

Minutes

Ordinary Meeting

Thursday 26 July 2012

Council Chambers, 1 Omrah Avenue, Caloundra

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Please Note: The resolutions as shown in *italics* throughout these minutes are the resolutions carried by the Council.



1 DECLARATION OF OPENING

The Chair declared the meeting open at 10.01am.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**COUNCILLORS**

Councillor M Jamieson	Mayor	
Councillor R Baberowski	Division 1	
Councillor T Dwyer	Division 2	
Councillor P Cox	Division 3	
Councillor C Thompson	Division 4	
Councillor J McKay	Division 5	
Councillor E Hungerford	Division 7	
Councillor J O'Pray	Division 8	
Councillor S Robinson	Division 9	
Councillor G Rogerson	Division 10	
Councillor R Green	Division 11	(Absent Items 7.1.4 and 8.1.1 - 10.2.4)
Councillor T Wellington	Division 12	

EXECUTIVE LEADERSHIP TEAM

Chief Executive Officer
 Executive Director Finance and Business
 Executive Director Infrastructure Services
 Acting Executive Director Community Services
 Executive Director Regional Strategy and Planning

APOLOGIES

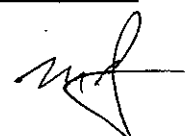
Councillor C Dickson Division 6
 Executive Director Community Services

COUNCIL OFFICERS

Community Land Permits Project Manager
 Manager Community Response
 Director Development Services
 Manager Planning Assessment
 Unit Coordinator, Planning Applications North
 Coordinator Hydraulics and Water Quality
 Principal Development Planner North
 Principal Development Planner South
 Principal Development Planner South
 Senior Urban Designer
 Master Planned Community Design and Assessment 3D Project Officer
 Cemetery Plan and Strategy Manager
 Cemetery Services Manager
 Manager Waste and Resource Management
 Manager Transport and Engineering Services

ATTENDEES

Ms A Sweeney (East Coast Originals – Item 6.1)



3 RECEIPT AND CONFIRMATION OF MINUTES

Council Resolution

Moved: Councillor J McKay
Seconded: Councillor T Dwyer

That the minutes of the Ordinary Meeting held on 28 June 2012 be received and confirmed.

Carried unanimously.

4 OBLIGATIONS OF COUNCILLORS

4.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 172 of the *Local Government Act 2009*, no declarations of material personal interest were made during this meeting.

4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor T Wellington declared a perceived conflict of interest in relation to item 7.1.1 due to a financial contribution to his election campaign.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor M Jamieson declared a perceived conflict of interest in relation to items 7.1.2 and 10.2.1 due to financial contributions to his election campaign.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor G Rogerson declared a perceived conflict of interest in relation to items 10.1.2 and 10.2.1 due to financial contributions to his election campaign.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor J O'Pray declared a perceived conflict of interest in relation to item 10.2.1 due to a financial contribution to his election campaign.

5 MAYORAL MINUTE

Nil.



6 PRESENTATIONS**6.1 PEREGIAN ORIGINALS BUSINESS PLAN****Council Resolution** (OM12/83)

Moved: Councillor J McKay
Seconded: Councillor G Rogerson

That Council note the presentation by the East Coast Originals for the long term Business Plan and implementation strategies for the Peregian Originals.

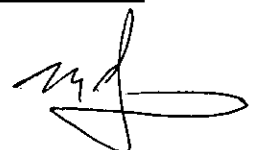
Carried unanimously.

6.2 TIDY TOWNS AWARD – CALOUNDRA**Council Resolution** (OM12/84)

Moved: Councillor T Dwyer
Seconded: Councillor R Baberowski

That the award for the Keep Australia Beautiful, Australian Tidy Towns Award for 2012 be received with gratitude.

Carried unanimously.



PROCEDURAL MOTION

Moved: Councillor M Jamieson
Seconded: Councillor T Wellington

That the Standing Orders be suspended to allow Councillor T Wellington to present a Petition as it relates to Item 7.1.1.

Carried unanimously.

(Item 9.1 was considered at this stage).

The Mayor resumed the standing orders and the meeting continued.

(Item 7.1.1 was considered at this stage).



7 REPORTS DIRECT TO COUNCIL

7.1 REGIONAL STRATEGY AND PLANNING

7.1.1 KIN KIN QUARRY - AMENDED QUARRY MANAGEMENT PLAN

File No: TPC 1899
Author/Presenter: Unit Coordinator, Planning Applications North
Appendix: App A – Quarry Management Plan (OM Att Pg 3)
App B – Amendments to Quarry Management Plan (OM Pg 24)
Attachments: Att 1 - Planning Approval (OM Att Pg 227)
Att 2 - Extension to Approval Term (OM Att Pg 230)
Att 3 - Approved Site Layout (OM Att Pg 234)
Att 4 - Proposed Site Layout (OM Att Pg 235)

Council Resolution (OM12/85)

Moved: Councillor T Wellington
Seconded: Councillor R Green

That Council:

- (a) *receive and note the report titled 'Kin Kin Quarry Amended Management Plan';*
- (b) *approve in part the amended Kin Kin Quarry Management Plan at Appendix A prepared by Groundwork Plus and dated December 2011, for the initial quarry development phase only, subject to:*
 - (i) *the amendments in Appendix B where they address the initial development phase;*
 - (ii) *including an erosion and sediment control management plan that ensures untreated water is not released from the detention basins into the downstream watercourse, in accordance with aspects of the current EPA development approval currently in place;*
 - (iii) *Section 3.6.4 and Figure 3A shall be revised to be consistent in terms of benching levels. The initial development phase shall be in accordance with the footprint identified in Figure 3A. Figure 3A to be changed from "Conceptual Short Term Quarry Development Plan" to "Short Term Works Development Plan";*
 - (iv) *the initial development phase to be limited to 7 years as identified in the amended Kin Kin Quarry Management Plan or by reaching the limits of extraction as outlined in Figure 3A or whichever is the sooner;*
- (c) *advise Neilsen's Quality Gravels Pty Ltd that the amended Kin Kin Quarry Management Plan must be updated to the reasonable satisfaction of Council before further quarrying stages commence, as storm water management is not adequately addressed for subsequent stages;*
- (d) *request the Chief Executive Officer to seek confirmation from the Department of Environment and Heritage Protection that they are prepared to enforce storm water management provisions that prevent overtopping of the Detention Basin,*



and other significant direct impacts on the Noosa River Catchment on the understanding that the Noosa River currently enjoys the highest health rating of any South East Queensland river system, is an integral feature of the Noosa Biosphere Reserve, as well as the Cooloola Section of the Great Sandy National Park.

For: Councillor T Wellington; Councillor G Rogerson; Councillor J O'Pray; Councillor E Hungerford; Councillor J McKay; Councillor C Thompson; Councillor P Cox; Councillor R Baberowski; Councillor R Green and Councillor M Jamieson.

Against: Councillor S Robinson and Councillor T Dwyer.

Carried.

Councillor T Wellington declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to a financial contribution to his election campaign. Councillor T Wellington remained in the meeting room for the debate and decision on this matter.

(Item 7.1.1 was considered following Item 9.1).



7.1.2 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR VISITOR ACCOMMODATION TYPE 4 (TO INCLUDE JULIETTE BALCONIES) AND EXTENSION TO ENTERTAINMENT & DINING BUSINESS TYPE 1 (TO INCLUDE OUTDOOR DINING) AT 215 DAVID LOW WAY, PEREGIAN BEACH

File No: MCU12/0023
Author: Development Planner, Planning Assessment
Presenter: Coordinator Planning Applications (North)
Appendices: App A – Conditions of Approval (OM Pg 39)
Attachment: Att 1 – Proposal Plans (OM Att Pg 237)

Council Resolution (OM12/86)

Moved: Councillor R Green
Seconded: Councillor T Dwyer

That Council approve with conditions Application No. MCU12/0023 and grant a Development Permit for Visitor Accommodation Type 4: Conventional (to include Juliette Balconies) and Extension to Entertainment and Dining Business Type 1: Food and Beverages (to include Outdoor Dining) situated at 215 David Low Way Peregian Beach in accordance with Appendix A.

Carried unanimously.

Councillor M Jamieson declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to a financial contribution to his election campaign. Councillor M Jamieson left the meeting room for the debate and decision on this matter.

Councillor C Thompson took chair of the meeting at this point.

At the conclusion of Item 7.1.2 Councillor M Jamieson returned to the chair of the meeting.



7.1.3 REQUEST FOR NEGOTIATED DECISION NOTICE FOR RECONFIGURING A LOT AND MATERIAL CHANGE OF USE FOR A NEW MASTER PLANNED COMMUNITY, OLD EMU MOUNTAIN ROAD, PEREGIAN SPRINGS

File No: MCU07/0197 & REC07/0141
Author/Presenter: Principal Development Planner, Planning Assessment
Appendices: App A – Conditions of Approval (OM Pg 93)
App B – Summary of Recommended Changes (OM Pg 123)
Attachments: Att 1 - Proposal Plans (OM Att Pg 241)

Council Resolution (OM12/87)

Moved: Councillor T Dwyer
Seconded: Councillor S Robinson

That Council issue a Negotiated Decision Notice in relation to Development Approval No. MCU07/0197 and REC07/0141 for a new master planned community at Old Emu Mountain Road, Peregian Springs in accordance with the conditions of approval outlined in Appendix A and including the deletion of Advisory Note 17.

For: Councillor G Rogerson; Councillor S Robinson; Councillor J O'Pray; Councillor E Hungerford; Councillor C Thompson; Councillor P Cox; Councillor T Dwyer; Councillor R Baberowski and Councillor M Jamieson.

Against: Councillor T Wellington; Councillor J McKay; and Councillor R Green.

Carried.



7.1.4 REPRESENTATIONS FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT APPROVAL FOR RECONFIGURATION OF A LOT (2 INTO 63 LOTS) AT COONOWRIN ROAD, GLASS HOUSE MOUNTAINS

File No: 2007/520037
Author/Presenter: Principal Development Planner, Planning Assessment
Appendices: App A – Conditions of Approval (OM Pg 140)
Attachments: Att 1 - Proposal Plan (OM Att Pg 245)

Council Resolution (OM12/88)

Moved: Councillor R Baberowski
Seconded: Councillor J McKay

That Council:

- (a) *defer consideration of Application No 2007/520037 pending resolution of design aspects with the Applicant; and*
- (b) *delegate authority to the Chief Executive Officer to determine the application if the design issues raised by the Divisional Councillor are resolved.*

Carried unanimously.



7.1.5 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH MULTIPLE DWELLING UNITS (17 UNITS) AND A RESTAURANT, AT 34 ESPLANADE HEADLAND, KINGS BEACH

File No: MCU12/0018
Author/Presenter: Principal Development Planner, Planning
Appendices: App A – Conditions of Approval (OM Pg 174)
Attachments: Att 1 - Site Plan (OM Att Pg 247)

Council Resolution (OM12/89)

Moved: Councillor C Thompson
Seconded: Councillor E Hungerford

That Council approve with conditions Application No. MCU12/0018 and grant a Development Permit for a Multiple Dwelling (17 Units) and Restaurant situated at Kings Court, 1/34 Esplanade Headland Kings Beach, in accordance with Appendix A.

For: Councillor G Rogerson; Councillor S Robinson; Councillor E Hungerford; Councillor J McKay; Councillor C Thompson and Councillor M Jamieson.

Against: Councillor T Wellington; Councillor J O'Pray; Councillor P Cox; Councillor T Dwyer; Councillor R Baberowski and Councillor R Green.

The Mayor used his casting vote and the motion was carried.

Carried.



7.2 COMMUNITY SERVICES

7.2.1 SUNSHINE COAST CEMETERY PLAN 2012-2027

File No: ECM 260712
Author: Planning Officer, Community Planning and Strategy
Cemetery Services Manager
Community Services
Appendices: App A - Sunshine Coast Cemetery Plan 2012-2027 (OM Att Pg 255)

Council Resolution (OM12/90)

Moved: Councillor J McKay
Seconded: Councillor R Baberowski

That Council:

- (a) *receive and note the report titled "Sunshine Coast Cemetery Plan 2012-2027"; and*
- (b) *adopt the Sunshine Coast Cemetery Plan 2012-2027 (Appendix A).*

Carried unanimously.



7.3 INFRASTRUCTURE SERVICES

7.3.1 ANNUAL KERBSIDE WASTE COLLECTION SERVICE POTENTIALLY FUNDED BY DIVISIONAL FUNDS

File No: 1-14054
Author: Manager, Waste and Resources Management
Infrastructure Services
Attachment: Att 1 - Capital Works Program 2012 /2013 (Adopted) (OM Att Pg 291)

Motion

Moved: Councillor T Wellington
Seconded: Councillor J McKay

That Council:

- (a) receive and note the report titled "Annual Kerbside Waste Collection Service Potentially Funded by Divisional Funds";
- (b) agree in principle to the provision of a kerbside bulk waste collection service in Division 12 using funds from the capital works program identified in Attachment 1 to the report, subject to the funds:
 - (i) being identified for capital projects that can be demonstrated to be of divisional and not of regional significance; and
 - (ii) not impacting on the prioritisation of current or future capital works in other divisions;
- (c) request the Chief Executive Officer to negotiate the costs of providing the service through current waste collection contractors in the divisions mentioned in (b) and inform those divisional councillors of the costs; and
- (d) agree that divisional councillors meet with the relevant Executive Director to resolve which capital projects will be used to fund the kerbside service; and
- (e) request the Chief Executive Officer to report back to a future council meeting identifying the costs of providing the service in the divisions mentioned and confirming which capital projects that will be used to fund the service, for endorsement by council.

For: Councillor T Wellington and Councillor J McKay.

Against: Councillor G Rogerson; Councillor S Robinson; Councillor J O'Pray; Councillor E Hungerford; Councillor C Thompson; Councillor P Cox; Councillor T Dwyer; Councillor R Baberowski; Councillor R Green and Councillor M Jamieson.

Lost.



Council Resolution (OM12/91)

Moved: Councillor T Dwyer
Seconded: Councillor E Hungerford

That Council:

- (a) *receive and note the report titled "Annual Kerbside Waste Collection Service Potentially Funded by Divisional Funds"; and*
- (b) *not proceed with provision of an annual kerbside bulk waste collection service on a divisional basis funded by capital funds allocated to divisions due to costs, overheads, localised implications and impacts upon the prioritisation of the current and future capital works program.*

For: Councillor G Rogerson; Councillor S Robinson; Councillor J O'Pray;
Councillor E Hungerford; Councillor C Thompson; Councillor P Cox;
Councillor T Dwyer; Councillor R Baberowski; Councillor R Green and
Councillor M Jamieson.

Against: Councillor T Wellington and Councillor J McKay.

Carried.



7.4 FINANCE AND BUSINESS**7.4.1 QUARTERLY PROGRESS REPORT - QUARTER 4, 2011-2012****File No:** 4.16.4**Author:** Corporate Planning and Reporting Manager
Finance and Business**Appendices:** App A – Chief Executive Officer’s Quarterly Progress Report (OM Att Pg 303)
App B – Quarterly Progress Report Operational Plan Activities
(OM Att Pg 340)

Council Resolution (OM12/92)**Moved:** Councillor J McKay**Seconded:** Councillor T Dwyer*That Council:*

- (a) *receive and note the report titled “Quarterly Progress Report – Quarter 4, 2011-2012”;*
- (b) *note the Chief Executive Officer’s Quarterly Progress Report – Quarter 4, 1 April to 30 June 2012 (Appendix A); and*
- (c) *note the Quarterly Progress Report Operational Plan Activities (Appendix B) reporting on the implementation of the Corporate and Operational Plans.*

Carried unanimously.



7.4.2 POLICY FRAMEWORK IMPLEMENTATION (POLICY DISCONTINUANCE)

File No: ECM 26 July 2012
Author: Manager, Corporate Governance
Finance and Business
Appendices: App A – List of Sunshine Coast Council Policies for Discontinuance (OM Att Pg 385)


Council Resolution (OM12/93)

Moved: Councillor C Thompson
Seconded: Councillor P Cox

That Council:

- (a) *receive and note the report titled "Policy Framework Implementation"; and*
- (b) *discontinue the 100 council-endorsed policies as listed in Appendix A.*

Carried unanimously.



