

Minutes

Ordinary Meeting

31 January 2013


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 9:03am.

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

Councillor M Jamieson	Mayor
Councillor R Baberowski	Division 1
Councillor T Dwyer	Division 2 (Absent Items 10.2.1 – 12)
Councillor P Cox	Division 3
Councillor C Thompson	Division 4 (Absent Items 8 -12)
Councillor J McKay	Division 5
Councillor C Dickson	Division 6
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
Councillor T Wellington	Division 12

EXECUTIVE LEADERSHIP TEAM

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

APOLOGIES

Nil

COUNCIL OFFICERS

Manager Environmental Operations
Coordinator Planning Applications North
Coordinator Hydraulics and Water Quality
Director Development Services
Development Planner
Financial Services Manager
Financial Performance and Planning Manager
Team Leader Landscape and Urban Design (North)
Development Officer Community Sport and Facility Planning
Community Sport and Facility Planning Manager
Manager Economic Development
Coordinator Appeals Management
Solicitor
Business and Commercial Analyst
Manager Commercial and Procurement
Acting Manager Property and Business



3 RECEIPT AND CONFIRMATION OF MINUTES

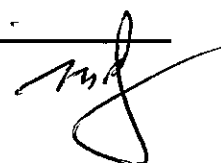
Council Resolution

Moved: Councillor C Dickson

Seconded: Councillor E Hungerford

That the Minutes of the Special Meeting (Water and Sewerage Funding Program) held on 11 December 2012 and the Ordinary Meeting held on 13 December 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 172 of the *Local Government Act 2009*, Councillor J O'Pray declared a perceived conflict of interest in relation to item 7.1.1 due to his association with the site manager.

Pursuant to Section 172 of the *Local Government Act 2009*, Councillor G Rogerson declared a perceived conflict of interest in relation to item 7.1.1 due to his membership on the Maroochy Industry Tourism Advisory Board prior to 2008.

Pursuant to Section 172 of the *Local Government Act 2009*, Councillor T Wellington declared a perceived conflict of interest in relation to item 10.2.1 due his prior communication with the proponent associated with the Project.

4.3 PROCEDURE NOT PROVIDED FOR

(Section 52) Sunshine Coast Regional Council Standing Orders 2011

Operational Works Number 08/0283 and Plan Sealing 12/0224

Councillor G Rogerson declared that he was taking the opportunity to inform his colleagues of a matter of a personal nature.

Councillor G Rogerson gave notice of his intention to bring a matter to the attention of the Ombudsman following his attempts to have the matter investigated and remedied in-house.

The matter relates to the provision of advice to and treatment of a local sub-contractor dealing with operational works (08/0283) and plan sealing (12/0224).

5 MAYORAL MINUTES

Nil

6 PRESENTATIONS

Nil



PROCEDURAL MOTION

Moved: Councillor R Green

Seconded: Councillor C Thompson

That the operation of Standing Orders be suspended to allow for Item 7.3.2 to be considered as the first item on the Agenda due to public interest.

Carried unanimously.



7 REPORTS DIRECT TO COUNCIL**7.1 REGIONAL STRATEGY AND PLANNING****7.1.1 DEVELOPMENT APPLICATION FOR PRELIMINARY APPROVAL FOR DETACHED HOUSES AND DEVELOPMENT PERMITS FOR RECONFIGURING A LOT (8 LOTS INTO 196 LOTS) AND OPERATIONAL WORKS (EXCAVATION AND FILLING) AT 223 BROADWATER AVENUE WEST AND 319 BRADMAN AVENUE, MAROOCHYDORE**

File No: MCU11/0180

Author/Presenter: Development Planner
Regional Strategy & Planning Department
Coordinator Planning Applications (North)
Regional Strategy & Planning Department

Appendices: App A - Conditions of Approval (*Att Pg 1*)

Attachments: Att 1 - Site Layout Plan (OM Pg 33)
Att 2 - Retaining Wall Option Sections (OM Pg 34)
Att 3 - Batter Option Sections (OM Pg 35)
Att 4 - Staging Plan (OM Pg 36)
Att 5 - Detailed Plan of Park (OM Pg 37)
Att 6 - Option of Planted Batter Plan (OM Pg 38)
Att 7 - Referenced Document - Supplementary Table of Assessment (OM Pg 39)
Att 8 - Referenced Document - Code for Residential Development and Use (OM Pg 40)

Council Resolution (OM13/1)

Moved: Councillor C Thompson

Seconded: Councillor G Rogerson

That council APPROVE WITH CONDITIONS Application No. MCU11/0180 and grant:

- (a) a Preliminary Approval for a Material Change of Use of Premises Overriding the Planning scheme for Detached Houses;*
- (b) a Development Permit for Reconfiguring a Lot (8 Lots into 196 Lots); and*
- (c) a Development Permit for Operational Works (Excavation and Filling and Stormwater and Sewer Infrastructure);*

situated at 223 and 244 Broadwater Avenue West, Maroochydore, and Maroochy Palms, 319 Bradman Avenue, Maroochydore, in accordance with Appendix A, with:

- 1. Additional property note to read as follows:-*

*MCU11/0180 – Adjoining Sports Complex
The following notation applies to lots 55 to 57, 67 to 72, 103 to 107, 126, 127, 144 to 148, 163 to 176 and 195:*

This lot adjoins a major regional sports complex where outdoor sporting activities occur regularly throughout the year, with both day and evening



activities. There is also a current master plan for the development of additional playing fields generally adjacent the eastern boundary of the complex.

For: Councillor M Jamieson, Councillor R Baberowski, Councillor C Thompson, Councillor J McKay, Councillor C Dickson, Councillor S Robinson, Councillor G Rogerson and Councillor R Green.

Against: Councillor T Dwyer, Councillor P Cox, Councillor E Hungerford and Councillor T Wellington.

Carried.

Pursuant to Section 172 of the *Local Government Act 2009*, Councillor J O'Pray declared a perceived conflict of interest in relation to item 7.1.1 due to his association with the site manager. Councillor J O'Pray left the meeting room for the debate and decision on this matter.

9.50 am Councillor J O'Pray left the meeting.

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 his membership on the Maroochy Industry Tourism Advisory Board prior to 2008. Councillor G Rogerson remained in the meeting room for the debate and decision on this matter.

11:20 am Councillor J O'Pray returned to the meeting.



7.1.2 DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT (1 INTO 2 LOTS) AT 35 KONDALILLA FALLS ROAD, FLAXTON

File No: REC12/0090
Author/Presenter: Development Planner
Regional Strategy & Planning Department
Principal Development Planner
Regional Strategy & Planning Department
Appendices: App A - Conditions of Approval
Attachments: Att 1 - Proposal Plan
Att 2 - Site Context Plan

Council Resolution (OM13/2)

Moved: Councillor J McKay
Seconded: Councillor C Thompson

That Council APPROVE WITH CONDITIONS Application No. REC12/0090 and grant a Development Permit for Reconfiguring a Lot (1 into 2) situated at 35 Kondalilla Falls Road, Flaxton, in accordance with Appendix A.

Carried unanimously.



7.2 FINANCE AND BUSINESS

7.2.1 NOVEMBER 2012 FINANCIAL PERFORMANCE REPORT

File No: Financial Reports
Author: Acting Financial Services Manager
Finance & Business Department
Appendices: App A - November 2012 Financial Performance Report

Motion

Moved: Councillor C Thompson
Seconded: Councillor E Hungerford

That Council:

- (a) receive and note the report titled "**November 2012 Financial Performance Report**"; and
- (b) approve the budget amendments for operating and associated reserve transfers as outlined in the November 2012 Financial Performance Reports (Appendix A).

Council Resolution (OM13/3)

Moved: Councillor T Dwyer
Seconded: Councillor J McKay

That Council:

- (a) *receive and note the report titled "**November 2012 Financial Performance Report**"; and*
- (b) *approve the budget amendments for operating and associated reserve transfers as outlined in the November 2012 Financial Performance Reports (Appendix A); and*
- (c) *request the Chief Executive Officer to liaise with councillors to seek an alternative reporting format.*

Carried unanimously.

The amendment became the motion.

The motion moved by Councillor T Dwyer and seconded by Councillor J McKay was put.

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

Against: Nil

Carried unanimously.



7.2.2 INVESTMENT PERFORMANCE REPORT DECEMBER 2012

File No: Investment and Loans
Author: Finance Planning & Performance Manager
Finance & Business Department

Council Resolution (OM13/4)

Moved: Councillor C Thompson
Seconded: Councillor E Hungerford

That Council receive and note the report titled "Investment Performance Report December 2012".

Carried unanimously.

11:39 am Councillor G Rogerson left the meeting.
Councillor G Rogerson absent for vote on this item.

11:41 am Councillor G Rogerson returned to the meeting.

7.2.3 COUNCILLOR REMUNERATION

File No: Statutory Meetings
Author: Manager Council Services and Business Integration
Finance & Business Department
Appendices: App A - Remuneration Schedule Government Gazette No.100

Council Resolution (OM13/5)

Moved: Councillor C Thompson
Seconded: Councillor E Hungerford

That Council:

- (a) *receive and note the report titled "**Councillor Remuneration**";*
- (b) *in accordance with section 42 of the Local Government (Operations) Regulation 2010 :*
 - (i) *consider the remuneration schedule for Councillors as set by the state Government appointed Local Government Remuneration and Discipline Tribunal for a Category 8 Council and that, accordingly, the following payments be authorised in accordance with the determination in the remuneration schedule set by the Tribunal:*
 - (1) *the Mayor be remunerated at 140% of the salary payable to a member of the Queensland Legislative Assembly;*
 - (2) *the Deputy Mayor be remunerated at 97% of the salary payable to a member of the Queensland Legislative Assembly; and*
 - (3) *each Councillor be remunerated at 85% of the salary payable to a member of the Queensland Legislative Assembly;*
 - (ii) *note that the purpose of the remuneration is to cover:*
 - (1) *the cost of attendance (excluding expenses) at Council Business (as defined in the Councillors' Expenses Reimbursements and Provision of Facilities Policy);*
 - (2) *the cost of attendance and expenses at any non-Council Business as part of the role of Councillor; and*
 - (iii) *note the remuneration be payable per annum in accordance with the gazetted remuneration schedule from 1 January 2013; and*
- (c) *in accordance with section 226 of the Local Government Act 2009, authorise the payment of superannuation contributions for Councillors at the same proportion of salary that is payable to Council's standard permanent employees (currently 12%).*

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

Against: Councillor R Baberowski.

Carried.

7.3 INFRASTRUCTURE SERVICES

7.3.1 NAMBOUR DISTRICT SKATE PARK, SITE SELECTION

File No: 21380, ECM 31 January 2013

Author: Team Leader Landscape and Urban Design (North)
Infrastructure Services Department

Attachments: Att 1 - Existing Nambour Skate Park, Elder Street and Site photos
Att 2 - Proposed Nambour District Skate Park, Mathew Street and Concept Plan
Att 3 - Nambour District Skate Park Site Evaluation Criteria and Site Options Evaluation
Att 4 - Existing & Future Off Street Car Parking and Nambour CBD Parking Survey Comparison

Council Resolution (OM13/6)

Moved: Councillor G Rogerson
Seconded: Councillor J McKay

That Council:

- (a) receive and note the report titled "**Nambour District Skate Park, Site Selection**";
- (b) endorse the selected site for the development of a District Level Skate Facility and Youth Activity Precinct at Mathew Street adjacent to Quota Park in Nambour, subject to future funding consideration through the annual budget process;
- (c) endorse the staged implementation of the following low cost parking management actions:
 - (i) initiate discussions regarding onsite student parking at Nambour State High School;
 - (ii) promote underutilised 2 hour parking areas;
 - (iii) manage time limits on high volume 2 hour parking areas in the CBD; and
 - (iv) provide additional formalised car parking at the Apex or Petrie Park investigation areas;
- (d) before a final decision be made regarding the implementation of future car parking options, request the Chief Executive Officer to bring a report back to council, fully investigating the option/construction and funding of an above ground carpark above the proposed youth activity site for council consideration.

