



AGENDA

STRATEGY AND PLANNING COMMITTEE MEETING

Wednesday 15 February 2012

Commencing at 9.00am

Council Chambers, 9 Pelican Street, Tewantin

COMMITTEE MEMBERS

(Quorum – 3)

Councillor R Green
Councillor R Abbot
Councillor A Grosskreutz
Councillor K Jones
Councillor E Hungerford
Councillor V Griffin

Division 12 (Chair)
Mayor
Division 1
Division 3
Division 7
Division 9

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING	1
2	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE	1
3	OBLIGATIONS OF COUNCILLORS	1
3.1	DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS	1
3.2	DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS	1
4	REPORTS	1
4.1	PRESENTATIONS	1
4.1.1	PRESENTATIONS – KIN KIN QUARRY MANAGEMENT PLAN	1
4.2	DEVELOPMENT APPLICATIONS	2
4.2.1	DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 INTO 158 LOTS), PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME AND PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE (COMMUNITY CENTRE) - SPRINGS DRIVE, MERIDAN PLAINS	2
4.2.2	REPRESENTATIONS FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE (EXTENSION TO SHOPPING COMPLEX) AND PRELIMINARY APPROVAL FOR BUILDING WORKS AT 119 POINT CARTWRIGHT DRIVE, 10 AND 12 TUMUT STREET, 2-18 BERMAGUI CRESCENT AND TUMUT STREET BUDDINA KNOWN AS KAWANA SHOPPINGWORLD	46
4.2.3	REQUEST FOR A NEGOTIATED DECISION NOTICE - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH AN EXTRACTIVE INDUSTRY (SAND EXTRACTION) AND ENVIRONMENTALLY RELEVANT ACTIVITY NO. 16 (EXTRACTIVE AND SCREENING ACTIVITIES), 545 EASTERN MARY RIVER ROAD, 2084 AND 2316 MALENY-KENILWORTH ROAD, CONONDALE	78
4.2.4	DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ENTERTAINMENT AND DINING BUSINESS AND MODIFICATIONS TO EXISTING SERVICE STATION, 66 NOOSA DRIVE, NOOSA HEADS	104
4.2.5	UPCOMING SIGNIFICANT DEVELOPMENT APPLICATIONS	128

5	CONFIDENTIAL REPORTS	143
5.1	REGIONAL STRATEGY AND PLANNING	143
5.1.1	CONFIDENTIAL – NOT FOR PUBLIC RELEASE – PALMVIEW EAST- WEST GREENLINK ALIGNMENT	143
5.1.2	CONFIDENTIAL – NOT FOR PUBLIC RELEASE – UPDATE – STRATEGIC OPERATIONS	143
6	NEXT MEETING	144
7	MEETING CLOSURE	144

1 DECLARATION OF OPENING

On establishing there is a quorum, the Chair will declare the meeting open.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

3 OBLIGATIONS OF COUNCILLORS

3.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 172 of the *Local Government Act 2009*, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

3.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

4 REPORTS

4.1 PRESENTATIONS

4.1.1 PRESENTATIONS – KIN KIN QUARRY MANAGEMENT PLAN

9.00am – Presentation from Neilsens Quality Gravels Pty Ltd

9.30am – Presentation from Kin Kin Community Group

4.2 DEVELOPMENT APPLICATIONS

4.2.1 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 INTO 158 LOTS), PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME AND PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE (COMMUNITY CENTRE) - SPRINGS DRIVE, MERIDAN PLAINS

File No: 2007/56R0019

Author/Presenter: Director, Development Services

Appendix: App A – Conditions of Approval (SPC Pg 30)

Attachments: [Att 1 - Proposal Plans](#) (SPC Att Pg 3)
[Att 2 - Previous Council Report](#) (SPC Att Pg 5)
[Att 3 - DTMR Agency Response](#) (SPC Att Pg 48)
[Att 4 - DERM Agency Response](#) (SPC Att Pg 53)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Jiren Pty Ltd
Proposal	Development Application for Reconfiguration of a Lot (1 into 158 Lots including one community centre site and one park) Preliminary Approval Overriding the Planning Scheme (varying the level of assessment of a number of uses) Preliminary Approval for a Material Change of Use (Community Centre)
Properly Made Date:	19 December 2007
1st Information Request Date:	11 February 2008
1st Info Response Received Date:	29 October 2009
2nd Information Request Date:	26 February 2010
2nd Info Response Received Date:	16 August 2010
Decision Due Date:	21 June 2011
Number of Submissions:	3 - 1 Properly Made and 2 Not Properly Made
PROPERTY DETAILS	
Division:	1
Property Address:	Springs Drive, Meridan Plains
RP Description:	Lot 12 SP 189346
Land Area:	37.667 hectares
Existing Use of Land:	Vacant
STATUTORY DETAILS	
SEQRP Designation:	Urban Footprint
Planning Scheme	Caloundra City Plan 2004 (23 December 2009)

Strategic Plan Designation:	Not Applicable
Planning Area:	Caloundra West
Planning Precinct:	Emerging Community
Assessment Type:	Impact

PURPOSE

The application is presented to council as the application involves a request for a Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997*. Further, council deferred the application, when presented in June 2011, to allow further consideration of the location of the community centre.

EXECUTIVE SUMMARY

Previously, the application was presented to council in June 2011 for a reconfiguration of a lot (1 into 219 lots), preliminary approval for a community centre and preliminary approval overriding the planning scheme to vary the levels of assessment.

The application involved land that was heavily constrained and did not meet the requirements of the planning scheme. However, council wished to give the applicant an opportunity to relocate the community centre within the developable area. As such, council resolved to defer the application. This report considers the amended layout proposed by the applicant.

The application now proposes a reconfiguration of a lot (1 into 158 Lots), and also maintains the applications for preliminary approval for the community centre and preliminary approval overriding the planning scheme to vary the levels of assessment.

The previous resolution of council identified the extent of the developable area. The proposal plan shows the community centre within the area previously identified as outside the developable area. However, officers can support the amended "extent of developable area", given translocation of the good quality wallum vegetation can successfully occur to an adjacent site, topsoil taken from the ridgeline can be used on the community centre site, and the dedication of 20 hectares of additional parkland completing a vegetated connection from Caloundra Road to Kawana Way.

An assessment of the application for reconfiguration of a lot raises issues including stormwater management and drainage. Information supplied for the reconfiguration of a lot application does not resolve these issues. However, discussions between officers and the applicant have found that a suitable solution can be found. Details demonstrating consistency with the planning scheme can be resolved at the operational works stage.

The applicant also seeks a Preliminary Approval for a community centre. Sufficient information has been provided, with the exception of traffic generation, acoustic management and parking. Given the exact details of the community centre are yet to be defined, these matters can be conditioned.

The applicant has also requested to vary the levels of assessment for the community centre (accommodation building, community centre, function room, place of worship and restaurant) and residential uses (duplex dwellings and display dwellings). The Caloundra West Planning Area Code supports duplex dwelling and display dwelling development. Accordingly, the request to vary the level of assessment from Impact Assessment to Self Assessment for duplex dwellings and display dwellings is supported. Further details are required for the community centre. Should the future application be consistent with the preliminary approval

(recommended to be granted), minimal impacts are likely to be experienced by nearby residents. Therefore, the request to vary the level of assessment for the community centre from impact assessment to code assessment is supported.

