplex Dwellings are not listed as being either consistent or inconsistent. However, the planning area identifies that duplex dwellings are considered appropriate for the locality provided they are integrated within the development.

The Community Centre is not clearly identified as being preferred in this locality based on the overall outcomes.

Caloundra City Plan 2004 notes the proposed uses of Accommodation Building, Community Centre, Function Room, Restaurant, and Place of Worship are inconsistent in the Emerging Community Precinct. An assessment of these uses is provided in the section regarding the request for a Preliminary Approval Overriding the Planning Scheme.

The environmental and hydrological attributes of the site are discussed in detail below.

PLANNING DISCUSSION

The application proposes 3 separate approvals. These are:

- Development Permit for a Reconfiguration of a Lot (1 into 219 lots);
- Preliminary Approval for a Material Change of Use (Community Centre); and
- Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* (varying the levels of assessment).

The assessment of these applications must be undertaken in the same order as that listed above. This is because the second and third applications cannot have any effect unless the proposed lots are approved and subsequently created.

Accordingly, the discussion below provides an assessment of the application for reconfiguration of a lot against the relevant provisions of the planning scheme, followed by an assessment of the remaining two requests.

Reconfiguration of a Lot (1 into 219 Lots)

STRUCTURE PLANNING CODE

The site is shown in the Caloundra West Planning Area mapping as being subject to the Structure Planning Code. The main specific outcome from the Structure Planning Code states:

- O1** *Development in a local structure planning area achieves the following:*
- (a) *appropriate address of geographical constraints;*
 - (b) *protection of environmental and cultural heritage values;*
 - (c) *integration with existing or approved development in the surrounding area;*
 - (d) *provision of an indicative movement system for buses which demonstrates that at least 90% of all new residential dwellings are within 400 metres walking distance of possible bus routes;*
 - (e) *provision for major stormwater flow paths through the site;*
 - (f) *protection of floodplains;*
 - (g) *protection of water quality;*
 - (h) *provision for open space networks;*
 - (i) *planning for community and commercial facilities including the identification of appropriate land required for community purposes;*
 - (j) *provision of necessary physical infrastructure; and*
 - (k) *a satisfactory level of amenity and safety for future residents.*

The application is for the last piece of developable land in this section of the Emerging Community Precinct and covers the entire site. If the proposed development were to be for a small section of land, it is unlikely that such application would be supported in isolation without knowing the full extent of development. Given the proposal is for the entire site and connections to other forms of development are shown, officers support assessment of the application on its merits, without the need for a master plan.

However, the specific outcome outlines the need to address floodplains, stormwater connectivity, water quality and open space networks (which extends to wetlands and other areas of open space). These issues are discussed below.

SITE CONSTRAINTS

As highlighted in the site description above, the subject site is heavily affected by flooding, wetlands and significant vegetation. Large sections of these mapped areas are affected by either one or more mapped areas of flood prone land, significant vegetation or wetlands. As such, the first consideration in assessing this application is to determine the extent of the developable area before considering the design merits of the application.

- Wetlands

Department of Environment and Resource Management has mapped the majority of the site as containing wetlands, except for a ridge running in a north south direction. The remaining section of the site is located within the 100 metre buffer of the wetland environment.

Both the Department of Environment and Resource Management and council's Planning Scheme recommend a 100 metre buffer from land mapped as wetland.

The Specific Outcome in the Natural Waterways and Wetlands Code is as follows:

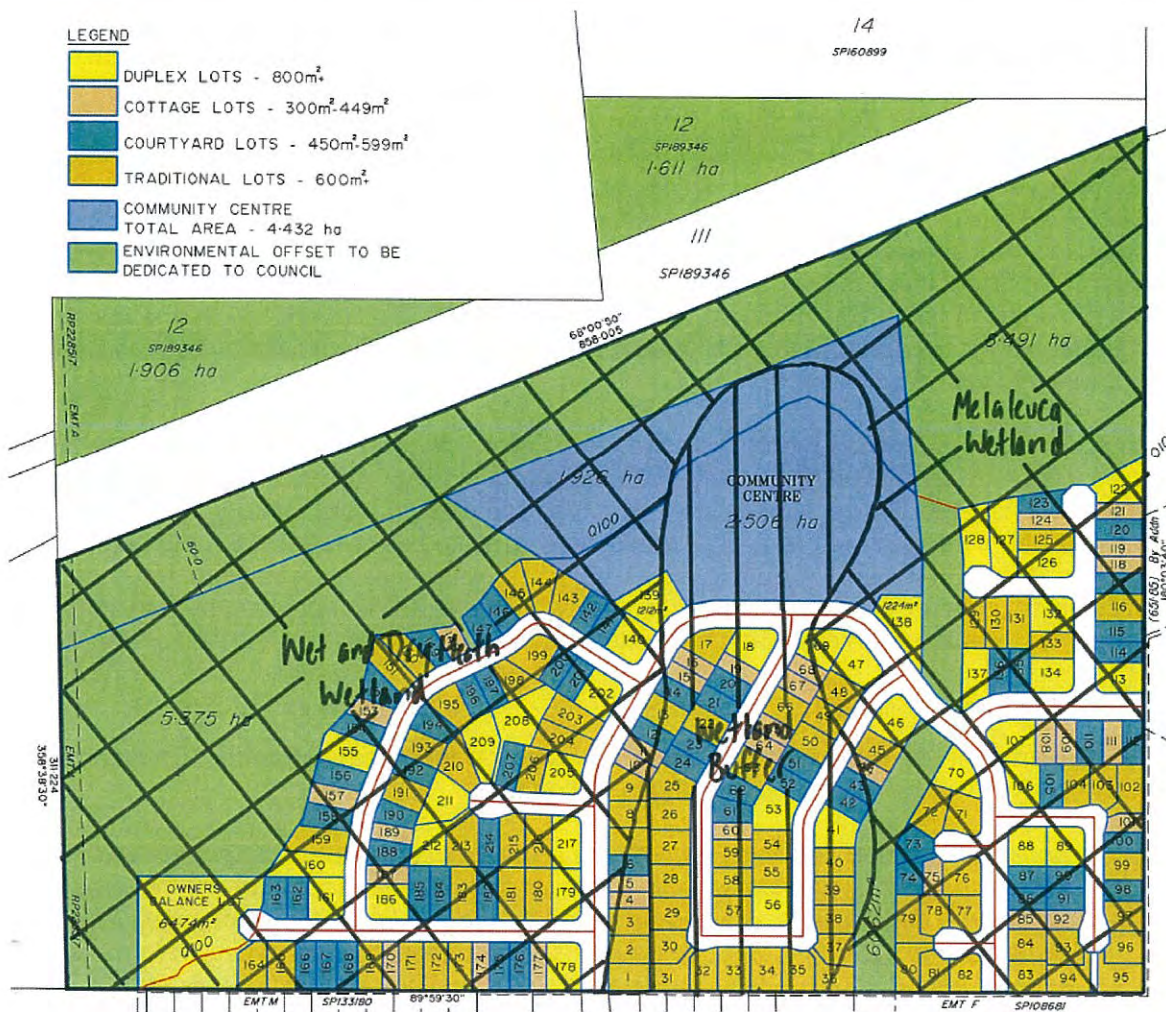
'Development retains, enhances and maintains the environmental values of waterways and wetlands by providing adequate setbacks and buffers'

Department of Environment and Resource Management has provided the following advice:

- development should not be located within 100 metres of a wetland or set back a sufficient distance to maintain the integrity and functioning of the wetland ecosystem and habitat values. This setback should be sufficiently justified by a certified biologist or equivalent;
- if the wetland contains mapped or likely to be present threatened species habitat then the applicant is to demonstrate that there will be no adverse impacts on the ecological values and functioning of the wetland; and
- the existing water regime (including surface and groundwater) within and linked to a wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem.

The above advice raises the question of whether the site is suitable for any form of development, given the expanse of wetlands located on site.

The subject site contains two types of wetlands; a wet and dry heath wetland found on the western side of the ridge and a melaleuca wetland in the north-eastern corner of the site, as shown in the map below.



These wetlands are different in the way they respond to different nutrient loads and accommodate diverse habitats for flora and fauna. Therefore, these wetland environments need to be considered separately.

- *Wet and Dry Heath Wetland*

The Department of Environment and Resource Management (former Environmental Protection Agency) has identified heaths as:

'essentially treeless plant communities dominated by low shrubs and various other ground flora. Where the soils are well drained (for example, deep sands or skeletal sandstones or granites) dry-heathland prevails. Where the soils are subject to prolonged periods of high soil moisture a wetter type of heath develops. Coastal wet heath/sedgeland wetlands often support a rich diversity of plant and animal species. Species exhibit unique adaptations and/or behavioural traits that have evolved to meet the demands of a challenging and difficult environment. Even small changes in this environment can result in marked ecological shifts. Managing this delicate balance is a constant challenge for wetland managers. Coastal development continues to threaten the ecological condition and conservation status of these wetlands.'