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

Against: Councillor R Baberowski.

Carried.

Councillors T Dwyer raised a point of order in relation to speakers speaking out of turn. The point of order was upheld.



7.3.2 NOOSA WATERS REVETMENT WALLS

File No: Statutory Meetings
Author: Manager Environmental Operations
Infrastructure Services Department
Attachments: Att 1 - Noosa Waters Lake Map

Council Resolution (OM13/7)

Moved: Councillor R Green
Seconded: Councillor T Wellington

That Council:

- (a) receive and note the report titled "**Noosa Waters Revetment Walls**";
- (b) endorse Council's coordination of revetment wall remediation engineering investigations and designs;
- (c) note a future report will be presented to Council detailing and not limited to,
 - i. the outcomes of engineering investigations on the causal effect to the revetment wall failures;
 - ii. responsibility for undertaking prescribed remediation works;
 - iii. the costs associated with proactive revetment wall stabilization engineering investigations, designs and works, including funding options available to council and others; and
 - iv. legal opinion on Ministerial advice provided from Andrew Cripps MP, dated 15 January 2013.

For: Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor C Thompson, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson, Councillor G Rogerson, Councillor R Green, Councillor T Wellington and Councillor M Jamieson.

Against: Councillor E Hungerford.

Carried.



7.4 COMMUNITY SERVICES**7.4.1 PALMWOODS SPORTS COMPLEX MASTER PLAN**

File No: ECM 31 January 2013
Authors: Development Officer Community Sport & Facility Planning
Community Services Department
Community Sports and Facility Planning Manager
Community Services Department
Appendices: App A - Palmwoods Sports Complex Master Plan 2012 - 2028
(Under Separate Cover)

Council Resolution (OM13/8)

Moved: Councillor J McKay
Seconded: Councillor G Rogerson

That Council:

- (a) receive and note the report titled "***Palmwoods Sports Complex Master Plan***"; and
- (b) adopt the 'Palmwoods Sports Complex Master Plan 2013 - 2028' (Appendix A);
- (c) note the implementation of future stages of development as per the Master Plan will be determined in accordance with council's 10 year Capital Works Program, external funding opportunities and subsequent development priorities as outlined in this report; and
- (d) present the 'Palmwoods Sports Complex Master Plan 2013 - 2028' to relevant sporting and recreation user groups, to assist with future planning considerations and identifying/seeking external funding opportunities to supplement council's implementation costs.

Carried unanimously.



7.4.2 MAYORAL AND COUNCILLOR DISCRETIONARY FUNDING POLICY

File No: Council meetings
Author: Community Planning and Strategy Manager
Community Services Department
Appendices: App A - Mayoral and Councillor Discretionary Funding Program Policy
App B - Councillor Emergent Capital Works and Minor Operational Works Policy

Motion

Moved: Councillor T Dwyer
Seconded: Councillor C Dickson

That Council:

- (a) receive and note the report titled "**Mayoral and Councillor Discretionary Funding Policy**";
- (b) fund the Mayoral and Councillor Discretionary Funding Policy in the 2013/2014 financial year by reallocation of \$65,000 from the 2013/2014 minor operational works component of the Councillor's Emergent Capital Works and Minor Operational Works Budget; and
- (c) adopt the Mayoral and Councillor Discretionary Funding Policy (Appendix A) as amended and the amended Councillor Emergent Capital Works and Minor Operational Works Policy (Appendix B).

Council Resolution (OM13/9)

Moved: Councillor S Robinson
Seconded: Councillor G Rogerson

That Council:

- (a) receive and note the report titled "**Mayoral and Councillor Discretionary Funding Policy**";
- (b) fund the Mayoral and Councillor Discretionary Funding Policy in the 2013/2014 financial year by reallocation of \$650,000 (\$50,000 per councillor) from the 2013/2014 minor operational works component of the Councillor's Emergent Capital Works and Minor Operational Works Budget; and
- (c) adopt the Mayoral and Councillor Discretionary Funding Policy (Appendix A) as amended and the amended Councillor Emergent Capital Works and Minor Operational Works Policy (Appendix B).

For: Councillor R Baberowski, Councillor T Dwyer, Councillor C Thompson, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson, Councillor G Rogerson and Councillor M Jamieson.

Against: Councillor P Cox, Councillor J McKay, Councillor E Hungerford, Councillor R Green and Councillor T Wellington.

Carried.



The amendment became the motion.

The motion moved by Councillor S Robinson and seconded by Councillor G Rogerson was put.

For: Councillor M Jamieson, Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson and Councillor G Rogerson.

Against: Councillor C Thompson, Councillor E Hungerford, Councillor R Green and Councillor T Wellington.

Carried.

Council Resolution (OM13/10)

Moved: Councillor T Wellington

Seconded: Councillor T Dwyer

That Council note that in relation to the Mayoral and Councillors Discretionary Funding policy that any Councillor may choose to opt out of using the allocation of \$50,000 as Mayoral and Councillor Discretionary Funding and still retain the full component of the funding in the Councillors Emergent Capital Works and Minor Operational Works Budget.

Carried unanimously.

Councillor R Green raised a point of order in relation to the speaker not speaking to the motion. The point of order was upheld.



7.5 EXECUTIVE OFFICE**7.5.1 SUNSHINE COAST INTERNATIONAL BUSINESS DEVELOPMENT PROGRAM**

File No: ECM
Author: Senior Economic Development Officer
Executive Office
Appendices: App A - Sunshine Coast International Business Development Program (OM Pg 165)
Attachments: Att 1 - Queensland Government Investment Mission to China Proposed Draft Program (OM Pg 187)
Att 2 - Sunshine Coast Export Survey (OM Pg 191)

Council Resolution (OM13/11)

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

That Council:

- (a) receive and note the report titled "Sunshine Coast International Business Development Program";*
- (b) note the Plan of Action activities in Appendix A for 2012-2013 will be delivered within the current budget allocation for trade and export development in the Economic Development Branch budget, with a portion of this budget likely to be carried over to 2013-2014 to facilitate completion of activities commenced in the current financial year;*
- (c) note that the budget allocation for trade and export development was a one-off allocation approved as part of the development of the 2012-2013 council budget and that funding for the continuation of the Sunshine Coast International Business Development Program in the balance of the 2013-2014 year and subsequent financial years will need to be considered as part of deliberations on the 2013-2014 and subsequent budgets;*
- (d) approve that the Mayor be authorised to travel to China in April 2013 to participate in a proposed Queensland Government Investment Mission and to visit Xiamen to support and target business investment opportunities for the region;*
- (e) approve that Councillor McKay be authorised to travel to Xiamen, China in April 2013 as part of the visit by the Mayor to support and target business investment opportunities for the region;*
- (f) approve that the cost of the overseas travel by the Mayor and Councillor McKay (inclusive of flights, accommodation, transfers and insurances) to be met from the existing budget allocation for trade and export development in the Economic Development Branch budget;*
- (g) note that, subject to approval of (d) and (e) above, the Chief Executive Officer will approve one council officer to accompany the Mayor on the overseas visit to China.*

Carried unanimously.



8 NOTIFIED MOTIONS**8.1 NOTICES OF MOTION****8.1.1 DE-AMALGAMATION ADVERTISING COSTS**

File No: Statutory Meetings
Author: Councillor Tony Wellington
Notice of Motion

Motion

Moved: Councillor T Wellington
Seconded: Councillor R Green

That Council authorise the Chief Executive Officer to ensure that no Council funds are spent on advertising, including but not limited to TV, radio, newspapers and direct mail, relating to the upcoming March 9 referendum on Noosa de-amalgamation.

For: Councillor T Dwyer, Councillor J O'Pray, Councillor R Green and Councillor T Wellington.

Against: Councillor M Jamieson, Councillor R Baberowski, Councillor P Cox, Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor S Robinson and Councillor G Rogerson.

Lost.



8.1.2 REFERENDUM INFORMATION TO ELECTORS

File No: Statutory Meetings
Author: Councillor Tony Wellington
Notice of Motion

Motion

Moved: Councillor T Wellington
Seconded: Councillor R Green

That Council authorise/request the Chief Executive Officer to post to all electors entitled to vote at the March 9 referendum on the de-amalgamation of Noosa arguments both in favour and against de-amalgamation generally along the lines provided for in Part 3 of the *Queensland Referendums Act 1997*, and specifically:

- (a) the argument in favour to be compiled and agreed by the two Councillors representing Divisions 11 and 12
- (b) the argument against to be compiled and agreed by a majority of Councillors who oppose de-amalgamation
- (c) each argument to be limited to a maximum of 1,000 words
- (d) the material to be posted in a single envelope at least 3 weeks before the poll.

For: Councillor R Green and Councillor T Wellington.

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

Lost.

9 TABLING OF PETITIONS**9.1 MAROOCHY NORTH SHORE BEACH - DOG OFF LEASH AREA****Council Resolution** (OM13/12)**Moved:** Councillor E Hungerford**Seconded:** Councillor J O'Pray

That Council resolve the petition tabled by Councillor E Hungerford in relation to the Maroochy North Shore Beach Dog Off Leash Access be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

9.2 RECONSIDER MCU 12/0062 PALMWOODS**Council Resolution** (OM13/13)**Moved:** Councillor J McKay**Seconded:** Councillor P Cox

That Council resolve the petition tabled by Councillor J McKay in relation to the proposal for development MCU12/0062 at Palmwoods be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.



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

Moved: Councillor M Jamieson
Seconded: Councillor E Hungerford

That the meeting be closed to the public pursuant to section 275 (h) of the Local Government Regulation 2012 to consider the following items:

- 10.1.1 *Confidential - Not for Public Release – Planning Appeal – Kidaman Creek*
- 10.1.2 *Confidential - Not for Public Release – Planning Appeal – Pacific Paradise*
- 10.2.1 *Confidential - Not for Public Release – Valdora Solar Farm and Future Electricity Supply Arrangements*
- 10.2.2 *Confidential – Not for Public Release – Maleny Community Precinct*

Carried unanimously.

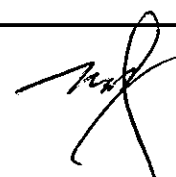
RE-OPENING OF THE MEETING TO THE PUBLIC**Council Resolution**

Moved: Councillor G Rogerson
Seconded: Councillor R Baberowski

That the meeting be re-opened to the public.

Carried unanimously.

Councillor T Dwyer was absent for the vote on this item.



10.1 REGIONAL STRATEGY AND PLANNING**10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - KIDAMAN CREEK**

File No: REC09/0104 & LEG-00063
Authors: Coordinator Appeals Management
Regional Strategy & Planning Department
Solicitor
Executive Office

Council Resolution (OM13/14)

Moved: Councillor R Green
Seconded: Councillor G Rogerson

That Council authorise the Chief Executive Officer to attempt to settle the appeal.

Carried unanimously.

Councillor T Dwyer was absent for the vote on this item.



**10.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL -
PACIFIC PARADISE**

File No: MCU07/0130 & 1-18488
Authors: Coordinator Appeals Management
Regional Strategy & Planning Department
Solicitor
Executive Office

Council Resolution (OM13/15)

Moved: Councillor J O'Pray
Seconded: Councillor E Hungerford

That Council request the Chief Executive Officer to continue to defend the appeal.

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

Against: Councillor S Robinson and Councillor G Rogerson.

Carried.

04:18 pm Councillor T Dwyer left the meeting.

Councillor T Dwyer was absent for the vote on this item.