OFFICER RECOMMENDATION

That Council:

- (a) approve with conditions Application No. 2007/56-00019 and grant a Development Permit for a Reconfiguration of a Lot (1 into 158 lots) situated at Springs Drive, Meridan Plains, in accordance with Appendix A;**
- (b) approve with conditions Application No. 2007/56-00019 and grant a Preliminary Approval for a Material Change of Use (Community Centre) situated at Springs Drive, Meridan Plains, in accordance with Appendix A;**
- (c) approve a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the residential precinct only (applying to duplex dwellings and display dwellings) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;**
- (d) find the following are sufficient planning grounds to justify the decision, in recommendation (c) above, despite the conflict with the Planning Scheme:**
 - (i) duplex dwellings are supported by the Planning Area Code in Caloundra City Plan 2004; and**
 - (ii) display dwellings function in a similar manner to a detached dwelling;**
- (e) approve in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Community Centre only) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;**
- (f) find the following are sufficient planning grounds to justify the decision, in recommendation (e) above, despite the conflict with the Planning Scheme:**
 - (i) the particular nature, location and scale of the land use will not impact on the amenity of the precinct and not impact upon adjoining residential uses, existing traffic and access arrangements, where developed in accordance with the conditions of approval;**
 - (ii) the particular nature, location and scale of the proposal will not impact upon environmental values, where developed in accordance with the conditions of approval;**
 - (iii) the proposed land use does not present serious conflict with the Planning Scheme as a whole; and**
- (g) refuse in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Accommodation Building, Function Room, Restaurant and Place of Worship) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, for the following reasons:**
 - (i) these uses are intended to be ancillary to the community centre land use;**
 - (ii) where ancillary, no change to the level of assessment is required; and**

- (h) advise the applicant that Council agree to offset the value of the Land for Parks and Community Facilities aspect of the Adopted infrastructure Charges to a maximum value of \$1,440,738 for the provision of trunk infrastructure as recognised in the Adopted Infrastructure Charges Resolution.

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Infrastructure Policy Branch estimates the infrastructure charges required by this development are \$27,000 per lot, or a total of \$4,266,000.

Infrastructure contributions for the community centre are not included above as the preliminary approval recommended does not permit development to occur. As such, infrastructure contributions only for a detached dwelling are applicable for the community centre component of the development. Should a development permit for the community centre ultimately be issued, a credit for a single detached dwelling would then be applied.

Parks Contribution

The applicant has requested that consideration be given to providing 24.187ha of park (which will complete a green link between Caloundra Road and Kawana Way along Caloundra-Mooloolaba Road) in lieu of paying the parks component of the adopted charges resolution.

The Adopted Charges Resolution Mapping identifies the Creekwood development adjacent to the subject site as having a District Recreation Park in a semi-natural state. The desired size of the park in accordance with the Desired Standards of Service is 5 hectares. The value attributed to this 5 hectare parcel of land is \$5,117,126 with embellishments of \$2,502,135. No embellishments would be provided as part of this park by this development, if accepted.

A significant portion of the 5ha park has already been agreed to be provided within the adjacent Creekwood development. However, a shortfall in the district level park of 1.5 hectares exists with approximately \$1.56 million still available for the purchase of appropriate park land. This development proposes a park over 20 ha in area and easily accommodates this shortfall.

The current monetary contribution value of the Land for Parks and Community Facilities component, in accordance with the Adopted Infrastructure Charges Resolution, is \$1,440,738. This figure is then the maximum offset this development can achieve.

In the circumstances, it is reasonable to waive the requirement for the contribution payment of the Land for Parks and Community Facilities up to the value of \$1,440,738. A condition has been applied to ensure the transfer of this land as part of the development.

PROPOSAL

The application seeks approval for the following:

- Development Permit for a Reconfiguration of a Lot (1 into 158 lots including one community centre site and one park);
- Preliminary Approval for a Material Change of Use (Community Centre); and

- Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* (varying the levels of assessment).

The application for reconfiguration of a lot proposes to create a total of 158 lots including 157 residential allotments ranging in size from 300m² to 1224m² and a community centre site of approximately 3.99 hectares. The development, if approved, will grant council the balance of the allotment for a reserve for environmental purposes of 24.187 hectares, and a drainage reserve of 6062 m². Of the 158 residential allotments, 14 lots are proposed to be allocated/nominated for duplex development.

The application for Preliminary Approval for the Community Centre intends to create a framework for the construction of a Community Centre of approximately 3521 m², to be located on the Community Centre land identified in the Plan of Development. The preliminary plans for the Community Centre include a sports stadium, pool, gymnasium, aerobics room, offices, kiosk, meeting rooms and crèche.

The application for the Preliminary Approval Overriding the Planning Scheme seeks to include a separate table of development assessment to vary the level of assessment for some land uses as noted in the below table:

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

Note: Where development exceeds 8.5 metres in height, Impact Assessment is required.

SITE DETAILS

Background/Site History

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

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

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

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

At the Ordinary Meeting held 4 December 2008, council formalised the Vegetation Protection Order.

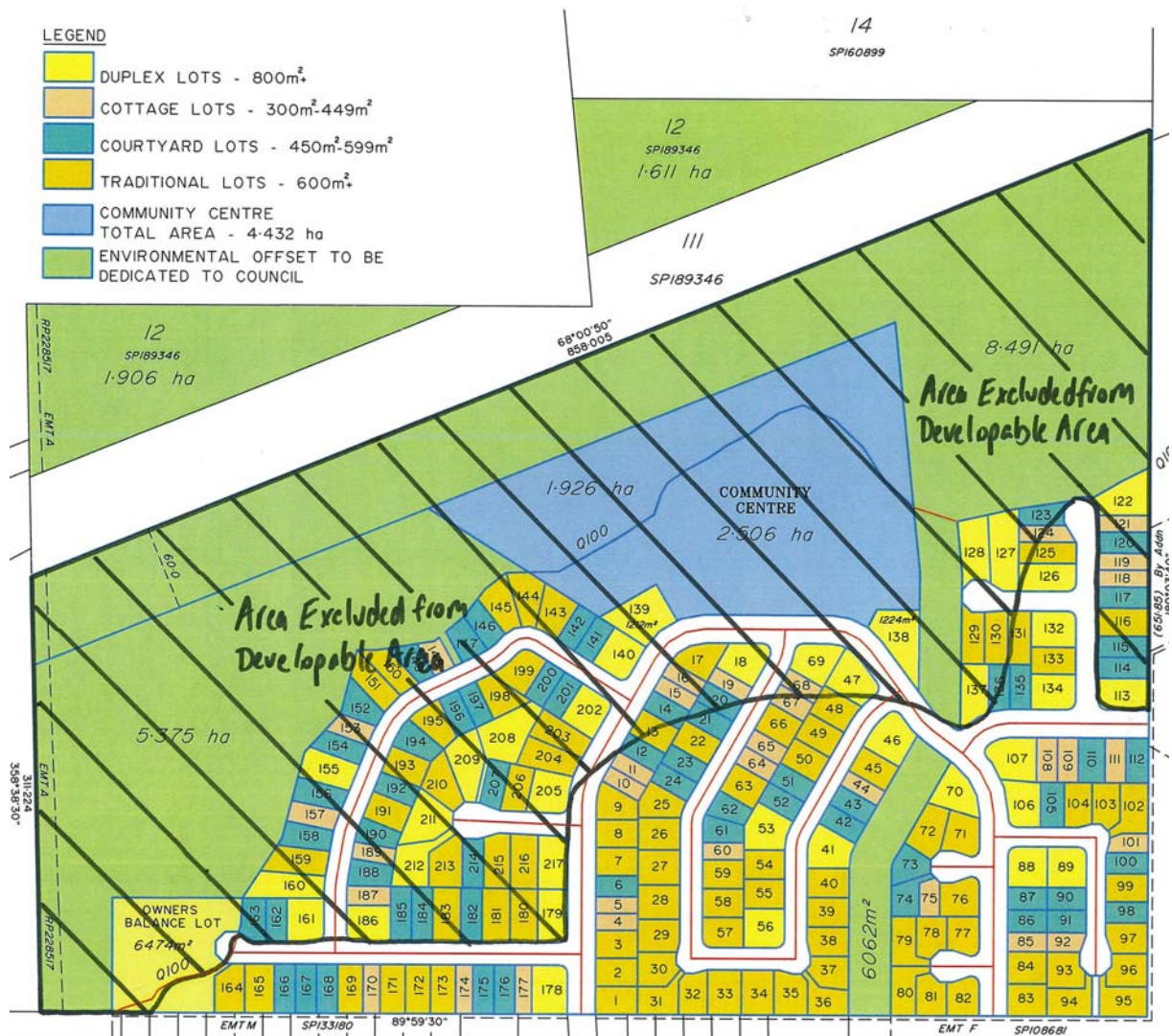
Should approval be granted to this development, the Vegetation Protection Order would cease to have effect and the conditions of the development approval would override the above decision.