Typically, wet and dry heath wetland is susceptible to increased nutrient loads. This wetland is affected by the nutrient runoff from the developed Creekwood Estate to the south. The increased phosphate levels result in increased weed growth and general degradation of the wetland environment. To effectively control such issues, the edge effect can be reduced by using stormwater treatment devices to improve water quality and physical barriers such as road reserves.

A development in the area between the Creekwood Estate and the wet and dry heath wetland will allow such water quality devices to remove some of the nutrient loads coming from the adjacent site. The proposal has utilised the Q100 flood event line as the constraint in determining the extent of the developable area rather than an assessment of this wetland environment itself.

The site naturally identifies the urban edge effect where degraded wetland environment and increased weed dispersion is evident. Officers attending the site have identified the urban edge effect as generally being consistent with the road network north of Lots 164 to 178, and running north-south along Lots 1 to 12 (effectively removing Lots 139 to 163 and Lots 179 to 217 from the extent of developable area). By removing these areas from the extent of development, the development could comply with the specific outcome by ensuring the environmental values of the wetland environments are maintained, retained and enhanced.

- *Melaleuca Wetland*

The Department of Environment and Resource Management (former Environmental Protection Agency) has identified melaleuca wetlands as:

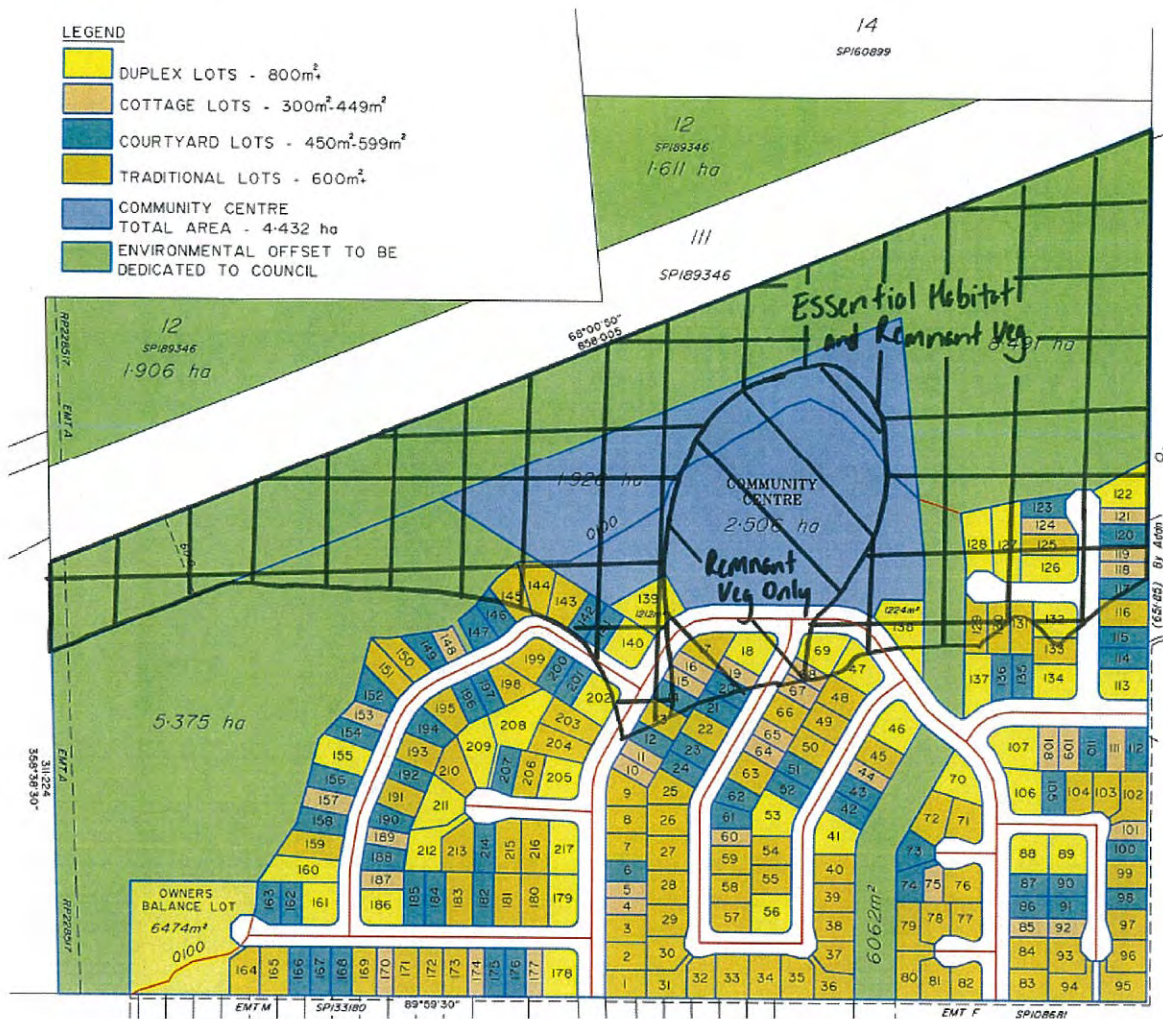
'non-tidal, wooded wetlands occurring in or near coastal areas of Queensland. They can be temporarily inundated with water for three to six months of the year, as they occupy the depressions, drainage lines and dune swales of the landscape. They are generally dominated by one plant species, the melaleucas (commonly known as tea-trees or paperbarks). These wetlands provide nesting or roosting sites for a number of bird and bat species, but are most significant as a food resource for migratory species. They also play an important role in filtering water that flows through them, by removing contaminants and nutrients. Coastal melaleuca swamp wetlands are naturally restricted and highly susceptible to threats such as:

- *clearing for agricultural, urban and industrial development;*
- *fire;*
- *weed and pest invasion; and*
- *modification of water flows by man-made structures.'*

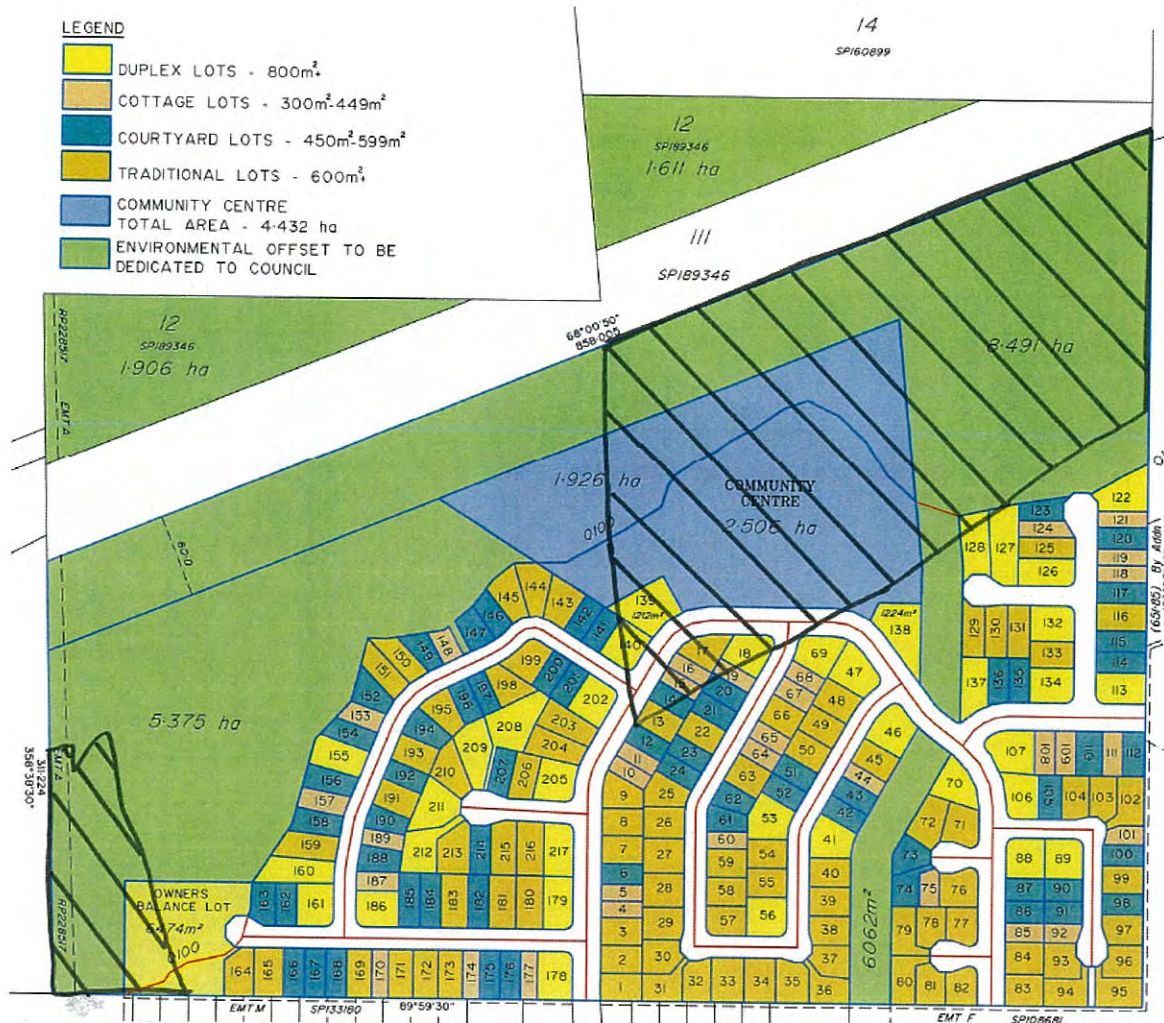
This wetland type is significantly more resistant to higher nutrient loads than the wet and dry heath wetland. The extent of the developable area is largely unaffected by the wetland environment in isolation, but is affected by the hydrological and vegetation constraints of the land. This is discussed further within this report below.