10.2 FINANCE AND BUSINESS**10.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - VALDORA SOLAR FARM AND FUTURE ELECTRICITY SUPPLY ARRANGEMENTS**

File No: Statutory Meetings
Authors: Business and Commercial Analyst
Finance & Business Department
Commercial Analysis Manager
Finance & Business Department
Manager Commercial & Procurement
Finance & Business Department

Council Resolution (OM13/16)

Moved: Councillor S Robinson
Seconded: Councillor C Dickson

That Council authorise the Chief Executive Officer to progress matters relating to future electricity supply arrangements as discussed in confidential session.

Carried unanimously.

Councillor T Dwyer was absent for the vote on this item.

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 his prior communication with the proponent associated with the Project. Councillor T Wellington remained in the meeting room for the debate and decision on this matter.



**10.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MALENY COMMUNITY
PRECINCT**

File No: Statutory Meetings
Author: Acting Manager, Property and Business
Finance & Business Department

Council Resolution (OM13/17)

Moved: Councillor J McKay
Seconded: Councillor C Dickson

That Council:

- (a) *delegate authority to the Chief Executive Officer to negotiate the acquisition of Part A of Lot 22 SP185360 and Part B of Lot 0 BUP105535, required to complete the link from the Maleny Shopping Centre to the Maleny Community Precinct, or failing a negotiated settlement, to proceed by a compulsory land acquisition in accordance with the requirements of the Acquisition of Land Act 1967 and*
- (b) *request the Chief Executive Officer to progress options for design, funding and construction of a suitable boardwalk enabling access from the Maleny township to the Precinct, and further construction of a stair access from lower site to higher site be installed as a temporary measure to allow immediate access and report further to council on the findings of this process.*

Carried unanimously.

Councillor T Dwyer was absent for the vote on this item.



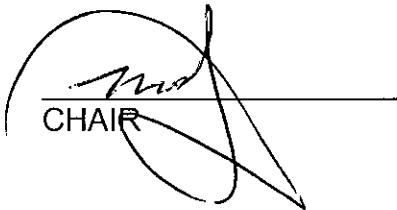
11 NEXT MEETING

The next Ordinary Meeting will be held on 28 February 2013 in the Council Chambers, Corner Currie and Bury Streets, Nambour.

12 MEETING CLOSURE

The meeting closed at 5:40 pm.

Confirmed 28 February 2013.


CHAIR



13 APPENDICES**7.1.1 DEVELOPMENT APPLICATION FOR PRELIMINARY APPROVAL FOR DETACHED HOUSES AND DEVELOPMENT PERMITS FOR RECONFIGURING A LOT (8 LOTS INTO 196 LOTS) AND OPERATIONAL WORKS (EXCAVATION AND FILLING) AT 223 BROADWATER AVENUE WEST AND 319 BRADMAN AVENUE, MAROOCHYDORE – APPENDIX A APPROVAL CONDITIONS****APPLICATION DETAILS**

Application No:	MCU11/0180
Street Address:	223 and 244 Broadwater Ave West and Maroochy Palms 319 Bradman Ave MAROOCHYDORE QLD 4558
Real Property Description:	Lots 5 and 6 RP 812080, Lot 3 RP 109892 and Lots 218, 219 161, 162 and 163 RP 27782.
Planning Scheme:	Maroochy Plan 2000 (8 August 2011)

DECISION DETAILS

The following type of approval has been issued:

- Preliminary Approval for Material Change of Use (Detached Houses)
- Development Permit for Reconfiguring a Lot (8 Lots into 196 Lots)
- Development Permit for Operational Works (Excavation or Filling)

RELEVANT PERIOD OF APPROVAL

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

ASSESSMENT MANAGER CONDITIONS**PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE – 196 DETACHED HOUSES****PLANNING****General**

1. Preliminary Approval (overriding the planning scheme) is granted for a Material Change of Use of Premises for 196 Detached Houses.
2. The development must be undertaken generally in accordance with the Approved Plans (as amended).



Approval Overrides the Planning Scheme

3. This approval overrides the planning scheme pursuant to s242 of the *Sustainable Planning Act 2009* for the life of the approval to the extent that:
 - (a) The Referenced Document: *Supplementary Table of Assessment for the Maroochy Palms Integrated Residential Community* replaces the planning scheme in declaring the level of assessment for development to the extent stated within that document.
 - (b) The Referenced Document: *Code for Residential Development and Use Maroochy Palms Integrated Residential Community April 2012* replaces the Maroochy Plan 2000 Code for Development of Detached Houses and Display Homes and any future planning scheme code for Detached Houses to the extent identified in the Referenced Document: *Supplementary Table of Assessment for the Maroochy Palms Integrated Residential Community*.

Sunset Clause for Completion of Approved Development

4. Pursuant to s342 of the *Sustainable Planning Act 2009*, this preliminary approval lapses on 31 January 2021.

Supplementary Table of Assessment

5. The applicant must amend the proposed supplementary Table of Assessment to remove the words "*not a removal house or relocatable home*" from column 2 of the table.

Code for Residential Development and Use

6. The applicant must include an additional Acceptable Measure within Element 1 of the proposed code which incorporates the following, or equivalent, wording:

"Buildings on Terrace Lots have a maximum fully enclosed site cover of 50%. 'Fully enclosed' means buildings, or parts thereof, that do not comprise a balcony, verandah or covered patio, a gazebo or similar structure or a roof overhang or sunhood"

7. The applicant must include an additional Acceptable Measure within Element 1 of the proposed code which incorporates the following, or equivalent, wording:

"Landscaping for visual amenity must be established and maintained to the northern boundary of Lots 1 to 6 and 108 to 115 and the eastern boundary of Lots 7 to 21. This landscaping must have a minimum width of 1 metre and must be designed such that at least 90% of the boundary fence will be screened when the vegetation reaches maturity"

UNITYWATER

8. Water meters must be located on alternative boundaries to electrical pillars.



DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT – 8 LOTS INTO 196 LOTS**PLANNING****When Conditions Must Be Complied With**

9. Unless otherwise stated, all works required by the conditions of this Decision Notice as relevant to each particular stage must be completed prior to submission of the subdivision plan to Council for compliance assessment for the particular stage.

Approved Plans

10. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*.

*(Refer to Advisory Note)

11. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.

Subdivision Staging

12. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that:

- (a) The transfer of the park allotment to Council occurs with the first stage of the development
- (b) any road access and infrastructure services required to service the particular stage are constructed with that stage.
- (c) The transfer of the drainage reserve allotment to Council occurs with stage 3 of the development, as shown on the approved plans (as amended). All re-vegetation works within the drainage reserve must be completed to Council's satisfaction prior to transfer of the lot.
- (d) The open space/reserve adjacent to Lots 115, 185 and 186 is transferred to Unitywater in fee simple in conjunction with plan sealing for stages 4 and 6, as shown on the approved plans (as amended). The footpath traversing this open space/reserve must be contained within a minimum 3 metre wide road reserve and transferred in conjunction with plan sealing for stage 6 as shown on the approved plans (as amended).

Plan of Development

13. All future dwellings on the approved lots must be sited and constructed in accordance with the approved building envelope and dwelling controls (ie. the "Plan of Development") shown on the Approved Plans and the *Code for Residential Development and Use Maroochy Palms Integrated Residential Community April 2012*. A copy of the approved Plan of Development and the *Code for Residential Development and Use Maroochy Palms Integrated Residential Community April 2012*



must be included in the contract of sale for the approved lots, together with a clause which requires future dwellings to be constructed in accordance with both.

Boundary Encroachments

14. Certification must be submitted to Council from a Licensed Surveyor which certifies that:
- (a) the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice
 - (b) all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement
 - (c) all utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve or alternatively included within an easement
 - (d) all retaining walls and structures are fully contained within the lot they retain
 - (e) any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties, except along the western boundary of the site where fill batters may encroach onto the Maroochydore Multi-Sports Complex as shown on the approved plans.

Sunset Clause for Completion of Approved Development

15. Pursuant to s342 of the Sustainable Planning Act 2009, the uncompleted aspects of this development approval lapses if the subdivision plan for the last stage of the development has not been registered by the relevant titles authority by 31 January 2021.

Interface with Maroochydore Multi Sports Complex

16. Batter slopes must be provided for the full length of the boundary between the subject site and adjoining Maroochydore Multi Sports Complex as shown on the approved plans (as amended). There must be no retaining walls constructed along this interface. Batter slopes may extend into the Maroochydore Multi Sports Complex site by up to 6 metres, but the toe of the batter must maintain a minimum 5 metres clearance from all existing and proposed (as shown on the Maroochydore Multi Spots Complex masterplan) infrastructure on the sports complex site.
17. At least two 1.8m wide concrete pathway connections must be provided between the development and the adjoining Maroochydore Multi Sports Complex site to provide access for residents to the sports complex.
18. Prior to plan sealing for the final stage of the development, the recreation trail shown on the Maroochydore Multi Sports Complex masterplan must be completed to Council's satisfaction for its full length adjacent to the boundaries of the subject site.

TRAFFIC AND TRANSPORT**External Works**

19. A roundabout must be constructed at the intersection of Kuran Street with Broadwater Avenue prior to plan sealing for the first stage of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a raised central island, able to be mounted as necessary to accommodate a turning Austroads design single unit truck/bus
 - (b) raised concrete splitter islands on at least the northern and southern intersection approaches
 - (c) a circulating carriageway that should have an outside diameter of at least 24 metres
 - (d) verge widths around the intersection corners that are not less than the adjacent existing verge widths on the southern side of Broadwater Avenue
 - (e) street lighting.
20. Land must be dedicated as road reserve from the Bradman Avenue frontage of the site to provide a verge width (between the kerb and property boundary) for the entire length of the site's frontage of at least 4.25 metres.
21. An indented bus bay must be constructed at the existing westbound bus stop on the southern side of Bradman Avenue on the frontage of the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a 3 metre wide by 15 metre long bus bay
 - (b) entry and exit tapers for the bus bay of at least 1 in 7 and 1 in 5 respectively
 - (c) the bus bay located at least 5 metres clear of the marked Bradman Avenue centre line
 - (d) dedication of land as road reserve from the subject site to accommodate the indented bus bay and a verge width adjacent to the bus bay of at least 5 metres
 - (e) provision of a bus stop shelter in accordance with Translink requirements and located clear of adjacent pathways.