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

The subject application was initially presented to council on 1 June 2011, where the following resolution was carried:

That Council defer consideration of application number 2007/56-00019 for a Reconfiguration of a Lot (1 into 219 Lots) at Springs Drive, Meridan Plains described as Lot 12 SP189346 in order to allow the applicant to consider an alternative site for a community centre within the developable area as outlined on the map on Page 60 of the Strategy and Planning Committee Agenda dated 1 June 2011.

The map referenced in the above resolution is replicated below.



The area excluded from the developable area was determined through an assessment of the site constraints including wetlands, flood immunity and stormwater disposal as discussed in the body of the report presented to council on 1 June 2011. A copy of this previous report is at Attachment 2.

Following the council resolution, the applicant has revised the proposal to relocate the community centre and reduce the number of lots proposed, as shown below.



The applicant has also provided additional information to support a development permit of the application for reconfiguration of a lot.

Site Description

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



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

The site is heavily constrained by wetland and vegetation matters administered by the State Government. The wetlands and vegetation mapping can be found in the previous council report tabled on 1 June 2011.

A large portion of the site is located under the Q100 Average Recurrence Interval flood level. The applicant previously proposed much of the western area below Q100 as being for an owner's balance lot. This was amended in discussion with the applicant to be designated as park.

Surrounding Land Uses

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

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

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Integrated Planning Act 1997*, the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies;
- the South East Queensland Regional Plan;
- State Planning Regulatory Provisions;
- any Structure Plan or Master Plan in place for declared areas;
- any Preliminary Approval Overriding the Planning Scheme for the land;
- the Planning Scheme for the local government area; and
- any Temporary Local Planning Instrument in place for the local government area.

Of these, the statutory planning instruments relevant to this application are discussed in the sections that follow.

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are applicable to this application:

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

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

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

The site is identified on the Overlay Maps as being affected by flood prone land. The State Planning Policy discusses the need for *development to which this State Planning Policy applies is [to be] compatible with the nature of the natural hazard*. An assessment against the provisions of the State Planning Policy relating to flood matters is contained within the body of the report tabled in June 2011.

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

South East Queensland Regional Plan

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

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

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

The above components of the policies are discussed, where relevant, within the body of this report.

Assessment

The amended application proposes 3 separate approvals. These are:

- Development Permit for a Reconfiguration of a Lot (1 into 158 lots);
- Preliminary Approval for a Material Change of Use (Community Centre); and
- Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* (varying the levels of assessment).

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

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

Consistency with Previous Council Resolution

As previously stated, on 8 June 2011, council resolved to defer the application pending further consideration of relocation of the community centre within the “developable area identified on the following plan.

The latest proposal plan shows the location of the community centre and some residential development located outside the nominated “developable area” as resolved by council.

The finger of development permitted by the previous council resolution has been replaced by 7 lots (Lots 120 to 126) on the northern side of the road connecting to the future Creekwood development. This section of developable area was determined by the stormwater management solution proposed by council officers in lieu of a viable solution proposed by the applicant. However, a different solution can be found which allows for greater protection and retention of vegetation in the melaleuca wetland environment to the north of these proposed lots. As such, the variation to the previous resolution can be supported by officers.

The proposed locations of the community centre and Lots 127 to 141 are located in an area characterised as wet and dry heathland. Typically, wet and dry heathlands are susceptible to increased nutrient loads. The increased nutrient levels result in increased weed growth and general degradation of the wetland environment, known as the “edge effect”.

The site naturally identifies the “edge effect” where degraded wetland environment and increased weed dispersion is evident. This was generally reflected in the area excluded from the developable land (as shown on page 60 of the previous report to council) to achieve the specific outcome of ensuring the environmental values of the wetland environments are maintained, retained and enhanced.

Through negotiations with the applicant, the community centre land and Lots 127 to 141 can be supported as proposed by the applicant, as the pristine wet and dry heath wetland area can be greatly enhanced through the following measures:

- successful relocation of the wallum vegetation located on the community centre site to an adjoining piece of land owned by council (and currently vacant of any vegetation) immediately adjacent to the subject site can be achieved;
- successful relocation of topsoil and vegetation taken from the residential development located on the ridgeline to the community centre site can be achieved to improve the viability of landscaping intended to be planted on this site (replicating that which occurs on the ridgeline);
- weed removal on the community centre site to stop further spread of weeds in the wetland environment;
- minimisation of the community centre facilities on the subject site (as discussed in greater detail in this report); and
- dedication of 20 hectares of additional parkland connecting to other council-owned parkland areas along the Kawana Link Road.

Accordingly, the developable area proposed by the amended plans, satisfies council officers regarding the hydrology and ecological constraints on the site.

Assessment of Amended Application – Reconfiguration of a Lot

The application has been assessed against the relevant provisions of the Planning Scheme. The following provides an assessment of the key issues for consideration.

Lot Size

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

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

'O2 *Lot size and dimensions:*

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

The lot sizes within the developable area can be supported because:

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

Lot Layout

There are some minor changes required to the plan prior to endorsement.

Lots 119 and 120 will have retaining walls along the western boundary (to the Creekwood development). As such, the developable portion of land will be reduced. It is preferable to have larger lots in these circumstances. As such, it is recommended that the layout of Lots 114 to 119, and 120 to 126 be amended to show a traditional lot against the boundary between the subject site and the Creekwood development.

The proposal plans show a walkway between Lots 101 and 102 which does not connect to any footpath in the Creekwood development to the south. In lieu of this, a footpath connection to Liekefett Way is recommended to be included between Lots 91 and 92, and Lots 99 and 100.

Stormwater Management

Stormwater Drainage

A major external catchment enters the site from the south. The application proposes an extension of this channel to cater for this external catchment. As per the officer's previous report, there were concerns regarding the invert level and the need to excavate the melaleuca wetland, and the flow of water through the channel.

Council officers and the applicant have reached agreement regarding the invert level, and very minor excavation works beyond the northern extent of the development are required to ensure an adequate drainage solution.

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

The applicant maintains that the width of the channel is sufficient, but has not satisfactorily demonstrated this position at this stage. Conditions have, therefore, been applied to ensure compliance with council's planning scheme.

Stormwater Quality

The applicant has consistently proposed a stormwater quality system comprising of end-of-line bioretention devices. Typically, flat sites cannot accommodate end of line bioretention devices, given the pipe system ends up discharging at natural ground level and no further fall is available for the minimum 0.9m fall required for an end-of-line bioretention basin (without additional fill). The other alternative solution is to treat stormwater at source, which involves a series of smaller bioretention devices within the road network.

Council's preference is to incorporate end-of-line devices as it removes stormwater quality treatment devices from an already busy road reserve. The end of line bioretention basins proposed have a surface level above the invert of the coarse sediment forebay and pipe outlet meaning that stormwater ponds in the forebay and pipe before entering the basins. The current solution proposed by the applicant to drain the forebays and pipe uses no fines concrete blocks draining to the filter media. There are some concerns regarding this proposed stormwater quality treatment strategy:

- the coarse sediment found in stormwater will quickly block the no fines concrete and water will pond until it evaporates creating a potential maintenance problem, and possibly breeding for mosquitoes and other fauna; and
- the proposed stormwater quality treatment train does not achieve current best practice load based reduction targets for two reasons. Firstly large portions of the site bypass the stormwater quality treatment system and this has not been accounted for in the MUSIC modelling, such as the western most catchment. Similarly, the swale to treat stormwater from the catchment to the west of the central drainage channel discharges to the end of the swale. The second reason is the design of the swales themselves. If on grade swales are proposed, then the modelled extended

detention depth will not be achieved over the full length of the swale given the site topography. Even if they were designed to be level, the length of the swale would result in uneven ponding occur.