- *Vegetation Communities*

The northern section of this site is affected by least concern remnant vegetation communities under the *Vegetation Management Act 1999*. Sections of the least concern remnant vegetation are mapped as essential habitat for the Wallum Froglet and the Wallum Rocketfrog, both listed as vulnerable under the *Nature Conservation Act 1994*. The extent affecting the proposed development is shown below.



The site is mapped differently by council's Habitat and Biodiversity Overlay which shows a large section of the north eastern corner of the site and a small section of the south western corner as shown below.



The above areas are also shown in the Caloundra West Planning Area Code Map CWP4, as "land not intended for development".

The overall and specific outcomes under the Habitat and Biodiversity Code state:

Overall Outcomes

- (a) Caloundra City's ecosystems and ecological processes, their habitats biological diversity and potential for continuing evolutionary adaptation are retained, protected, maintained, rehabilitated and linked;
- (b) Caloundra City's native aquatic and terrestrial flora and fauna populations are retained, protected from threats and disturbances, maintained and progressively regenerated to levels that are self supporting and self-regenerating; and
- (c) degraded ecosystems are rehabilitated and threatened species' habitats and ecosystems are restored.

Specific Outcomes

- SO1 Significant vegetation, habitats and biodiversity are protected to ensure their survival and ongoing contribution to Caloundra City's biological diversity.
- SO2 Significant vegetation habitats and biodiversity are protected from the indirect impacts of development (edge effects) and where necessary buffered and restored.

SO6 *Significant vegetation habitats and biodiversity associated with waterways and wetlands are not adversely impacted by changes in hydrological regime.'*

An associated Specific Outcome in the Caloundra West Planning Area Code relevant to vegetation matters states that:

'SO9 *Land that has been investigated and confirmed to have significant vegetation, habitat for rare or threatened fauna or flora species or high biodiversity is maintained, protected and rehabilitated where degraded.'*

The applicant's submitted Ecological Assessment Report provides an accurate appraisal of the remnant vegetation found on site and provides an amended Regional Ecosystem description for RE12.9-10.14 as being RE12.9-10.4 (being a forest with a dominant canopy of Scribbly Gum and Bloodwoods, without a dominant canopy cover of Blackbutt trees). However, the Ecological Assessment Report lends little support to the retention of the surveyed area known as non-remnant (Ecological Assessment Report – Vegetation Survey Unit 4), which is located in the southern half of the site.

Given the mapping of the site under the Habitat and Biodiversity Code, council officers and the applicant's Ecological Assessment Report indicate agreement that significant vegetation communities exist in the northern section of the site. On this premise, those lots located within the designated mapped areas shown above (being a portion of the owner's balance lot, the Community Centre site and Lots 13 to 18, 139 and 140) should remain free of development.

An Ecological Assessment Report provided with the application fails to provide a species list for Vegetation Survey Unit 4, located south of the mapped vegetation line. Presumably, this was omitted on the basis that this area was not mapped by either the Department of Environment and Resource Management or council.

Council officers have inspected these areas and found the area of the wet and dry heath wetland in the southern half of the site is floristically rich, though the southern most portion of the site is degraded due to the existing urban interface where dwellings have their rear boundary to the site. The fauna survey provided by the applicant identified the occurrence of a vulnerable Acid Frog (identified in the *Nature Conservation Act 1994*) occurring within the Vegetation Survey Unit 4 section of the site. The occurrence of the vulnerable Acid Frog, *Crinia tinnula*, within the non-remnant Vegetation Survey Unit 4 portion of the site and the lack of supplied floristic composition for Vegetation Survey Unit 4 creates uncertainty about the impacts of the proposed development footprint on the habitat values of the Vegetation Survey Unit 4 for the survival of the Acid Frog. Furthermore, council officers have identified the vulnerable Acid Frog, *Crinia tinnula*, calling from the southern portion of Vegetation Survey Unit 4.

The proposed reconfiguration of a lot intends to increase the length of interface between residential allotments and the wetland environment. This increased interface will reduce the wetland area on the site and may further degrade the remainder of the site over time (with regard to weed infestation and increased nutrient levels being directed to the receiving wetland).

When questioned on this matter, the applicant responded that the mapping should determine the extent of urban development. In most cases, applications are generally assessed strictly against the specific provisions of the Planning Scheme.

However, this approach was not adopted in a recent Planning and Environment Court case between Rowley and Caloundra City Council (Court Ref. 281 of 2007), where a similar situation was heard. Although that site was located in another Planning Area. The wording of the specific provisions of the Codes are exactly alike.

The Judge adjudicated that a strict interpretation of the mapping is not confined to the probable solutions (i.e. the mapping) identified in the Habitat and Biodiversity Code, suggesting that, where it can be demonstrated that significant vegetation communities are found in specific areas, despite not being mapped, such vegetation communities should be considered in the context of the site constraints for development.

Given the Court's interpretation, this provides additional support to the position formed by council officers discussed above regarding the buffer to wetlands. In addition, the provision of a direct road interface with the balance of the lot would create a better outcome for drainage, water treatment facilities, bushfire separation and maintenance access requirements.

- Consideration of Additional Environmental Offset offered by the Applicant

The applicant has amended the plan from that originally submitted to offer council additional land for the purposes of Environmental Offsets. This land is located below the Q100 Average Recurrence Interval flood level. Council's Development Design Planning Scheme Policy identifies that significant areas of land should be granted to council as a drainage easement, thus removing any possible development rights over this section of land. Council would have required this land to be constrained by drainage easement vested to council

While the offer by the applicant is beneficial for the purposes of environmental conservation, the Development Design Planning Scheme Policy would have already identified this area to be covered by a drainage easement and would not have formed part of the development area.

- Flooding

The northern half of the site is located below the regional 100 year Average Recurrence Interval flood level. Most of the development footprint is outside the area of the site subject to regional 100 year Average Recurrence Interval flooding from the Mooloolah-Currimundi system. The exception to this is the community centre site, which contains land both above and below the 100 year Average Recurrence Interval flood level. In addition, bioretention basins, proposed for the development to manage stormwater quality, are proposed below the 100 year Average Recurrence Interval flood level.

The associated outcomes specified in the Caloundra West Planning Area Code and the Flood Management Code are as follows:

'Overall Outcomes – Flood Management Code

- (a) floodplains and the flood conveyance capacity of waterways are protected;*
- (b) the siting and level of development and associated works avoid or otherwise lessen the adverse impacts of flooding;*
- (c) development accommodates the impacts of predicted sea level rise and changing flood intensity arising from climate change;*
- (d) the risk of loss of life, injury or damage to property and infrastructure arising from flooding is reduced as far as practicable.*

Specific Outcome – Flood Management Code

- O1 *Development is undertaken such that:*
- (a) *development does not occur in areas subject to flooding, except in the limited and specific circumstances provided for by a Structure Plan;*
 - (b) *there is no afflux in flood levels when the completed development scenario (including cumulative potential) is compared with the pre-development scenario (i.e. no increase in peak water level);*
 - (c) *there is no loss of flood storage volume;*
 - (d) *natural hydrological systems are protected;*
 - (e) *natural landforms and drainage lines are maintained to protect the hydraulic performance of waterways; and*
 - (f) *there is no detrimental impact on flood evacuation routes or to counter disaster procedures or systems.*

Specific Outcomes – Caloundra West Planning Area Code

- O5 *Where land may be below the 100 year Average Recurrence Interval flood level or otherwise liable to flooding, the risk of flooding is investigated and established prior to development.*
- O6 *Development does not materially increase flood levels on other land.*
- O7 *Natural hydrological systems, landforms and drainage lines and the flood conveyance capacity of floodplains and waterways are maintained.*
- O8 *Development and public infrastructure has an acceptable level of flood immunity, providing for the protection of development at an acceptable level of risk.'*

The development generally complies with the broader intent of the above given all development is located above the 100 year Average Recurrence Interval flood level. Despite, this, the proposed residential lots extend right up to the 100 year Average Recurrence Interval regional flood level. No details have been provided with respect to batter slopes or retaining walls required to fill these lots to above the regional flood level (minimum 500mm above 100 year Average Recurrence Interval flood level).