Pedestrian and Bicycle Facilities

22. 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 1.8 metre wide footpath within the road verge for the entire length of the site's frontage to Bradman Avenue as part of Stage 6 as shown on the approved plans (as amended)
 - (b) a 1.8 metre wide footpath along the eastern side of Kuran Street from the site to Bradman Avenue as part of the first stage of the development.
23. Prior to plan sealing for the final stage of the development, a raised central concrete pedestrian refuge island must be provided on Bradman Avenue east of the existing eastbound bus stop opposite the frontage of the subject site and must include in particular:
- (a) a central refuge island width of at least 2 metres

- (b) Bradman Avenue carriageway widths of at least 5.5 metres past the refuge island
- (c) modifications to the existing eastbound bus bay, bus shelter, guard rail, kerb and channel and adjacent pathway on the northern side of Bradman Avenue as necessary to accommodate the works
- (d) road works design in accordance with the *Queensland Department of Transport and Main Roads' Road Planning and Design Manual*
- (e) street lighting

CIVIL ENGINEERING

New Roads

24. The new roads shown on the Approved Plans must be constructed in accordance with the conditions of this Decision Notice and dedicated as road reserve at no cost to Council.
25. New roads 1, 5 and the Broadwater Avenue Extension as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a reserve width of 16.0 metres
 - (b) an A.C. sealed pavement and concrete kerbing and channelling
 - (c) a cross-section profile matching that of a Collector Street in accordance with Planning Scheme Policy No. 6 – *Transport Traffic and Parking*
 - (d) construction of pedestrian footpaths in accordance with the conditions of this Decision Notice
 - (e) provision of on-street carparking, including 2.3 metre wide indented on-street parking bays and associated road reserve to accommodate all indented bays
 - (f) installation of street lighting
 - (g) Road 1 a temporary turning area of sufficient size to accommodate the 3-point turn manoeuvre of a Waste Collection Vehicle (WCV) clear of private driveways on-street parking and speed control devices.
26. New roads 2, 6 (East) and 7 as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a reserve width of 16.0 metres
 - (b) an A.C. sealed pavement and concrete kerbing and channelling
 - (c) a cross-section profile matching that of a Access Street in accordance with Planning Scheme Policy No. 6 – *Transport Traffic and Parking*
 - (d) construction of pedestrian footpaths in accordance with the conditions of this Decision Notice
 - (e) provision of on-street carparking, including 2.3 metre wide indented on-street parking bays and associated road reserve to accommodate all indented bays
 - (f) installation of street lighting.
27. New road 3 as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a reserve width of 16.5 metres
 - (b) an A.C. sealed pavement and concrete kerbing and channelling
 - (c) a cross-section profile matching that of a Access Street in accordance with Planning Scheme Policy No. 6 – *Transport Traffic and Parking*

- (d) construction of pedestrian footpaths in accordance with the conditions of this Decision Notice
 - (e) provision of on-street carparking, including 2.3 metre wide indented on-street parking bays and associated road reserve to accommodate all indented bays
 - (f) installation of street lighting.
28. New roads 4 and 6 (South and West) as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a reserve width of 14.5 metres
 - (b) an A.C. sealed pavement and concrete kerbing and channelling
 - (c) a cross-section profile matching that of a Access Street in accordance with Planning Scheme Policy No. 6 – *Transport Traffic and Parking*
 - (d) construction of pedestrian footpaths in accordance with the conditions of this Decision Notice
 - (e) provision of on-street carparking, including 2.3 metre wide indented on-street parallel parking bays across the park frontage, and associated road reserve to accommodate all indented bays
 - (f) installation of street lighting
29. New Laneways 1, 2, 3, 4 and 5 as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a reserve width of 6.5 metres
 - (b) an A.C. or concrete sealed pavement and concrete edge strip.
 - (c) a cross-section profile a cross-section profile matching that of a 6.0 metre wide Access Street in accordance with Planning Scheme Policy No. 6 – *Transport Traffic and Parking*
 - (d) installation of street lighting.
30. All intersections are to be designed to cater for a Waste Collection Vehicle (WCV).
31. A temporary turnaround facility must be constructed at the end of each road left temporarily incomplete as a result of the development staging. The temporary turnaround facilities must be in accordance with an Operational Works approval and must be of sufficient size to accommodate the 3-point turn manoeuvre of a Waste Collection Vehicle (WCV).

Property Access and Driveways

32. The residential driveway to all Lots accessed via indented parking bays must be constructed to ensure that the indented parking bays are not affected by future dwellings. The works must be undertaken in accordance with an Operational Works approval and in accordance with IPWEAQ standard drawing SEQ R-050. The location of the driveways must be as shown on the Approved Plans.
33. Vehicle access to Lots 44 to 55, 91 to 96, 107, 143 to 149, 162 to 169 and 176 to 195 is limited to the constructed laneway only. Vehicle access to all remaining Lots is limited to the constructed driveways only. A clause must be included in the contract of sale for all Lots which requires vehicle access to be from the constructed driveway only, and which prohibits the driveway from being relocated without Council agreement.



Pedestrian and Bicycle Facilities

34. 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 1.8 metre wide concrete footpath along one side of all proposed Roads in the development
 - (b) 1.8 metre wide concrete connectivity footpaths around the parks and through the open space zones in accordance with the approved plans (as amended).

Undergrounding of Existing Overhead Powerlines

35. The existing overhead electricity reticulation across the Bradman Avenue frontage of the site, must be placed underground. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) placement on Council's standard alignment as shown on Standard Drawings SEQ R-100 and R-101
 - (b) The placement of streetlighting to achieve that required by the hierarchy of the road.
36. Where the development involves excavation or filling over, or adjacent to, drainage, 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.

Damage to Services and Assets

37. 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.

HYDRAULICS AND WATER QUALITY**Flood Immunity**

38. The minimum surface levels of all lots (excluding drainage reserves) must be constructed to 3.5m AHD to provide flood immunity for the 1 in 100 year Average Recurrence Interval Flood Event based on projected climate change conditions at year 2100.
39. All works in relation to flooding must be carried out generally in accordance with section 2 of the flood report (Maroochy palms Development: Integrated Water management Plan) listed in this Decision Notice. This is to include provision of a flood refuge area within the park that is above the Probable Maximum Flood Level and is maximised in area to be as large as practically possible given surrounding level constraints.

Stormwater Quantity

40. The site must be provided with a stormwater drainage system connecting to lawful points of discharge. The works must be undertaken in accordance with an Operational Works approval and the requirements of the Queensland Urban Drainage Manual.
41. In conjunction with the first development application for Operational Works (Engineering), a stormwater quantity assessment report must be submitted documenting how lawful points of discharge will be achieved at all release points from the site and also how drainage has been adequately provided for areas which contribute flow into the site, such that non-worsening will occur.

Stormwater Quality Management

42. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland*, and must include in particular:
 - (a) stormwater quality treatment devices of a size and location generally in accordance with those shown in Drawing UWT-0004 Rev E contained within the stormwater quality report (Maroochy palms Development: Integrated Water Management Plan) listed in this Decision Notice, with the exception of the following:
 - (i) Where a suitable interface between bioretention #6 and the adjacent roadway cannot be achieved due to level differences, alternate locations for this device are to be investigated (for example adjacent to proposed Lot 6 with the footpath relocated to the opposite side of Kuran Street extension)
 - (b) bioretention devices which:
 - (i) are designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001
 - (ii) incorporate a coarse sediment forebay (in addition to the required filter media surface area), which is sized in accordance with the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* and designed generally in accordance with IPWEQA Standard Drawing No. WSUD-005
 - (iii) have safe, unobstructed and all weather access from the road frontage for maintenance purposes, particularly for the coarse sediment forebay
 - (iv) are provided with a high flow bypass to ensure that flows which exceed the treatment capacity of the device are bypassed in order to avoid damaging of the filter media or subjecting the filter media to excessive sediment loads.
 - (v) are provided with a free-draining outlet from the sub-soil drainage system.
43. Permanent educational signage* must be erected to educate the residents of the development about the function of the bioretention devices. The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval.
*(Refer to Advisory Note)



ENVIRONMENTAL HEALTH**Land Rehabilitation and Bushfire Management**

44. The land area (includes all batters of greater than 1 in 3 grade) delineated as Drainage Reserve on the approved Subdivision Plan must be rehabilitated*, must include bushfire mitigation measures* and must not pond water as a measure to minimise mosquito breeding. The works must be undertaken in accordance with an Operational Works approval.
**(Refer to Advisory Note)*

Fauna Management

45. Vegetation must only be removed or disturbed in accordance with a Fauna Management Plan for the development prepared by a qualified person* and referenced in a Development Permit for Operational Works.
**(Refer to Advisory Note)*

Waste Management

46. The provision of a level area at the kerbside must be provided for the temporary storage of 240l wheelie bins on collection days.

LANDSCAPE & ECOLOGY**Landscaping Works**

47. 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 Approved Plans
 - (b) vegetated screening to;
 - (i) the northern boundaries of Lots 1-6, 108-115 and Open Space reserve.
 - (ii) the eastern boundaries of Lot 1 and Lots 7-21 designed such that at least 90% of the boundary fence will be screened within 3 years.
 - (a) a planted buffer to balance lot 196 from the Bradman Avenue boundary interface to the top of the 1 in 4 batter.
 - (b) dense revegetation of the open space reserve adjacent to Lots 115, 185 and 186.
 - (c) an all-weather truck maintenance access track to the playground area of the park for vehicles up to 4.5 tonne
 - (d) provision of natural or built shade to the children's playground designed to ensure that all play elements and associated seating receive full shade from 9.30 am to 3.00 pm between October & March
 - (e) vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage
 - (f) all batters of greater than 1 in 4 grade must be must be rehabilitated.
 - (g) provision of 1 street tree within the road reserve for every 8 metres of road frontage
 - (h) removal of all weeds species listed in the following standards and legislation:
 - (i) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003

- (ii) *Maroochy Pest Management Plan 2006-2010* pest species of significance in Group 1, Group 2 and Group 6.
**(Refer to Advisory Note)*
48. 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.
49. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

Treatment of Temporarily Vacant Land

50. Where some or all of the land remains vacant or undeveloped for more than 3 months the following works must to be carried out:
- (a) the site must be cleared of all rubble, debris and demolition materials
 - (b) the site must be graded (to the same level as the adjoining footpath wherever practicable), turfed and mown at a minimum 3 weekly intervals
 - (c) the site must be landscaped with perimeter planting consisting of advanced specimens of fast growing tree species
 - (d) drainage must be provided to prevent ponding
 - (e) the site must be maintained so there is no sediment run-off onto adjacent premises, roads or footpaths
 - (f) the site must be maintained to ensure no nuisance to adjacent premises, roads or footpaths
 - (g) public access must be provided where public safety can be maintained
 - (h) where fencing is installed to secure boundaries:
 - (i) the fencing must be durable and not capable of being pushed or blown over
 - (ii) the fencing type must not detract from local amenity (barbed wire is not acceptable)
 - (iii) vandalism must be promptly repaired and any graffiti removed.

Land Rehabilitation

51. All batters of greater than 1 in 4 grade must be must be rehabilitated*. The works must be undertaken in accordance with an Operational Works approval.
**(Refer to Advisory Note)*

UNITYWATER

52. Reticulated water must be provided to each lot in the development. This must include:
- (a) A water service and approved water meter for each lot in accordance with Unitywater Standard Drawings SCW 350,355 and 360.
 - (b) Water meters located on alternative boundaries to electrical pillars.
 - (c) Construction of water supply infrastructure in accordance with the MWH water supply network analysis dated June 2011.
 - (d) Disconnection of the redundant AC watermain within Stage 6. Work by Unitywater at the applicants cost.
53. Reticulated sewerage must be provided to each lot in the development.



54. A minimum clearance of 1.5 metres must be maintained between Unitywater sewers and proposed building envelopes, buildings and other structures.
55. Sewer pipeline size and gradients must comply with Unitywater standards and WSA. The sewer for Line 2 must be 150mm diameter.
56. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater). Easements must be located centrally over the main. Sewers on side boundary alignments may require easements within adjacent properties.
57. Sewers on rear property boundaries must be located on a standard alignment of 1.5 metres from the boundary. A minimum clearance of 1.0 metre from the pipe barrel must be maintained to retaining walls and wall footings.
58. Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
59. Stormwater pipes greater than 225mm diameter must be located to provide a minimum 1.0 metre clearance from Unitywater sewerage infrastructure, barrel to barrel.
60. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable Unitywater approved varieties.
61. 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.

DEVELOPMENT PERMIT FOR OPERATIONAL WORKS – EXCAVATION AND FILLING

PLANNING

Maroochydore Multi Sports Complex Recreation Trail

62. In conjunction with each bulk earthworks stage of the development, the applicant must construct the recreation trail shown on the Maroochydore Multi Sports Complex masterplan for its full length adjacent to the boundaries of the subject site. The design and construction details of the pathway must be agreed in writing with Council prior to construction.

Sunset Clause for Completion of Approved Development

63. Pursuant to s342 of the *Sustainable Planning Act 2009*, the uncompleted aspects of this development approval lapses if the excavation and filling works for the last stage of the development have not been completed by 31 January 2019.

Haulage Routes

64. Haulage truck access to the site must be limited to the Bradman Avenue site access point in the north-western part of the site only. Haulage trucks associated with the

bulk earthworks for this development are not permitted to access the site via Kuran Street or Broadwater Avenue West. Appropriate traffic control measures must be put in place at the Bradman Avenue site access point for ingress and egress of haulage trucks for the duration of earthworks haulage operations, to the satisfaction of the Department of Transport and Main Roads.