For these reasons, the applicant's proposed stormwater quality treatment system is not recommended to be accepted at this time. However, council officers are of the view that a suitable stormwater quality treatment system, in accordance with the planning scheme and associated best practice publications, can be achieved. As such, this can be conditioned to be provided in conjunction with the associated operational works development application in the event of a development permit being issued. Some changes to the proposed layout may be required if end of line bioretention devices cannot be incorporated into all stormwater drainage systems proposed.

Water and Sewer Networks

Unitywater is confident that a solution can be achieved for the development footprint given proposed upgrade works to the sewer network and rising main.

Conclusion of consideration of Reconfiguration of a Lot

While the applicant has not provided sufficient information to justify the proposed stormwater management details, officers are satisfied that a solution can be found and that such details will be lodged in conjunction with an operational works application. The applicant is aware that, if this solution requires amendments to the proposal, then additional applications to change the approval will be required.

Accordingly, the application is recommended to be approved subject to conditions.

Assessment of Amended Application – Preliminary Approval for Community Centre

The applicant seeks a preliminary approval for a community centre within the Community Centre Precinct on the proposal plans, which includes a function centre, conference and training rooms, a multi-sport court, counselling and youth centre, recreation and fitness centre (including squash courts and swimming pool), crèche, media and arts facility, skate park and associated coffee shop. The proposed facility is planned to be 3521m², but the parking areas have not been identified.

The centre is proposed to be managed by a not-for-profit organisation and will be available for local church and youth groups, as well as senior groups, as is happening now in the successful Goodlife Centre at Buderim. The website of Goodlife in Buderim suggests that the community centre operates more akin to a commercial enterprise.

A community centre is defined in Caloundra City Plan 2004 as 'a use of premises for the provision of cultural, social or community services'. However, the intended operations listed above includes elements of the following land uses, which are not necessarily envisaged to form part of a community centre land use in isolation:

- ***“educational establishment”*** means a use of premises for a school, pre-school, college, adult education centre, university and the like. The term includes any associated offices, libraries, bookshops, canteens, sporting fields, tennis courts, swimming pools and the like on the same site;
- ***“function centre”*** means a use of premises for the conduct of a function, reception, conference or the like.
- ***“indoor sport, recreation and entertainment”*** means a use of premises for the playing of a game, recreation, instruction, athletics, sport and entertainment where

these activities take place primarily in a building. Examples – theatre, cinema, amusement centre, licensed and unlicensed club, sport and fitness centre, gym;

- *“place of worship” means a use of premises for religious activities of a religious organisation, community or association. Examples – church, chapel, synagogue, temple; and*
- *“restaurant” means a use of premises for providing meals or refreshments on a regular basis to the public for consumption on or off the site. The term includes outdoor dining which may or may not be located on an adjacent footpath within the road reserve. Examples – restaurant, café, milk bar, coffee shop, tea room, take away shop, drive through food outlet and fast food outlet.*

These uses are inconsistent within the Emerging Community precinct.

Council could accept that the proposed centre is for a broader, more encompassing community purpose without a commercial element, as identified by the applicant, given:

- the definition doesn't explicitly exclude a commercial element;
- in the broader context, such a diverse range of use elements, including function, counselling, childcare, coffee shop type facilities, could be interpreted to fall within the cultural, social or community services listed in the Community Centre definition; and
- the overriding intent of this use is for cultural, social and community purposes, managed by a single operator, with uses like the crèche, coffee shop (amongst others) being ancillary to the primary purpose.

The main code used in the assessment of such applications is the Community Uses Code. The Overall Outcome states:

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

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

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

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

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

Location and Site Suitability

The acceptable measure identifies that community uses are located in either community purpose, business centre or emerging community precincts (where adjacent to another community use, a shopping complex or useable parkland, or nominated on a plan of development). The proposed community centre site is not adjacent to another community use or shopping complex.

The associated specific outcome in the Code states:

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

The applicant has not provided information on the intended users of the proposed centre nor identified which sporting or church groups would be using the facility. Therefore, it is difficult to confirm that the community uses are conveniently located to the population they are intended to serve.

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

In saying this, council should not dismiss the opportunity for an additional community facility, provided the development can satisfy the locational and operational requirements of the planning scheme such as those listed above in the Community Uses Code.

Design and Layout

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

The associated specific outcomes state:

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

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

Protection of Residential Amenity

The acceptable measures require that:

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

The second and third dot points above can be conditioned in any preliminary approval issued.

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

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

The associated specific outcome in the Code states:

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

Officers are satisfied that a preliminary approval could be conditioned to comply with the Nuisance Code. However, this may effectively result in a centre that may be unusable due to constraints imposed by any acoustic consultant. This is a risk that the applicant has agreed to accept.

Given the scope of proposed activities, increased traffic volumes would be expected during weeknights and/or weekends for the proposed sporting activities and for any church services conducted on the site. All traffic using the community centre would be required to drive through the residential areas creating an additional impact on those residential areas.

The applicant's traffic report identifies that the "spare" carrying capacity of Springs Drive is 1180 vehicle movements per day (or the equivalent of 143 residential lots, calculated at 8 vehicle movements per dwelling per day). The proposal plan shows 31 lots to the west of Springs Drive and 76 lots within the central section of the site. It could be expected that approximately half of these central lots (38 lots) may be accessed by Springs Drive, resulting in a total of approximately 69 lots being accessed via Springs Drive. The industry wide accepted approach is that a residential dwelling will generate 8 vehicle movements per day, equalling 552 vehicle movements per day, leaving the Springs Drive spare carrying capacity of 628 vehicle movements per day (i.e. Springs Drive spare capacity of 1180, minus the vehicle generation of 69 lots, i.e. 552 vehicle movements).

If officers use a conservative vehicle generation rate for an indoor sports centre of 45 vehicle movements per day per 100m², this allows for approximately 1400 m² for the "community centre" with only one access through Springs Drive. Given the proposed gross floor area of 3521m², the traffic generation would exceed the carrying capacity of Springs Drive. However, the addition of the two entrances may change this carrying capacity, and council's conditions should reflect this to allow the community centre subject to the provision of a traffic impact statement with any subsequent application to ensure that the size of the

community centre will not result in adverse traffic impacts. Until this time, the size of the community centre is recommended to be limited to 1400 m².

Parking

The applicant has not identified the proposed number of parking spaces. Officers are of the view that adequate parking, based on the proposed land use, should be provided, unless otherwise justified in an application. For example, where a portion of the site is to be used for Place of Worship or Gymnasium, the equivalent parking rate for those uses as identified in Caloundra City Plan should be adopted. This can be conditioned in the event of approval.

Other Considerations

The applicant has continuously advised that the vision for the community centre is for a centre that sits amongst the trees, but has not identified what proportion of the site will be vegetated. In lieu of this, officers are of the view that a minimum of 50% of the site should be vegetated, particularly towards the rear of the community centre. This would then allow for the remainder of the site to accommodate the community centre building and associated infrastructure. This can be conditioned in the event of approval.

Conclusion for consideration of Preliminary Approval for the Community Centre

The proposed community centre is considered to go above and beyond that of a typical community centre. The traffic generation of the proposed facility is also likely to limit the size of such a facility where Springs Drive is the only access point.

While a preliminary approval is intended to gain in principle support for a land use, there are many variables which council can still condition to provide future certainty regarding the design, operations and use of such a centre.

Accordingly, this aspect of the application is recommended to be granted a preliminary approval.

Assessment of Amended Application – Preliminary Approval Overriding the Planning Scheme

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

A discussion on Section 3.1.6 of the *Integrated Planning Act 1997* is provided in the previous report on Pages 68 and 69.