With regard to the owner's balance lot, the vast majority of this lot (besides the small area above the 100 year Average Recurrence Interval flood level) will be required as drainage easement.

However, there are some concerns regarding the manner in which stormwater from external catchments is conveyed through the site.

- *Eastern External Catchment*

An existing natural channel currently ends at the subject site from the Creekwood development where Lot 113 is located. This channel is intended to carry minor flows and direct these into the subject site to recharge the existing melaleuca wetland. The channel connecting to the subject site takes up to the peak 3 month flow and directs it to the wetland on the subject site. All flows, in excess of the 3 month flows, pass through a main channel located centrally on Creekwood development site and are directed to Caloundra-Mooloolaba Road and away from the subject site. By diverting the 3 month flows to the wetland on the subject site, the viability of the melaleuca wetland is maintained.

Along the interface with the subject site, there is a swale in the road reserve on the Creekwood development site. This swale overtops during relatively minor events, distributing flow to the wetland on the subject site and Lots 113 to 122. The introduction of a designated drainage reserve on the subject site is required to convey these 3 month flows to the natural wetland. Accordingly, Lots 113 to 122 will need to be deleted to accommodate the designated drainage reserve.

- *Southern External Catchment*

A second major external catchment enters the site from the south. The application proposes an extension of this channel to cater for this external catchment. However, there are a number of critical issues with the design of this extended channel.

The invert levels of channel are designed to excavate parts of the melaleuca wetland, meaning that the invert level does not reach natural ground surface until it is most of the way through the existing wetland. The result of having the channel as proposed by the applicant is that the channel will continue through the wetland, resulting in the obvious clearing of significant vegetation. This may also potentially drain the remaining area of the wetland by lowering the water table, provide a route for water to exit the wetland and result in flows from the external catchment bypassing the majority of the wetland. Without excavating the wetland, an increased width of the channel is required to carry the same flow of stormwater. Therefore, to maintain its conveyance capacity, the width of the channel must increase at its outlet.

The applicant has modelled the expected resistance of the flow of water through the channel using a cobbled and grassed channel. This modelling presumes that the grassed area is always free of weeds and is maintained, which would assist in the free flow of water in the channel. However, council's Development Design Planning Scheme Policy requires the channel to be landscaped and the modelling to be based upon a level of greater resistance based upon council's minimum landscaping requirements. In addition, council's Development Design Planning Scheme Policy requires a sensitivity analysis to be undertaken. Given this, the design of the channel is not in accordance with council policy and the channel width is insufficient.

The method to estimate peak flows through the site is very basic and does not take into account detention provided in the upstream channel. This leads to a very conservative (high) flow rate through the channel. Additional detailed hydrological modelling using computer software would be required to be completed prior to the final design of the channel.

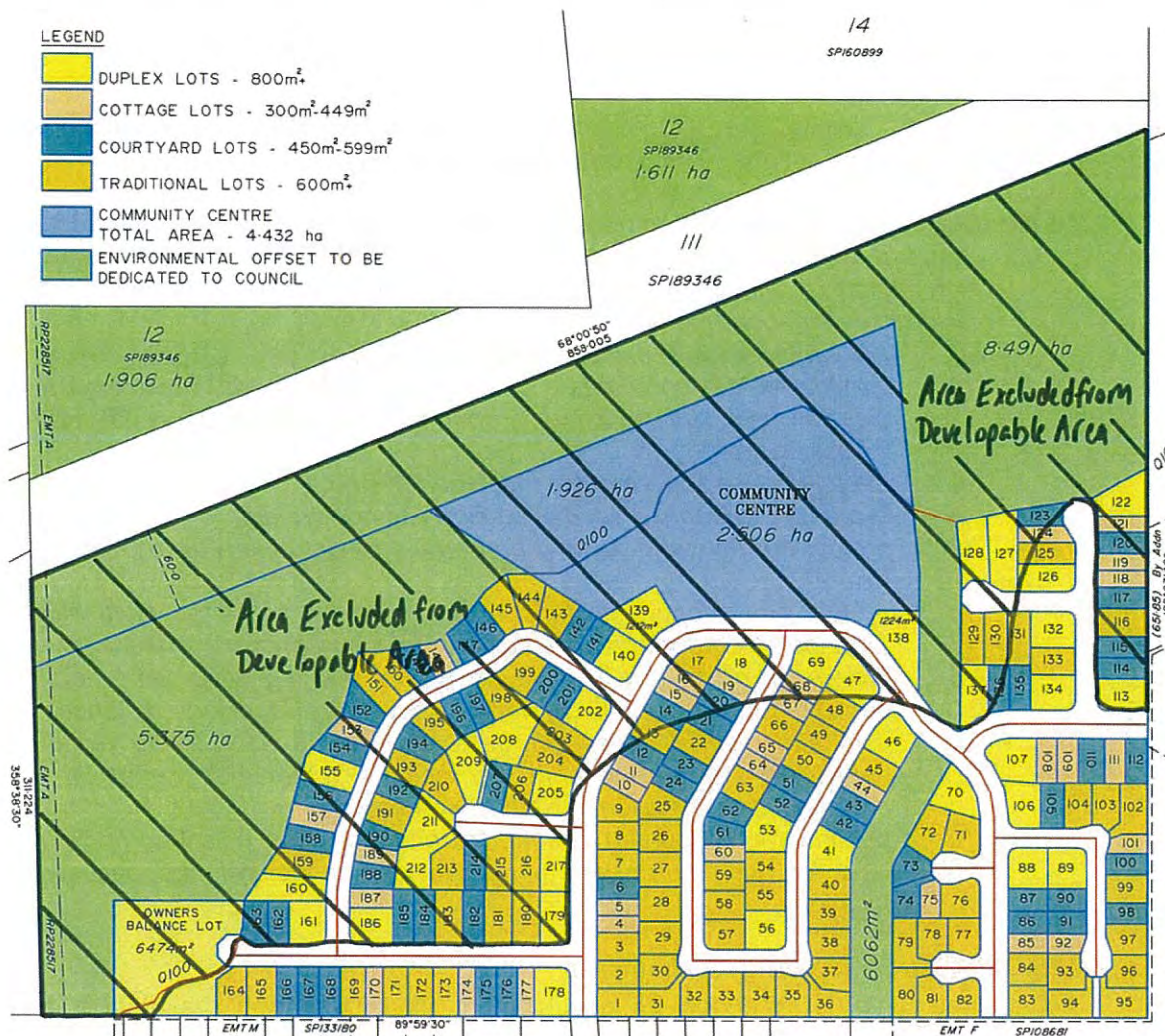
The development proposes house lots immediately adjacent to the channel batter on both sides of the channel. The required safety berm and access berm to the channel for maintenance purposes are not provided on either side of the channel.

As a result of the above deficiencies in the design, council's Hydraulic Engineer recommends that Lots 70, 72 to 74, 79 to 80, 127 to 130, 136 and 137 be removed from the proposed layout.

CONCLUSION FOR DETERMINATION OF DEVELOPABLE AREA

The above discussion highlights the constrained nature of the site for ecological and hydrological reasons.

As a result of this, the developable area is less than that proposed by the applicant. It is, therefore, recommended that the developable area be restricted to the area shown unshaded on the map below.



While not excluded above, it is noted that Lots 70 to 82 will also require amendment in accordance with an approved Stormwater Management Plan showing widening of the drainage reserve.

The extent of the development noted above forms the basis of the assessment below against the relevant Codes.

Assessment of application for Reconfiguring a Lot

The Overall Outcomes stated in the Reconfiguring a Lot Code are as follows:

- (a) lots are of suitable size and dimensions for their intended purpose;
- (b) lots are provided with safe and appropriate access;
- (c) the size, dimension and layout of lots is consistent with the Planning Area Overall Outcomes and Specific Outcomes for the Planning Area or Master Planned Area in which the development is located;
- (d) lot layout has due regard to the geographical constraints, identified hazards, and environmental management issues applicable to the subject site;
- (e) a range of lot sizes are provided to meet the life cycle needs of the community;
- (f) infrastructure is provided to meet the anticipated needs of future land use activities and the reasonable expectations of the community; and
- (g) effective and efficient open space and transport linkages are provided.'

Lot Layout

The Caloundra West Planning Area Code provides guidance for the layout and design of reconfiguration of a lot applications. The specific outcomes states:

- 'O10** *Development in the Emerging Community Precinct responds to the structure planning elements shown on Map CWP4 and contributes to the creation of high quality, attractive, environmentally responsible and sustainable residential neighbourhoods which:*
- (a) are integrated with existing neighbourhoods;*
 - (b) provide for the coordinated provision of major roads, pedestrian and bicycle links, inter-allotment drainage and other essential urban infrastructure;*
 - (c) have legible and permeable local road systems;*
 - (d) avoid development of land subject to site constraints;*
 - (e) protect the sense of identity and arrival to Caloundra from Caloundra Road;*
 - (f) protect and support the functional characteristics of the Multi Modal Transport Corridor and the Dedicated Transit Corridor (CAMCOS);*
 - (g) provide a mix of low to medium density housing types with medium density housing located within convenient walking distance of community and business activities and public transport with a minimum density of 25 dwelling units per hectare within 400 metres of the proposed transit station at Kalana Road; and*
 - (h) provide for supporting community and business activities (including land for such purposes) to be provided in central and accessible locations.'*

Map CWP4 identifies the following requirements:

- constrained land not intended for development (consistent with the Habitat and Biodiversity Code); and
- an indicative open space link.