CIVIL ENGINEERING

65. Prior to any works commencing, a pre-start meeting for engineering works associated with the bulk earthworks must be conducted. No works are to commence on site prior to fencing of the vegetation to be protected.
66. Written advice must be provided of the contractor's name and the proposed date of commencement of construction. An onsite prestart meeting must be organised with Council's delegate for the municipal infrastructure associated with this development, giving five (5) working days advanced notice prior to the meeting being conducted (*refer to Advisory Notes).
67. Council must be supplied with evidence of appointment of a Principal Contractor in terms of the *Work Health and Safety Act* if works are defined as either a 'Prescribed Activity' under the Act or the estimated final price of the construction works is greater than \$80,000.
68. All works must be supervised by a Registered Professional Engineer of Queensland (RPEQ) competent in civil works and must be undertaken by a nominated principal contractor experienced in the construction of civil works.
69. A Construction Management Plan must be submitted at or before the pre-start meeting, prior to any works commencing on the site in accordance with Section 6 of Planning Scheme Policy No. 5 - *Operational Works*. The Construction Management Plan must specifically address the requirements defined in Section 6.1.1 of this policy as well as the following:
 - (a) Traffic Management during all aspects of the construct phase including:
 - (i) A Traffic Management Control Plan in accordance with Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
 - (ii) Maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased
 - (iii) Proposed fencing to the site during the construction phase of the development
 - (iv) Approval of the Traffic Management Control Plan by Department of Main Roads (DMR) for any works on state controlled roads
 - (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:
 - (v) Contact details for the on-site manager
 - (vi) 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 must be fully repaired at the applicant's expense.
70. Prior to the commencement of the bulk earthworks associated with this development, Council requires the provision of a bank guarantee, or a bond of not less than 10% (minimum of \$5,000) of the value of the works, as security for the performance of the various construction and certification obligations. The bond/guarantee will be reduced to an amount not less than 5% of the total value of the works upon formal acceptance of the works 'On Maintenance', and be retained by Council during the maintenance period as security for the performance of the maintenance obligations. The bond will be returned upon formal acceptance of the works 'Off Maintenance'.
71. All necessary State government approvals relating to this development must be obtained prior to any works commencing on the site.
72. All amendments to the list of approved plans/documents as noted and required by the conditions must be submitted and approved by Council prior to any works commencing on site. NB Council reserves the right to charge an additional review fee should substantial amendments be required to the design plans. The quantum of the fee will be based on the actual hours spent by Council officers on the review.
73. With reference to any works on adjoining land under private ownership, written permission for such work must be obtained and forwarded to Council prior to any works on the land in question. Similarly, written clearances must be obtained after the works are completed and forwarded to Council.
74. Any damage to the external road pavement as a direct consequence of construction activities associated with this approval must be remedied by the applicant at the applicant's cost. In this regard, the road surface of Kuran Street and the intersection of Broadwater Avenue must be photographed prior to any works commencing on site and a condition report submitted and agreed to prior to the pre-start meet.
75. Where works will be undertaken to connect site drainage with the existing municipal drainage system, a CCTV inspection of the existing pipe must be undertaken and a condition report submitted and agreed to prior to the pre-start meeting. This condition report will be used as part of an evaluation process at the completion of the development to determine if the existing drainage system has been damaged during the development works. Any damage identified must be fully rectified at the applicant's cost.

General Engineering

76. During construction all works must be constructed and work procedure undertaken in accordance with:
- (a) All relevant Department of Main Roads specifications, including the current MUTCD for works within the existing road reserve
 - (b) All relevant Sunshine Coast Regional Council Planning Scheme Policies in particular Planning Scheme Policy No. 5 – *Operational Works*, standard drawings and guidelines

- (c) The latest version of the Healthy Waterways document "*Water Sensitive Urban Design Technical Design Guidelines for South East Queensland*" for all water quality devices to be constructed on site
 - (d) Provision of the Work Health and Safety Act and such other legislation as is applicable to workplace health and safety
 - (e) Where applicable, the Queensland Sewerage and Water Supply Act
 - (f) The list of approved plans/documents, conditions of this Decision Notice and relevant conditions of the higher order Reconfiguration of a Lot approval viz. REC11/0096 to which this approval relates.
77. All works associated with this approval must be progressed in an expeditious manner to completion. Council reserves the right to call up any performance bond held or levy charges against the property, should emergency works be required to be undertaken by Council to make the site safe due to inactivity on the development site for extended periods of time. In this regard, Council considers an extended period of inactivity to be greater than 2 weeks (excluding inclement weather).
78. The supervising Engineer must ensure that the works have been inspected and confirm their acceptability at the completion of construction. Where municipal works are involved, such confirmation must be submitted for the respective hold points prior to any site inspection by Council officers. **NB** If Council officers are required to undertake additional inspections of the same works, a reinspection fee will be applicable in accordance with Council's Fees and Charges Register applicable at the time.
79. Any construction works to be undertaken in the vicinity of Council's existing municipal infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration to existing infrastructure must be met in accordance with Planning Scheme Policy No. 5 - Operational Works.
80. Rock scour protection is to be provided at the outlet of all stormwater pipes (including temporary outlets) and is to comply with the requirements of Appendix A of the publication "*Stormwater Outlets in Parks and Waterways* (Brisbane City Council, 2003).

Retaining Walls

81. All retaining walls are to be constructed in accordance with the requirements of Engineering Design and geotechnical testing for the site.
82. Fencing/barriers must be installed in accordance with AS1926 and the Maroochy Plan 2000 for any change of grade greater than one metre and behind retaining walls within all road reserves.

GEOTECHNICAL

General

83. The development must be undertaken in accordance with the Golder Associates Preliminary Geotechnical and Acid Sulfate Soil Report referenced in this Decision Notice.
84. Earthworks within 20m (measured horizontally) from any existing structures, including underground services and adjacent residential buildings, must not be carried out until

written strategies prepared by a competent Geotechnical Engineer have been provided to the consulting engineer and the Council. Those strategies must be developed based upon further geotechnical investigations carried out at commencement of Bulk Earthworks construction activities as recommended in Golder Associates Preliminary Geotechnical and Acid Sulfate Soil Report referenced in this Decision Notice.

85. An RPEQ experienced in geotechnical engineering or engineering geology must supervise the construction of the development to ensure that the works are undertaken in accordance with the Geotechnical Report and subsequent strategies, and the required certification must be issued upon completion of the works in accordance with Section 3 of Council's Planning Scheme Policy No. 4 – *Preparation of Geotechnical Reports*.

Geotechnical Certification

86. On 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*.

Environment

87. The measures depicted on the submitted erosion and sediment control plan must be implemented and maintained as a minimum on the site during the construction phase and must continue until the site has been stabilised and further disturbance of soil by erosion is prevented. The performance and condition of the erosion and sediment control measures must be monitored and adapted as necessary as the works progress 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). For erosion and sediment controls which have a nominated design rainfall event in the Manual for Erosion and Sediment Control (Maroochy Shire Council, 2008), the 50 mg/L release limit will apply as a maximum up to and including the design rainfall event. For events which exceed the design rainfall event, all reasonable and practical measures must be implemented for erosion and sediment control including ensuring that, at the time of the release, all erosion and sediment controls (the treatment train) had been designed constructed and maintained in accordance with the Manual for Erosion and Sediment Control (Maroochy Shire Council, 2008).
88. Erosion and sediment controls are to be designed, installed and maintained in accordance with the requirements of the Manual for Erosion and Sediment Control (Maroochy Shire Council, 2008).
89. The Sediment and Erosion Control Plans must be co-ordinated with the construction management plan and updated as required where objectives or targets are not being met. The Sediment and Erosion Control Plan must also be updated as required to reflect current standards, best practices, and plant modifications, but any

modifications with the potential to result in increased environmental impacts must be approved in advance in writing by Council.

90. All reasonable and practicable measures must be taken which are appropriate to ensure that the activities of all persons working on the site, including employees, agents and contractors, conform with the requirements of this approval and the 'general environmental duty' under the *Environmental Protection Act, 1994* (refer to Advisory Notes).
91. There must be no site disturbance, including vegetation clearing, other than for the approved site office and store, and to enable compliance with this condition, until the following erosion and sediment control set out measures are implemented:
 - (a) Areas to be disturbed marked out
 - (b) Vehicle barriers around areas to be protected
 - (c) Vehicle site access point(s)
 - (d) Vehicle wash/rumble pad
 - (e) Clean runoff diversion drain installed and stabilised
 - (f) Required sedimentation pond installed and stabilised.
92. No vegetation is to be removed or soil disturbed except where expressly indicated on the approved plan.
93. Vegetation clearing must be limited, as far as reasonable and practicable, to 2 metres from the edge of any essential construction activity as shown on the engineering plans.
94. Effective access barriers must be maintained in position at all times to protect areas not to be disturbed by works.
95. All stormwater runoff on the site from any disturbed area is to be drained to a sediment basin for effective treatment.
96. If environmental harm including sediment build up in a waterway has occurred, or the external drainage system has been silted as a consequence of this development, the applicant is responsible for the full restoration to preconstruction conditions. Such restoration must be completed in an expeditious manner and in a reasonable time as directed by Council officers. Should the applicant fail to complete the necessary restoration works, Council will complete the works and recover all associated costs from the applicant. For this purpose, the applicant must lodge a \$5000 performance bond with Council prior to the commencement of any works on the site. This bond will only be released by Council at the termination of the 'on maintenance' period. Where Council determines that a draw down of the bond is required, the applicant must restore the bond to its full amount of \$5000 within ten working days of a notice in writing from Council to that effect.
97. The following requirements must be complied with in respect to dust control on the site:
 - (a) No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site.
 - (b) If, at any time during the earthworks and construction activities, the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust



emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.

98. Construction and earthworks activities (including the entry and departure of heavy vehicles) must only occur between the hours of 7.00am and 6.00pm Monday to Saturday. Further:
- (a) Unmade entrances, access roads and parking areas used by construction traffic must be stabilised to minimise erosion and prevent tracking mud by following Healthy Waterways Best Practice Guidelines for the Control of Stormwater Pollution from Building Sites.
 - (b) Stabilisation of construction entrances must be a priority and the first step in preventing sediment or silted water escaping the construction site and must be arranged so that all traffic exiting the site is required to travel over a rumble pad or other device to prevent soil or sediment entering Council infrastructure.
 - (c) Any sediment transported or escaped to a roadway, gutter or footway must be removed immediately by sweeping. Collected sediment must be removed to a containment area on site.
 - (d) Roadways, gutters and footways must not be cleaned by washing or flushing into Council's stormwater drains.
99. Verification testing of all excavated material for potential Acid Sulfate Soils must be carried out throughout the excavation phase by a suitably qualified person as recommended in Golder Associates Preliminary Geotechnical and Acid Sulfate Soil Report referenced in this Decision Notice.
100. RPEQ certification must be submitted to Council for all internal engineering works and must certify that such works have been undertaken and completed in accordance with the approved plans, specifications and to Council's requirements (refer to Advisory Notes).
101. Any damage caused to the existing municipal infrastructure as a result of this development must be fully rectified to Council Standards at the applicant's cost.
102. A CCTV inspection of the existing municipal drainage system must be undertaken to identify any damage which may have been caused during the construction phase. The extent of damage will be based on the condition report submitted and agreed to prior to construction commencing. Any damage identified to the existing pipe system must be fully rectified at the applicant's cost.