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

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

Residential Precinct

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

RESIDENTIAL PRECINCT (MATERIAL CHANGE OF USE)

1. For self-assessable development, the acceptable solutions of the applicable codes apply, including the requirements of the Proposed Plan of Development for all Cottage and Courtyard Lots.
2. Development identified in a development assessment table as self-assessable that does not comply with the acceptable solutions of the applicable codes or Plan of Development is code assessable.
3. Development identified in a development assessment table as self-assessable or code assessable that exceeds the height limits specified in a Planning Area Code applicable to the site is impact assessable.

Defined Use	Assessment Category	Applicable Codes
		For code assessable development, the relevant Planning Area Code and the Precincts and Other Elements Code apply in addition to any applicable code identified opposite the particular use set out under the heading "Defined Use"
Detached House	Self-assessable	Detached House Code Filling & Excavation Code (where applicable)
Display Dwelling	Self-assessable	Display Dwelling Code Filling & Excavation Code (where applicable)
Duplex (where nominated on the plan of development)	Self-assessable	Duplex Dwelling Code Filling & Excavation Code (where applicable)
Park	Exempt	
All other defined and non-defined uses	Impact Assessable	

Officer Comment

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

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

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

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

- Detached House Code (Display Dwellings only);
- Landscaping Code (both uses);
- Parking and Access Code (both uses);

- Civil Works Code (Duplex Dwelling only);
- Climate and Energy Code (Duplex Dwelling only);
- Design for Safety Code (Duplex Dwelling only); and
- Stormwater Management Code (Duplex Dwelling only).

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

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

Community Centre Precinct

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

COMMUNITY CENTRE PRECINCT (MATERIAL CHANGE OF USE)
1. Development identified in a development assessment table as self-assessable or code assessable that exceeds the height limits specified in a Planning Area Code applicable to the site is impact assessable.

Defined Use	Assessment Category	Applicable Codes
		For code assessable development, the relevant Planning Area Code and the Precincts and Other Elements Code apply in addition to any applicable code identified opposite the particular use set out below under the heading "Defined Use".
Accommodation Building	Code Assessable	Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
Community Centre	Code Assessable	Community Uses Code Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
Function Room	Code Assessable	Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)

Defined Use	Assessment Category	Applicable Codes
Restaurant	Code Assessable	Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
Park	Exempt	Community Uses Code Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
Place of Worship	Code Assessable	
All other defined and non-defined uses	Impact Assessable	

Officer Comment

The above land uses proposed to be included in the amended table of development assessment are intended to be directly associated with the operations of the community centre development.

In considering this request, council must consider the likely effect on the future rights of submitters and whether sufficient information has been provided about the development to form a clear view about the location and form of development.

Accommodation Building

The applicant has advised that they do not wish to include the request for a change in the level of assessment for the Accommodation Building. As such, this can be deleted.

Community Centre

A Community Centre (as discussed above in this report) is the intended land use for this precinct.

It is acknowledged that some information is yet to be provided regarding location and scale of the facility, acoustic treatments, location of car parking facilities and the proposed traffic implications.

However, officers are satisfied that these issues can be conditioned in any preliminary approval issued for the community centre. In addition, members of the public have had an opportunity to provide input to this application which provided information regarding the community centre. Further, the reduction in the level of assessment will not affect the integrity of the planning scheme.

Accordingly, it is recommended that the level of assessment be reduced to Code Assessable for the Community Centre land use.

Function Room, Restaurant, Place of Worship

The Function Room, Restaurant and Place of Worship are intended to operate at the same times the community centre would have been available and it is not intended that these uses would become independent of the community centre land use. As such, many of the above uses do not need to be nominated a differing level of assessment, given they would be ancillary to the community centre land use, and not independent land uses. Should such uses to be Code Assessable, these uses could become independent of the community centre, creating concerns for additional traffic and noise generation for adjacent land owners.

Officers are of the view that these uses should be ancillary to the primary land use of community centre and would therefore, be permitted in any case. Accordingly, this aspect of the preliminary approval overriding the planning scheme is not supported.

Park

The proposed exemption for a park is already within the Caloundra City Plan 2004 and does not need to be replicated in this table.

Other Matters for ConsiderationSunshine Coast Council Policy Framework - Strategies

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

Robust Economy (Productivity)

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

Health and Wellbeing, Social Cohesion, and Accessibility and Connectedness (People)

There are 4 policies associated with the above theme.

Affordable Living

The Affordable Living Framework highlights the following principles:

- diverse housing choices for a diverse community;
- housing to suit all income levels;
- local opportunities for self contained neighbourhoods;
- a range of transport options;
- great places and spaces;
- a minimal environmental footprint; and
- shared prosperity (economically).

The applicant submits that the development provides for affordable housing with a layout that provides a mix of lot sizes, frontages and dwelling types (single detached and duplex

dwelling) to accommodate a range of potential residents. The site is located within 1km of the proposed Aroona Train Station and other commercial and community uses allowing for a potential increased walkable catchment for commercial centres and transport options.

Open Space

The Open Space Strategy has 2 focus points for consideration. The first is the location of open space elements such as recreation trails, recreation parks and sports grounds. The second focus is to protect and maintain riparian corridors and waterways.

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

Social Infrastructure

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

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

Transport

The Sustainable Transport Strategy identifies 4 main challenges and opportunities:

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

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

A bus service will be available at the front of the community centre upon completion of the development.

Ecological Sustainability (Planet)

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

Water and Biodiversity

The Waterways Strategy identifies the need to:

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

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

Climate Change and Peak Oil

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

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

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

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

Waste Minimisation

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

Traffic and Transport

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

As discussed above, one differing factor is the community centre site, which is likely to attract a significantly higher demand on the road network, and have an impact on the residential amenity of the Creekwood development. However, this impact can be managed through the imposition of conditions regarding the scale and timing of the community centre.

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

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

CONSULTATION

IDAS Referral Agencies

The following Referral Agencies are applicable to this application.

Concurrence

Department of Environment and Resource Management

The department is a concurrence agency for Assessable Vegetation. The department responded by letter dated 24 November 2010 requesting conditions be imposed regarding the retention of vegetation on the northern side of Caloundra Mooloolaba Road (Kawana Way Link Road).

Department of Transport and Main Roads

The department is a concurrence agency for State Controlled Roads matters, Public Passenger Transport and Railways. The department responded by letter dated 19 May 2011 requesting conditions be imposed on any approval regarding:

- restricting access to the subject site from Caloundra Mooloolaba Road (Kawana Link Road);
- stormwater management;
- road traffic noise;
- widening the road reserve to accommodate a future bus route through the site; and
- construction of pedestrian and bicycle pathways to be constructed prior to commencement of the use

Advice

Department of Environment and Resource Management

The department is an advice agency for Wetlands. The department responded by letter dated 21 December 2010 stating that:

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

These issues are addressed in the above discussion.

Department of Environment and Resource Management

The department is an advice agency for Acid Sulphate Soils. The department responded by letter dated 20 December 2010 stating that if State Planning Policy 2/02 is triggered, a full Acid Sulphate Soil Management Plan should be prepared to address any Acid Sulphate Soil matters.

Department of Infrastructure and Planning

The department is an advice agency for Preliminary Approval Overriding the Planning Scheme. The department responded by letter dated 11 October 2010 stating that they had no requirements.

Other Referrals

Unitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

Internal Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Hydraulics and Water Quality Unit, Engineering and Environment Assessment Branch;
- Environment Policy Branch;
- Environment and Landscape Unit, Engineering and Environment Assessment Branch
- Infrastructure Policy Branch; and
- Economic Development Branch.

Their assessment forms part of this report.