The developable area is recommended to be reduced in accordance with the first dot point. In relation to the second dot point, the Creekwood development has not complied with this open space linkage line (which reflects a drainage line from the Ivadale Lakes development to the south for stormwater conveyance). The development provides a linkage for stormwater conveyance approximately 400 metres north of the suggested location in Map CWP4. This is considered to comply with the intent of the above specific outcome for integrated communities as this follows the linkage created by the Creekwood and Ivadale Lakes Estates.

The reduced development footprint can comply with the remainder of the above specific outcomes for the following reasons:

- the development connects with the road reserves in the adjoining Creekwood development to the southern and eastern boundaries;
- conditions can be applied to any development permit issued to ensure the pedestrian and bicycle links are provided;
- the reduced footprint of the development will avoid site constraints; and
- the development provides the opportunity for low to medium density development.

A discussion on the merits of the community centre application is discussed in greater detail below.

Lot Size

The development proposes lots sizes ranging from 300 m² to 1224 m². The acceptable measure for the Emerging Community precinct is 10 hectares where no preliminary approval overriding the planning scheme or Master Plan is in place.

Where the above acceptable measure is not achieved, the related specific outcome states:-

'O2 *Lot size and dimensions:*

- (a) *are consistent with the Overall Outcomes and Specific Outcomes in the applicable Planning Area Code or Structure Plan Area Code;*
- (b) *provide for suitable building envelopes and safe vehicular and pedestrian access without the necessity for major earthworks and major retaining walls;*
- (c) *are based on an efficient use of land and dimensioned to provide sufficient area for usable open space;*
- (d) *protect site attributes, such as significant vegetation and views;*
- (e) *take account of and respond sensitively to site constraints or risks such as steep slope, slope instability, bushfire and flooding; and*
- (f) *are in keeping with the character of surrounding development.'*

The lot sizes within the developable area can be supported for the following reasons:

- the minimised developable area generally protects the wetlands, hydrological regimes and site constraints found on the subject site;
- adequate building envelopes are provided for development; and
- the lot sizes are generally consistent with those found in the Creekwood Estate to the south and east of the subject site.

It is noted that the removal of some lots may result in the applicant wishing to increase density in the areas free of constraints. Officers are generally supportive of this concept and would work with the applicant to achieve a suitable outcome for both council and the applicant.

Rear Lots

Lots 208 and 212 have 8 and 7 immediately adjacent properties respectively due to a very narrow frontage and access arrangement. This does not comply with the acceptable measure which allows for a maximum of 4 adjacent properties.

However, if the recommendation is adopted, these lots will fall outside the area approved for development. If this section of the site is approved for development, then the following assessment will apply.

The associated specific outcome states:

'O3 *Rear lots are designed to achieve optimum design outcomes for users and adjoining properties having regard to:*

- (a) *noise impacts;*
- (b) *accessibility;*
- (c) *visual impacts; and*
- (d) *habitat and biodiversity impacts.'*

These lots are designated as duplex lots on the plan of development. Accordingly, this arrangement is not supported as this does not achieve an optimum design arrangement. A condition of any development permit would remove this situation.

Stormwater Quality

The proposed stormwater quality treatment train consists of roofwater being collected initially in rainwater tanks. All excess stormwater would then pass through Gross Pollutant Traps, with final treatment in 4 end-of-line bioretention basins located near Lots 163 (Bioretention Basin 1), 145 to 147 (Bioretention Basin No 2), Community Centre site (Bioretention Basin No 3) and 123 (Bioretention Basin No 4). A number of concerns are raised in the design of the treatment train.

The proposed stormwater quality treatment train has been modelled using 100% of the expected roof area being directed to private rainwater tanks. This is not required by the Queensland Development Code and the modelling should reflect only 50% of the roof area being directed to the rainwater tanks.

Further, Bioretention Basins No. 1, 2 and 4 are proposed at natural ground level under the Q100 flood level. Due to the flat nature of the land, these bioretention basins will not be free draining and will not work because an infiltration methodology is not acceptable (due to problems with clogging of the underlying soil). In addition, the infiltration method cannot be used to discharge treated water from the bioretention basins given the high water table in the area. This is a fundamental flaw in the proposed stormwater quality treatment train.

With regard to nutrient removal, Gross Pollutant Traps have been modelled. However, the pollutant removal performance of the Gross Pollutant Traps is not specified in the report. Monitoring of gross pollutant traps has shown that gross pollutant traps can actually export nutrients as captured material degrades in the sump of the device. The stormwater quality treatment train must be shown to achieve best practice nutrient removal with no nutrient removal provided by the proposed gross pollutant traps. The gross pollutant traps serve to remove gross pollutants and some sediment from the stormwater prior to further treatment.

These issues would need to be addressed prior to any development permit being issued for reconfiguration of a lot.

Water and Sewer Networks

Unitywater has advised that the development footprint, as proposed by the applicant, is unlikely to be accommodated in the existing water and sewer network. However, with the reduced footprint, Unitywater is confident that a solution could be achieved for the remaining developable area.

Conclusion for Assessment of Application for Reconfiguration of a Lot

The above discussion highlights that residential development can be supported on the subject site, but not to the extent shown by the applicant. However, the removal of some areas of the proposed development and the lot layout can be improved to gain a satisfactory outcome. These improvements can be summarised as follows:

- provision of a road interface to the area excluded from the developable area for drainage, water treatment facilities, bushfire separation and maintenance access requirements;
- where council support the full extent of the applicant's developable area, modification of layout nearby and surrounding Lots 208 and 212 to remove the awkward configuration of such lots; and
- possible increase in densities/lot creation in other areas on the eastern side of the site close to public transport and other community and commercial facilities.

Given the above required and likely modifications, officers do not support the issue of a development permit at this time, as discussion between officers and the applicant is likely to provide a different lot layout to that presented to council in this report. This layout is unknown at this time, and the provision of conditions may not address all required aspects. Accordingly, it is recommended that only a preliminary approval be granted, allowing the applicant to negotiate with council regarding a suitable layout through the Negotiated Decision process.

Preliminary Approval for a Material Change of Use (Community Centre)

The applicant seeks a preliminary approval only for a community centre. The *Integrated Planning Act 1997* states:

'a preliminary approval approves development (but does not authorise assessable development to occur)—

- (a) to the extent stated in the approval; and*
- (b) subject to the conditions in the approval.'*

The explanatory notes suggest that a preliminary approval is useful in providing certainty to the developer that, subject to compliance with relevant technical codes and any other performance requirements set out in the conditions of the preliminary approval, a development permit **will** be issued. Council would be bound by such an approval, if it were to be granted.

The applicant has provided the following regarding the operations of the community centre:

- community centres provide a place for community and belonging to the local community;
- the centre provides much needed community facilities to rent out, i.e. indoor sports stadiums, seminar rooms, multipurpose auditorium;
- the centre will provide sporting facilities such as a learn to swim pool, indoor basketball and soccer centre, gymnasium and child minding facilities; and
- the centre will be managed by a not for profit organisation and will be available for local church and youth groups, as well as senior groups as is happening now in the successful Goodlife Centre at Buderim.

As identified in the report above, the proposed community centre site is unsuitable for development. However, as a preliminary approval for reconfiguration of a lot is recommended, consideration is given below to the possibility of a community centre to be located elsewhere on the subject site, and within the area approved for development.

The definition of a community centre is 'a use of premises for the provision of cultural, social or community services'. However, the proposed uses are more akin to the following land uses than a community centre land use in isolation:

- **"educational establishment"** means a use of premises for a school, pre-school, college, adult education centre, university and the like. The term includes any associated offices, libraries, bookshops, canteens, sporting fields, tennis courts, swimming pools and the like on the same site;
- **"indoor sport, recreation and entertainment"** means a use of premises for the playing of a game, recreation, instruction, athletics, sport and entertainment where these activities take place primarily in a building. Examples – theatre, cinema, amusement centre, licensed and unlicensed club, sport and fitness centre, gym; and
- **"place of worship"** means a use of premises for religious activities of a religious organisation, community or association. Examples – church, chapel, synagogue, temple.

These uses are inconsistent within the Emerging Community precinct.

If council accepts that the proposed centre is for community purposes, the main code used in the assessment of such applications is the Community Uses Code. The Overall Outcome states:

- (a) *community uses are established for community benefit whilst mitigating adverse impacts;*
- (b) *community uses are integrated and co-located, particularly in business centres and areas within reasonable and safe walking and cycling distance to public transport; and*
- (c) *the operation of community uses does not have an adverse impact on surrounding residential areas.'*

To achieve this overall outcome, the specific outcomes in the Code address the following matters:

- Location and Site Suitability;
- Design and Layout;
- Protection of Residential Amenity;
- Non Discriminatory Access;
- Access and Parking;
- Services and Utilities;
- Landscaping; and
- Refuse Management and Storage.