HYDRAULICS AND WATER QUALITY

Erosion and Sediment Control

103. An Erosion and Sediment Control Plan (E&SCP) and a completed Design Certificate for Erosion and Sediment Control must be provided to Council's Delegate prior to the on-site pre-start meeting and prior to works commencing. The provision of sediment basins shown in the ESC drawings submitted with the application is noted and is an acceptable strategy, however with the site being flat and without significant external catchment, an approach which incorporates a perimeter bund to totally contain runoff generated within the area of works may be a lower risk strategy and is to be given consideration. The Design Certificate for Erosion and Sediment Control (E&SC) is to be completed using the form provided as **Attachment 1**. The E&SCP must:
- (a) be prepared by a suitably qualified and experienced professional;

- (b) relate to each phase of the works and detail the type, location, sequence and timing of measures and actions to effectively minimise erosion, manage flows and capture sediment;
 - (c) be consistent with current best practice standards (**Refer Advisory Notes*) to the extent that the standards are not inconsistent with the conditions of approval and taking into account all environmental constraints including erosion hazard, season, climate, soil, and proximity to waterways;
 - (d) provide sufficient detail regarding the manner in which compliance with all conditions of this permit relating to E&SC is to be achieved; and
 - (e) include the results of all soil investigations undertaken for the site and the imported material on which the E&SCP is based
104. The name and contact details of the nominated Proponent, Land Owner, Superintendent and Principal Contractor, for the purposes of compliance with the conditions of this approval, must be provided to Council's Delegate in writing prior to the on-site pre-start meeting and prior to works commencing.. The details must include the details of the corporation (including ACN) or natural person undertaking each role. Any changes to these parties during construction must be notified to Council in writing within 5 business days of the change occurring.
105. The nominated Proponent must engage a suitably qualified professional as the E&SC Inspector to ensure that an Inspection Certificate is provided, at the intervals specified in this condition, verifying that matters pertaining to the environmental management of the development are either:
- (a) Proceeding in compliance with the conditions of the development permit applicable to the works; or
 - (b) Not proceeding in compliance with (i) above and that specific advice has been given to the nominated Proponent, which if implemented, will address the areas of non-compliance with the development permit.

The Inspection Certificate must be in the approved form provided in **Attachment 2**, be undertaken by a suitably qualified and experienced professional not directly employed by the Principal Contractor and be undertaken at the following minimum intervals:

- Prior to the commencement of bulk earthworks;
- Prior to requesting a Council sub grade inspection;
- Prior to requesting a Council water sensitive urban design ("WSUD") hold point inspection; and
- At all other times, at intervals not exceeding one (1) month.

The nominated Proponent must provide copies of the Inspection Certificate within five (5) business days of the inspection taking place to the land owner, Superintendent and Principal Contractor. The Inspection Certificate must provide a true and accurate description of observations made at the inspection. The nominated Proponent must ensure that a Register containing copies of all completed Inspection Certificates is kept available on site for inspection by Council Officers together with records of all directions issued to the Principal Contractor in relation to the Inspection Certificate. Copies of all Inspection certificates and directions issued in relation to the certificates are to be provided to Council Officers upon request and without delay. This condition does not diminish or in any way affect the responsibility of any parties involved in the development to do all that is reasonable and practicable to comply with its obligations under the conditions of any Development Permits applicable to the development and its statutory obligations under the *Environmental Protection Act 1994*.



106. Prescribed Water Contaminants (as defined in the *Environmental Protection Act 1994*) must not be released from the site or to waters within the site, or be likely to be released should rainfall occur, unless all reasonable and practicable measures are taken to prevent or minimise the release and concentration of contamination. These measures must include as a minimum, but are not limited to, the following:
- (a) Ensure non essential exposure of soil is prevented by: restricting the extent of clearing to that necessary for access to, and safe construction of, the approved works; protecting vegetation in all other areas of the site; and by minimising the duration of soil exposure by:
 - (i) staging the works to minimise the area of soil exposed at any one time;
 - (ii) effectively stabilising cleared areas prior to rainfall if works are delayed or works are not intended to occur immediately (**Refer Advisory Notes*);
 - (iii) effectively stabilising areas at finished level without delay and prior to rainfall; and
 - (iv) effectively stabilising steep areas, such as stockpiles, batters and embankments, which are not being actively worked and prior to rainfall.
 - (b) Where it is not feasible to effectively stabilise cleared areas of exposed soil, such as areas being actively worked, implement appropriate erosion and sediment controls to maximise sediment capture in those areas and to minimise erosion such that erosion by all forms other than splash (raindrop impact) erosion and sheet erosion does not occur; and
 - (c) In areas of exposed soil where it is not feasible to either effectively stabilise the surface or implement appropriate erosion and sediment controls, for example in the areas being actively worked and where the implementation of some erosion and sediment controls would impede construction activities, ensure contingency measures are available on site and are implemented, prior to rain, to maximise sediment capture and to minimise erosion such that erosion by all forms other than splash (raindrop impact) erosion and sheet erosion does not occur
 - (d) Effectively stabilise all stockpiles, batters and embankments without delay. Where it is not feasible to effectively stabilise a stockpile, batter or embankment, such as areas being actively worked, ensure that sediment controls are installed and surface stormwater flows are managed such that erosion of stockpiles, batters or embankments is not caused by concentrated stormwater flows.
 - (e) For all works or other disturbances undertaken within waterways (including riparian areas) ensure:
 - (i) prior written approval from the relevant consent authority exists;
 - (ii) Work within waterways must only be: undertaken during dry weather; be promptly rehabilitated conforming to the natural channel form, substrates and riparian vegetation as far as possible; and be undertaken in accordance with Best Practice Erosion and Sediment Control, Appendix I – Instream works, Sections 14 and 16, International Erosion Control Association (2008); and
 - (iii) Temporary vehicular crossings of waterways must be designed and constructed to convey flows for the 1 in 2 year average recurrence interval event (ARI) of critical duration and remain stable for all rainfall events up to the 1 in 10-year ARI event of critical duration.
 - (f) Ensure clean stormwater is diverted or managed around or through the site without increasing the concentration of total suspended solids or other contaminants in the flow and without causing erosion (on site or off site). If it is



- not feasible to divert all areas discharging clean stormwater around or through the site, manage the clean stormwater runoff in the same manner as contaminated stormwater runoff, and ensure that sediment basins are sized to accommodate the additional volume of runoff (**Refer Advisory Notes*).
- (g) Ensure sheet flows of stormwater are managed such that sheet and rill erosion is prevented or minimised.
 - (h) Ensure that all concentrated stormwater flows including drainage lines, diversion drains, channels and batter chutes are managed onto, through, and at release points from the site in all rain events up to and including the average recurrence interval (ARI) event of 1 in 2 year ARI without causing water contamination, sheet, rill or gully erosion, sedimentation, or damage to structures or property
 - (i) Ensure measures have been implemented such that the runoff from all disturbed areas flows to a sediment basin or basins. Where it is not feasible to divert runoff from disturbed areas of the site to a sediment basin, implement compensatory erosion and drainage controls prior to rainfall to ensure that erosion of those areas does not occur, including erosion caused by either splash (raindrop impact), sheet, rill or gully erosion processes (**Refer Advisory Notes*).
 - (j) Ensure each sediment basin has the capacity to treat flows to current best practice standards (**Refer Advisory Notes*) and as a minimum to contain all the stormwater runoff from the 80th percentile 5 day rainfall depth and store 2 months sediment from the receiving catchment, as determined using the Revised Universal Soil Loss Equation.
 - (k) Ensure sediment basins are maintained with sufficient storage capacity to capture and treat the runoff for the design rainfall depth or event. Where sediment basins are proposed to be oversized for storage of captured water for re-use, install survey markers in each such basin to indicate the level that water within the basin must be lowered to, in order to meet the storage capacity specified in the above requirement.
 - (l) Ensure sediment basins are dewatered as soon as practicable after each rainfall event and within 2 days of rainfall ceasing.
 - (m) Ensure that during dewatering, the concentration of total suspended solids ("TSS") discharged does not exceed 50mg/L and that pH is within the range of 6.5-8.5. The concentration of TSS released by dewatering may only exceed 50mg/L where it can be demonstrated and supported through appropriate documentation that:
 - (i) further significant rainfall is forecast to occur before the TSS concentration is likely to be reduced to 50mg/L ; and
 - (ii) releasing a higher concentration of total suspended solids will result in a better environmental outcome by providing storage for the capture and treatment of runoff from the imminent rainfall and runoff; and
 - (iii) flocculent has been applied and the concentration of TSS in the captured water has already significantly decreased.
 - (n) Ensure sediment basins and associated structures such as inlets, outlets and spillways are structurally sound for the 1 in 10 year ARI rainfall event, under normal circumstances and for the 1 in 100 year ARI rainfall event, if failure of the basin poses a threat to downstream dwellings or public safety.
 - (o) Ensure accumulated sediment from basins and other controls is removed and disposed of appropriately without causing water contamination.
 - (p) Ensure sediment does not leave the site on the tyres of vehicles.
(**refer Advisory Notes*)

107. Limit soil exposure on the site to a distance of no more than 2m beyond the extent of earthworks shown on the approved Earthworks Plans except where the exposed soil is effectively stabilised without delay and prior to rainfall occurring.

Acid Sulfate Soils

108. All works must be carried out in accordance with Section 6.0 of the Acid Sulfate Soil and Preliminary Geotechnical Investigation report listed in this Decision Notice with the exception of the following and to the extent that the report does not conflict with the conditions of approval:
- (a) "Alluvial sands /clays and estuarine sands above marine clays" in the area surrounding borehole 6 are to be treated at the higher lime treatment rate of 131kg/m³
109. All waters, including stormwater runoff, groundwater seepage and leachate from acid sulfate soils must achieve the following quality prior to release from the site:
- (a) a pH range of 6.5-8.5 pH units
 - (b) 50mg/L maximum total suspended solids concentration
 - (c) 0.3mg/L maximum total iron concentration
 - (d) 0.2mg/L maximum total aluminium concentration
 - (e) no visible plume at either the point of release from the site or within a waterway.
110. All treated material must undergo verification testing at the rate of one sample per 250 m³ throughout the duration of the excavation phase of the development. The verification testing must be undertaken by a qualified person* using the SPOCAS or Chromium Reducible Sulphur testing suite, and the results must be submitted to Council for appraisal when requested during construction and prior to the sealing of the plan of survey and must demonstrate that the material has been adequately neutralised.
**(Refer to Advisory Note)*
111. Groundwater monitoring is to be undertaken at a minimum of 3 locations external to the area of filling with the exact location to be agreed at the pre-start meeting with Council's Delegate. Groundwater monitoring is to be undertaken prior to works commencing and weekly throughout construction for the following parameters:
- (a) Level (in mAHD)
 - (b) pH
 - (c) Electrical conductivity
- Results must be submitted to Council for appraisal when requested during construction and prior to commencement of use and must demonstrate that groundwater quality has not been adversely impacted by the works.

Eudlo Creek Conservation Levy Lands Hydrology

112. Minor reshaping of surface levels within the proposed southern drainage reserve are to be undertaken as necessary to ensure that the controlling level in the adjacent Eudlo Creek Conservation Levy Lands is not inadvertently raised by the filling of the development site.



Stormwater Quantity

113. Measures are to be implemented at all phases during construction, including construction of the retaining wall, such that adequate provision is made to drain the yards of the existing residential properties on the southern side of Broadwater Avenue so ponding within these properties does not occur.

ENVIRONMENTAL HEALTH**Land Rehabilitation and Bushfire Management**

114. In conjunction with the first bulk earthworks stage of the development, the land area (includes all batters of greater than 1 in 3 grade) delineated as Drainage Reserve on the approved plans (as amended) must be rehabilitated*, must include bushfire mitigation measures* and must not pond water as a measure to minimise mosquito breeding. The works must be undertaken in accordance with an Operational Works approval.