7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE GOVERNMENT LEGISLATIVE CHANGES

File No: ECM

Author: Strategy and Policy Coordinator
Finance and Business

Appendices: App A - 2009 20 Building Act v3 (OM Att Pg 399)
App B - 2009 21 Environmental Protection v2 (OM Att Pg 403)
App C - 2009 22 Integrated Planning v2 (OM Att Pg 410)
App D - 2009 27 Local Law v2 (OM Att Pg 413)
App E - 2009 27 Plumbing and Drainage v2 (OM Att Pg 416)
App F - 2009 35 Sustainable Planning v3 (OM Att Pg 419)
App G - 2012 47 SPA MasterPlan v1 (OM Att Pg 422)
App H - 2012 50 Waste Reduction and Recycling v1 (OM Att Pg 424)
App I - Delegations to be replaced (OM Att Pg 428)

Council Resolution (OM12/94)

Moved: Councillor C Thompson

Seconded: Councillor T Dwyer

That Council:

- (a) receive and note the report titled "Review of Council Delegations in Accordance with State Government Legislative Changes";
- (b) make the delegation as detailed 2009-20 Building Act V3 (Appendix A);
- (c) make the delegation as detailed 2009-21 - Environmental Protection V2 (Appendix B);
- (d) make the delegation as detailed 2009-22 - Integrated Planning V2 (Appendix C);
- (e) make the delegation as detailed 2009-26 - Local Laws V2 (Appendix D);
- (f) make the delegation as detailed 2009-27 - Plumbing and Drainage V2 (Appendix E);
- (g) make the delegation as detailed 2009-35 - Sustainable Planning V3 (Appendix F);
- (h) make the delegation as detailed 2012-49 - Sustainable Planning Act - Master Plans V1 (Appendix G);
- (i) make the delegation as detailed 2012-50 - Waste Reduction and Recycling V1 (Appendix H); and
- (j) replace existing delegations as detailed in (Appendix I) with the delegations detailed in Appendix A-F.

Carried unanimously.



7.4.4 INVESTMENT REPORT FOR PERIOD TO 30 JUNE 2012

File No: ECM 26 July 2012
Author: Financial Planning and Performance Manager
Finance and Business

Council Resolution (OM12/95)

Moved: Councillor C Thompson
Seconded: Councillor R Baberowski

That Council receive and note the report titled "Investment Report for the Period to 30 June 2012".

Carried unanimously.



7.4.5 ARRANGEMENTS FOR FUTURE COUNCIL MEETINGS

File No: ECM
Author: Manager Council Services and Business Integration
Finance and Business

Motion

Moved: Councillor R Green
Seconded: Councillor T Wellington

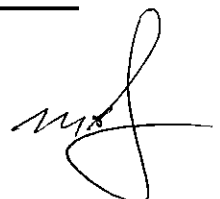
That Council:

- (a) receive and note the report titled "Arrangements for Future Council Meetings";
- (b) conduct an Ordinary Meeting of Council on Thursday 23 August 2012, at 10:00 am at the Nambour office;
- (c) request the Chief Executive Officer to report to the August Ordinary Meeting which details for implementation a council meeting structure which provides for a governance framework for statutory decision making which includes a:
 - (i) Performance and Service Delivery committee; and
 - (ii) Strategy and Planning Committee;
- (d) note the report outlined in (c) above to consider but not be limited to consideration of:
 - (i) structure;
 - (ii) membership;
 - (iii) roles and responsibilities; and
 - (iv) alignment with Portfolios and Corporate Plan.

For: Councillor T Wellington and Councillor R Green.

Against: Councillor G Rogerson; Councillor S Robinson; Councillor J O'Pray; Councillor E Hungerford; Councillor J McKay; Councillor C Thompson; Councillor P Cox; Councillor T Dwyer; Councillor R Baberowski and Councillor M Jamieson.

Lost.



Council Resolution (OM12/96)

Moved: Councillor T Dwyer
Seconded: Councillor C Thompson

That Council:

- (a) *receive and note the report titled "Arrangements for Future Council Meetings";*
- (b) *conduct an Ordinary Meeting of Council once per month, commencing Thursday 23 August 2012, from 9:00 am at the Nambour office with subsequent meetings rotated between the Tewantin, Caloundra and Nambour offices; and*
- (c) *note that the above meeting arrangements remain in place unless otherwise determined by Council.*

For: Councillor S Robinson; Councillor J O'Pray; Councillor E Hungerford;
Councillor J McKay; Councillor C Thompson; Councillor P Cox;
Councillor T Dwyer; Councillor R Baberowski and Councillor M Jamieson.

Against: Councillor T Wellington; Councillor G Rogerson and Councillor R Green.

Carried.



8 NOTIFIED MOTIONS**8.1 NOTICE OF MOTION****8.1.1 NOTICE OF MOTION - ALLOCATION - BLI BLI AND DISTRICT RURAL FIRE BRIGADE**

File No: ECM 26 July 2012
Author: Division 9 Councillor, Stephen Robinson
Notices of Motion

That Council authorise the Chief Executive Officer to approve the use of \$8,000 of Councillor Emergent Capital works and Minor Operational Works allocation towards the running costs of the Bli Bli and District Rural Fire Brigade.

The Notice of Motion Item 8.1.1 proposed by Councillor S Robinson dated 17 July 2012 was withdrawn.

8.1.2 NOTICE OF MOTION - ALLOCATION - MALENY SWIMMING CLUB

File No: ECM 26 July 2012
Author: Division 5 Councillor J McKay
Notices of Motion

That Council authorise the Chief Executive Officer to approve the use of \$8,000 of Councillor Emergent Capital works and Minor Operational Works allocation towards the running costs of the Maleny Swimming Club.

The Notice of Motion Item 8.1.2 proposed by Councillor J McKay in relation to Maleny Swimming Club dated 17 July 2012 was withdrawn.



8.1.3 NOTICE OF MOTION - ALLOCATION - WOOMBYE LIBRARY

File No: ECM 26 July 2012
Author: Division 5 Councillor, Jenny McKay
Notices of Motion

That Council authorise the Chief Executive Officer to approve the use of \$3,000 of Councillor Emergent Capital works and Minor Operational Works allocation towards the running costs of the Woombye Library.

The Notice of Motion Item 8.1.3 proposed by Councillor J McKay in relation to Woombye Library dated 17 July 2012 was withdrawn.

8.1.4 NOTICE OF MOTION – WILLIAM / MALTMAN STREET INTERSECTION REVIEW

File No: ECM 26 July 2012
Author: Division 2 Councillor, Tim Dwyer
Notices of Motion

That Council authorise the Chief Executive Officer to prioritise actions, and identify an appropriate funding source, to finalise the William/Maltman Street Intersection Review as soon as possible.

The Notice of Motion Item 8.1.4 proposed by Councillor T Dwyer dated 17 July 2012 was withdrawn.



9 TABLING OF PETITIONS**9.1 PETITION – KIN KIN QUARRY****Council Resolution** (OM12/97)**Moved: Councillor T Wellington****Seconded: Councillor J McKay**

That Council resolve the petition tabled by Councillor T Wellington in relation to a request by the Kin Kin Community Group to review the Kin Kin Quarry be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

(Item 9.1 was considered following Item 6.2).



10 CONFIDENTIAL SESSION**CLOSURE OF THE MEETING TO THE PUBLIC**

Moved: Councillor T Dwyer
Seconded: Councillor E Hungerford

That the meeting be closed to the public pursuant to section 72 (1) (e) and (h) of the Local Government (Operations) Regulation 2010 to consider the following items:

10.1.1 Confidential – Not for Public Release – Coolum - Acquisition of Land;

10.1.2 Confidential - Not for Public Release – Acquisition of Drainage Easement;

10.2.1 Confidential – Not for Public Release - Quarterly Progress Report – Quarter 4, 2011- 2012, Legal Proceedings, Strategic Risks;

10.2.2 Confidential – Not for Public Release - Caloundra Music Festival Sponsorship;

10.2.3 Confidential – Not for Public Release - Queensland Competition Authority Matter; and

10.2.4 Confidential - Not for Public Release - Sunshine Coast Investment Incentive Scheme Application.

Carried unanimously.

RE-OPENING OF THE MEETING TO THE PUBLIC

Moved: Councillor T Dwyer
Seconded: Councillor R Baberowski

That the meeting be re-opened to the public.

Carried unanimously.



10.1 INFRASTRUCTURE SERVICES**10.1.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - COOLUM -
ACQUISITION OF LAND**

File No: ECM 26 July 2012
Author: Project Co-ordinator
Infrastructure Services

Council Resolution (OM12/98)

Moved: Councillor J O'Pray
Seconded: Councillor C Thompson

That Council:

- (a) *delegate authority to the Chief Executive Officer to negotiate and to finalise the purchase of land as discussed in confidential session; and*
- (b) *delegate authority to the Chief Executive Officer to proceed with the compulsory land acquisition of the following properties in accordance with the Acquisition of Land Act 1967, should a negotiated land acquisition settlement not be achieved:*
 - (i) *approximately 6,543 square metres of land from Lot 6 on RP26706*
 - (ii) *approximately 17,793 square metres of land from Lot 22 on RP848359*
 - (iii) *approximately 1,514 square metres of land from Lot 219 on RP163110*
 - (iv) *approximately 21,159 square metres of land from Lot 69 on RP840286*
 - (v) *approximately 3,567 square metres of land from Lot 65 on RP840286*
 - (vi) *approximately 41,346 square metres of land from Lot 37 on RP862529*
 - (vii) *approximately 217 square metres of land from Lot 2 on RP812036*
 - (viii) *approximately 399 square metres of land from Lot 3 on RP812036*
 - (ix) *approximately 5,783 square metres of land from Lot 2 on RP27025*
 - (x) *approximately 2,367 square metres of land from Lot 11 on RP901264*
 - (xi) *approximately 1,837 square metres of land from Lot 68 on RP845333*
 - (xii) *approximately 646 square metres of land from Lot 70 on RP862544.*

Carried unanimously.



10.1.2 CONFIDENTIAL- NOT FOR PUBLIC RELEASE – ACQUISITION OF DRAINAGE EASEMENT

File No: ECM 26 July 2012
Author: Acting Manager Property and Business
Finance and Business

Council Resolution (OM12/99)

Moved: Councillor S Robinson
Seconded: Councillor E Hungerford

That Council proceed with the resumption of drainage easements over Lot 2 RP221222, Lot 32 SP124219 and Lot 31 SP124219 in accordance with the requirements of the Acquisition of Land Act 1967.

Carried unanimously.

Councillor G Rogerson declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to a financial contribution to his election campaign. Councillor G Rogerson remained in meeting room for the debate and decision on this matter.



10.2 FINANCE AND BUSINESS

10.2.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - QUARTERLY PROGRESS REPORT – QUARTER 4, 2011-2012, LEGAL PROCEEDINGS, STRATEGIC RISKS

File No: 4.16.4
Author: Corporate Planning and Reporting Manager
Finance and Business

Council Resolution (OM12/100)

Moved: Councillor R Baberowski
Seconded: Councillor E Hungerford

That Council note the discussions held in confidential session.

Carried unanimously.

Councillor G Rogerson declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to a financial contribution to his election campaign. Councillor G Rogerson remained in meeting room for the debate and decision on this matter.

Councillor J O'Pray declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to a financial contribution to his election campaign. Councillor J O'Pray left the meeting room for the debate and decision on this matter.

Councillor M Jamieson declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to a financial contribution to his election campaign. Councillor M Jamieson left the meeting room for the debate and decision on this matter.

Councillor C Thompson took the chair at this time.

At the conclusion of Item 10.2.1 Councillor M Jamieson returned to the chair of the meeting.



10.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - CALOUNDRA MUSIC FESTIVAL SPONSORSHIP

File No: ECM
Author: Strategy and Business Development Officer
Finance and Business

Council Resolution (OM12/101)

Moved: Councillor T Dwyer
Seconded: Councillor P Cox

That Council:

- (a) *delegate authority to the Chief Executive Officer to enter into the corporate sponsorship agreement as discussed in confidential session for the 2012 Caloundra Music Festival; and*
- (b) *delegate authority to the Chief Executive Officer to consider and approve all future inward corporate sponsorship arrangements for the 2012 Caloundra Music Festival and to execute associated sponsorship agreements.*

Carried unanimously.



**10.2.3 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - QUEENSLAND
COMPETITION AUTHORITY MATTER**

File No: ECM 26 July 2012
Author: Manager Commercial & Procurement
Commercial Analysis Manager
Finance and Business

Council Resolution (OM12/102)

Moved: Councillor C Thompson
Seconded: Councillor E Hungerford

That Council:

- (a) *receive and note the "Queensland Competition Authority's Final Investigation Report" into the competitive neutrality complaint by the Waste Contractors and Recyclers Association of Queensland against Council's Waste and Resources Management business activity as provided in Appendix A;*
- (b) *does not implement the recommendations in the Queensland Competition Authority's Final Investigation Report at this time for the following reasons:*
 - (i) *a number of anomalies in the Queensland Competition Authority's Final Investigation Report;*
 - (ii) *significant net costs would be incurred by moving from current bulk waste management policies to a policy where mandatory utility charges are not levied for commercial collections; and*
 - (iii) *the implications of the Queensland Competition Authority's recommendations in relation to:*
 - (1) *the impact on residential and commercial customers;*
 - (2) *the 2014 regional waste collection service and processing contracts and the lift rates achieved for different services;*
 - (3) *the investment in the materials recycling facilities;*
 - (4) *the investment in alternative waste technologies facilities; and*
 - (5) *achievement of the waste diversion targets in the Regional Waste Minimisation Strategy*
- (c) *request the Chief Executive Officer to address the anomalies in the Queensland Competition Authority's Final Investigation Report, organise information forums for Council to better understand the above implications and present a further report to Council on the status quo and policy alternatives that will provide the optimal benefit to the Sunshine Coast community; and*



- (d) *request the Chief Executive Officer to give notice of Council's decision to the Queensland Competition Authority and the Waste Contractors and Recyclers Association of Queensland within 7 days of this resolution.*

Carried unanimously.



**10.2.4 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SUNSHINE COAST
INVESTMENT INCENTIVE SCHEME APPLICATION**

File No: SCIS - No 2
Author: Investment Facilitation Officer
Finance and Business

Council Resolution (OM12/103)

Moved: Councillor J O'Pray
Seconded: Councillor C Thompson

That Council delegate authority to the Chief Executive Officer to negotiate, finalise and approve an incentive under the Sunshine Coast Investment Incentive Scheme in accordance with the directions identified in confidential session.

Carried unanimously.



11 NEXT MEETING

The next Ordinary Meeting will be held on Thursday 23 August 2012 at 9.00am in the Council Chambers, corner Currie and Bury Streets, Nambour.

12 MEETING CLOSURE

The meeting closed at 4:55pm.

Confirmed date: 23 August 2012


CHAIR



13 APPENDICES**7.1.1 KIN KIN QUARRY - AMENDED QUARRY MANAGEMENT PLAN – APPENDIX A – QUARRY MANAGEMENT PLAN**

Due to the size of this document an electronic link has not been provided.

7.1.1 KIN KIN QUARRY - AMENDED QUARRY MANAGEMENT PLAN – APPENDIX B – AMENDMENTS TO QUARRY MANAGEMENT PLAN**AMENDMENTS TO BE INCORPORATED INTO THE AMENDED QUARRY MANAGEMENT PLAN**

1. Section 1.3 shall be revised to specify that an updated Quarry Management Plan must be submitted to Council for further consideration and approval prior to proceeding with any further works beyond the initial quarry development phase (the initial quarry development phase being as referred to in Section 2.4.2). The Quarry Management Plan shall, otherwise, be updated every 5 years over the quarry's term of approval, with future updates submitted to Council for review.
2. Additional wording must be included to stipulate that the quarry extraction area must be generally in accordance with Figures 4 and 5 of the Management Plan.
3. Figures 9 and 10 of the Quarry Management Plan must be amended to indicate that the 20 metre wide buffer along the north-western boundary is to follow the waterway closest to the western corner of the subject site.
4. The clean water diversion drains must be entirely outside of the required 20 metre wide vegetated buffer to Murrays Road.
5. The noise management procedures and practices contained in Section 3.5.4 are to be amended to include the requirement that all mobile and stationary mechanical plant including the crushing and screening plant must be selected, designed, constructed and shielded to ensure that the noise criteria specified in Section 3.5.3 will be achieved. Noise from the processing plant is to be similarly addressed in Section 2.6.1.
6. Amend the performance targets in section 3.6.3 such that it simply references the DERM ERA permit conditions relating to water plus includes a requirement that states "All runoff captured by the sediment basin(s) is to be treated and discharged as soon as practicably achievable in order for capacity to be available for subsequent runoff events".
7. Amend section 3.6 to include a design ARI and freeboard for the sediment basins spillways.
8. Delete Figures 7A – 7 C and include notes in section 3.6 that additional conceptual and detailed stormwater management plans will be prepared and submitted to Council for approval and DERM prior to works commencing in those stages.
9. Amend section 3.6.5 as follows:-



- a) There is potential for upstream monitoring location US1 to be contaminated should the clean water diversion drains fail or areas above the drains become inadvertently disturbed. Additionally monthly upstream monitoring locations should be provided on the drainage line east of US1 as this drainage line does not have the potential to become contaminated by the quarry.
 - b) A monthly upstream monitoring location should be located to the west of the quarry.
 - c) Monitoring locations US2 and US3 are quoted in the report but not identified on plan.
 - d) The method of sampling the ephemeral waterways during a runoff event should be identified (i.e. auto samplers or stage-height samplers).
10. An updated Quarry Management Plan must be submitted to Council for further consideration of the erosion and sediment control and stormwater management strategy for future quarrying stages 1 to 4 as shown on Figure 4 following the initial quarrying or sooner if there are major departures from the Management Plan during the first 5 years.
 11. Section 3.6 shall be revised to include a requirement that the quarry manager will make available to Council upon request, the results of water monitoring tests.
 12. Inclusion of a clause that prohibits the use of The Noosa Trail by heavy equipment/machinery such as drilling rigs and earth moving machinery.
 13. Section 2.7 must be revised to be consistent with Section 3.9.4 to ensure all loads are covered, except large rock boulder loads.
 14. Section 2.7 and the Road Transport Protocol must be revised to specify that the approved haul route is Pomona Kin Kin Road. Where this approved haulage route is not available due to exceptional circumstances, prior approval is required from Council to deviate from the approved route.
 15. Section 3.9.4 must be revised to include that cartage is to be avoided, where practicable, during times when the school bus is using the local road system, and drivers must exercise extreme caution when arriving at, or departing the quarry site at times when school buses are operating along the haul route.
 16. Sections 3.9.4 and 3.9.9, and the Road Transport Protocol must be revised to acknowledge the site is in a rural environment and that trucks must not arrive at the quarry site prior to the approved operating hours and must not leave the site with a load after the approved operating hours. Parking of trucks in the area is also prohibited.
 17. Section 3.10 must be revised to include the requirement for additional signage to be included along the Noosa Trail network alerting trail riders of an impending blast. This additional signage is to be removed promptly at the completion of each blast.