At this time, no specific criteria have been provided regarding non-discriminatory access, access and parking, services and utilities, landscaping and refuse management and storage. However, these matters could form conditions of any approval to address such matters.

The remaining three components must be assessed to ensure that a possible site complies with the associated specific outcomes as discussed below.

Location and Site Suitability

The acceptable measure identifies that community uses are located in either community purpose, business centre or emerging community precincts (where adjacent to another community use, a shopping complex or useable parkland, or nominated on a plan of development). The proposed community centre site is not adjacent to another community use or shopping complex. The development proposes to nominate a site on the plan of development. However, the report recommends the removal of this site from the reconfiguration of a lot approval and, therefore, from the plan of development.

Notwithstanding, the discussion below considers whether any portion of the site could accommodate such a use.

The associated specific outcome in the Code states:

'O1 The community use is conveniently located to the population that it is intended to serve.'

The applicant has not provided any information on the intended users of the proposed centre. The applicant has not identified which sporting or church groups would be using the facility. Therefore, it is difficult to confirm that the community uses are conveniently located to the population they are intended to serve.

Council's Social Infrastructure Strategy separates the community meeting place definition and indoor sporting facilities. The Social Infrastructure Strategy identifies that the Caloundra West Emerging Community precinct is under-serviced for community facilities. However, council's Social Policy Branch has advised that the policy does not necessarily support a stand-alone building, but to make use of other existing spaces within the greater area, such as Pacific Lutheran College and Meridan State College. It is council's intention to continue to develop a community hub a little farther south (around Parklands Boulevard and Village Way). The location of this proposed community centre will draw the 'community' focus for the area north of the existing park, bikeways and shopping centre, potentially losing an opportunity for various land uses to complement each other.

This suggests that, although the applicant has proposed the community centre in good faith, council's strategic policy direction would not support a community centre of this magnitude in this location generally. Furthermore, the actual site within the estate is not supported.

Design and Layout

The applicant has provided a preliminary floor plan for a community centre/indoor sports centre. The acceptable measure requires the built form to be consistent with that of the surrounding locality. No elevations are provided as part of the application to measure the intended height of the development. However, the floor plan indicates the facility would be single storey and fall under the 8.5 metre height limit.

The associated specific outcomes state:

'O3 The design of the community use is consistent with the reasonable expectations of development on surrounding land.'

A community facility could comply with the above provided the development was less than 8.5 metres in height.

Protection of Residential Amenity

The acceptable measures require:

- intrusive indoor activities are located and oriented away from residential areas;
- any building is set back a minimum of 3 metres from all site boundaries adjoining a residential use or land included in the residential precinct class; and
- waste bin storage areas are enclosed and screened from the street frontage.

The second and third dot points above can be conditioned upon any preliminary approval issued. However, the first dot point raises a number of considerations which have not been addressed in the application.

The location of a community facility on any part of the subject site will:

- abut or be in close proximity to residential development, causing concern for compliance with the Nuisance Code given the intended activities to be undertaken in the community centre, indoor sports centre or place of worship; and
- require all traffic to come through existing and proposed residential areas.

The associated specific outcome in the Code states:

'O5 The community use does not impose unreasonable adverse impacts on any surrounding residential area, including by way of noise, light and odour nuisance.'

As mentioned previously, a preliminary approval gives the developer certainty as to whether a development permit will be issued if compliance can be achieved with the relevant codes and any conditions of approval. Officers have concerns with the noise and traffic generated by the development.

A preliminary approval could be conditioned to comply with the Nuisance Code. However, this may effectively result in a centre that may be unusable due to constraints imposed by any acoustic consultant. This suggests that a preliminary approval could not be issued at this time as there is no certainty of the eventual outcome.

Given the scope of proposed activities, increased traffic volumes would be expected during weeknights for the sporting activities and for any church services conducted on the site. All traffic using the community centre would be required to drive through the residential areas creating an additional impact on those residential areas. No information has been provided to suggest that these residential streets could carry this increased traffic generation.

Without this information, it is difficult to suggest that the development will, or will not, affect the enjoyment of the residential amenity. This uncertainty about the location and the likely impacts of a community centre leaves council uncertain that a community centre use could be supported at this time.

Given the lack of information, it is recommended that council refuse the application for Preliminary Approval. This recommendation will not impact the ability of the applicant to reapply for a community centre on a different site to that proposed, with additional information to satisfy the above concerns. This will allow council to make a complete assessment and determine the suitability of such a use in a holistic manner.

Preliminary Approval Overriding the Planning Scheme

The application proposes to reduce the level of assessment for particular uses in the community centre and residential precinct.

Section 3.1.6 of the *Integrated Planning Act 1997* establishes the concept of preliminary approval (varying the effect of the planning scheme on the land). Below is an extract from a guidance document produced by the former Department of Infrastructure and Planning.

*'A preliminary approval (varying the effect of the planning scheme on the land), as the name suggests, varies the effect of the planning scheme for subsequent development on the land the subject of the approval and substitutes different provisions on that land for the life of the approval or until the development approval is completed. This is a power **in addition to the powers of a preliminary approval under Section 3.1.5 of the Integrated Planning Act 1997 (preliminary approval – generally)**. So, in addition to approving the development, this type of preliminary approval either -*

- establishes the level of assessment for further development on the site. Utilising this provision, the level of assessment that would otherwise be required (e.g. impact assessment) for the subsequent development may be altered (e.g. to code assessment). Alternatively the development may become exempt or self-assessable, in which case a development permit would no longer be required; and/or
- identifies the codes against which the subsequent development would be assessed.

The criteria for assessing the proposed variations to the effect of the planning scheme are set out in Section 3.5.5A of the Integrated Planning Act 1997 and include:

- *the common material;*
- *the result of the assessment of the development under Section 3.5.4 or 3.5.5;*
- *the effect of the variations on any future submitter rights, with particular regard to the amount and detail of supporting information for the current application;*
- *the consistency of the variations with the planning scheme;*
- *relevant State planning policies and the South East Queensland Regional Plan if applicable; and*
- *matters prescribed under a regulation.*

These criteria are concerned, not with the merits of the proposed development (i.e. its height, bulk, the side boundary clearances etc), but rather primarily with the effect of the proposed variations on the structure and integrity of the planning scheme, and their likely effect on the future rights of submission and appeal available to the community. They imply that proposed variations should not be approved if they are substantially inconsistent with the policy of the planning scheme (which should be articulated in the applicable land use codes) or if the information available with the application is insufficient to form a clear view about the character and form of the development.

*There is no implied right to the granting of a preliminary approval to which Section 3.1.6 applies, as a Section 3.1.6 preliminary approval application is proposing development that is inconsistent with the established policy of the planning scheme. Accordingly, **an application must justify why it is appropriate to depart from this policy in approving the proposal.***

*In this regard, the IPA assessment and decision rules are structured so as to clearly require that assessment of the proposed variations to the planning scheme is carried out **after, and having regard to the normal assessment and decision rules that apply for assessing the development itself.** In other words, the proposed development must be assessed in the same way as any development - against the planning scheme as it currently is - not as it would be if the proposed variations were approved. The assessment of a development proposal under Section 3.1.6 does not in any way change the rules for assessing the development against the planning scheme, nor the weight to be given to the planning scheme in the assessment.'*

Therefore, an assessment of the separate land uses, based on the current planning scheme, must be undertaken on its merits before the consideration of the request to vary the planning scheme.

The application seeks to modify the planning scheme for the residential and community centre precinct noted on the plan of development. This is discussed below.

Residential Precinct

The following Table of Development Assessment is proposed by the applicant for the residential precinct.

RESIDENTIAL PRECINCT (MATERIAL CHANGE OF USE)		
1. For self-assessable development, the acceptable solutions of the applicable codes apply, including the requirements of the Proposed Plan of Development for all Cottage and Courtyard Lots. 2. Development identified in a development assessment table as self-assessable that does not comply with the acceptable solutions of the applicable codes or Plan of Development is code assessable. 3. Development identified in a development assessment table as self-assessable or code assessable that exceeds the height limits specified in a Planning Area Code applicable to the site is impact assessable.		
Defined Use	Assessment Category	Applicable Codes
		For code assessable development, the relevant Planning Area Code and the Precincts and Other Elements Code apply in addition to any applicable code identified opposite the particular use set out below under the heading "Defined Use".
Detached House	Self-assessable	Detached House Code Filling & Excavation Code (where applicable)
Display Dwelling	Self-assessable	Display Dwelling Code Filling & Excavation Code (where applicable)
Duplex (where nominated on the plan of development)	Self-assessable	Duplex Dwelling Code Filling & Excavation Code (where applicable)
Park	Exempt	
All other defined and non-defined uses	Impact Assessable	

OFFICER COMMENT

The above table intends to reduce the level of assessment for display dwellings and duplex dwellings from impact assessment to self assessment.