Public Notification

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

Grounds of Submissions

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

Issues	Comments
Existing wetlands and Currimundi Creek are not protected by self assessable uses or the development	The reduced development footprint proposed by the applicant allows for the broader protection of these wetland systems. The introduction of self assessable uses for residential development would not impact on the wetlands given the extent of development is determined by the reconfiguration of a lot application, and not the future level of assessment.
Vegetation is not adequately protected	The reduced development footprint proposed by the applicant allows for the broader protection of the vegetation located on site.

Issues	Comments
Stormwater should be treated prior to entering wetland environment	This would form a condition of any approval to ensure nutrient runoff is minimised to sensitive environments such as wetlands.
Stormwater Management affecting Lots 113-122	The proposal plan has been amended to reduce the footprint in this section of the development. Modifications are still required to ensure that no impact is experienced by the Creekwood or subject development.
Capacity of Sewer Network	Unitywater has advised that the development can be accommodated within the sewer network.
Acid Sulphate Soils must be managed	Any approval would require Acid Sulphate Soils to be managed where exposed.

CONCLUSION

After previous consideration by council, the application involves 3 separate requests:

- Development Permit for a Reconfiguration of a Lot (1 into 158 lots – reduced from 219 Lots);
- Preliminary Approval for a Material Change of Use (Community Centre); and
- Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* (varying the levels of assessment).

The proposed area to be reconfigured has been reduced to reflect the environmental and hydrological constraints found on the site. The Community Centre Precinct is proposed within the area previously identified as “not for development”. However, further consideration of the applicant’s submission has found the area can be supported subject to conditions.

The application for the community centre provides sufficient information for the use to be approved, subject to conditions regarding the provision of a traffic impact assessment, acoustic assessment, operating hours, land use and revegetation of the community centre site.

The applicant has requested that future applications for various residential and community uses should have a reduced level of assessment than the current planning scheme. The variation to the levels of assessment for the residential uses of duplex dwellings and display dwellings can be supported given the Caloundra West Planning Area Code supports these uses. With regard to the community centre, where it is developed in accordance with the recommended conditions, no further impacts are likely to be experienced by the nearby residential area. Accordingly, the future application for the community centre is recommended to be reduced to Code Assessment.

APPENDIX A - CONDITIONS OF APPROVAL**1. APPLICATION DETAILS**

Application No: 2007/56R0019
Street Address: Springs Drive, Meridan Plains
Real Property Description: Lot 12 SP 189346
Planning Scheme: Caloundra City Plan 2004 (23 December 2009)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguration of a Lot (1 into 158 lots)
- Preliminary Approval for Material Change of Use (Community Centre)
- Preliminary Approval Overriding the Planning Scheme for Residential and Community Precincts

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**DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (1 INTO 158 LOTS)****PLANNING**

1. 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.
2. 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 for approval prior to the issue of any Development Permit for Operational Works.
3. All fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment and prior to the sealing of the Plan of Survey.
4. The development may be staged. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that:
 - (a) a staging plan be provided to Council for endorsement;
 - (b) the transfer of the park allotment occurs prior to application for plan sealing creating the 80th lot of the development; and
 - (c) any road access and infrastructure services required to service the particular stage are constructed with that stage.
5. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.
6. The community centre site must be designated as Lot 158.
7. Pursuant to s342 of the *Sustainable Planning Act 2009*, this development approval lapses if the subdivision plan for the last stage of the development has not been registered by the relevant titles authority within 8 years of this approval taking effect.

Plan of Development

8. Prior to an application for Plan Sealing, the applicant must submit and gain approval for Plans of Development for approval which include the following information:
- (a) building envelopes;
 - (b) any proposed built to boundary wall;
 - (c) nominated driveway location (clear of any infrastructure); and
 - (d) indicative on street car parking.
- All future dwellings must be sited and constructed in accordance with the approved building envelopes and dwelling controls (i.e. the "Plan of Development"). 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.

Boundary Encroachments

9. Certification must be submitted from a Licensed Surveyor which certifies that:
- (a) all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement;
 - (b) all utility services and connections (e.g. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve or alternatively included within an easement;
 - (c) all retaining walls and structures are fully contained within the lot they retain; and
 - (d) any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

CIVIL ENGINEERING

10. Prior to submitting an operational works application for this development, submit to and have endorsed by Council's delegate, additional/revised plans that show the following details:
- (a) the location and design of speed control devices to achieve design speeds in accordance with Queensland Streets;
 - (b) the location and height of all retaining structures;
 - (c) a plan that demonstrates compliance with Queensland Streets in terms of on-street parking opportunities (0.5 spaces per lot). This may include single width driveways for lots less than 13m wide, and indented bays to ensure a trafficable lane is available at all times where parking opportunities exist opposite each other. It will include on-street parking opportunities (indented, centre island or adjacent) in accordance with Queensland Streets (refer to Section 2.4 and Figure 2.12) for the two culs-de-sac serving Lots 78-89. Rearranging of lot locations may be required so that larger frontage lots are located in the vicinity of proposed speed control devices to ensure safe and efficient access and adequate on-street parking;
 - (d) Lots 119 and 120 must be 'traditional lots' as retaining walls will limit the developable area; and
 - (e) a revised staging plan that shows a second external road connection as part of the stage that creates the 80th lot.
11. All works must be designed and constructed in accordance with the provisions of Council's Development Design Planning Scheme Policy.
12. All earthworks shall be undertaken in accordance with the provisions of AS 3798 ("Guidelines on Earthworks for Commercial and Residential Developments), with Geotechnical testing undertaken in accordance with Section 8 of the Standard, and to a minimum of "Level 1" as defined in Appendix B. Prior to registration of any plan of survey, a report from the Geotechnical Testing Authority detailing the inspections,

- sampling and testing it has carried out (including the locations and results thereof), together with appropriate certification of the earthworks, must be submitted to Council's delegate.
13. The proposed 'Minor Collectors (20 metres)' (refer Drawing No C1807/07/P17 prepared by Tate Professional Engineers Pty Ltd dated 9 August 2010) connecting Leikefett Rd and Springs Drive, and to the adjoining land to the east shall be designed and constructed to a collector road standard in accordance with Queensland Streets (7.5 metre wide carriageway). A footpath must be constructed on the 'outside' of the loop road to interface with the existing paths, and on the southern side of the east-west collector street past Lots 119 & 120 (to interface with the proposed path to the east).
 14. All other streets shall be designed and constructed to a local street standard in accordance with Queensland Streets (5.5 metre wide carriageway).
 15. Truncations of property boundaries of all corner lots must be provided to achieve required intersection sight distance and to maintain minimum verge widths in accordance with the provisions of Council's *Development Design Planning Scheme Policy* and *Queensland Streets*.
 16. All necessary alterations to public utility mains and services arising from construction of external works associated with the development must be undertaken at no cost to the service provider.
 17. A concrete (or approved equivalent) driveway must be constructed along the full length of the access strip of each rear allotment in accordance with the provisions of the Reconfiguring of a Lot Code.
 18. A certificate from a relevant electricity supplier must be provided showing that a reticulated underground supply on tariff conditions is available to each lot.
 19. Supply and erection of street lighting installations on roads within the subdivision must be undertaken, designed in accordance with the Council's Development Design Planning Scheme Policy.
 20. A certificate from the provider agency shall be submitted to indicate provision of a telephone service to each allotment is available.
 21. Stormwater shall be collected and lawfully discharged from the development site and from works associated with the development in accordance with Council's Development Design Planning Scheme Policy.
 22. Retaining walls and/or fences constructed adjacent to the common boundary of a lot with proposed public land (e.g. open space, drainage reserve or road reserve) must be located entirely within the boundary of the lot so that lot owners have responsibility for maintenance of the structure.
 23. Interallotment drainage is to be provided if necessary, as required in Council's Development Design Planning Scheme Policy (including provision of easements in favour of all upstream properties which discharge into the interallotment drainage system, with the minimum easement widths in accordance with Section 6.5.2 of the Development Design Planning Scheme Policy).
 24. Stormwater drainage works shall be designed and constructed in accordance with the relevant provisions of Council's Development Design Planning Scheme Policy and QUDM. Overland flow arising from major rainfall events must be accommodated within road reserves, dedicated drainage reserves or within parkland.
 25. For roads in staged development that do not terminate with a fully constructed turnaround area, a temporary sealed/gravelled turning area must be constructed.
 26. "As Constructed" data (as required by Council's *"Development Design Planning Scheme Policy"*) shall be lodged in ADAC digital format prior to acceptance of construction works on-maintenance. The MGA co-ordinates and AHD levels of all permanent survey marks installed shall be provided. Detail costing of "As Constructed" works shall also be submitted with this data with cost dissections being completed in accordance with Council's current engineering guidelines;