7.1.2 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR VISITOR ACCOMMODATION TYPE 4 (TO INCLUDE JULIETTE BALCONIES) AND EXTENSION TO ENTERTAINMENT & DINING BUSINESS TYPE 1 (TO INCLUDE OUTDOOR DINING) AT 215 DAVID LOW WAY, PEREGIAN BEACH – APPENDIX A – CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU12/0023
Street Address:	215 David Low Way, Peregian Beach
Real Property Description:	Lot 77 SP 231615
Planning Scheme:	The Noosa Plan (8 August 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for Visitor Accommodation Type 4: Conventional (to include Juliette Balconies) and Extension to Entertainment & Dining Business Type 1: Food and Beverages (to include Outdoor Dining)

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 4 years starting the day that this development approval takes effect.

4. ASSESSMENT MANAGER CONDITIONS

PLANNING

When Conditions must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

Nature and Extent of Approved Use

3. The approved outdoor dining use area must not exceed 70m²; comprising 40m² to the north side of the tenancy and 30m² to the east side of the tenancy as shown on the Approved Plans.
4. The approved outdoor dining use must comply with the following;
 - (a) The 40m² of outdoor dining located to the northern side of the tenancy must not operate outside the hours of:
 - (i) 7am to 10pm Sunday to Thursday;
 - (ii) 7am to 12am (midnight) Friday and Saturday; and

- (b) The 30m² of outdoor dining located to the eastern side of the tenancy (fronting David Low Way) must not operate outside the hours of 7am to 10pm Monday to Sunday.

The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

5. The approved use must not involve live and/or amplified entertainment at any time.
6. Service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 7pm Monday to Sundays. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

Car Parking

7. Car Parking must be generally in accordance with Approved Plans, with 7 car parks provided for the outdoor dining use.

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department Of Environment & Resource Management GPO Box 2454 BRISBANE QLD 4001	Unexploded Ordinance	The agency provided its response on 5 April 2012 (Reference No. C0312NAM0023_SC14262_489281). A copy of the response is attached.
Advice	Department Of Environment & Resource Management GPO Box 2454 BRISBANE QLD 4001	Wetland and Conservation Estate	The agency provided its response on 5 April 2012 (Reference No. C0312NAM0023_SC14262_489281)

A copy of any referral agency conditions is attached.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
TP 1001		Site/Staging Plan, prepared by Carl Brunskill Architects	15 February 2012
TP 2002		Commercial Building Floor Plan – Ground Floor Level, prepared by Carl Brunskill Architects	15 February 2012
TP 2003		Commercial Building Floor Plan – First Floor Level, prepared by Carl Brunskill Architects	20 February 2012
TP 2008 A		Commercial Building Elevations , prepared by Carl Brunskill Architects	28 March 2012

7. REFERENCED DOCUMENTS

Not Applicable.

8. ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

Equitable Access and Facilities

1. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:

- (a) the *Disability Discrimination Act 1992* (Commonwealth); and
- (b) *Anti-Discrimination Act 1991* (Queensland).

Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission "Advisory Notes on Access to Premises" and AS 1428.2;
- (b) applicants should be aware that a "Disability Standard on Access to premises" is currently being developed and most likely will impose changes on the Building Code of Australia; and
- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

Aboriginal Cultural Heritage Act 2003

2. 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*.

9. PROPERTY NOTES

Not Applicable.



10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work (All Building Works)

12. SELF ASSESSABLE CODES

The following codes for self-assessable development related to the development approval issued under this Decision Notice must be complied with.

- Advertising Devices Code

13. SUBMISSIONS

There were 198 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about the conditions contained within the development approval. If Council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

16. OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.sunshinecoast.qld.gov.au or at Council Offices.



7.1.3 REQUEST FOR NEGOTIATED DECISION NOTICE FOR RECONFIGURING A LOT AND MATERIAL CHANGE OF USE FOR A NEW MASTER PLANNED COMMUNITY, OLD EMU MOUNTAIN ROAD, PEREGIAN SPRINGS – APPENDIX A – CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU07/0197 & REC07/0141
Street Address:	Old Emu Mountain Road PEREGIAN SPRINGS
Real Property Description:	Lot 4 RP854650
Planning Scheme:	Maroochy Plan 2000 (1 November 2007)

2. DECISION DETAILS

Council on 29 October 2009 decided to issue the following type of approval:

- Development Permit for Reconfiguring a Lot (1 Lot into 393 Lots & Open Space Reserve)
- Preliminary Approval for Material Change of Use of Premises (Overriding the Planning Scheme) for Child Care Centre, Dual Occupancy & local centre uses

In relation to representations, Council decided to:

- A. Change the number of approved lots to 397 residential housing lots, 2 local centre lots, 1 local park lot and open space reserve
- B. Refuse to change or delete Conditions 4, 12, 13, 34, 44A, 44C, 44D, 54, 78, 82, 96, 109 and 110
- C. Amend Conditions 2, 5, 6, 14, 16, 20, 21, 24, 25, 27, 28, 29, 35, 36, 37, 38, 43, 44, 50, 51, 59, 67, 68, 69, 70, 72A, 75A, 91, 92, 101, 102 and 108
- D. Delete Conditions 11, 17, 18, 26, 31, 46, 47, 48, 71 and 112
- E. Insert new Conditions 14A, 43A, 68A, 68B and 68C
- F. Delete Advisory Note 4
- G. Insert new Property Notation 5
- H. Replace the list of Approved Plans and Documents

3. RELEVANT PERIOD OF APPROVAL

With respect to the Development Permit for Reconfiguring a Lot, the relevant period of this Development Permit is 4 years from the date that this approval takes effect.



With respect to the Preliminary Approval for Material Change of Use (Overriding the Planning Scheme), the relevant period of this Preliminary Approval is 10 years from the date that this approval takes effect.

4. ASSESSMENT MANAGER CONDITIONS

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

PRELIMINARY APPROVAL (OVERRIDING THE PLANNING SCHEME) FOR MATERIAL CHANGE OF USE FOR CHILD CARE CENTRE, DUAL OCCUPANCY AND A LOCAL CENTRE COMPRISING ANY COMBINATION OF ART & CRAFT CENTRE, FAST FOOD STORE, MEDICAL CENTRE, OFFICE, RESTAURANT, SHOP OR VETERINARY CLINIC

GENERAL

- 1 Preliminary Approval (overriding the planning scheme) is granted for a Material Change of Use for Child Care Centre, Dual Occupancy and a local centre comprising any combination of Art & Craft Centre, Fast Food Store, Medical Centre, Office, Restaurant, Shop or Veterinary Clinic
- 2 The development must be generally in accordance with the Approved Plans and Documents

APPROVAL OVERRIDES THE PLANNING SCHEME

- 3 This approval overrides the planning scheme pursuant to s3.1.6 of the *Integrated Planning Act 1997* for the life of the approval to the extent that:
 - (a) The Approved Document: *Supplementary Table of Assessment for Old Emu Mountain Road Development* replaces the planning scheme in declaring the level of assessment for development to the extent stated within that document
 - (b) The Approved Document: *Code for Development of Contemporary Living Lots* replaces the Maroochy Plan 2000 Code for Development of Detached Houses and Display Homes to the extent identified in the Approved Document: *Supplementary Table of Assessment for Old Emu Mountain Road Development*

SUNSET CLAUSE FOR COMPLETION OF APPROVED DEVELOPMENT

- 4 Pursuant to s3.5.21A of the *Integrated Planning Act 1997*, this development approval lapses if the whole of the approved use has not happened within 10 years of the date that the approval takes effect

DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (1 LOT INTO 397 RESIDENTIAL HOUSING LOTS, 2 LOCAL CENTRE LOTS, 1 LOCAL PARK LOT AND OPEN SPACE RESERVE)

GENERAL

- 5 Development Permit is granted for the subdivision of 1 lot into 397 residential housing lots, 2 local centre lots, 1 local park lot and open space reserve
- 6 The development must be generally in accordance with the approved plans and documents. The numbering for all approved lots must remain as indicated on the approved plans unless otherwise amended or approved by Council



- 7 The Applicant must comply with all of the conditions of this Development Permit applicable to each stage prior to the submission of the Plan of Survey for Council's endorsement for the respective stage, unless otherwise stated
- 8 At the time of application for a Development Permit for Operational Works required by this Permit, all aspects of the works must be included in one (1) application and be in accordance with the requirements of Section 2.1.2 of Planning Scheme Policy No. 5 – *Operational Works*
- 9 Site development works including earthworks, roadworks, stormwater drainage, water supply and sewerage infrastructure, electrical reticulation, lighting, landscaping, revegetation and other relevant services must be designed and constructed in accordance with the Codes and Policies of the Maroochy Plan 2000 unless specifically directed otherwise in the conditions contained herein
- 10 Prior to any works commencing for each stage of the development, a combined pre-start meeting for both engineering and landscape/revegetation works must be conducted. No works are to commence on site prior to fencing of the required vegetation to be protected

AMENDMENTS TO APPROVED PLANS AND DOCUMENTS

- 11 Deleted

SUNSET CLAUSE FOR COMPLETION OF APPROVED DEVELOPMENT

- 12 Pursuant to s3.5.21A of the *Integrated Planning Act 1997*, this development approval lapses if the last plan of survey for the approved development is not submitted within 10 years of the date that the approval takes effect

FEES AND CONTRIBUTIONS

- 13 The applicant must pay contributions towards infrastructure in accordance with the following Planning Scheme Policies
- (a) Planning Scheme Policy DC1 – *Water Supply and Sewerage Infrastructure*
 - (b) Planning Scheme Policy DC2 – *Provision of Bikeways and Bicycle Facilities*
 - (c) Planning Scheme Policy DC3 – *Roads Infrastructure*
 - (d) Planning Scheme Policy DC4 – *Stormwater Quality*
 - (e) Planning Scheme Policy DC5 – *Public Parks Infrastructure*
 - (f) Planning Scheme Policy DC6 – *Land for Community Facilities*
- The contributions must be paid at or before the time of lodgement of the Plan of Survey with Council for each. The actual amount of the contribution must be in accordance with the relevant Policy at the time of payment, and must include contributions for a Dual Occupancy for any identified duplex sites shown on the approved plans
- 14 In relation to Condition 13(e) above, costs associated with the provision of the local park may be credited against the contributions payable for public parks infrastructure. The credit allowed for the local park is 73.98 Chargeable Units under the Policy. The credit may not be redeemed until after the local park is transferred to Council ownership and all works associated with the local park are accepted 'on-maintenance'
- 14A In relation to Condition 13(a) above, costs associated with the construction of infrastructure identified as water and sewerage headworks may be credited against developer contributions payable, in accordance with Unitywater Procurement Policy and Council Policy
- 15 All fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to release of the Plan of Subdivision



SUBDIVISION STAGING

- 16 The subdivision may be staged in accordance with the Approved Plans (as amended). If staged, the development must occur sequentially in the stage order indicated on the approved staging plan, noting in particular that:
- (a) The local park must be provided and embellished with the first stage
 - (b) The local centre and child care centre allotments must be provided with the first stage
 - (c) The civil works component of the wetland must be constructed and accepted "on-maintenance" with the first stage. The wetland must be provided within a drainage easement within the first stage and then transferred to Council ownership as drainage reserve with the stage involving the last contributing catchment
 - (d) The eastern half of the national park buffer must be established and embellished by completion of the sixth stage
 - (e) The western half of the national park buffer must be established and embellished by completion of the final stage
- 17 Deleted
- 18 Deleted
- 19 Temporary vehicle turnarounds and stormwater drainage must be provided for each stage as required, in accordance with Maroochy Plan 2000

ALLOTMENTS FOR LOCAL CENTRE, CHILD CARE CENTRE AND PARK

- 20 The size of the local centre lot, child care centre lot and neighbourhood park lot must not be diminished from that shown on the approved plans

ESTATE ENTRANCE FEATURES

- 21 Details of any proposed entrance features or statements for the subdivision must be submitted with the first application for Operational Works (Landscaping) and should generally:
- (a) Reflect a subdued local character, rather than an overbearing or contrived statement
 - (b) Feature vegetation (either existing or planted) in preference to built forms
 - (c) Integrate with the landscape design of the balance of the estate
 - (d) Be constructed of durable and low maintenance materials
 - (e) Not restrict pedestrian access
 - (f) Be located entirely within privately owned land

LANDSCAPING AND PARKS**Landscape Streetscape Generally**

- 22 The estate must be landscaped in accordance with:
- (a) An Operational Works (Landscaping) approval resulting from submission of an application for each development stage or land use
 - (b) The Code for Landscaping Design
 - (c) The conditions of this Decision Notice
- 23 The applicant must submit Operational Works applications for landscaping works as part of combined applications with civil engineering to ensure appropriate co-ordination. The scope of Landscape Works must include:
- (a) Streetscape associated with access and entry roads, local roads, medians and round-a-bouts
 - (b) Landscape associated with paths and access ways between allotments
 - (c) Landscape associated with rear access lanes
 - (d) Local Park and kick-a-round
 - (e) Revegetation area adjacent to National Park

- (f) Landscape associated with WSUD devices and central wetland
 - (g) Retention and protection of mature vegetation associated with access roads, park and revegetation areas
- 24 Subject to Condition 25, landscape works must be completed prior to the release of the plan of survey for each subsequent stage of the development, or prior to the commencement of the use on the subject land, whichever is applicable
- 25 The street tree component of streetscape works associated with residential allotments may, at the applicant's discretion, be deferred until after 80% of dwellings in the respective stage have been completed. In the event that the applicant elects to defer the street tree component of streetscape works:
- (a) the works must be bonded as incomplete works until such time as they are completed
 - (b) Council will accept a reduction of the maintenance period from 12 months to 6 months; and
 - (c) Temporary landscaping or street trees may be located on residential allotments to assist with marketing
- 26 Deleted
- 27 Landscaping and planting works must be designed to match Council's provision of service for local parks and streetscape

Protection and Retention of Vegetation Generally

- 28 As part of the required Operational Works (Landscaping) application for each stage, the applicant must submit for approval by Council, a Vegetation Management Plan prepared by a qualified Arborist addressing the following:
- (a) Nomination on a plan of tree(s) that are:
 - (i) Required to be removed due to required development works
 - (ii) Unsafe, or
 - (iii) Undesirable due to their species type (e.g. woody weeds)
 - (b) Nomination on a plan of trees that are desirable to retain and that can be retained given the impacts of the approved works
 - (c) A tree hazard assessment of trees to be retained
 - (d) Immediate maintenance requirements of trees to be retained
 - (e) Future maintenance requirements of trees to be retained
 - (f) Recommendations for preservation of trees to be retained
 - (g) Tree protection measures during construction of trees to be retained including:
 - (i) Supervision of works by a Project Arborist
 - (ii) Temporary hard fencing erected to enclose and protect the root zone
 - (iii) Exclusion of all construction activities within the root zone
 - (h) Trees identified by Council as hazardous to be removed prior to off maintenance
 - (i) Retention of trees within Old Emu Mountain Road in the vicinity of lots 380-384 must be maximised. Works associated within this area may require isolated sections of hand excavation to protect root zones where appropriate. These works must be specifically addressed as part of the associated Operational Works engineering civil application and further clarified at the construction pre-start meeting
 - (j) The requirements of the Fauna Management Plan apply to the removal of any tree or vegetation