The Caloundra West Planning Area supports duplex dwellings where provided as part of a holistic development. Accordingly, officers can support the inclusion of duplex dwellings being self assessable.

The operation of a display dwelling is a temporary use and does not vary greatly from the operations of a detached dwelling, with the exception of parking for external persons attending the site. Given detached houses are currently supported and self assessable, this variation to the level of assessment can be supported subject to meeting the applicable code requirements.

However, the table intends to remove some applicable codes for both duplex dwellings and display dwellings as per the requirements of the planning scheme. These codes include:

- Detached House Code (Display Dwellings only);
- Landscaping Code (both uses);
- Parking and Access Code (both uses);
- Civil Works Code (Duplex Dwelling only);
- Climate and Energy Code (Duplex Dwelling only);
- Design for Safety Code (Duplex Dwelling only); and
- Stormwater Management Code (Duplex Dwelling only).

With the inclusion of those missing Codes, officers generally support the modified table of development assessment.

It should be noted that where a self assessable development does not comply with the self assessable criteria, code assessment applies. This ensures that any variations are captured and considered as part of an assessment.

Community Centre Precinct

The following Table of Development Assessment is proposed by the applicant for the community centre precinct.

COMMUNITY CENTRE PRECINCT (MATERIAL CHANGE OF USE)		
1. Development identified in a development assessment table as self-assessable or code assessable that exceeds the height limits specified in a Planning Area Code applicable to the site is impact assessable.		
Defined Use	Assessment Category	Applicable Codes
		For code assessable development, the relevant Planning Area Code and the Precincts and Other Elements Code apply in addition to any applicable code identified opposite the particular use set out below under the heading "Defined Use".
Accommodation Building	Code Assessable	Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
Community Centre	Code Assessable	Community Uses Code Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
Function Room	Code Assessable	Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
Restaurant	Code Assessable	Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
Park	Exempt	Community Uses Code Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
Place of Worship	Code Assessable	
All other defined and non-defined uses	Impact Assessable	

OFFICER COMMENT

The above land uses proposed to be included in the amended table of development assessment are directly associated with the operations of the community centre development. As discussed above, a number of uncertainties exist regarding the future location and form of the community centre precinct.

As highlighted in the extract from the guidance document produced by the former Department of Infrastructure and Planning, such applications must consider the likely effect on the future rights of submitters and whether sufficient information has been provided about the development to form a clear view about the location and form of development.

If council were to support the amended table of development assessment in its current form, no further public submissions could be entertained or considered as part of the application process. Given the lack of information provided with the application regarding the community centre and uncertainty associated with the likely end product, the location of the community centre and associated traffic and noise impacts, the above amendments to the table of development assessment are not supported as the ability of the community to provide input into the planning process is severely limited.

As such, the current tables of development assessment in the current planning scheme will apply to any future applications for a community centre (resulting in all applications being subject to Impact Assessment).

Other Matters for Consideration

Sunshine Coast Council Policy Framework - Strategies

As the application is Impact Assessable and proposes to vary the existing levels of assessment, it is appropriate to consider how council's recently adopted Strategy documents apply to the development, as that will ultimately inform the drafting of the new planning scheme. For ease, consideration of council's Strategy documents is grouped into the following 3 themes:

ROBUST ECONOMY (PRODUCTIVITY)

The Economic Development Strategy generally supports the development as it creates additional jobs in the construction industry, is located nearby commercial and community facilities (such as schools), and avoids land designated as good quality agricultural land.

HEALTH AND WELLBEING, SOCIAL COHESION, AND ACCESSIBILITY AND CONNECTEDNESS (PEOPLE)

There are 4 policies associated with the above theme.

- *Affordable Living*

The Affordable Living Framework highlights the following principles:

- diverse housing choices for a diverse community;
- housing to suit all income levels;

- local opportunities for self contained neighbourhoods;
- a range of transport options;
- great places and spaces;
- a minimal environmental footprint; and
- shared prosperity (economically).

The applicant submits the development provides for affordable housing with a layout that provides a mix of lot sizes, frontages and dwelling types (single detached and duplex dwellings) to accommodate a range of potential residents. The site is located within 1km of the proposed Aroona Train Station and other commercial and community uses allowing for a potential increased walkable catchment for commercial centres and transport options.

- *Open Space*

The Open Space Strategy has two focus points for consideration. The first is the location of open space elements such as recreation trails, recreation parks and sports grounds. The second focus is to protect and maintain riparian corridors and waterways.

If approved, the development will provide a dedication to council of the northern section of this site and complete an environmental reserve along the Caloundra Mooloolaba Road to Caloundra Road. The reduced footprint will also serve to protect and maintain existing riparian vegetation associated with the melaleuca wetland and wet and dry heath wetland environments.

- *Social Infrastructure*

Council has identified the need for additional community meeting space within the Meridan Plains/Little Mountain area, timed to be available in line with the slow growing population of the area to accommodate a basic range of meeting spaces for community meetings, church groups, and small art shows to name a few.

While not specifically identified as a designated site requiring social infrastructure, the proposed facility meets most of the outcomes and principles for community centres identified in council's Sunshine Coast Social Infrastructure Strategy. It would also cater for the needs of both the immediate population catchment and those living farther away.

However, the policy does not necessarily support a stand-alone building, but to make use of other existing spaces within the greater area such as Pacific Lutheran College and Meridian State College. It is council's intention to continue to develop a community hub a little farther south (around Parklands Boulevard and Village Way). The location of this proposed community centre will draw the 'community' focus for the area north of the existing park, bikeways and shopping centre, potentially losing an opportunity for various land uses to complement and 'feed' each other.

- *Transport*

The Sustainable Transport Strategy identifies 4 main challenges and opportunities:

- addressing climate change and peak oil vulnerability;
- increased self containment, transit oriented development and affordable living;
- delivery of a sustainable transport network; and
- creating safe travel environments.

The development is located within 1 km of the proposed Aroona Train Station and shopping complex. A small shopping complex is located 450 metres south of the subject site. Whilst the train network is only a future possibility, the development allows for people to be close and accessible to wider transport networks. Conditions from the Department of Transport and Main Roads have also required a wider road reserve to accommodate a bus network through the site, serving as a connection to these facilities. Bicycle and pedestrian networks would be conditioned as part of any approval to provide the option for residents to become self contained, potentially reducing the need and use of private motor vehicles.

ECOLOGICAL SUSTAINABILITY (PLANET)

Four strategies form the blueprint to achieve ecological sustainability - Water, Biodiversity, Climate Change and Waste Minimisation.

- *Water and Biodiversity*

The Waterways Strategy identifies the need to:

- manage the quality of runoff and groundwater;
- maintain riparian and instream health through minimisation of vegetation clearing and weed control; and
- protect wetland and waterway environments from urban development to maintain and improve the natural environment and the receiving catchments.

The recommended reduction of the development footprint ensures that vegetation is maintained and protected and stormwater runoff is controlled and treated before entering sensitive environments. This assists in controlling noxious weeds and protects the wetland and waterway environments from pollutants caused by urban development.

- *Climate Change and Peak Oil*

The Climate Change and Peak Oil Demand Strategy identifies a need to promote a low carbon community environment, reduce emissions through transport and land use planning, reduce emissions through building/housing choices and provide adequate protection for dwellings from natural disasters.

The development is broadly consistent with the Transport Strategy (discussed below) as the development allows the opportunity for residents to walk or use alternative travel arrangements close to their home.

The minimised development footprint is located above the Q100 flood level, and would be conditioned to comply with the relevant floor level requirements based on the planning scheme and State Planning Policy.

The primary north south orientation of the lots will also allow for better solar orientation thus potentially reducing the use of heating and cooling devices, and minimise energy consumption.

- *Waste Minimisation*

Waste minimisation methods could be implemented in the event of an approval of the community centre. Council's current media campaign regarding reducing residential waste would be crucial to minimising waste for those dwellings to be created as part of any approval to reconfigure the subject site.

Traffic and Transport Considerations

The subject site is only able to be accessed through the existing Creekwood development to the south, and eventually east. These roads have been designed to accommodate additional traffic flows likely to be created by this residential development.

As discussed above, one differing factor is the community centre site which is likely to attract a significantly higher demand on the road network, and have an impact on the residential amenity of the Creekwood development. However, this impact is unknown given the lack of information supplied by the applicant regarding the community centre. This supports officer's recommendation for refusal of the Community Centre component until such time as detailed information regarding the road network is provided.

If the application were to be approved, suitable connecting footpaths and bicycle paths can be conditioned upon any approval to accommodate such users. This is further supported by conditions by the Department of Transport and Main Roads.

The Department of Transport and Main Roads has also requested that the road reserve be widened to allow for public passenger transport through the site connecting to the Creekwood development.

Referrals

Internal Referrals

The application was forwarded to the following internal specialists:

- Hydrology;
- Environment;
- Ecology;
- Infrastructure; and
- Unitywater

Their assessment forms part of this report.