**(Refer to Advisory Note)*

UNITYWATER

115. The applicant must provide a bank guarantee of \$50,000 for filling and compaction works over the 500mm diameter sewer rising main within the development site.
116. Settlement of the sewer rising main must be monitored by a qualified Geotechnical Engineer with results provided to Unitywater when pre-loading has been completed and finished surface levels are achieved.
117. During the maintenance period the applicant must carry out necessary repairs to defects or damage of sewerage reticulation pipework. These repairs include damage and/or alterations caused by third parties carrying out works within the development.
118. Construction works undertaken in the vicinity of Unitywater's existing water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration to existing infrastructure must be met by the applicant

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Type	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department Of Transport & Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558	State Controlled Road Matters, Public Passenger Transport and Railways	The agency provided its response on 3 January 2013 (Reference No. TMR12-001760). A copy of the response is attached.
Concurrence	Department of Local Government and	s242 Preliminary Approval	The agency provided its response on 18 May 2012 (Reference No. F11/11287).

	Planning PO Box 15009 CITY EAST QLD 4002		A copy of the response is attached.
Advice	Department Of Environment & Resource Management GPO Box 2454 BRISBANE QLD 4001	Wetlands and Acid Sulfate Soils	The agency provided its response on 26 October 2011 (Reference No. IA0911NAM0020)

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
0920-DA-SO-4	N	<i>Part Lot Layout Detail Plan – Sheet 2 of 3</i> by Subdivisions (Qld) Pty Ltd	28/02/12
0920-DA-SO-8	N	<i>Typical Road Sections</i> by Subdivisions (Qld) Pty Ltd	28/02/12
0920-DA-SO-9	N	<i>Car Parking Bay Details</i> by Subdivisions (Qld) Pty Ltd	28/02/12
0920-DA-SO-29	G	<i>Typical Sections</i> by Subdivisions (Qld) Pty Ltd	28/02/12
0920-DA-SO-31	G	<i>Stormwater Drainage Details – Sheet 2</i> by Subdivisions (Qld) Pty Ltd	28/02/12
SD-08	F	<i>Sheet 3 Sections, Maroochy Palms, Maroochydore Schematic Design for Development Approval</i> , prepared by GTLA	03.04.2012

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

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
0920-DA-SO-1	N	<i>Allotment Classification Layout Plan</i> by Subdivisions (Qld) Pty Ltd	28/02/12
Amendments		<ol style="list-style-type: none"> Change 90° indented parking to indented parallel parking along the park frontage. Provide additional indented parallel parking bays between Lot 105 and Lot 106 driveways and between Laneway 2 and Lot 106 driveway 	
0920-DA-SO-2	N	<i>Overall Lot Layout Plan</i> by Subdivisions (Qld) Pty Ltd	28/02/12
Amendments		<ol style="list-style-type: none"> Change 90° indented parking to indented parallel parking along the park frontage. Relocate the pedestrian path on the western side of Road 4 to the eastern side between the park and Lot 103 Provide additional indented parallel parking bays between 	

		Lot 105 and Lot 106 driveways and between Laneway 2 and Lot 106 driveway 4. Change the nominated boundary for Lots 117, 118 and 135 to the western side boundary.	
0920-DA-SO-3	N	<i>Part Lot Layout Detail Plan – Sheet 1 of 3</i> by Subdivisions (Qld) Pty Ltd	28/02/12
Amendments		1. Change 90° indented parking to indented parallel parking along the park frontage. 2. Relocate the pedestrian path on the western side of Road 4 to the eastern side between the park and Lot 103 3. Provide additional indented parallel parking bays between Lot 105 and Lot 106 driveways and between Laneway 2 and Lot 106 driveway. 4. Change the nominated boundary for Lots 117, 118 and 135 to the western side boundary.	
0920-DA-SO-5	N	<i>Part Lot Layout Detail Plan – Sheet 3 of 3</i> by Subdivisions (Qld) Pty Ltd	28/02/12
Amendments		1. Change 90° indented parking to indented parallel parking along the park frontage. 2. Change the nominated boundary for Lots 117, 118 and 135 to the western side boundary.	
0920-DA-SO-7	N	<i>Typical Sections Layout Plan and Sections – Option 2</i> by Subdivisions (Qld) Pty Ltd	28/02/12
Amendments		1. Typical sections A, B and C require the footpath shown on the eastern side of the carriageway. 2. Change 90° indented parking to indented parallel parking along the park frontage.	
0920-DA-SO-10	N	<i>Preliminary Staging Plan</i> by Subdivisions (Qld) Pty Ltd	28/02/12
Amendments		1. Change 90° indented parking to indented parallel parking along the park frontage.	
0920-DA-SO-27	G	<i>Site Preload Fill Level Plan – Stage 1</i> by Subdivisions (Qld) Pty Ltd	28/02/12
Amendments		1. Show 20.0m fill buffer adjacent to the southern boundaries of the existing lots accessing off Broadwater Avenue	
0920-DA-SO-28	G	<i>Site Preload Fill Level Plan – Stage 1</i> by Subdivisions (Qld) Pty Ltd	28/02/12
Amendments		1. Show 20.0m fill buffer adjacent to the southern and western boundaries of the existing lots accessing off Broadwater Avenue	
SD-04	F	<i>Overall Landscape Plan, Maroochy Palms, Maroochydore Schematic Design for Development Approval</i> , prepared by GTLA	03/04/12
Amendments		1. Change 90° indented parking to indented parallel parking along the park frontage.	
SD-05	F	<i>Detail Plan of Open Space, Overall Landscape Plan, Maroochy Palms, Maroochydore Schematic Design for</i>	03/04/12



		<i>Development Approval, prepared by GTLA</i>	
Amendments	1. Amend to address conditions requiring maintenance access and shade requirements.		
SD-07	F	<i>Sheet 2 Sections – Option of Planted Batters with Multi Sport Complex Boundary, Maroochy Palms, Maroochydhore Schematic Design for Development Approval, prepared by GTLA</i>	03/04/12
Amendments	1. Amend section E to reflect achievable battering in accordance with the conditions of approval.		

REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
		<i>Supplementary Table of Assessment for the Maroochy Palms Integrated Residential Community, prepared by Urban Systems</i>	
		<i>Code for Residential Development and Use Maroochy Palms Integrated Residential Community, prepared by Urban Systems</i>	April 2012
077682034-1000(AE)	2	<i>Acid Sulfate Soil and Preliminary Geotechnical Investigation – Golder Associates</i>	09/08/11
077682034-1000(AE)	2	<i>Acid Sulfate Soil and Preliminary Geotechnical Investigation by Golder Associates Pty Ltd</i>	09/08/11
R.B18315.002.05.IWMP.doc	5	<i>Maroochy palms Development: Integrated Water Management Plan (as supplemented by additional impact assessments in letter from BMT-WBM dated 8th August 2012)</i>	29/11/11
11-001 Report		<i>Bushfire Management Plan on Lots 5 & 6 RP812080 for Maroochy Palms Holdings P/L by L.S. Hawkes BSc for The Consultancy Bureau</i>	July 2011
5812R01V03.docx		<i>Noise, Lighting & Odour Impact Assessment-Proposed Subdivision 319 Bradman Ave Maroochydhore for Subdivisions QLD Pty Ltd by Ask Consulting Engineers P/L</i>	08/06/11
077682034-2000(AR)	2	<i>Ecological Assessment-Maroochy Palms Holdings Bradman Ave Maroochydhore by Golders Associates for Maroochy</i>	July 2011



		Palms Holdings Pty Ltd	
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ADVISORY NOTES

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

PLANNING**Resubmission of Amended Plans Required**

1. The conditions of this Decision Notice require resubmission of plans to Council with amendments. Please address the amended plans to Council's Planning Assessment Branch with the Reference No. MCU11/0180, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plans be resubmitted prior to lodgement of any Operational Works application. However, should the plans not be submitted, the applicant is advised that a Preliminary Approval may be issued in lieu of a Development Permit.

Infrastructure Charges

2. 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*.

Road Naming Procedure

3. Road names must be approved by Council before a subdivision plan is submitted for compliance assessment and signing. A written request for proposed naming of roads must be submitted to Council together with a plan of the proposed roads and a completed road naming application form. Further details can be found on Council's website.

Aboriginal Cultural Heritage Act 2003

4. 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*.



CIVIL ENGINEERING**General Engineering**

5. Written advice must be provided of the contractor's name and the proposed date of commencement of construction prior to contacting Council's delegate on 5475 9866 to arrange a prestart meeting.
6. Council has undertaken an audit check of the Operational Works drawings in relations to the proposed works. A detailed check of the calculations and drawings has not been undertaken, as they have been certified by a RPEQ. The RPEQ bears full responsibility for all aspects of the engineering design. Council reserves the right to require further amendments and/or additions at a later date, should design errors become apparent.

Erosion and Sediment Control

7. Soil management and erosion and sediment control is to be managed be an individual who is qualified as a Registered Professional Engineer (Queensland), and holding a Certificate in Soil Erosion and Sediment Control issued by the International Erosion Control Association, or equivalent.
8. 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.

The applicant may make a case for using an alternative release compliance limit subject to submission to, and approval by, Council of a scientifically rigorous study addressing compliance with the appropriate water quality objectives contained in the Environmental Protection (Water) Policy.

9. 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 New South Wales Landcom Managing Urban Stormwater 2004 and, as an alternative option for sediment basin design, Brisbane City Council's Sediment Basin Design, Construction, Operation and Maintenance 2001.



10. The programme must involve coordination 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 need to be clearly integrated into the development process.
11. 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.
12. 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.

Building and Construction Industry (Portable Long Service Leave) Levy

13. 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.

Preparation of Operational Works Application

14. The applicant is advised to refer to section 2.1.2 of Planning Scheme Policy No. 5 – *Operational Works* prior to preparation of any Operational Works application for the development.

Co-ordination of Operational Works Assessment

15. 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.

Integrated Water Management Guidelines

16. The applicant is advised that when addressing the requirements of Council's Integrated Water Management Code and Section 7 of Planning Scheme Policy No. 5 – *Operational Works*, reference should also be made to Council's Integrated Water Management Guidelines for further guidance on stormwater management outcomes.



Lawful Point of Discharge

17. 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.

Works within a Watercourse

18. The applicant is advised that the proposal may involve works within a watercourse which will require referral to the Department of Environment & Resource Management under the *Water Act 2000* and *Sustainable Planning Act 2009* at the time of making an application for operational works.

HYRAULICS AND WATER QUALITY**Qualified Person**

19. For the purpose of certifying the design of rainwater collection tanks, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ).
20. For the purpose of preparing an Acid Sulfate Soil and Groundwater Management Plan, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland (RPEQ); or
 - (b) a soil scientist with a minimum of 5 years experience in the field of acid sulfate soils.

Bioretention Basin Educational Signage

21. Suggested wording for the permanent educational signage required by this Decision Notice is as follows:

"BIORETENTION BASIN - This bioretention basin reduces the pollution of our waterways by reducing the amount of heavy metals, litter, suspended solids, and nutrients discharged to (insert name of receiving waters)".

Erosion and Sediment Control

22. Accepted best practice standards include:
- (a) the Sunshine Coast Regional Council Manual for Erosion and Sediment Control V1.2 or other superseding document subsequently adopted by Council;
 - (b) Best Practice Erosion and Sediment Control, International Erosion Control Association (2008)
23. In this document, an effectively stabilised surface is defined as one that does not
- (a) have visible evidence of soil loss caused by sheet, rill or gully erosion or
 - (b) lead to sedimentation, or
 - (c) lead to water contamination
24. Diverting clean stormwater runoff into a sediment basin is an inferior option to diverting clean stormwater around or through the site because it will cause an increase in the volume and frequency of contaminated releases from the sediment



- basin. For this reason, diverting clean stormwater into a sediment basin is not acceptable unless the nominated Proponent demonstrates that diverting clean stormwater around or through the site is not feasible.
25. Compensatory controls are erosion controls, flow controls and sediment controls which compensate for the lack of sediment basin and must be focussed on controlling turbidity and not just coarse sediment. The controls are applied such that the type, timing, placement and management of controls minimise the potential for water contamination and environmental harm. This is primarily achieved by reducing the risk of erosion and subsequent sediment release, for example by turfing or mulching and managing concentrated flows in the area.
 26. Research has shown that sediment basins designed on a "batch" or total storm capture approach are only capable of treating a small percentage of the annual runoff volume without basin size becoming excessive. Innovation in sediment basin design to incorporate continuous flow treatment is likely to occur in the future. As this technology gains recognition and support in best practice guidelines, Council will require that this technology be adopted where it is likely that use of such technology will result in a better water quality outcome. In the interim the minimum basin storage capacity is as specified in the condition.