Streetscape Generally

- 29 The following applies to all works within road reserves:
- (a) All road reserves must be planted with shade trees to provide, amenity, shade and improve micro climate. Streetscape plans must specifically address:
 - (i) Staged installation of street trees to minimise loss
 - (ii) Physical damage by builders or vandals
 - (iii) Relocation of street trees due to proximity of driveways
 - (iv) Bonding of streetscape works to minimise loss and/or damage
 - (v) Refurbishment of footpath plantings due to construction traffic
 - (vi) Reinstatement of turf and footpath levels due to construction traffic
 - (vii) Refurbishment of all landscape works that have declined within an extended maintenance period prior to final off maintenance
 - (b) All new batters or cuts exceeding 1 in 4 slope (25%) within road reserves must be:
 - (i) Mulched to a depth of at least 100mm and landscaped
 - (ii) Fully stabilised and weed free
 - (c) Landscaped overland flow paths must not compromise the hydraulic capacity and bark mulch must not be used
 - (d) Landscaping and planting works in medians and roundabouts must not interfere with required sight lines or required minimum sight distances while plants are growing and when fully grown
 - (e) Small medians where stable soil moisture content cannot be achieved must be hard paved with decorative stone insets, or exposed concrete or other approved finish
 - (f) Entry statements must be located entirely within privately owned land
 - (g) Decorative lighting (being lighting other than approved street lighting, such as up-lighting of entrance features or feature trees for example) and permanent irrigation must not be installed in the road reserve or future park. Temporary irrigation may be install for plant establishment only but must be decommissioned and removed prior to on maintenance
 - (h) Kerb profile adjacent to park or reserve must be vertical up-stand to reduce vehicle intrusion and reduce the number of bollards required
 - (i) Streetscape maintenance period is a minimum of 12 months following acceptance of works 'on-maintenance'
 - (j) With respect to the Old Emu Mountain Road reserve, supplementary native plantings (including koala habitat trees) must be provided to both sides of the road to reinstate, as much as possible, the existing natural boulevard effect along the road, and to provide visual screening to the Sunshine Motorway. For the non-development side of the road, supplementary planting works are limited to only those areas which are immediately adjacent to the constructed road and are lacking in canopy cover

Streetscape Associated with Access Paths between Allotments

- 30 The following applies to landscape works associated with access paths between allotments:
- (a) All landscape areas must be designed in accordance with CPTED principles
 - (b) All landscape areas must be designed to minimise maintenance
 - (c) No isolated small pockets of turf are permitted
 - (d) Shade trees must be included as a key feature of the access



- 31 **Streetscape Associated with Rear Access Lanes**
Deleted

- 32 **Plant Stock Generally**
All plant stock associated with landscape works must meet the following requirements:
- (a) All tree stock must meet the principles of NATSPEC Guidelines – Specifying Trees
 - (b) All plants healthy and vigorous
 - (c) All plants have a life span of 5 years minimum for groundcovers, 10 years for shrubs and 20+ for trees
 - (d) Any street tree showing poor root development or ground attachment at 'off-maintenance' will be rejected and is required to be replaced

- 33 **Protection and Retention of Vegetation within Future Park and Reserve**
Prior to the commencement of any construction works adjacent to future park or reserve, a temporary fence must be erected to exclude vehicle traffic. The fencing must clearly sign the area as 'no go area'. Following Council approval of Operational Works associated with the park or reserve, the fencing may be amended to allow required construction. Fencing to be removed following successful 'on-maintenance'

- 34 **Works Associated with Future Park or Reserve Generally**
The following applies to all landscape works associated with future park or reserve. As part of associated Operational Works (Landscaping) application:
- (a) Temporary fencing must identify the boundaries of the reserve on-site and clearly sign the area as 'no go area' until the completion of any construction works
 - (b) All dams or other non-natural in-stream impoundments must be removed and the area finished and stabilised to match the surrounding land
 - (c) All vegetation, excluding vegetation to be removed as a result of rehabilitation works, must be protected from damage
 - (d) All fill batters on land adjacent to generally finish and remain beyond the boundaries of the reserve. Fill batter that enter the reserve must be a maximum of 1:8. Where fill batters impact upon existing trees protection measures including retaining walls must be provided to protect the existing vegetation
 - (e) Remove all declared plants (*Land Protection (Pest and Stock Route Management) Act 2002 (Queensland)*) and environmental weeds (*Maroochy Pest Management Plan 2006-2010* pest species of significance in Group 1, Group 2 and Group 6) in a manner that prevents the regrowth and prevents damage to non-target species
 - (f) All debris, non-essential infrastructure or stored materials must be removed from the park or reserve. This includes, but is not restricted to, green waste, general household or commercial waste, car bodies, fences, building materials and machinery
 - (g) No machinery, equipment, materials or personnel are to enter the park or reserve land unless undertaking works associated with associated Operational Works landscaping
 - (h) All kerb and channel fronting park or reserve must be up-stand barrier kerb to assist in the reduction of bollards that prevent vehicle access
 - (i) All stormwater outlets located within the park or reserve must be designed such that they do not visually detract from the park or reserve. Batters

greater than 1:6 must be landscaped. All stormwater outlets must be stone pitched

- (j) All overland flow paths within the park or reserve must be landscaped to provide a manageable edge between the flow path and the surrounding area

Landscape Works Associated with Wetland

35 Concurrent with the Operational Works (Landscaping) application for the wetland, a Landscape Design Plan must be included. The plan must be in accordance with the *Healthy Waterways Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands 2009* and include the following:

- (a) A species palette and planting density over the total area of the wetland
- (b) Management and maintenance specifications outlining the timing of all planting, water level control and weed control over a three year "on-maintenance" wetland establishment period. This maintenance period begins after the completion of the last contributing stage and following dedication of the wetland as drainage reserve
- (c) Measurable performance criteria on which the establishment of the wetland planting and weed control strategy can be assessed annually over the establishment period
- (d) The requirement that the area be weed free at the end of the re-vegetation period where weed includes declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003, and *Maroochy Pest Management Plan 2006-2010* pest species of significance in Group 1, Group 2 and Group 6
- (e) A schedule of works estimate of costs (plus GST), including maintenance, for establishment of the planting components of the wetland
- (f) Prior to survey plan release for the first stage the applicant must lodge a performance bond with council based on 1.5 times the estimate of costs of incomplete works (plus GST) plus maintenance costs for the establishment of the planting components of the wetland. Until such time as the landscape plantings are implemented following completion of the last contributing stage, the performance bond will be held as an uncompleted works bond for the plantings

Vegetation Management and Revegetation Plan Generally

36 As part of the lodgement of the first Operational Works (Landscaping) application, a Vegetation Management and Revegetation Plan must be submitted for Council approval over the park and reserve area identified on the Approved Plan: *Landscape Concept Plan*. The revegetation works are two distinct areas and must include the following:

- (a) Area A – All park area on the development side of the nominated path: revegetation must include clumps of native vegetation of approximately 25m² in area (clumps must include canopy trees suitable of koala habitat and fodder, understorey shrubs and native grasses). Clumps must be spaced at approximately 50 metre centres. Smaller clumps of trees may also be included
- (b) Area B – All park area on the National Park side of the nominated path: the buffer must be fully revegetated with fire retardant species and in such a manner to reduce the infiltration of weeds into the National Park in accordance with advice from the Department of Environmental Resource Management and the Queensland Parks & Wildlife Service.

The nominated path dividing Area A and Area B may be located as close as practicable to the National Park boundary, providing that regular deviations are

- 37 included to allow for Area B type revegetation. The final alignment of the path must be agreed by Council through an application for Operational Works (Landscaping) The Vegetation Management and Revegetation Plan must be in accordance with Planning Scheme Policy No. 3 – *Rehabilitation Plans* and the following:
- (a) A species palette incorporating the species selection of predominately native indigenous species of Regional Ecosystem 12.5.3, 12.2.12 and 12.2.7
 - (b) The plan must provide near to equal numbers of each species to be used within the relevant re-vegetation areas so that one species of plant is not over or under represented on the site
 - (c) The plan is to provide at least the following diversity of species: 10 species of native grasses/sedges/groundcovers, 10 species of native shrubs and or small trees, and a minimum of 5 species of native canopy trees
 - (d) Canopy trees must be appropriate for koala fodder and habitat
 - (e) The species density must be at least: grasses/sedges/groundcovers at 0.3 metre centres, shrubs at 1.5 metre centres and canopy trees at 4 metre centres
 - (f) Measurable and achievable criteria on which the performance of the floristic component of the re-vegetation strategy can be assessed annually over three years
 - (g) Measurable and achievable criteria on which the performance of the structural component of the re-vegetation strategy can be assessed annually over three years
 - (h) The requirement that the area is weed free at the end of the re-vegetation period, where weed includes declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate *Regulation 2003*, and Maroochy Pest Management Plan 2006-2010 pest species of significance in Group 1, Group 2 and Group 6
 - (i) Removal of all fences within the 20m buffer and along the boundary of the property to the Noosa National Park, or as otherwise agreed
 - (j) The maintenance period of revegetation areas must be a minimum period of 3 years following successful 'on-maintenance' inspection
 - (k) Following 'on-maintenance' the applicant must submit 6 monthly reports
 - (l) Prior to survey plan release for each relevant stage, the applicant must lodge a performance bond equal to the maintenance costs plus 1.5 times the cost of any incomplete works

Noosa National Park Educative Signage

- 38 Durable pole mounted signs must be provided in accordance with the following:
- (a) A0 in size facing the development and at key locations along the pathway
 - (b) Educative in nature noting proximity of the Noosa National Park
 - (c) Wording and images to include the words: "*Dogs and cats are not permitted within the National Park*"
 - (d) Signs to be weather resistant and visually complementary to the natural environment
 - (e) The exact location, wording, colours and design of the signs must be included in the relevant Operational Works applications for the development and approved by Council in consultation with the Queensland Parks Wildlife Service

Recommendations of the Environmental Protection Agency

- 39 The applicant must address the following with respect to works within the reserve land adjacent to the Noosa National Park:
- (a) Fire hydrants must be installed at 100 metre intervals around the length of the site's interface with the National Park
 - (b) All public lighting (including street lighting) must be designed to be low intensive and fauna sensitive whilst still achieving required standards for safe use of public land. Design details must be negotiated with, and approved by, Council in consultation with the Queensland Parks Wildlife Service

Soil Test Report

- 40 As part of all revegetation works within the park or reserve land, the applicant must provide a Soil Test Report to ensure the health and performance of plant stock is maximised. The following requirements apply to all revegetation works:
- (a) Soil tests must be performed and assessed by a qualified Agronomist familiar with the geology of the Sunshine Coast
 - (b) Soil tests must be performed for each distinct soil type in accordance with AS4419
 - (c) The results of testing must be assessed for any deficiency or addition that may detriment plant health. This includes but not limited to:
 - (i) Insufficient organic content to promote healthy growth or retain moisture
 - (ii) pH that will detriment the health of new or existing plants
 - (iii) The presence of toxins or excessive nutrients (e.g. N, P, K)
 - (d) If deficiencies or imbalances exist within the soil profile the Report must provide recommendations for soil amelioration and these recommendations must be implemented prior to planting
 - (e) Prior to 'on-maintenance' the Agronomist must certify that any corrective actions have been completed in accordance with the Soil Test Report

Fauna Management Plan

- 41 As part of the first application for Operational Works over the subject land, the applicant must lodge a comprehensive Fauna Management Plan (FMP) detailing the steps that will be taken to protect fauna species during any development activity that is undertaken on any part of the subject land. The FMP must include details of at least the following information:
- (a) The name of the fauna catchers/re-locators to be used, noting that they must be approved by the Queensland Parks and Wildlife Service, along with a copy of the fauna catchers'/re-locators' Rehabilitation Permit
 - (b) An updated Fauna Spotter Report to be undertaken two weeks before clearing works commence. This must include a fauna assessment of the site, particularly koalas and animals using hollows, including bats. This report is to provide extensive detail of the fauna likely to be impacted by the clearing works
 - (c) Provide within the FMP, certification from the principal contractor that the abovementioned Fauna Spotter Report is being provided to the clearing contractor to enable the contractor to factor the fauna removal issues into the cost of clearing works
 - (d) Confirmation that the direction of clearing is from an open area to a less open area to allow fauna to escape into neighbouring bushland
 - (e) Timing for the removal of fences to enable animals to access the national park must be included in this report, also address the retention of fences to stop or direct animals away from the Sunshine Motorway



- (f) A pre-clearing trapping and release plan, noting that any trappings and releases are to be started at least two weeks before clearing commences and continue through the clearing events. Given the large site area progressive trapping must be undertaken on a number of days over a number of weeks
- (g) Use of nesting boxes / hollow logs and branches to temporarily house translocated animals. Long term management and maintenance of these elements must be provided in the FMP
- (h) Any native bee hives must be relocated prior to clearing works into the adjacent National Park
- (i) The methodology of on site inspections for fauna including the inspection of hollow branches, logs on the ground, nests of birds and possums etc. This site contains many trees with hollows so this needs to be addressed in detail
- (j) Any special machinery requirements for inspection of hollows high up in the tree, for example, cherry pickers, pole cameras with optical fibre, lights for viewing hollows etc. This is a critical element on this site and must be included in the fauna assessment and methodology
- (k) Nomination of release area/s and the land owner's written approval for release if necessary. This site will likely require releasing of animals back into the Noosa National Park. Approval must be gained for these works
- (l) Contact details of the nearest veterinarian or other appropriate party to humanely deal with injured wildlife

Final Report Spotter Catcher

- 42 In association with the required FMP, a final report by the fauna spotter must be provided to Council no more than two weeks after clearing is finished, stating the following:

- (a) The length of time of the clearing
- (b) Details of any animal/s that were caught and/or sighted and released, and the placement of any release/s
- (c) Details of any animals that were destroyed due to injury, given to wildlife rescue groups etc
- (d) Confirmation of the follow up monitoring of nesting boxes/ translocated hollow logs and branches and how they are to be maintained into the future

PROVISION OF A LOCAL PARK

Local Park Generally

- 43 Prior to release of the Plan of Survey for the first stage of the development, the applicant must provide and embellish land suitable for a local park in accordance with the following:
- (a) Land must be suitable in terms of area and shape, and be able to cater for a variety of activities
 - (b) Must have a gradient of 10% or less for at least 30% of the site
 - (c) Be free of encumbrances such as services easements, pump stations, flood susceptibility, conservation or infrastructure encumbrances etc, which may inhibit recreational use
 - (d) Must be designed in accordance with Crime Prevention Through Environmental Design Principles (CPTED)
 - (e) Must have direct physical access to a constructed public road
 - (f) Must have direct links to the pedestrian and cycle network
 - (g) Be free of any declared and environmental weeds
 - (h) Open areas to be free of debris, rocks and stumps and are able to be graded to alleviate any excessive mounds and depressions



- (i) Be freely and safely drained
 - (j) Lighting for amenity and security
 - (k) Include embellishments provided in accordance with the requirements of this Decision Notice, Council Parks and Open Space Landscape Standards Manual and an approved Landscape Plan through an application for Operational Works (Landscaping)
 - (l) Deleted
 - (m) Hose connections must be provided in locations suitable to provide for a future community garden
- 43A Widened road reserves for social gathering purposes must be provided in the locations shown on the Approved Plans and with the minimum dimensions shown on the approved plans. At least one large feature tree must be provided in each location

Local Park Scope of Embellishment

- 44 The applicant must provide and embellish land suitable for a local park in accordance with the following:
- (a) Shade tree planting
 - (b) Informal turf and landscape areas
 - (c) Kick around area of approximately 40 x 50 metres to be provided
 - (d) Water connection for maintenance activities
 - (e) Disability compliant concrete path to picnic areas and playground
 - (f) One shade shelter on concrete base equal to Landmark K602 including aluminium picnic table and bench seating
 - (g) Bike rack of stainless steel standard to accommodate 5 bikes
 - (h) One drinking bubbler
 - (i) One rubbish bin
 - (j) Playground of high standard that includes:
 - (i) 50% shade to entire play area
 - (ii) Climbing frame equal to a Kompan GXY939
 - (iii) Swinging element equal to Kompan SPME30350
 - (iv) Spinning element equal to Kompan GXY916
 - (v) Compliant soft fall material within the confines of the general playground area, and wet pour rubber or matting under high impact areas to reduce soft fall displacement
 - (vi) Durable edge to playground
 - (vii) Provision of two discrete areas for both children's playground and youth recreation
- 44A Embellishments for the local park must include a shelter for large gatherings equal to 'Landmark' 304 and contain:
- (a) Two platform seats equal to 'Landmark K003
 - (b) Rubbish bin,
 - (c) Power connection (GPO and security light)
 - (d) Water bubbler
 - (e) Covered double BBQ equal to 'Landmark' KB 102
- 44B The applicant must amend the Approved Plans to nominate a Youth Activity Space for future provision of activities such as skating and half-court basketball. The nominated area must be:
- (a) Approximately 20 x 20 metres in size
 - (b) In close proximity to the local centre
 - (c) Not located below the Q 20 ARI
 - (d) Planted with shade trees to the perimeter to establish a shade structure prior to Council installing facilities at the later date

- 44C A total of two shade shelters must be provided within the linear parkland in close proximity to the intersection of Roads B and C, and Roads B and Road J. The shade shelters must be:
- (a) Linked to the park path by way of a separate concrete path
 - (b) Located to reduce conflict between pathway users
 - (c) Equal to 'Landmark' K303 and include aluminium picnic table and bench seats
 - (d) Inclusive of a rubbish bin, power connection (GPO and security light) and water bubbler
- 44D A total of five fitness stations must be provided within the linear parkland adjacent to the proposed pathway in accordance with the following:
- (a) Durable and suitable in a marine environment
 - (b) Consist of a combination of lifting, stretching and balancing items
 - (c) Entire under surface to be edged and infilled with wet pour rubber
 - (d) Contain educational and instructional signage