External Referrals

The following Referral Agencies are applicable to this application. Their requirements are set out below.

CONCURRENCE

- Department of Environment & Resource Management – Assessable Vegetation

The Department has requested that conditions be imposed regarding the retention of vegetation on the northern side of Caloundra Mooloolaba Road (Kawana Way Link Road).

- Department of Transport and Main Roads – State Controlled Roads

The Department has requested that conditions be imposed on any approval restricting access to the subject site from Caloundra Mooloolaba Road (Kawana Link Road), stormwater management and road traffic noise.

- Department of Transport and Main Roads – Public Passenger Transport

The Department has requested conditions regarding widening the road reserve to accommodate a future bus route through the site, and construction of pedestrian and bicycle pathways to be constructed prior to commencement of the use.

- Department of Transport and Main Roads – Railways

No requirements have been requested by the Department.

ADVICE

- Department of Environment & Resource Management – Wetlands

The Department has advised that:

- development should not be located within 100 metres of a wetland or set back a sufficient distance to maintain the integrity and functioning of the wetland ecosystem and habitat values. This setback should be sufficiently justified by a certified biologist or equivalent;
- if the wetland contains mapped or likely to be present threatened species habitat then the applicant is to demonstrate that there will be no adverse impacts on the ecological values and functioning of the wetland; and
- the existing water regime (including surface and groundwater) within and linked to a wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem.

These issues are addressed in the above discussion.

- Department of Environment & Resource Management – Acid Sulphate Soils

The Department has advised that, if State Planning Policy 2/02 is triggered, a full Acid Sulphate Soil Management Plan should be prepared to address any Acid Sulphate Soil matters.

- Department of Infrastructure and Planning – Preliminary Approval Overriding the Planning Scheme

The Department has no requirements.

SUBMISSIONS

The application was publicly notified in accordance with requirements of the *Integrated Planning Act 1997*. 1 properly made submission and 2 not properly made submissions were received.

GROUNDS OF SUBMISSIONS

The following table provides a summary of the grounds for submissions received.

Issues	Comments
Existing wetlands and Currimundi Creek are not protected by self assessable uses or the development	The extent of development proposed by the applicant does not adequately address the wetland environment. Accordingly, the footprint is recommended to be reduced. The introduction of self assessable uses for residential development would not impact on the wetlands given the extent of development is determined by the reconfiguration of a lot application, and not the future level of assessment.

Issues	Comments
Vegetation is not adequately protected	The vegetation is not accurately mapped by either council or the Department of Environment and Resource Management. However, recent court cases have suggested that the vegetation located on site should be protected where essential habitat or significant vegetation. The extent of development did not take this into account. The recommendation suggests that the footprint be reduced. This would ensure the vegetation community is protected.
Stormwater should be treated prior to entering wetland environment	This would form a condition of any approval to ensure nutrient runoff is minimised to sensitive environments such as wetlands.
Stormwater Management affecting Lots 113-122	The submitter raises concerns regarding the stormwater management system proposed on the Creekwood development. The submitter correctly suggests that the proposal does not take into account the adjacent approved development. This report addresses this and suggests that these lots be deleted and replaced with a drainage easement to accommodate these flows. This forms part of the officer recommendation.
Capacity of Sewer Network	Unitywater has advised that a reduced footprint could be accommodated within the existing sewer network.
Acid Sulphate Soils must be managed	Any approval would require Acid Sulphate Soils to be managed where exposed.

CONCLUSION

The application involved 3 separate requests:

- Development Permit for a Reconfiguration of a Lot (1 into 219 lots);
- Preliminary Approval for a Material Change of Use (Community Centre); and
- Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* (varying the levels of assessment).

The site is constrained by wetlands, significant vegetation and the hydraulic regime of the locality. The proposed development encroaches into the wetland and vegetation community, and, therefore, detrimentally affects the viability of the wetland environment, significant vegetation, habitat for threatened species and hydrological regime of the area. Therefore, only a much reduced development area is recommended. Given the number of changes required, only a preliminary approval for residential use of the reduced area should be issued at this time.

The applicant has not supplied sufficient information regarding traffic and noise management for the consideration of a preliminary approval for the community centre. Further, council's Social Infrastructure Strategy identifies that, while the locality requires additional meeting spaces, this is not intended to be located within a stand-alone building on the outer edge of urban development. Accordingly, the request for a preliminary approval for the community centre is recommended to be refused.

The applicant has requested that future applications for various residential and community uses should have a reduced level of assessment than the current planning scheme. Given the community centre is recommended to be refused, the levels of assessment associated with this use should remain as per the planning scheme. The variation to the levels of assessment for the residential uses of duplex dwellings and display dwellings can be supported given the Caloundra West Planning Area Code supports these uses.

APPENDIX A - CONDITIONS OF APPROVAL

Development Application Number 2007/56R0019

DEVELOPMENT APPROVAL DETAILS

Extent of Approval: in part with conditions as specified in the Conditions Section contained herein.

Type of Approval Issued

- Preliminary Approval for a Reconfiguration of a Lot
- Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the residential precinct only (applying to duplex dwellings and display dwellings)

Relevant Period

The relevant period of this Preliminary Approval is 4 years from the date that this Development Permit takes effect.

APPROVED PLANS

Nil

APPROVED DOCUMENTS

Nil

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Material Change of Use of Premises (Duplex Dwelling and Display Dwelling)
Development Permit for Reconfiguration of a Lot

APPLICABLE CODES

The applicant must comply with the codes listed in the below Table of Development Assessment for self-assessable development related to this development approval.

ASSESSMENT MANAGER CONDITIONS

This development approval is subject to compliance with the following assessment manager conditions:

PRELIMINARY APPROVAL FOR RECONFIGURATION OF A LOT

1. Provide an amended plan for reconfiguration of a lot showing the following:
 - (a) a reduced developable area as shown in drawing 051033.5 drawn by KHA Development Managers dated 11 June 2009 (Amendment D) as amended by Council attached to this approval;
 - (b) provision of a road interface to the area excluded from the developable area for stormwater management devices, drainage, water treatment facilities, bushfire separation and maintenance access requirements;

- (c) provision of an amended north-south stormwater channel in accordance with Caloundra City Plan 2004 and Council's Development Design Planning Scheme Policy; and
- (d) submission of a Flood and Stormwater Management Plan prepared in accordance with Caloundra City Plan 2004 and Council's Development Design Planning Scheme Policy

PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME (VARYING THE EFFECT OF THE PLANNING SCHEME) FOR THE RESIDENTIAL PRECINCT ONLY (APPLYING TO DUPLEX DWELLINGS AND DISPLAY DWELLINGS)

1. The development is to be undertaken generally in accordance with the approved plans and in accordance with the following Table of Development Assessment

RESIDENTIAL PRECINCT (MATERIAL CHANGE OF USE)		
1. For self-assessable development, the acceptable solutions of the applicable codes apply, including the requirements of the Proposed Plan of Development for all Cottage and Courtyard Lots. 2. Development identified in a development assessment table as self-assessable that does not comply with the acceptable solutions of the applicable codes or Plan of Development is code assessable. 3. Development identified in a development assessment table as self-assessable or code assessable that exceeds the height limits specified in a Planning Area Code applicable to the site is impact assessable.		
Defined Use	Assessment Category	Applicable Codes
		For code assessable development, the relevant Planning Area Code and the Precincts and Other Elements Code apply in addition to any applicable code identified opposite the particular use set out below under the heading "Defined Use".
Detached House	Self-assessable	Detached House Code Filling & Excavation Code (where applicable)
Display Dwelling	Self-assessable	Detached House Code Display Dwelling Code Filling & Excavation Code (where applicable) Landscaping Code Parking and Access Code
Duplex (where nominated on the plan of development)	Self-assessable	Duplex Dwelling Code Filling & Excavation Code (where applicable) Landscaping Code Parking and Access Code Civil Works Code Climate and Energy Code Design for Safety Code Stormwater Management Code
Park	Exempt	
All other defined and non-defined uses	Impact Assessable	

REASONS FOR REFUSAL

As listed in the Officer Recommendation

REFERRAL AGENCY CONDITIONS

This development approval is subject to compliance with the following Referral Agency conditions attached and described as follows:

Agency: Department of Transport and Main Roads
Reference Number: NCR-8699 BRIS2726 (changed)
Date : 19 May 2011
Containing: 5 pages

Agency: Department of Environment and Resource Management
Reference Number: IC0108NAM0012
Date: 20 December 2010
Containing 8 pages.

REASONS FOR APPROVAL DESPITE CONFLICTS IN ACCORDANCE WITH S3.5.15(2)

As listed in the Officer Recommendation

PROPERTY RECORD NOTATIONS

Not Applicable

ADVISORY NOTES

These Advisory Notes do not form part of this approval or the conditions attached thereto. The following Advisory Notes are intended to provide guidance to the applicant where necessary and inform the applicant of actions that Council may take with respect to the development site or the approval:

Aboriginal Cultural Heritage Act 2003

1. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

DA Jiren - Att 2 Previous Council Report