HYDRAULICS & WATER QUALITY**Stormwater**

27. The area identified as Drainage Reserve (total of 6062 m²) on the Plan drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers must be dedicated to the Crown as Reserve for Drainage Purposes.
28. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval.
29. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with 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 Section 4.0 of the Stormwater Management Scheme listed in this Decision Notice, with the exception of the following:
 - (i) all stormwater quality treatment devices shall only be located within drainage reserve or road reserve;
 - (ii) end of line bioretention devices for Catchment B and C on Drawing No. C1807/07/D02 Revision B shall be designed as basins not swales, swales may be used to convey stormwater to basins;
 - (iii) the end of line bioretention device for Catchment A on Drawing No. C1807/07/D02 Revision B must treat flows from all of Catchment A. If during detailed design it is found that at source stormwater treatment using bioretention devices within the road reserve is the optimum stormwater quality treatment strategy for Catchment A then the lot layout shall be amended to position longer frontage lots at the location of proposed bioretention devices and the depth of lots where bioretention devices are proposed shall be truncated to locally widen the road reserve to resolve issues with conflicting uses of the road reserve;
 - (iv) bioretention devices shall be designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001;
 - (v) end of line bioretention devices shall 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;
 - (vi) coarse sediment forebays shall be designed with the base not lower than the top of filter media surface such that any water within the forebay drains to the surface of the filter media;
 - (vii) bioretention devices shall have safe, unobstructed and all weather access from the road frontage for maintenance purposes, particularly for the coarse sediment forebay;
 - (viii) bioretention devices shall be 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;
 - (ix) bioretention devices shall be provided with a free-draining outlet from the sub-soil drainage system; and
 - (x) end of line bioretention devices for Catchment B and C on Drawing No. C1807/07/D02 Revision B shall be provided such that they are not inundated from flow from the central channel during events up to the peak 2 year ARI event for the central channel.

30. The development shall be staged such that the central channel and the drainage solution for the flows entering the site from the east must be completed prior to sealing of the plan of survey for the first stage of the development. Alternatively, an interim flood study shall be submitted in conjunction with the submission of any Operational Works application which demonstrates that the proposed lots within that stage have the required level of flood immunity and no increase in flood levels upstream of the site is demonstrated under the interim drainage solution.
31. In conjunction with submission of any Operational Works, submit a Flood and Stormwater Management Plan prepared in accordance with Council's DDPSP which includes a detailed flood assessment of the central channel through the site and the channel entering the site from the east. The central channel through the site shall be designed in accordance with Council's DDPSP and QUDM and shall include the following:
- (a) fully vegetated channel with vegetation designed to have a manning 'n' of 0.08 over the full width of the channel. Freeboard requirements to proposed lots and no increase in flood levels upstream of the site must be achieved for this design roughness;
 - (b) must be able to convey peak 100 year ARI flow within the channel (no inundation of lots) with a manning's 'n' of 0.15 over the full width of the channel;
 - (c) include a vegetated rock lined low flow channel;
 - (d) the top of bank shall be a minimum of 3.0m from any private property;
 - (e) a 4.5 metre wide maintenance berm is required on one side of the channel or located within the open channel above the minor storm flow level;
 - (f) maximum side slopes of 1:4 for macro channel and 1:2 for rock lined low flow channel; and
 - (g) if the width of the drainage reserve shown on the approved plan is not of sufficient width to comply with the requirements of this Decision Notice then proposed lots either side of the central channel shall be truncated.
- Flow entering the site from the east (at proposed Lot 120 shown on Drawing No. C1807/07/D02 Revision B) shall be managed through the site in accordance with Council's DDPSP and QUDM.
32. The existing drainage reserve area to the south of the site shall be re-constructed so that it joins neatly to the proposed central channel through the site. These works shall include extension to the existing stormwater drainage line near Lot 57 SP221515 and construction of the eastern bank of the channel so that the eastern bank is continuous with no locally widened area.
33. The maximum northern extent of the central channel through the site is that shown on Drawing No. C1807/07/D05 prepared by Tate Professional Engineers Pty Ltd dated December 2011.
34. A Maintenance Manual must be prepared for the stormwater quality treatment system by a qualified person and submitted to Council prior to the issue of any Development Permit for Operational Works. The Maintenance Manual must include:
- (a) a plan showing the location of the individual components of the system
 - (b) manufacturer's data and product information sheets for any proprietary products
 - (c) location of inspection and monitoring points shown clearly on the plan
 - (d) a schedule or timetable for the proposed regular inspection, maintenance and monitoring of the devices.
35. 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. See advice notes for guidance.

Flooding

36. The surface levels of all residential lots must be constructed to provide flood immunity. The works must be undertaken in accordance with an Operational Works approval and must include surface levels that are higher than each of the following:
 - (a) the local 1 in 100 year ARI flood level (plus 0.5m freeboard)
 - (b) the regional 1 in 100 year ARI flood level (plus 0.5m freeboard)
37. A table listing the applicable 1 in 100 year ARI flood levels applicable to each lot must be provided for Council's records. The table must be accompanied by certification from a RPEQ which certifies that the levels are based on the latest study referenced by Council's relevant Development Permits and incorporates all amendments.
38. The development shall be constructed such that there is no loss of floodplain storage capacity below the regional 100 year ARI inundation extent.

Acid Sulphate Soils

39. All works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan for the development prepared by a qualified person and referenced in a Development Permit for Operational Works.

LANDSCAPE & ECOLOGY

40. The area identified as Park (total of 24.187 ha) on the Plan drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers must be dedicated to the Crown for Park Purposes.
41. The land area to be dedicated as Park must be unencumbered by services such as pump stations, services easements or similar operational uses.
42. A fauna fence is to be constructed on the southern boundary of the MMTC (Caloundra-Mooloolaba Road) that prevents fauna accessing the MMTC. The fence is to include frog exclusion devices and to direct fauna movement to culvert crossings under the MMTC. The Fauna fencing required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
43. All lots that abut the area to be dedicated as Park and Reserve for Drainage Purposes are to be fenced with non-flammable dog proof fencing to a minimum height of 1.2 metres. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
44. The applicant is to provide a Vegetation Translocation and Management Plan (VTMP) that documents procedures to be engaged to relocate heath land vegetation and soil substrate from the development, in an intact manner, to an area negotiated and approved by Council delegate. The VTMP shall document all aspects of the translocation procedures, including maintenance, and provide clarity for the protection of the vegetation to be retained during construction and the operational use of the development. The VTMP shall document revegetation works to be undertaken, maintenance periods, weed control methods and clearing procedures. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
45. A 3 metre wide maintenance access track with 75mm rock base or similar must be constructed with suitable drainage to the edge of Lot 141 and "Community Centre" interface with the park and be designed to meander around significant trees and other significant environmental features. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.