Transfer of Park and Reserve

- 45 The applicant must transfer to council land shown as park and reserve in accordance with the following:
- (a) Transfer to Council must be in fee simple on trust, land for open space. No other annotation of the purpose of the allotment is to be made on the survey plan
 - (b) The applicant is responsible for all costs associated with the transfer of the land to Council
 - (c) One original signed and 'stamped' Queensland Land Registry Transfer of Ownership and Forms 1, 24 and 20 for each lot that is to be transferred to Council in fee simple on trust, together with a copy of the land valuation, must be lodged with the survey plans prior to endorsement of approval

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- 46 Deleted

ACOUSTIC COVENANTS

- 47 Deleted
48 Deleted

MOVEMENT NETWORKS

Internal Roadworks

- 49 Subject to the other conditions contained herein, all new roads must be designed and constructed generally in accordance with the approved plans (as amended) and in accordance with Planning Scheme Policy No. 5 – *Operational Works* and Planning Scheme Policy No. 6 – *Transport Traffic and Parking*
- 50 Subject to Condition 51 below, Road B must be designed and constructed as a Neighbourhood Collector Street (Bus Route) in accordance with Maroochy Plan 2000. Except where stated in Condition 51 below, the minimum road reserve width must be 20 metres with an 11 metre wide road pavement consisting of a 6 metre wide carriageway and 2.5 metre wide parking lanes on both sides. Concrete footpaths, at least 1.8 metres wide, should be provided on both sides of the street

- 51 Where Road B has frontage to a proposed open space reserve (excluding the proposed Neighbourhood Park (Lot 500)), the parking lane and concrete footpath on that side of Road B may be omitted and replaced with indented car parking bays, at least 2.5 metres wide, in groups of at least two bays at approximately 80 to 100 metre spacings. The car parking spaces must be 6.3 metres long with 2.5 metre kerb tapers at each end of a group. In addition, indented pavement areas suitable for use as indented bus bays must be provided on Road B adjacent to the proposed open space reserve east of the proposed roundabout at the Road J intersection, and south of the proposed roundabout at the Road C intersection. The clear verge width of Road B adjacent to a proposed open space reserve must be at least 4 metres, inclusive of the indented car parking bays and indented bus bays required by this condition on an open space reserve frontage. The overall reserve width of Road B may be adjusted accordingly, to at least 17 metres. A yellow no stopping line must be installed on Road B where there are no parking lanes or indented parking bays
- 52 Road A must be constructed with a minimum road reserve width of 24 metres, incorporating a 4 metre wide raised median, 2 x 5.5 metre wide carriageways, and verges on both sides at least 4.5 metres wide. Concrete footpaths, at least 1.8 metres wide, must be provided on both sides of the street
- 53 All roundabouts within the proposed development must have pedestrian kerb ramps constructed on all roundabout approaches, located approximately 6 metres from the roundabout holding line. Raised concrete splitter islands must also be constructed on all roundabout approaches
- 54 All roundabouts constructed on Road A and Road B must have a minimum outside diameter of 30 metres, with pedestrian refuge islands incorporated into splitter islands on all roundabout approaches. The island width at each refuge location must be at least 2 metres, with the opening in the island for pedestrians at least 3 metres wide. The proposed road reserves and lot layout must be modified as necessary to accommodate the works
- 55 Yellow no stopping lines, in accordance with the *Manual of Uniform Traffic Control Devices*, should generally be installed on both sides of all proposed laneways
- 56 Intersections of all internal roads must be designed to accommodate the swept path of a Sunshine Coast Regional Council Waste Collection Vehicle
- 57 Temporary turnaround facilities must be constructed where necessary at the end of proposed Internal Blind Roads of a size to suit the manoeuvring requirements of Council's Waste Collection Vehicles (WCV). The facility must be designed to the requirements of Queensland Streets and must include:
- (a) A turnaround area sufficient for a WCV to complete a 3-point turn, and
 - (b) A design such that a WCV does not have to drive over speed control devices or need to use driveways, private land or any other area other than the road to execute a manoeuvre

Internal Pedestrian Footpaths

- 58 Subject to the other conditions contained herein, the applicant must construct a 1.8 metre wide concrete footpath along on at least one side of all roads serving greater than 15 allotments, generally as shown on the approved plans
- 59 Collector streets or above must be provided with paths on both sides and these pathways are to be provided with extensive shading through intensive street tree planting, designed to give 80% shade cover to the pathway at maturity
- 60 The applicant must construct kerb ramps and footpath road crossings generally as shown on the approved plans



- 61 The applicant must construct the following inter-allotment concrete footpath links generally as shown on the approved plans and with a minimum width of 2.5 metres:
- (a) Between Old Emu Mountain Road and Road J
 - (b) Between Road B and Road D
 - (c) Between Road K and Road M
- 62 The applicant must construct a concrete shared path, at least 2.5 metres wide, for the entire length of the open space reserve adjacent to the Noosa National Park. Details of the shared path alignment must be provided with each application for Operational Works
- 63 Footpaths must be co-ordinated with street lighting and designed in accordance with Section 7 of Planning Scheme Policy No. 6 – *Transport, Traffic and Parking*

Driveway Construction for Specific Lots

- 64 A driveway must be constructed from the carriageway for the full length of the access strip for hatchet shaped lots. The driveway must be constructed in accordance with Section 4.2.5.4 of Planning Scheme Policy No. 5 – *Operational Works*
- 65 A driveway must be constructed from the carriageway to the allotment boundary for all lots depicted on the approved plans as having constructed driveways. The Developer must include a clause in the contract of sale for any proposed lot having a constructed driveway which prevents any alternative location being used for a driveway
- 66 Where indented parking bays are provided along the frontage of an allotment, the residential driveway to that allotment must be constructed in accordance with Council Standard Drawing SEQ R-050 to ensure that the indented parking bays are not impacted upon as part of future building works. The developer must include a clause in the contract of sale for affected allotments which prohibits a residential driveway from entering indented carparking bays

Access Arrangements for Lots 381, 382 and 383

- 67 To maximise vegetation retention within the Old Emu Mountain Road reserve, no direct vehicle access is permitted from proposed Lots 381, 382 and 383 to Old Emu Mountain Road. Vehicle access to these lots must be taken from Road L as shown on the approved plans. The developer must include a clause in the contract of sale for proposed Lots 381, 382 and 383 which prevents the location for a residential driveway to Old Emu Mountain Road

External Road and Footpath Works

- 68 Prior to the release of the Plan of Survey of the first stage of the development, Old Emu Mountain Road must be upgraded from the northern intersection with Road B to the existing sealed road adjacent to the Peregrian Beach College north-west of the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) A sealed 6.5 metre wide two-lane central carriageway with a 1.25 metre wide unsealed shoulder on each side
 - (b) A concrete shared path, at least 2.5 metres wide, on the northern side of the carriageway

- 68A Prior to the release of the Plan of Survey of the first stage of the development, Old Emu Mountain Road must be upgraded along the frontage of the site from the northern intersection with Road B to the intersection with Road A. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) An overall sealed carriageway width of 12.5 metres, incorporating 2 x 3 metre wide traffic lanes, a 1.5 metre wide bicycle lane and 2.5 metre wide parking lane on the development side, and a 2 metre wide sealed shoulder on the opposite side. Where possible, the road carriageway alignment should be altered and the parking lane discontinued over short sections as necessary along the Old Emu Mountain Road frontage to retain significant trees within the road reserve. Short sections of raised concrete median island should be installed at the bends in the carriageway between proposed Lots 377 and 391 to help maintain driver lane discipline
 - (b) Kerb and channel on the development side
 - (c) A verge on the development side at least 5 metres wide, measured between the kerb face and site boundary
 - (d) A concrete shared path, at least 2.5 metres wide, on the development side of the carriageway
 - (e) A bus bay on the southern side of Old Emu Mountain Road east of the northern intersection with Road B. A pathway connection must be provided between the bus bay and pedestrian refuge island incorporated into the adjacent roundabout
- 68B Prior to the release of the Plan of Survey of the fourth stage of the development or prior to the release of the Plan of Survey creating the 101st lot, whichever occurs sooner, Old Emu Mountain Road must be upgraded along the frontage of the site from the intersection of Road A to the southern intersection of Road B. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) An overall sealed carriageway width of 12.5 metres, incorporating 2 x 3 metre wide traffic lanes, a 1.5 metre wide bicycle lane and 2.5 metre wide parking lane on the development side, and a 2 metre wide sealed shoulder on the opposite side. Where possible, the road carriageway alignment should be altered and the parking lane discontinued over short sections as necessary along the Old Emu Mountain Road frontage to retain significant trees within the road reserve;
 - (b) Kerb and channel on the development side
 - (c) A verge width on the development side at least 5 metres wide, measured between the kerb face and site boundary
 - (d) A concrete shared path, at least 2.5 metres wide, on the development side of the carriageway
 - (e) A bus bay on the southern side of Old Emu Mountain Road west of the southern intersection with Road B. A pathway connection must be provided between the bus bay and refuge island incorporated into the adjacent roundabout
- 68C Prior to the release of the Plan of Survey creating the 101st lot of the development, Old Emu Mountain Road must be upgraded from the southern intersection of Road B to Emu Mountain Road south of the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) A sealed 6.5 metre wide two-lane central carriageway with a 1.25 metre wide unsealed shoulder on each side
 - (b) A concrete shared path, at least 2.5 metres wide, on the eastern / northern side of the carriageway



- 69 Single-lane roundabouts must be constructed at the proposed Road A / Old Emu Mountain Road intersection and at both proposed intersections between Road B and Old Emu Mountain Road. Of these, the roundabout at the southern intersection of Road B and Old Emu Mountain Road must be constructed at the same time as the works required by Condition 68C. The roundabouts must be designed in accordance with Queensland Department of Transport and Main Roads' Road Planning and Design Manual and Maroochy Plan 2000 and accommodate a turning articulated vehicle. Buses should be able to negotiate the roundabouts without encroaching upon any raised central island or apron
- 70 Prior to the release of the plan of survey creating the 101st lot of the development, at least a Type CHR(S) right turn treatment must be constructed on Emu Mountain Road at its intersection with Old Emu Mountain Road. The intersection works must be designed in accordance with the requirements of the Queensland Department of Transport and Main Roads and their *Road Planning and Design Manual*
- 71 Deleted
- 72 The applicant must provide a road reserve stub to the adjoining property to the south, generally as shown on the approved plans
- 72A Prior to release of the Plan of Survey for each stage of the development, the applicant must pay to Sunshine Coast Regional Council a monetary contribution of \$578 per lot toward the provision of a 3 metre wide footpath along the length of Emu Mountain Road between the David Low Way and the intersection with Old Emu Mountain Road. The amount of the contribution must be indexed quarterly from March 2012 until the time of payment by the application of the Consumer Price Index (Brisbane)

UTILITIES

- 73 The applicant is responsible for the alteration, relocation or re-instatement of public utility services, stormwater drainage structures, driveways, landscaping and other features affected by the development works. Any alterations or repairs of existing infrastructure required as a result of the development are to be completed at no expense to Council or the service provider
- 74 Where public utility services traverse private property, a minimum three metre wide easement must be provided over the infrastructure in favour of the applicable service provider
- 75 Each proposed lot must be provided with reticulated electricity and telecommunication services to the satisfaction of the relevant service providers
- 75A Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future provision of optic fibre technology telecommunications to each lot. Certification must be submitted to Council from the relevant service provider which certifies that the development has met the requirements of all applicable legislation at the time of construction
- 76 Electricity reticulation and street lighting must be provided in accordance with Planning Scheme Policy No. 5 – *Operational Works* and must be designed by a Registered Professional Engineer of Queensland (RPEQ) experienced in electrical reticulation engineering. In particular, the works must include:
- (a) Provision of underground electricity reticulation within the development
 - (b) Undergrounding of all existing overhead power supply on or fronting the site
 - (c) All underground power located on Council's standard alignment as shown in Standard Drawings SEQ R-100 and R-101 and constructed in accordance with the associated specification
 - (d) Street lighting along the frontage of the site designed for the specific road hierarchy. Where applicable, street lighting must be installed on the same side of the road as concrete footpaths



- 77 Electricity/telecommunication drawings must be co-ordinated with the civil engineering design details to ensure that service clashes are avoided

WATER SUPPLY AND SEWERAGE

- 78 Any construction works to be undertaken in the vicinity of Council's existing water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of existing infrastructure must be met by the applicant
- 79 The applicant must provide reticulated water supply and sewerage services to each lot within the proposed development in accordance with Maroochy Plan 2000
- 80 The applicant must ensure any barricades constructed on the footpath do not impede the access of Sunshine Coast Water or Fire Brigade personnel to vital control structures (e.g.. valves, fire hydrants and sewer access chambers)
- 81 The firefighting water supply demand on Council's reticulation system from this development must not exceed 15 litres per second
- 82 The applicant must provide a computer generated sewerage network analysis with the application for Operational Works. The analysis must be prepared by a suitably qualified and experienced consultant and must determine:
- (a) The impact of the development on Council's existing sewerage infrastructure
 - (b) The internal infrastructure requirements of the development
 - (c) Any upgrading requirements to Council's existing infrastructure necessary to service the development
- The analysis must consider short, medium and ultimate development phases and must include details of anticipated population growth rates proposed for the development
- 83 The applicant must ensure that no stormwater, groundwater or sump pump is permitted to discharge to Council's sewerage system
- 84 Sewerage mains must be located a minimum of 1.5 metres clear of all building envelopes and be centrally located in a three metre wide easement
- 85 The applicant must ensure that on site storm water treatment tanks, soakage trenches, and gross pollutant traps maintain a minimum of 1.5 metres clearance from Council's sewerage infrastructure
- 86 The applicant must provide written approval from all property owners through which external sewers will traverse, to enter, construct and provide a 3 metre wide easement. This must be submitted with the associated development application for Operational Work

INTEGRATED WATER MANAGEMENT

Stormwater Management Design

- 87 Concurrent with each application for Operational Works, the applicant must submit detailed calculations and supporting plans/documentation prepared by a suitably experienced Registered Professional Engineer of Queensland (RPEQ) to demonstrate that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and Maroochy Plan 2000, without causing an annoyance or nuisance to any person or property. The following requirements must be addressed as part of any submission:
- (a) The incorporation of Water Sensitive Urban Design into all development site drainage
 - (b) Extension of the drainage system through the development site to cater for all external catchments



- (c) Cut off drains where necessary to protect the development site from overland flows from upstream sources, and to protect downstream property from flow developed on the site
- (d) Registration of drainage easements over all drainage structures and concentrated flow paths on private land, including on adjoining land where required to connect to a legal point of discharge as defined in QUDM
- (e) Lodgement with Council of written permission to discharge stormwater onto adjoining property and the establishment of drainage easements where required
- (f) Construction of conventional stormwater drainage systems in accordance with Section 4.7 of Planning Scheme Policy No.5 – *Operational Works*

Interallotment Drainage

- 88 An interallotment drainage system must be designed and installed in accordance with Section 4.7.2 of Planning Scheme Policy No. 5 – *Operational Works*. In particular, residential interallotment drainage systems must be designed to Level 2 in accordance with QUDM

Integrated Water Management Strategy

- 89 Concurrent with each application for Operational Works, the final design details of the site's Integrated Water Management Strategy must be prepared and submitted by a suitably experienced Registered Professional Engineer of Queensland (RPEQ) or equivalent for Council's approval. All water management and drainage systems must demonstrate compliance with:
- (a) The Maroochy Plan 2000 *Code for Integrated Water Management*
 - (b) Planning Scheme Policy No. 5 – *Operational Works*, Sections 2.2 and 7
 - (c) The latest *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* published by Healthy Waterways
 - (d) Queensland Urban Drainage Manual
 - (e) Australian Runoff Quality

Operational Management and Maintenance Report

- 90 An Operational Management and Maintenance Report must be prepared as a separable section of the Integrated Water Management Strategy to provide an outline of the proposed long term operational and maintenance requirements of the stormwater system on the site. As a guide, the maintenance report must cover all aspects of on-site facilities associated with the management of stormwater quantity and quality, including any rainwater tanks, on-site detention tanks and stormwater quality improvement devices. The Operational Management and Maintenance report must include:
- (a) A plan showing the location of the individual components of the system (for lots less than 2000m², an ISO A3 plan will be considered adequate)
 - (b) Manufacturer's data and product information sheets for any proprietary products
 - (c) Location of inspection and monitoring points shown clearly on the plan
 - (d) A summary of the design water quality target acceptable criteria
 - (e) A schedule or timetable for the proposed regular inspection and monitoring of the devices. (Council recommends a visual inspection at least 3 times per year with more frequent inspections to occur no greater than 3 months apart between October and May. Inspection should be made not less than 24 hours and not more than 72 hours after the cessation of rainfall if the total rainfall on any day exceeds 30mm)
 - (f) Proposed action if inspection reveals the presence of water ponded within bio-filters twenty-four hours after the cessation of rain



- (g) Records to be logged and kept for verification of compliance with this condition on a needs basis
- (h) Name and contact details of relevant person responsible for the design of stormwater system