ENVIRONMENTAL HEALTH

Preparation of a Rehabilitation Plan and Bushfire Mitigation Measures

27. All rehabilitation works required by this approval must be demonstrated on a detailed Rehabilitation Plan prepared by a qualified person* and submitted to Council for Operational Works approval. When preparing a Rehabilitation Plan, the applicant is advised to refer to *Planning Scheme Policy No. 3 – Rehabilitation Plans* within the *Maroochy Plan 2000*.
28. All bushfire mitigation measures required by this approval must be demonstrated on a detailed Plan prepared by a qualified person* and submitted to Council for Operational Works approval. When preparing measures to mitigate bushfire the applicant is advised to refer to *Planning Scheme Policy No. 13-Preparation of a Bushfire Management Plan*, specifically section 1.3 *Consultation* and items (k)-(m) within the *Maroochy Plan 2000*.

Qualified Person

29. For the purpose of preparing a Rehabilitation Plan, a qualified person is considered to be a landscape architect or ecologist with a minimum of 3 years current experience in the field of landscape design.
30. For the purpose of preparing a Fauna Management Plan, a qualified person is considered to be an ecologist with a minimum of 3 years current experience in the field of fauna assessment and management.
31. For the purpose of certifying Bushfire Mitigation Measures, and compliance with the bushfire requirements of this Decision Notice, a qualified person is considered to be an ecologist with a minimum of 3 years current experience in the field of bushfire assessment and management or a landscape architect in consultation with Council's nominated delegate.



LANDSCAPE & ECOLOGY**Preparation of a Landscape Plan**

32. 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
 - (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

33. 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.

UNITYWATER

34. A Trade Waste permit is required prior to any stormwater, groundwater or sump pump discharge into Unitywater's sewerage system.
35. Connection to the Unitywater live water supply and live sewerage system must be undertaken by Unitywater at the applicants cost.
36. Cantilevered footings within 1.0 metre of a sewer, and bridging along the length of the sewer are not permissible.
37. The bank guarantee for filling and compaction works near or over the sewer rising main can be released following an off maintenance inspection to Unitywaters satisfaction.



PROPERTY NOTES

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

MCU11/0180 – POD PACKAGE – Plan of Development

The following notation applies to all approved lots:

To ensure the amenity of this lot and its neighbours is maintained, all building work must be sited and constructed in accordance with the approved Plan of Development and Preliminary Approval Overriding the Planning Scheme for a Material Change of Use (Detached Houses) applying to the lot (refer to Council Approval MCU11/0180). The private certifier must satisfy itself that the proposed building work complies with both the Preliminary Approval overriding the Planning Scheme and the approved Plan of Development.

PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

A preliminary approval under section 242 of *Sustainable Planning Act* has been granted. The level of assessment and applicable codes for any development approval resulting from this approval are identified in the Supplementary Table of Assessment for the Maroochy Palms Integrated Residential Community referenced in this Decision Notice.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works (Subdivisional Works, Earthworks and Retaining Walls, External Works, Water and Sewerage Works, Carparking, Driveways, Stormwater Drainage Works, Electrical Reticulation, Streetlighting, Rehabilitation and Landscaping)

SELF ASSESSABLE CODES

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

For Detached Houses

- Code for Residential Development and Use Maroochy Palms Integrated Residential Community April 2012, by Urban Systems (as amended by the conditions of this approval)

SUBMISSIONS

There were 42 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.



REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

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".

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.



Attachment 1

SUNSHINE COAST REGIONAL COUNCIL (SCRC)
DESIGN CERTIFICATE
Erosion and Sediment Control

This form must be duly completed and signed by a suitably qualified¹ and experienced Professional responsible for the preparation of the documentation for erosion and sediment controls (ESC). Where ESC involves engineered structures (such as sediment basin spillways) this form must be either signed or counter-signed by a Registered Professional Engineer of QLD.

Name of Development: _____

Location of Development: _____

Land owner: _____

Design Engineer/Author: _____

Related or Higher-Order Approval Number: _____

Operational Works Approval Number: _____

Drawing/Report Numbers for documents associated with this Certification: _____

MANDATORY INFORMATION: You are required to answer the following questions. Where the answer to a question is "NO", provide details of how compliance with the Conditions of the Development Permit will be achieved.

Is the documentation for ESC including Soil and Stormwater Management Program(s), Erosion and Sediment Control Plan(s), associated documents, drawings and the design of all erosion and sediment controls, in accordance with:

- (a) the requirements of the conditions of approval relating to the works YES NO
(b) an accepted² erosion and sediment control guideline or manual, to the extent that the selected guideline or manual is consistent with the conditions of approval YES NO

DETAILS FOR ANY QUESTION ANSWERED "NO": (Provide details of how compliance with the Conditions of the Development Permits and obligations of the Environmental Protection Act 1994 will still be achieved). Use separate sheet if necessary.

CERTIFICATION

I certify that this information has been provided in accordance with Council requirements and that, having made all relevant enquires, I am satisfied that no matters of significance have been withheld from Council's Delegate. This form was completed by myself, or under my direct supervision, and I am suitably qualified and experienced to provide such certification. The information submitted is, to the best of my knowledge and belief, true, accurate and complete. I acknowledge and accept that the Council, as the administering authority relies, in good faith, on this certification as part of its development approval process and that the provision of false or misleading information to the Council constitutes an offence against the Sustainable Planning Act 2009.

Certified By (print name in full): _____ RPEQ No or CPESC No: _____

Certifier's Signature: _____ Date: _____

¹ Suitably qualified means the successful completion of an advanced specialised training course in erosion and sediment control, provided under the auspices of a reputable body such as the International Erosion Control Association.

² Accepted guidelines include:
• the Sunshine Coast Regional Council Manual for Erosion and Sediment Control V1.2 or other superseding document subsequently adopted by Council;
• Best Practice Erosion and Sediment Control, International Erosion Control Association (2008)

Attachment 2

SUNSHINE COAST REGIONAL COUNCIL (SCRC)
INSPECTION CERTIFICATE
Erosion and Sediment Control

This form is to be duly completed and signed by a suitably qualified and experienced Professional. Where the controls inspected involve engineered structures (such as sediment basin embankments and catch-drains) the form is required to be either signed or counter-signed by a Registered Professional Engineer of QLD.

Name of Development: _____

Location of Development: _____

Nominated Proponent: _____

Inspected by (Name/Company): _____

Related or Higher-Order Approval Number: _____

Operational Works Approval Number: _____

Construction Stage/Hold Point: _____

MANDATORY INFORMATION: All boxes are required to be completed for the following questions.

- a) Is the development site in compliance with the development permits applicable to the works YES NO
b) Has specific advice been given to the nominated Proponent, which if implemented, will address the areas of non-compliance with the development permits applicable to the works YES NO

DETAILS IF QUESTION A ANSWERED "NO": Provide a summary of the advice issued to the nominated Proponent to ensure compliance with the Conditions of the Development Permit and obligations under the Environmental Protection Act 1994 will be achieved. Use separate sheet if necessary.

CERTIFICATION

I certify that this information has been provided in accordance with Council requirements and that, having made all relevant enquires, I am satisfied that no matters of significance have been withheld from Council's Delegate. This form was completed by myself, or under my direct supervision, and I am suitably qualified and experienced to provide such certification. The information submitted is, to the best of my knowledge and belief, true, accurate and complete. I acknowledge and accept that the Council, as the administering authority relies, in good faith, on this certification as part of its development process and that the provision of false or misleading information to the Council constitutes an offence against the Sustainable Planning Act 2009

Certified By (print name in full): _____ RPEQ No or CPESC No: _____

Certifier's Signature: _____ Date: _____

[Handwritten signature]

7.1.2 DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT (1 INTO 2 LOTS) AT 35 KONDALILLA FALLS ROAD, FLAXTON – APPENDIX A APPROVAL CONDITIONS

1. APPLICATION DETAILS

Application No:	REC12/0090
Street Address:	35 Kondalilla Falls Road FLAXTON
Real Property Description:	Lot 58 RP141642
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguration of a Lot (1 into 2)

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 works required by the conditions of this Decision Notice must be completed prior to submission of the subdivision plan to Council for compliance assessment.

Approved Plans

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

Plan of Development

3. All future dwellings on the approved lots must be sited and constructed in accordance with the approved building envelopes and dwelling controls (i.e. the "Plan of Development") shown on the Approved Plans. A copy of the approved Plan of Development must be included in the contract of sale for the approved lots, together with a clause which requires future dwellings to be constructed in accordance with it.

ENGINEERING**Stormwater Drainage**

4. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

Electricity and Telecommunication Services

5. A connection to reticulated electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.
6. 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.

Damage to Services and Assets

7. Any damage caused to existing services and assets above or below the ground must be repaired:
- where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - 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.

5. REFERRAL AGENCIES

Not Applicable.

6. APPROVED PLANS**Plans Requiring Amendments**

Plan No.	Rev.	Plan Name	Date
Drawing No. DA-02	-	<i>Proposed Lot Reconfiguration Plan, drawn by 'S C' and prepared for Innovative Planning Solutions</i>	15 September 2012
Amendments Required:		1. Provide an amended plan showing a Building Envelope on both lots showing all proposed buildings and sewage disposal areas.	

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:

Infrastructure Charges

1. 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

2. 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).

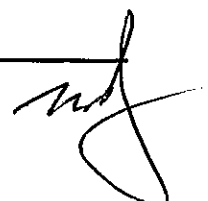
Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (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

3. 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*.

Resubmission of Amended Plans Required

4. The conditions of this Decision Notice require resubmission of plans to Council with amendments. Please address the amended plans to Council's Planning Assessment Branch with the Reference No. REC12/0090. To avoid delays and assessment issues with the Building Works application, it is recommended the plans be resubmitted prior to lodgement of any Building Works application.

9. PROPERTY NOTES

REC12/0090 – POD PACKAGE – Plan of Development

The following notation applies to approved lots 1 and 2:

To ensure the amenity of this lot and its neighbours is maintained, all building work must be sited and constructed in accordance with the approved Plan of Development applying to the lot (refer to Council Approval REC12/0090). The private certifier must satisfy itself that the proposed building work complies with both the planning scheme and the approved Plan of Development.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable

12. SELF ASSESSABLE CODES

Code for Detached Houses and Display Homes

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 NOVEMBER 2012 FINANCIAL PERFORMANCE REPORT – APPENDIX A

November 2012 Financial Performance Report - Appendix A

7.2.3 COUNCILLOR REMUNERATION – APPENDIX A

Councillor Remuneration - Appendix A

7.4.1 PALMWOODS SPORTS COMPLEX MASTER PLAN – APPENDIX A

Palmwoods Sports Complex Master Plan - Appendix A

7.4.2 MAYORAL AND COUNCILLOR DISCRETIONARY FUNDING POLICY - APPENDIX A AMENDED

Mayoral and Councillor Discretionary Funding Policy - Appendix A Amended

7.4.2 MAYORAL AND COUNCILLOR DISCRETIONARY FUNDING POLICY - APPENDIX B

Mayoral and Councillor Discretionary Funding Policy - Appendix B

7.5.1 SUNSHINE COAST INTERNATIONAL BUSINESS DEVELOPMENT PROGRAM - APPENDIX A

Sunshine Coast International Business Development Program - Appendix A