Constructed Wetland

91 Concurrent with the application for Operational Works for the first stage of the development, the applicant must lodge detailed landscape and engineering drawings and details for the constructed wetland along with appropriate and technical supporting documentation. The wetland must be designed and comply with the current Wetland Design Guidelines under the *WSUD Technical Design Guidelines for South East Queensland*. The following wetland design requirements must be specifically addressed:

- (a) Full wetland design drawings showing finished levels for all elements of the wetland (weirs, sediment ponds, bypass channel, pipes, etc)
- (b) Detailed hydraulic calculations for all elements of flow control devices through the wetland (i.e. pipes, inlets, weir flows, bypass channel, etc)
- (c) All design aspects associated with the wetland must be in strict accordance with the latest *WSUD Technical Design Guidelines for South East Queensland*
- (d) Where design elements of the wetland are not specifically stated in the latest *WSUD Technical Design Guidelines for South East Queensland* document, the appropriate provisions as detailed under the QUDM must be adopted
- (e) An updated Integrated Water Management Plan for the wetland
- (f) All wetlands including individually constructed wetland cells must be provided with an appropriate clay liner of sufficient permeability and thickness to prevent groundwater ingress to the wetland
- (g) The hydrologic effectiveness of the wetland and/or wetland cell must be detailed and must satisfy the WSUD requirements (please refer *WSUD Technical Design Training Notes for South East Queensland – Version 1 – June 2007 - Constructed Stormwater Wetlands – Course Notes*)
- (h) The wetland design must incorporate appropriate maintenance access provisions to all elements of the wetland

CONSTRUCTION MANAGEMENT PLAN

92 A preliminary Construction Management Plan must be submitted with the Operational Work applications for each stage of the development. The Plan must be prepared in accordance with Section 6 of Planning Scheme Policy No. 5 – *Operational Works*, including the provision of a preliminary Traffic Management Plan. While the Plan must be submitted with the Operational Work applications, variations to the Plan may be submitted to Council for endorsement prior to the commencement of construction (e.g.. following the appointment of a Principal Contractor for the project)

EROSION AND SEDIMENT CONTROL

93 A Site Erosion and Sediment Hazard Evaluation Report must be submitted in conjunction with each development application for Operational Works to enable consideration of the likely water quality risks, and the feasibility of proposed conceptual water quality control measures. The Report must be prepared by a person or persons professionally qualified and skilled in soil management, erosion and sediment control, soil mass movement and slip potential. The Report is to be prepared in accordance with the requirements of Planning Scheme Policy No. 14 and the Manual for Erosion and Sediment Control (Maroochy Shire Council, 2008)

- 94 In conjunction with each application for Operational Works approval, the applicant must provide an Erosion and Sediment Control Plan which incorporates a suite of measures designed to ensure that no sediment-laden or turbid water exceeding natural background levels at the time flow to any waters or drainage line leading to waters. For clarity of intention, there is deemed to be compliance with this condition if there is no release or flow from the site throughout the earthworks and construction period to any waterway, stormwater drain or drainage line leading to a waterway or area of native vegetation containing a concentration in excess of 50 milligrams per litre of total suspended solids (refer to Advisory Notes). This Plan must be prepared in accordance with the requirements of Planning Scheme Policy No. 14 – *Erosion & Sediment Control* and the *Manual for Erosion and Sediment Control* (Maroochy Shire Council, 2008)
- 95 In conjunction with each development application for Operational Works, the applicant must provide the completed Erosion and Sediment Control Design Compliance Certificate required by Planning Scheme Policy No. 14 – *Erosion & Sediment Control* Section 9.4

EXCAVATION AND FILLING

- 96 All earthworks must be undertaken in accordance with the provisions of AS3798 *Guidelines on Earthworks for Commercial and Residential Developments*, with geotechnical testing undertaken in accordance with Section 8 of the Standard, and to a minimum of 'Level 1' as defined in Appendix B. Test results as required by AS3798 and a certificate of quality and uniformity of fill must be provided by a RPEQ and submitted to Council prior to Council signing the Plan of Survey for each stage
- 97 The proposed allotments must be shaped to be free-draining with minimum surface levels in accordance with the Maroochy Plan 2000 *Operational Works Code*. The allotments must also be shaped to fall to the respective street frontage. The provision of allotments which grade away from a road reserve in a 'greenfields' development is only accepted where it is a topographical necessity. That is, because the allotments physically cannot be graded to the street frontage
- 98 All fill, including fill batters, must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective landowner(s)
- 99 Where the development involves excavation or filling over, or adjacent to, water supply or sewerage infrastructure, all access chamber surface levels must be adjusted to provide a freeboard of 100mm above the finished ground surface level
- 100 In conjunction with each Operational Works application to Council, the following must be provided:
- (a) Details of the location of any material to be sourced for fill, including the volume of fill to be moved from any particular source site
 - (b) Details of the final location for any material to be exported from the site from excavations
 - (c) Details of the haulage route/s that will be used. Approval for the haulage truck sizes and the final haul route(s) must be obtained prior to works commencing
 - (d) The proposed source of fill and haulage route must be approved by Council prior to the commencement of bulk earthworks
 - (e) Details identifying the source and disposal site(s) for material imported/exported as part of the development. The site(s) must have a current development approval enabling them to export/accept any material if they are located within the area previously known as the Maroochy Shire
- 101 Cut, fill and other stored material must be contained wholly within the site and located so as not to impact on a waterway or drainage line



- 102 Contaminated material must not be used as fill on the site. Any filling must be undertaken using the following inert materials only:
- (a) Bricks/pavers/ceramics
 - (b) Concrete (including embedded steel reinforcing rods), pulverised to a maximum 75mm nominal size
 - (c) Clean earthen fill

Demolition Waste Disposal

- 103 Waste material as a result of demolition works and excavation works must not be used as fill where the material includes the following as defined within the *Environmental Protection (interim waste) Regulation 1996*:
- (a) Commercial waste
 - (b) Construction or demolition waste
 - (c) Domestic clean-up waste
 - (d) Domestic waste
 - (e) Garden waste
 - (f) Industrial waste
 - (g) Interceptor waste
 - (h) Recyclable biodegradable waste
 - (i) Recyclable waste
 - (j) Regulated waste

- 104 All waste material above as defined within the *Environmental Protection (interim waste) Regulation 1996* must only be disposed at a waste facility approved for the receipt of waste

Retaining Walls

- 105 Structural design certification must be provided for all retaining walls by an experienced and qualified civil engineer
- 106 All retaining walls must be designed and constructed in accordance with the requirements of Council's Planning Scheme Policy No. 5 – *Operational Works*
- 107 Fencing and barriers must be installed in accordance with AS1926 and the Maroochy Plan 2000 for any change of height greater than one metre, and on top of retaining walls within all road reserves
- 108 All batter slopes, retaining walls or other structures that are created to achieve the road formation must generally be located within the road reserve, and where extending beyond the road reserve must not exceed a grade of 1:4. All structures that are created to correct/adjust levels on private land must be located within the lot they are supporting

GEOTECHNICAL

Geotechnical Certification

- 109 In conjunction with each application for Operational Works, geotechnical design certification which addresses the requirements of Sections 3.1 and 3.4 of Council's Planning Scheme Policy No. 4 – *Preparation of Geotechnical Reports* must be submitted
- 110 Upon completion of the works and in conjunction with the lodgement of a Survey Plan application with Council, geotechnical engineer's certification must be submitted in accordance with Sections 3.1 and 3.2.1 of Council's Planning Scheme Policy No. 4 – *Preparation of Geotechnical Reports*



ACID SULFATE SOILS

111 The applicant must ensure each application for Operational Works (Engineering) includes a site based management plan for the management of disturbed acid sulphate soils in accordance with the Section 6.7 "Recommendations" of the Approved Document: *GEO-Environmental Investigation*. In accordance with the recommendations, the *SPP 2/02 Guideline for Planning and Managing Development involving Acid Sulfate Soils* requires that a Category XH site based treatment plan must be provided in regard to the excavation works

CONTAMINATED LAND

112 Deleted

113 The applicant must ensure that all contractors involved with construction activities on the site are issued with a copy of the Approved Document: *Advisory Note Unexploded Ordnances* for the advice and information purposes

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency	Referral Address
State-controlled Road	Concurrence	Department of Main Roads	North Coast (Gympie) PO Box 183 GYMPIE QLD 4570
Remnant Vegetation	Concurrence	Department of Natural Resources & Water	South East Region Attention: Jeff Guinea PO Box 573 NAMBOUR QLD 4560
Public Passenger Transport	Concurrence	Queensland Transport	Principal Manager (Land Use) Transport Planning Branch GPO Box 213 BRISBANE QLD 4001
Acid Sulfate Soils	Advice	Department Of Natural Resources & Water	South East Region Attention: Jeff Guinea PO Box 573 NAMBOUR QLD 4560
Preliminary Approval (Overriding the Planning Scheme)	Advice	Department Of Infrastructure & Planning	PO Box 15031 CITY EAST QLD 4002
Referrable Wetlands	Advice	Environmental Protection Agency	Ecoaccess Customer Service Unit PO Box 15155 CITY EAST QLD 4002
Contaminated Land Matters	3rd Party	Environmental Protection Agency	Contaminated Land Unit GPO Box 2771 BRISBANE QLD 4001

A copy of any referral agency conditions is attached.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan	Rev.	Plan Name	Date
0917-DA-S0-1E Sheet 1 of 14	E	<i>Subdivision Layout Plan</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-1.1C Sheet 1.1 of 14	C	<i>Part Subdivision Layout Plan – Sheet 1.1</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-1.2C Sheet 1.2 of 14	C	<i>Part Subdivision Layout Plan – Sheet 1.2</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-1.3C Sheet 1.3 of 14	C	<i>Part Subdivision Layout Plan – Sheet 1.3</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-2D Sheet 2 of 14	D	<i>Subdivision Staging Layout Plan</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-6D Sheet 6 of 14	D	<i>Layout Plan</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-7C Sheet 7 of 14	C	<i>Typical Road Cross Sections</i> , prepared by Subdivisions (Qld) Pty Ltd	24/08/11
0917-DA-S0-13E Sheet 13 of 14	E	<i>Concept Services Plan (Contemporary Living Lots)</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-14D Sheet 14 of 14	D	<i>Concept Services Plan (Insets 1 & 2)</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
09045 LC 01 [G]	-	<i>Landscape Concept Plan</i> , prepared by Gamble McKinnon Green	29/05/09
M07.017 Sheet PD.02	C	<i>Plan of Development Contemporary Lots</i> , prepared by Greenway (S.C.) Pty Ltd	10/06/09

The following plans require amendment prior to becoming Approved Plans for the development:

Plans Requiring Amendment

Nil

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
MCU07/0197_TODA	A	<i>Supplementary Table of Assessment for Old Emu Mountain Road Development</i> , prepared by Sunshine Coast Regional Council	02/10/09

Document No.	Rev.	Document Name	Date
077682046(AH)	-	<i>Remediation and Validation Works</i> , prepared by Golder Associates Pty Ltd	Nov 2007
077682046-1000(AC)	-	<i>Geo-Environmental Investigation</i> , prepared by Golder Associates Pty Ltd	Sept 2007
06/05	-	<i>Advisory Note Unexploded Ordnances</i> , prepared by the Department of Defence and the Environmental Protection Agency	-
-	-	<i>Code for Development of Contemporary Living Lots</i> , prepared by Greenway (S.C.) Pty Ltd	23/05/12
Project 12BRA0098	No. 5	<i>Road Traffic Noise Impact Assessment Report</i> , prepared by TTM Consulting (SC) Pty Ltd	08/05/12

8. ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

DEVELOPMENT CONTRIBUTIONS PAYMENT ADVICE

- 1 A letter outlining an estimate of contributions payable under the current Planning Scheme Policies will be forwarded by Council's Infrastructure Charges Officer, within 5 business days of the date of this Decision Notice. Any stage of development involving lots nominated for dual occupancy purposes on the approved plans will trigger payment of contributions equal to the chargeable rates for each dual occupancy.

Please contact Council's Development Contributions Officer at least 3 days prior to payment for issue of a payment advice (which is to accompany the payment).

GENERAL OPERATIONAL WORKS MATTERS

- 2 This Decision Notice requires further application/s for Operational Works to be submitted to Council for assessment.
- 3 From 1 January 2000, the Building and Construction Industry (Portable Long Service Leave) Levy must be paid prior to the issue of a development permit where one is required for the 'Building and Construction Industry'. This applies to Building Works, Operational Works and Plumbing and Drainage Works applications, as defined under the Integrated Planning Act 1997, where the works are \$80,000 or more and matching the definition of 'Building and Construction Industry' under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.

Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. Should you require clarification in regard to the amendments to the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855

STAGING LAYOUT

- 4 Deleted.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- 5 The applicant should be aware that they may be required to seek approval from the Commonwealth Government in relation to the proposal. The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC), which came into operation in July 2000, relates to actions that may have a significant impact on matters of 'national environmental significance' (NES) or the environment generally if on Commonwealth land. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

The EPBC provides that a person must not take an action that has, will have or is likely to have a significant impact on the matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether, or not, approval is required under the EPBC.

The applicant may wish to contact the Community Information Unit at Environment Australia on 1800 803 772 to discuss any obligations under the EPBC.

EROSION AND SEDIMENT CONTROL

- 6 Soil management and erosion and sediment control must be carried out by a person qualified as a Registered Professional Engineer (Queensland), and holding a Certificate in Soil Erosion and Sediment Control, Hydrology and Stormwater for Designers, issued by the International Erosion Control Association, or equivalent
- 7 Mass movement/slip potential must be carried out by a Registered Professional Engineer (Queensland) who is skilled and experienced in geotechnical surveys
- 8 An acceptable Site Erosion and Sediment Hazard Evaluation Report which addresses compliance with water quality objectives, can be based on the method of the *New South Wales Landcom Managing Urban Stormwater, 2004* or equivalent is to be submitted
- 9 Any significant change to the natural hydrologic regime is likely to cause detrimental waterway impacts. These result from increased flow velocities and volumes (causing stream bed and bank scouring, sedimentary infilling of riffle zones and deep holes, and smothering of benthic organisms), and from increased run-off event frequencies (which disrupt the life cycle of aquatic organisms). Predicted impacts on existing hydrologic regime and hydraulic radius of susceptible streams should be described
- 10 The permissible water quality limit for any water released from a sediment basin is 50 milligrams litre (mg/L) of Total Suspended Solids (TSS) as a maximum concentration. This is the recognised 'best practice limit' (refer *Queensland Department of Natural Resources/Environmental Protection Agency Stormwater Quality Control Guidelines for Local Government, 1998, Brisbane City Council Best Practice Discharge Guidelines, and Soils and Construction, and New South Wales Landcom 2004*). It has been demonstrated that the TSS limit of 50 mg/L can be consistently achieved provided that control measure design, operation and maintenance are adequate. The limit will not be applied to any basin release which the applicant can substantiate occurred as a consequence of a storm event of a magnitude beyond the sediment basin design operational capacity. The water quality design goal for any water flowing from any part of the site not served by a sediment basin, is a maximum of 50 milligrams litre (mg/L) of Total Suspended Solids (TSS). Where any release exceeds this goal, enforcement action will follow only where all reasonable and practical measures to prevent environmental harm have not been adopted



- 11 Acceptable site planning procedures, and soil erosion and sediment control measures for achieving an effective 'treatment train' for complying with the required water quality objectives, can be obtained from *Maroochy Manual for Erosion and Sediment Control 2007*
- 12 The programme must involve co-ordination with trunk drainage and other design concept investigations. The requirements of various design concept factors will modify the planning for the others, so that soil and water management needs must be clearly integrated into the development process
- 13 The general environment duty of the *Environmental Protection Act 1994* may extend to managerial responsibility for ensuring all persons working on a site (including employees, agents and contractors) whose activities may result in environmental harm, receive appropriate training, and are made aware of the relevant legal requirements
- 14 For operational cost effectiveness and convenience, where the responsible person is satisfied that the turbidity/TSS measurement correlation has been obtained for the site, turbidity measurement could conveniently be used instead of TSS (for performance self-assessment only). Simple, inexpensive non-electronic turbidity measurement devices are available

EQUITABLE ACCESS AND FACILITIES

- 15 The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:
- (a) The *Disability Discrimination Act 1992* (Commonwealth)
 - (b) *Anti-Discrimination Act 1991* (Queensland)

Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (a) The building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission "Advisory Notes on Access to Premises" and AS 1428.2
- (b) Applicants should be aware that a "Disability Standard on Access to premises" is currently being developed and most likely will impose changes on the Building Code of Australia
- (c) Any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

ABORIGINAL CULTURAL HERITAGE ACT 2003

- 16 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 3238 3838 to discuss any obligations under the ACH Act.

BENEFITED AREA LEVY

- 17 Council will be considering the introduction of a Benefited Area Levy over this estate as part of its 2010/11 Budget considerations in order to provide funding for a small local hall within this estate.

9. PROPERTY NOTES

SUPPLEMENTARY TABLE OF ASSESSMENT

- 1 The following property notation is to be placed on all proposed lots following sealing of the respective Plan of Survey:

“Development and use of this allotment is subject to a “Supplementary Table of Assessment” which replaces, and takes precedence over, the assessment tables contained in the planning scheme. Land owners should be aware that the Supplementary Table of Assessment may contain different regulating requirements to the planning scheme including, in the instance of development on a ‘contemporary living lot’, a new code provisions that must be complied with for dwelling construction. The Supplementary Table of Assessment and new code are attached to Council Approval No. MCU07/0197.”

BUSHFIRE PRONE AREAS ADJACENT TO SITE

- 2 The following property notation is to be placed on all proposed lots within 150m of the National Park following sealing of the respective Plan of Survey:

“A Bushfire Management Plan has not been prepared for this allotment as the site itself is designed so that lots are at least 30m away from the adjacent bushland and is therefore not considered subject to direct bushfire threat. However, the adjacent National Park bushfire hazard may still trigger requirements under AS3959 Construction of buildings in bushfire-prone areas. Therefore building certification must take into account the potential bushfire risk in relation to the proximity to the National Park. Landowners must monitor and manage fuel loads within their property to reduce bushfire hazards to their own and surrounding assets.

Disclaimer

While every effort has been taken to require the developer to design the property so as to reduce the bushfire risk for residents, a degree of risk will always remain when housing and other assets are located near to Australia’s flammable vegetation. Sunshine Coast Regional Council takes no responsibility for any outcomes, actions or losses resulting from the implementation of the AS 3959 Construction of buildings in bushfire-prone areas”



DRIVEWAY LOCATION

- 3 The following property notation is to be placed on any proposed lot requiring a constructed driveway by the conditions of this Decision Notice following sealing of the respective Plan of Survey:

"The driveway to serve the future dwelling on this lot has been designed and constructed to avoid conflict with adjacent road infrastructure. This constructed driveway cannot be relocated."

ACCESS ARRANGEMENTS FOR LOTS 381, 382 AND 383

- 4 The following property notation is to be placed on proposed Lots 381, 382 and 383 following sealing of the respective Plan of Survey:

"To ensure tree retention is maximised, direct vehicular access from this allotment to Old Emu Mountain Road is prohibited as required by Council approval MCU07/0197. Instead, vehicle access must be taken from the cul-de-sac only."

ROAD TRAFFIC NOISE

- 5 The following notation applies to approved Lots 1-12, 18-44, 60-65, 118-149, 172-179, 219-220, 267-399:

"This lot has been identified within a Council approved Road Traffic Noise Impact Assessment Report to be affected by road traffic noise for a ground level only dwelling and/or a ground level plus one storey and greater dwelling. A building application for a dwelling on the lot will necessitate the building certifier to ensure that the Queensland Development Code (QDC) Mandatory Part 4.4 "Buildings in the Transport Noise Corridors" is addressed as part of the application. The QDC delineates the acceptable materials for floors, walls, roofs, windows and doors for habitable rooms within the dwelling to achieve the appropriate noise reduction between the outside of the room to the inside of a room. It is recommended as part of dwelling construction or renovation that the building certifier refer to Appendix D of the approved report and the L10 (18hour) dB(A) level for the respective lot in the application of the QDC.

The approved report further recommends that each lot have at least one formal external recreation area screened from the Sunshine Motorway by the dwelling on the lot and, if needed, a fixed screen (masonry, timber or other suitable material) attached to the dwelling. An acoustic consultant can be engaged to advise on the best configuration of a dwelling and recreation area on the lot at the time of building design to minimise road noise. It is recommended the acoustic consultant refer to Appendix D of the approved report as part of any design for the configuration of a dwelling."

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

A preliminary approval under section 3.1.6 of the *Integrated Planning Act 1997* has been granted. The level of assessment and applicable codes for any development approval resulting from this approval are identified in the approval.



11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Engineering Works associated with Reconfiguring a Lot)
- Development Permit for Operational Work (Landscaping)
- Development Permit for Operational Work (Extraction, Excavation and Filling)
- Development Permit for Material Change of Use (Child Care Centre and local centre uses)

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 3 properly made submissions about the application. In accordance with *Integrated Planning Act 1997*, the name and address of the principal submitter for each properly made submission is provided within Table 1.

TABLE 1

First Name	Surname	Address	Locality
Robert	Beck	Baked Poetry Cafe	PEREGIAN BEACH QLD 4573
Sutla	Dyrds-Jausen	54 Podargus Pde	PEREGIAN BEACH QLD 4573
Wildlife Preservation Society of QLD		PO Box 275	CALOUNDRA QLD 4551

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.

Please note that the development approval does not take effect and cannot be acted upon, until the end of the submitter's appeal period.

16. OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.sunshinecoast.qld.gov.au or at Council Offices.

7.1.3 REQUEST FOR NEGOTIATED DECISION NOTICE FOR RECONFIGURING A LOT AND MATERIAL CHANGE OF USE FOR A NEW MASTER PLANNED COMMUNITY, OLD EMU MOUNTAIN ROAD, PEREGIAN SPRINGS – APPENDIX B – SUMMARY OF RECOMMENDED CHANGES

Condition	Relating to	Recommendation	Summarised Reason
Relevant Period	Currency of the Approval	Disagree to extend the Relevant Period	The Relevant Period will automatically restart in accordance with the 'roll-over' provisions of the <i>Sustainable Planning Act 2009</i> .
2 & 6	Approved Plans	Agree to modified wording.	The words "as amended" can be deleted because there will be no plan amendments required as a consequence of this Negotiated Decision Notice.
4 & 12	Sunset Clause for Completion of Development	Disagree to extend life of the approval.	10 years is already a substantial life for the approval. Within that time, a new planning scheme and State legislation will likely be in effect.
5	Number of Approved Lots	Agree to increase to 397 residential housing lots.	Condition 43(l)(i) had required deletion of 6 lots, but is now recommended to be deleted.
11	Amended Plans and Documents	Agree to delete.	There will be no plan amendments required as a consequence of this Negotiated Decision Notice.
14	Development Contributions	Agree to increase the value of the offset.	The revised offset calculation accords with the standard methodology under the developer contribution policies.
16 & 17	Subdivision Staging	Agree to modify 16 and delete 17.	Further information submitted by applicant resolves staging issues.
17(e)	Local Centre to be Operational	Agree to delete.	The condition interferes with normal market factors and could sterilise the latter stages of the development.
18	Timing of Local Centre and Park	Agree to delete.	Condition now superseded by revised wording of Condition 16.
20	Lot Sizes for Local Centre and Park	Agree to delete specified lot sizes in condition wording.	The approved plans can sufficiently control the size of the allotments.
21	Estate Entrance Features	Agree to add the word "generally" to the condition.	The applicant's request adds flexibility without affecting the original intent of the condition.
24, 25 & 26	Street Tree Landscaping	Agree to modify 24 & 25, and delete 26.	Revised wording is more in keeping with standard policy requirements in the planning scheme.
27	Legacy Costs of Landscaping Works	Agree to modify wording by deleting reference to "legacy costs".	The term "legacy costs" is not well understood, and the matter can be addressed at the Operational Works application stage.

Condition	Relating to	Recommendation	Summarised Reason
28(i)	Retention of Existing Trees in Road Reserve	Agree to minor wording modifications.	The current condition wording could be misinterpreted where it refers to "hand excavation" for some of the works.
29(e), (g) & (j)	Streetscape Works	Agree to minor wording modifications.	Minor wording modification is required to improve flexibility and condition clarity.
31	Streetscape Works in Rear Access Lanes	Agree to delete.	Landscaping to the laneway will be achieved by future property owners in accordance with the new <i>Code for Development of Contemporary Living Lots</i> .
34(d) & (i)	Slope Gradients of Open Space Areas	Disagree to modify.	The specified maximum grades (1:8) are necessary to ensure that park areas meet their desired appearance and function.
35(e)	Performance Bond for Wetland	Agree to modify.	The bonding requirements of the condition require clarification and modification to accord with the planning scheme requirements.
36	Revegetation of National Park Buffer	Agree to modify.	Reducing the amount of "full" revegetation will improve the look and function of the linear open space.
37(i)	National Park Fencing	Agree to add the words "or as otherwise agreed".	The revised wording would allow flexibility for the matter to be considered in more detail at the Operational Works application stage, in consultation with the Queensland Parks and Wildlife Service.
37(i)	Bonding of Revegetation Works.	Agree to modify.	The applicant's proposed bonding arrangement would be appropriate now that it is recommended to reduce the amount of "full" revegetation works.
38(a)	National Park Educational Signage	Agree to reduce the total number of signs required and other minor wording changes.	It is agreed that educational signs could be placed at key locations, rather than at every 100m.
43(l)(i)	Provision for Community Centre	Agree to delete.	There is no identified need for a community centre on the subject site.
43(l)(ii)	Provision of additional open space	Agree to delete/modify.	The development is already designed with sufficient open space. Notwithstanding this, the applicant offers additional informal gathering spaces by widening road reserves in four locations.
44(j)(v)	Soft Fall Treatment of Playground	Agree to delete reference to "wet pour rubber".	The revised wording would allow greater flexibility for choice of soft fall materials without affecting the intent of the condition.

Condition	Relating to	Recommendation	Summarised Reason
44A, 44C & 44D	Additional Park Embellishments	Disagree to offset works against developer contributions.	It would be incorrect use of the developer contribution policies to allow offsets for the required park embellishments.
46	Federally Listed Tree Species	Agree to delete.	It has been determined in a report submitted by the applicant that the particular tree species does not exist on the site.
47 & 48	Road Traffic Noise	Agree to delete and replace with a property notation.	The regulatory framework for dealing with road traffic noise has changed such that the conditions are no longer necessary.
50 & 51	Reserve Width of Road B	Agree to minor wording changes.	The current wording requires clarity to accurately convey the intended road reserve widths.
59	Internal Pedestrian Footpaths	Agree to minor wording changes.	The current wording requires clarity to accurately convey its intent.
67	Access to Lots 381, 382 & 383	Agree to clarify that "access" should be "vehicle access".	It was never intended for the condition to restrict pedestrian access, only vehicle access.
68	Road Upgrades to the South	Disagree to delete, but delay timing of works and clarify wording.	Sealing the road to the south is required to avoid excessive travel times, cost, inconvenience, safety concerns and Council maintenance costs; and also to increase the likelihood of public transport.
69 & 70	New road intersections	Disagree to delete, but delay timing of works.	The works are necessitated by sealing and use of the road to the south in Condition 68.
71	Pedestrian Overpass over Motorway	Agree to delete.	The motorway crossing will eventually be delivered by the Department of Transport & Main Roads.
72A	Contribution to External Footpath Connection	Disagree to contribution amount specified by applicant	The applicant's preliminary estimate of cost of works is not conservative enough.
75A	High Speed Telecommunications	Agree to minor wording changes.	The rollout of the National Broadband Network has commenced since the original drafting of the condition. The condition requires modification to reflect new federal legislation.
78 & 82	Unitywater Infrastructure	Agree to modify.	Unitywater has provided written confirmation that offsets would be applicable against developer contributions associated with the required works.
92	Construction Management Plan	Agree to modify.	The current wording contains an anomaly with the timing for identification of works contractors.

Condition	Relating to	Recommendation	Summarised Reason
96	Earthworks	Disagree to modify.	All residential lots should be made to achieve a Level 1 standard of earthworks, not Level 2.
101	Fill Areas	Agree to modify.	It is agreed that confining stored material to a single manageable area of 50m ² is unnecessary on this site.
102	Fill Materials	Agree to modify.	A nominal particle size of 75mm is more in keeping with the requirements of the planning scheme.
108	Road Formation Batters	Agree to modify.	It is appropriate to allow some extension of batter slopes beyond road reserves and into allotments, provided they do not exceed a slope of 1:4.
109 & 110	Geotechnical certification	Disagree to delete.	The exact quantum of earthworks will not be known until the Operational Work application stage. It is reasonable to require geotechnical certification for earthworks in subdivisional estates.
112	Remediation of Contaminated Land	Agree to delete.	Previous land contamination has already been documented and removed from the site.
List of Approved Plans and Documents	List of Approved Plans and Documents	Agree to modify.	The list of Approved Plans and Approved Documents needs to be amended to reflect the recommendations of this report.



7.1.5 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH MULTIPLE DWELLING UNITS (17 UNITS) AND A RESTAURANT, AT 34 ESPLANADE HEADLAND, KINGS BEACH – APPENDIX A – CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU12/0018
Street Address:	Kings Court 1/34 Esplanade Headland, Kings Beach
Real Property Description:	Lot 1 – 8 BUP 3010
Planning Scheme:	Caloundra City Plan 2004 (8 August 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit - Approval for Material Change of Use (Multiple Dwelling Units (17 Units) & Restaurant

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 4 years starting the day that this development approval takes effect.

4. ASSESSMENT MANAGER CONDITIONS

PLANNING

When Conditions must be Complied With

- 1 Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

- 2 Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

Nature and Extent of Approved Use

- 3 The approved commercial tenancy use on the premises must not operate outside the hours of:

(a) 7am to 10pm Monday to Sunday.

The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

Building Height

- 4 The maximum height of the development must not exceed 18.5 metres above ground level.

- 5 Certification must be submitted to Council from a Licensed Surveyor which certifies that the building does not exceed the maximum height requirement of this Decision Notice. All levels must be provided to Australian Height Datum (AHD).

The licensed surveyor's certificate shall be submitted at two stages of the building construction, these being:-

- (a) At completion of the basement level to demonstrate that the building complies with the approved plans at that stage; and
- (b) Prior to issue of the Certificate of Classification to demonstrate that the highest point of the building complies with the approved plans.

Street Identification

- 6 The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the building name.

Building Appearance

- 7 All air conditioning units or other mechanical equipment must be located at ground level, or otherwise fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.

- 8 All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like, except where required to satisfy any privacy condition of this Decision Notice.

Fencing and Walls

- 9 Any street fencing and walls must not exceed a maximum height of:
- (a) 1.8m, where at least 50% of the fence or wall is transparent; and
 - (b) 1.2m otherwise.

Clothes Drying Areas

- 10 Each dwelling unit must be provided with access to a clothes drying facility. Any outdoor clothes line must be screened from public view.

Communal Recreation Area

- 11 Communal recreation area/s must be provided as shown on the approved site plan.

Community Management Statement

- 12 Any proposed Community Management Statement required for the development pursuant to the *Body Corporate and Community Management Act 1997* must be submitted to Council for endorsement at the same time as submission of the Building Format Plan (or similar) to Council for compliance assessment.

- 13 All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice.

Car Parking

- 14 A minimum of 35 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) 23 parking spaces for residents, which are clearly marked for that purpose and located in a secured area;
 - (b) 4 visitor parking spaces within the total, which are clearly marked for that purpose and accessible at all times for visitor use;



- (c) 6 commercial parking spaces within the total, which are clearly marked for that purpose and must be available for restaurant customers to access at all times the use is operational;
 - (d) 1 disabled parking space within the total; and
 - (e) provision of 1 vehicle washing bay fitted with a hosecock and a drain connected to the sewer.
- 15 All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.
- 16 Bicycle spaces must be provided at the following rates:
- (a) a total of 17 bicycle spaces for the residence;
 - (b) a total of 4 bicycle spaces for residence visitors; and
 - (c) a total of 1 bicycle space for the Restaurant for employees.
- 17 Directional signage must be provided to direct visitors and customers to the car parking spaces provided on site.
- Service Vehicles**
- 18 Service vehicle movements associated with non-residential uses on the premises (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Saturday and not at all on Sundays or public holidays. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.
- 19 Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular 1 van space.
20. The building and other works must be designed and constructed so that the interface between the building and the Esplanade Headland road reserve, and from the property boundary to the kerb line, provides non-discriminatory access for persons with special needs, in accordance with AS 1428.

ENGINEERING

External Works

21. Princess Lane and Esplanade Headland must be upgraded for the length of its frontage to the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) construction of a pedestrian footpath in accordance with the conditions of this Decision Notice;
 - (b) removal of the existing property access in Princess Land and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage; and
 - (c) retention of the existing Loading Zone in Esplanade Headland capable of accommodating an HRV as a minimum.



Site Access and Driveways

22. A sealed access driveway must be provided from Princess Lane to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a driveway crossover in accordance with IPWEAQ standard drawing SEQ R-051;
 - (b) a driveway width of 6.5 metres; and
 - (c) suitable safety measures, including warning signage, to improve driver awareness of pedestrians and enhance pedestrian safety. Warning signage must be provided near the exit ramp from the underground parking area to warn motorists of pedestrian movement along the frontage street.

Pedestrian Facilities

23. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a 1.5 metre wide concrete footpath within the road verge for the entire length of the site's frontage to Princess Lane;
 - (b) a footpath in Esplanade Headland, generally in accordance with the *Landscape Concept Plan – Headland Esplanade* and incorporating:
 - (i) the style and colours of the existing footpath treatment in the Kings Beach Redevelopment Master Plan area for the area described as 'paved or exposed aggregate footpath to front of commercial tenancy' in the *Landscape Concept Plan – Headland Esplanade* plan
 - (ii) a minimum 1.5 metre wide concrete footpath east of the Entry Passage; and
 - (c) signage and lighting at strategic locations to direct people to building entry.

Stormwater Drainage

24. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and must include in particular collection and discharge* of stormwater to existing underground drainage in Esplanade Headland.
* (Refer to Advisory Note)

Water and Sewerage

25. An underground connection to reticulated water and sewerage must be provided to the development site in accordance with the standards and requirements of Unitywater.

Electricity and Telecommunication Services

26. An underground connection to reticulated electricity and telecommunication services must be provided to each lot in accordance with an approval for Operational Works and the standards and requirements of the relevant service provider.
27. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.



28. Certification must be submitted to Council from all relevant service providers which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

Earthworks and Retaining Walls

29. All excavation and associated retaining structures must be contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.

Damage to Services and Assets

30. Any damage caused to existing services and assets above or below the ground must be repaired:
- (a) where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - (b) where otherwise, upon completion of the works associated with the development.
- Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

UNITYWATER

31. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.
32. The existing 100mm diameter AC watermain within Esplanade Headland must be replaced for the full frontage of the development site with 100mm oPVC or D1CL pipes. The replacement works must be completed prior to placing construction materials/site offices over or adjacent to the water main alignment.
33. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
34. Water meters must be located on alternative boundaries to electrical pillars.
35. Buildings and other structures must maintain a minimum clearance of 1.0 metre from the sewerage inspection opening within the development site.
36. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.
37. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

LANDSCAPE & ECOLOGY**Landscape Works**

38. The development site must be landscaped*. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) the works shown on the three approved Landscape Concept Plans – Headland Esplanade/Princess Lane and Level 1. The proposed planting schedule is not approved; and
 - (b) a planting schedule that must provide through function, form, texture and colour a relationship to the immediate site context. The planting schedule must reflect, enhance and integrate with the architectural built form and the Kings Beach location. **(Refer to Advisory Note).*
39. All landscape works must be established and maintained in accordance with horticultural best practice with construction techniques and irrigation that allow for healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.
40. All landscape works must be maintained generally in accordance with the approved design for the life of the development.
41. All street trees shall conform to CCC/Natspec specification and are to be positioned, staked and mulched in accordance with Council's current guidelines and specifications, as contained in the Council's Development Design Planning Scheme Policy.
42. Any damage to turf, street trees or footpath within the adjacent road reserves as a result of construction activities is to be repaired and made good prior to the use commencing.
43. The landscape areas on the Princess Lane and Headland Esplanade road reserves adjacent to the allotment boundaries must be maintained and managed for the life of the development by the Body Corporate, their agents or delegates in accordance with the following:
- (a) The scope of works includes:
 - (i) regular mowing, weeding and fertilizing of turf verge;
 - (ii) mulching, fertilizing and aeration of landscape areas;
 - (iii) cleaning of all external surfaces including prompt removal of graffiti;
 - (iv) replacement of dead or poorly performing plants;
 - (v) inspection and assessment of all vegetation such that it does not adversely affect adjoining property or pedestrians;
 - (vi) remedial action if any vegetation poses a health or safety risk to site users or adjoining property; and
 - (b) The management and maintenance of landscape areas, including landscape areas adjacent to the allotment boundary must be included in the Community Management Statement (CMS) with reference to an annual budget allowance to perform such works.



ENVIRONMENTAL HEALTH**Waste Management**

44. Refuse storage, removal and collection facilities must be provided in accordance with the following:
- (a) Provision of 240L of bulk bin storage volume for each dwelling unit;
 - (b) Provision of 480L of bulk bin storage volume, or equivalent wheelie cart volume for the commercial tenancy;
 - (c) Provision of separate bins for general and recyclable waste for the site;
 - (d) Provision of a communal hardstand impervious area for the permanent storage location and collection of all bulk bins, having minimum dimensions of 1.5 m² (1200mm x 1300mm) per bin and located close to the site frontage and adjacent to the site access point;
 - (e) Provision of safe, efficient and unobstructed access for the cleansing contractor on bin collection day;
 - (f) Provision of a smooth concrete path and access way crossover must be provided and maintained for the movement of bulk bins to and from the bin enclosure to the collection point when bulk bin servicing occur;
 - (g) Provision of a 1.8m high purpose built enclosure to the bin store, which is screened from the street and adjoining properties by landscaping; and
 - (h) Provision of a wash-down area in the vicinity of the permanent storage location fitted with a hosecock and a drain lawfully connected to the sewer.

Acoustic Amenity

45. Any fixed plant and equipment that causes either tonal sound (e.g. from basement car-park exhaust, air conditioning unit or pool filtration unit), must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the levels specified in Table 9.6 of the City Plan Nuisance Code.
46. Certification must be submitted from a qualified person which certifies that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice. This condition does not apply to operational fixed plant & equipment that does not emit audible noise beyond the boundary of the premises.

Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 'Acoustics – Description and measurement of environmental noise – General procedures'.

47. The approved commercial tenancy use must not involve live and/or amplified entertainment at any time. The requirements of this condition must be included in the Community Management Statement for any and all bodies corporate for the subject site.
48. Service vehicle movements associated with the approved commercial tenancy (including loading and unloading) must not occur outside the hours of 7am to 6pm. The requirements of this condition must be included in the Community Management Statement for any and all bodies corporate for the subject site.

Outdoor Lighting Devices

49. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 'Control of the obtrusive effects of outdoor lighting' using a control level of 1. Certification must be submitted from a qualified person which certifies that all outdoor lighting devices comply with the requirements of this Decision Notice.



Kitchen Exhaust

50. Kitchen exhaust points for the development must be located and operated in accordance with Australian Standard AS1668.2-2002 *'The use of ventilation and air conditioning in buildings'* (specifically Section 5.10 – *Air Discharges*).
51. The development must be constructed with reticulated ducting inside the building to transfer kitchen exhaust fumes to a discharge point on the roof.
52. A Vehicle Wash Bay is to be provided in accordance with the approved plan and lawfully drained to sewer. The vehicle wash bay catchment area shall be at least 2.6m wide x 5.4m long. The vehicle wash bay catchment area shall be clearly line marked.

5. REFERRAL AGENCIES

Not Applicable.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
TP - 01	B	<i>Site Plan</i> , prepared by cdi Architects	April 2012
TP - 02	B	<i>Floor Plans</i> , prepared by cdi Architects	April 2012
TP - 03	B	<i>Floor Plans</i> , prepared by cdi Architects	April 2012
TP - 04	B1	<i>Elevations</i> , prepared by cdi Architects	June 2012
TP - 05	B1	<i>Elevations</i> , prepared by cdi Architects	June 2012
TP - 14	B	<i>Street Design</i> , prepared by cdi Architects	April 2012
TP-17	B	<i>Parking Diagrams</i> , prepared by cdi Architects	April 2012
1201 - 01	B	<i>Landscape Concept Plan Headland Esplanade</i> , prepared by Mark Baldock Landscape Architect Pty Ltd	16/05/2012
1201 - 02	B	<i>Landscape Concept Plan Princess Lane</i> , prepared by Mark Baldock Landscape Architect Pty Ltd	16/05/2012
1201 - 03	B	<i>Landscape Concept Plan Level 1</i> , prepared by Mark Baldock Landscape Architect Pty Ltd	16/05/2012

7. REFERENCED DOCUMENTS

The following are reference documents :

Document No.	Rev.	Document Name	Date
1201 - 04	B	Planting Schedule - Typical Plants, prepared by Mark Baldock Landscape Architect Pty Ltd	16/05/2012

8. ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

PLANNING

Development Compliance Inspection

1. Prior to the commencement of the use, please contact Council's Development Audit & Response Unit to arrange a Development Compliance Inspection.

Nature and Extent of Approved Development

2. The applicant is advised that this development approval comprises:
 - Material Change of Use for Multiple Dwelling Units (17 Units) and Restaurant (90m²).

Infrastructure Charges

3. This Development Permit may trigger an 'Adopted Infrastructure Charge Notice' (if applicable) to be issued in accordance with Council's 'Adopted Infrastructure Charges Resolution' under the State Planning Regulatory Provision (Adopted Charges) and the *Sustainable Planning Act 2009*.

Equitable Access and Facilities

4. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:
 - (a) the *Disability Discrimination Act 1992* (Commonwealth); and
 - (b) *Anti-Discrimination Act 1991* (Queensland).

Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission 'Advisory Notes on Access to Premises' and AS 1428.2;

- (b) applicants should be aware that a 'Disability Standard on Access to premises' is currently being developed and most likely will impose changes on the Building Code of Australia; and
- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

Aboriginal Cultural Heritage Act 2003

5. 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*.

ENGINEERING

Building and Construction Industry (Portable Long Service Leave) Levy

6. From 1 January 2000, the Building and Construction Industry (Portable Long Service Leave) Levy must be paid prior to the issue of a development permit where one is required for the 'Building and Construction Industry'. This applies to Building Works, Operational Works and Plumbing and Drainage Works applications, as defined under the *Sustainable Planning Act 2009*, where the works are \$80,000 or more and matching the definition of 'Building and Construction Industry' under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. Should you require clarification in regard to the amendments to the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.

Co-ordination of Operational Works Assessment

7. To assist Council to undertake an integrated assessment of the operational works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme. Additional application fees apply to applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

Preparation of a Preliminary Construction Management Plan

8. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:



- (a) provisions that ensure the proposed construction does not unduly impact on the surrounding area and ensure the site is safe for members of the public, implementing appropriate traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and making provision for safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased;
- (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures;
- (c) works programme identifying key components of the works and their respective durations;
- (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues;
- (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures;
- (f) details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. NB any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense; and
- (g) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

Lawful Point of Discharge

9. The applicant is advised that a lawful point of discharge for the development will need to be determined and demonstrated as part of a detailed design solution included with the Operational Works application.

UNITYWATER

10. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicant's cost.

LANDSCAPE

Co-ordination of Operational Works Assessment

11. To assist Council to undertake an integrated assessment of the operational works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme.

Preparation of a Landscape Plan

12. All landscape works required by this approval must be demonstrated on a detailed Landscape Plan submitted to Council for Operational Works approval. The detailed Landscape Plan must:
 - (a) be prepared by a qualified person* and submitted in A3 size (3 x hardcopies);
 - (b) be of a scale suitable for clear interpretation at A3 size;
 - (c) include accurate depiction of trees to be retained and protected in relation to the proposed development;



- (d) show all existing and proposed services including overhead power, drainage, water and sewerage;
- (e) include important spot levels and/or contours;
- (f) include contextual information of the site including adjoining roads, land uses and photographs of site;
- (g) show the extent and type of works, including hard surfaces, landscape structures, podium planters, signage, amenity lighting, fencing, edging, plantings and turf;
- (h) include a plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting;
- (i) show landscape works for the full frontage of the development site; and
- (j) include a north point, scale and legend as well as the name, contact details and qualifications of the landscape consultant who prepared the plan.

*(Refer to Advisory Note)

Qualified Person

13. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 3 years current experience in the field of landscape design.

Landscape Intent

14. In terms of finer design details required for an Operational works submission, council officers are willing to meet (at no cost to the applicant) with your consultant to clarify and discuss the required intent of the landscape outcome. Should you consider the discussion to be of benefit, please contact 07 5475 9866 for further details.

ENVIRONMENT

Qualified Person

15. For the purpose of certifying acoustic treatments for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland; and
 - (b) an environmental consultant with a minimum of 3 years current experience in the field of acoustics.
16. For the purpose of certifying outdoor lighting devices for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland; and
 - (b) an environmental or electrical design consultant with a minimum of 3 years current experience in the field of outdoor lighting.

Waste Management

17. This Decision Notice contains detailed conditions regarding waste management storage areas. Council is seeking to minimise existing long term problems associated with servicing of waste containers, specifically issues associated with bulk bins standing on road reserves, traffic issues, and work place health and safety considerations for the cleansing contractor.

Environmental Harm

18. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.



Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse affect, or potential adverse affect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Trade Waste Permit – Unitywater

19. A Trade Waste Permit from Unitywater must be obtained prior to proceeding with any plumbing or drainage work that involves the sewerage system receiving liquids from any pre-treatment system or discharge to sewer. The applicant should contact a Trade Waste Officer from Unitywater directly with any enquiries.

Rainwater Tanks – Public Health Act 2005

20. In accordance with the *Public Health Act 2005*, rainwater tanks must be constructed with mosquito proof screens (made from either brass, copper, aluminium or stainless steel), and constructed with a mesh size of no more than 1mm, and must be installed in a way that does not accelerate corrosion. Tanks that contain flap valves must be installed so that when closed, mosquitoes cannot pass through the valve. It is unlawful under the *Public Health Act 2005* to construct, install or be in possession of a tank that does not comply with these requirements.

Food Act 2006

21. All areas where food is to be stored, handled or prepared for sale or sold must be constructed and equipped in accordance with the provisions of the *Food Act 2006* and the *Food Standards Code*. The premises must be registered and the operators licensed with Council under the aforementioned Act prior to the use commencing. Contact Council's Healthy Places Unit via the Customer Service Centre for further information.

Noise

22. The applicant is advised to ensure that during the detailed building design and construction phase, including the design, selection and installation of fixed plant and equipment, A/C units and refrigeration plant, mechanical exhausts, acoustic enclosures/plant rooms and the like, that the ongoing advice and design input of a qualified acoustic consultant is sought and implemented to ensure that the operation of such plant and equipment complies with statutory and planning noise limits. Mechanical plant and equipment must be provided with appropriate acoustic enclosures/screening and located away from adjacent noise sensitive premises.



9. PROPERTY NOTES

The following property notes will be placed against the subject property in Council's property record system:

1. MCU12/0018 - Ongoing Landscape Maintenance

This property and the landscape areas on the Princess Lane and Esplanade Headland road reserves adjacent to the allotment boundaries are maintained and managed by the Body Corporate, their agents or delegates to aesthetically compliment the surrounding local area for the life of the development. Maintenance must include:

- (a) regular mowing, weeding and fertilizing of turf verge
- (b) mulching, fertilizing and aeration of landscape areas
- (c) cleaning of all external surfaces including prompt removal of graffiti
- (d) replacement of dead or poorly performing plants
- (e) inspection and assessment of all vegetation so that it does not adversely affect adjoining property or pedestrians
- (f) remedial action if any vegetation poses a health or safety risk to site users or adjoining property.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works (External Works, Water and Sewerage Works, Carparking, Driveways, Stormwater Drainage Works)
- Development Permit for Building Work (Demolition)
- Development Permit for Building Work
- Development Permit for Operational Works (Landscaping Works)

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

Not Applicable.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.



During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about the conditions contained within the development approval. If Council agrees or agrees in part with the representations, a 'negotiated decision notice' will be issued. Only one 'negotiated decision notice' may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a 'negotiated decision notice'.

16. OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.sunshinecoast.qld.gov.au or at Council Offices.



**7.2.1 SUNSHINE COAST CEMETERY PLAN 2012-2027 – APPENDIX A –
SUNSHINE COAST CEMETERY PLAN 2012-2027**

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach9.pdf

**7.4.1 QUARTERLY PROGRESS REPORT - QUARTER 4, 2011-2012 –
APPENDIX A – CHIEF EXECUTIVE OFFICER'S QUARTERLY
PROGRESS REPORT**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach11.p
df](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach11.pdf)

**7.4.1 QUARTERLY PROGRESS REPORT - QUARTER 4, 2011-2012 –
APPENDIX B – QUARTERLY PROGRESS REPORT OPERATIONAL
PLAN ACTIVITIES**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach12.p
df](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach12.p
df)

**7.4.2 POLICY FRAMEWORK IMPLEMENTATION (POLICY
DISCONTINUANCE) – APPENDIX A – LIST OF SUNSHINE COAST
COUNCIL POLICIES FOR DISCONTINUANCE**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach13.p
df](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach13.p
df)

**7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE
GOVERNMENT LEGISLATIVE CHANGES – APPENDIX A - 2009-20
BUILDING ACT V3**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach14.p
df](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach14.p
df)

**7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE
GOVERNMENT LEGISLATIVE CHANGES – APPENDIX B - 2009-21 -
ENVIRONMENTAL PROTECTION V2**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach15.p
df](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach15.p
df)



7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE GOVERNMENT LEGISLATIVE CHANGES – APPENDIX C

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach16.pdf

7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE GOVERNMENT LEGISLATIVE CHANGES – APPENDIX D

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach17.pdf

7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE GOVERNMENT LEGISLATIVE CHANGES – APPENDIX E

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach18.pdf

7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE GOVERNMENT LEGISLATIVE CHANGES – APPENDIX F

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach19.pdf

7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE GOVERNMENT LEGISLATIVE CHANGES – APPENDIX G

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach20.pdf

7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE GOVERNMENT LEGISLATIVE CHANGES – APPENDIX H

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach21.pdf

7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE GOVERNMENT LEGISLATIVE CHANGES – APPENDIX I

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_260712/Attach22.pdf

**10.2.3 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – QUEENSLAND
COMPETITION AUTHORITY MATTER – APPENDIX A – QCA FINAL
INVESTIGATION REPORT**

Appendix A - QCA Final Investigation Report.pdf