46. A 3 metre wide formed bikeway link to the north-western and western edge of Lot 142 is to be provided in the Park to link the cul-de-sac head of the western new road to the existing Park (Lot 815 RP884393). The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
47. All retaining structures, batters and other methods of land stabilisation are to be wholly contained within the development footprint and not to encroach into the area to be dedicated as Park.
48. The northern most section of the new extension of Springs Drive, opposite proposed lots 18,19,76,52 and 51, shown on drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers must have suitable traffic and pedestrian fencing installed. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
49. The modified drainage channel in the north east of the lot immediately to the west/northwest of Lot 126 is to be revegetated with local native species. The revegetation works is to include macrophyte plantings to the base/low flow channel and include shrubs and trees to the eastern embankments and all batters. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
50. The modified drainage channel in the south east of the lot described as "drainage reserve 6062 m²" shown on drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers is to be constructed in such a fashion as to provide even distribution of storm water through the Melaleuca wetlands in order to mimic natural flows and levels and to prevent scouring or additional disturbance. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
51. Acidic soils and acid sulphate disturbance and remediation must be undertaken in manner that causes no negative impacts on the natural ecology of the site. A comprehensive assessment of the amelioration of acidic soils and/or acid sulphate soils and measures to be employed to mitigate anticipated or likely impacts are to be approved by Council prior to any excavations or soil loading being undertaken. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
52. Vegetation approved for removal/disturbance as part of this approval must be checked for presence of wildlife by a wildlife spotter/catcher or other suitably qualified person, immediately prior to the commencement of vegetation clearance works.
53. The wildlife spotter/catcher is to remain on-site for the duration of vegetation removal/disturbance activities and must report to Council's delegate upon the commencement and completion of all vegetation removal activities on the site.
54. Any wildlife identified as being displaced as a result of vegetation removal/disturbance activities must be relocated immediately prior to habitat disturbance, in consultation with the Council's delegate and in accordance with the basic requirements of the *Nature Conservation Act 1992*.
55. Prior to vegetation clearing activities commencing, a suitably qualified person(s) is to identify and mark habitat trees to be removed and prepare and submit a report to Council's delegate detailing same in order to allow for appropriate supplementary wildlife nesting box calculations to be made; The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.

56. No clearing of old growth habitat trees (i.e. trees with hollow branches and limbs) is permitted without the prior written approval of Council's delegate. Those tree(s) given approval for removal shall be in accordance with civil works bulk earthworks approvals or confined to tree(s) that pose a well-founded threat to persons or property. A wildlife spotter/catcher or other suitably qualified person shall be present when such tree(s) are removed. A nesting hollow/box offset comprising an equivalent number of artificial nesting boxes of similar size to the tree hollows removed is required. These offset nesting hollows/boxes shall be placed at a similar height and aspect on the remaining tree(s) in the vicinity of the tree(s) removed or to a permanently protected offset area as approved by Council's delegate. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
57. At the time of plan sealing, a certificate from Council's delegate is to be provided stating that declared plants pursuant to the *Land Protection Pest and Stock Route Management Act 2002* (as amended) have been satisfactorily treated in accordance with the provisions of this Act, from the whole of the land subject to this development approval, in addition environmental weeds as listed in the Caloundra City Plan 2004 – Landscaping Code are to be treated on the whole of the land subject to this development approval. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
58. Ground flora suitable for transplanting (*Xanthorrhoea*, *Dianella* etc) and surface (movable) rocks, logs, including logs containing hollows, are to be recovered for use in revegetation works throughout the revegetation and offset plantings. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
59. Any advertising signage for the development is to be located on private land, excluding any lands reserved for Park Purposes.
60. The land area identified as Park (total of 24.187 ha) on the Plan drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers on the subject site be rehabilitated in accordance with a Rehabilitation Plan prepared by a qualified person and approved by Council through a Development Permit for Operational Works.

UNITYWATER

61. Reticulated water must be provided to each lot in the development. This must include:
- (a) an approved water meter for each lot in accordance with Unitywater Standard Drawings SCW 350, 355 and 360; and
 - (b) water meters must be located on alternative boundaries to electrical pillars.
62. Reticulated sewerage must be provided to each lot in the development. This must include:
- (a) Connection of the development to the existing sewer network by gravity system.
 - (b) Written approval to enter and construct must be obtained from the owners of properties through which external sewers will traverse, and be submitted with lodgement of the associated development application for Operational Works.
63. 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.
64. Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.

65. 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.
 66. 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.
-

PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE (COMMUNITY CENTRE)

PLANNING

67. The development shall be confined to the Community Centre area identified on the approved plans.
68. Development is limited to the construction of a Community Centre as defined in Caloundra City Plan, within one building. The other aspects of the development (including, but not limited to, the kiosk, squash courts, pool, gymnasium, crèche and the like) may be ancillary to the main operations of the community centre, but must not be able to be operated independently.
69. The Community Centre must not exceed 1,400 m² of gross floor area until such time as a second through road access is provided within the estate to service the community centre. As part of any application for a community centre, the applicant must submit and gain approval for a Traffic Impact Report stating that the size, scale and location of the proposed land use will not exceed the carrying capacity of any access road to the proposed site including, but not limited to, Springs Drive
70. The maximum height of the development must not exceed 8.5 metres above natural ground level.
71. The development shall use sustainable building materials, solar panels and water reuse in the design of the building.
72. The Community Centre and associated operations must not operate outside the hours of:
 - (a) 7am to 10pm Monday to Saturday
 - (b) 9am to 10pm Sunday or any public holiday.
73. Service vehicle movements associated with the community centre use (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Saturday and not at all on Sundays or public holidays.
74. The development must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting nuisance or other emissions. All car parking areas shall be located behind the building and not abutting the adjoining residential lots.
75. Prior to issue of a Development Permit for a Material Change of Use (Community Centre), the applicant must:
 - (a) Demonstrate that extensive revegetation, as agreed to by Council's delegate, on the community centre site covers a minimum of 50% of the site. Such revegetation is to be located primarily towards the rear of the subject site adjacent to the "Park" on the approved plans;
 - (b) Demonstrate that the development will not impact on adjoining residential landowners regarding noise or light; and
 - (c) Provide sufficient parking for the development.

CIVIL ENGINEERING

76. Stormwater must be collected and lawfully discharged from the development site and from works associated with the development in accordance with Council's Development Design Planning Scheme Policy and QUDM.
-

- 77. Lighting must be provided to pedestrian paths, building entries, driveways and carparking areas in accordance with the requirements of the Design for Safety Code.
- 78. The driveway across the verge must have a minimum sealed or concreted width of 5.5 metres at the property line.

HYDRAULICS & WATER QUALITY

- 79. The floor level of all buildings constructed on the site must be a minimum of 0.5m above the peak 100 year ARI flood level including allowance for climate change.

LANDSCAPE & ECOLOGY

- 80. The Community Centre must be landscaped with local native species that occur naturally within the existing central ridge area. Weed-free topsoil from the development of the residential lots and associated infrastructure must be used in any landscaping works in the community centre within the central ridge.
- 81. The Community Centre must be designed to include an ecological interpretive centre and signed interpretive tracks throughout the centre. The ecological interpretive centre must highlight the importance of the natural surrounds and provide equitable access for people to all tracks.

UNITYWATER

- 82. Reticulated water must be provided to the community centre development.
- 83. Reticulated sewerage must be provided to the community centre development.

PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME – RESIDENTIAL PRECINCT

PLANNING

- 84. Development in the Residential Precinct identified on the approved plans must be undertaken in accordance with the following Table of development Assessment

RESIDENTIAL PRECINCT (MATERIAL CHANGE OF USE)	
1.	For self-assessable development, the acceptable solutions of the applicable codes apply, including the requirements of the Proposed Plan of Development for all Cottage and Courtyard Lots.
2.	Development identified in a development assessment table as self-assessable that does not comply with the acceptable solutions of the applicable codes or Plan of Development is code assessable.
3.	Development identified in a development assessment table as self-assessable or code assessable that exceeds the height limits specified in a Planning Area Code applicable to the site is impact assessable.

Defined Use	Assessment Category	Applicable Codes
		For code assessable development, the relevant Planning Area Code and the Precincts and Other Elements Code apply in addition to any applicable code identified opposite the particular use set out below under the heading "Defined Use".
Detached House	Self-assessable	Detached House Code Filling & Excavation Code (where applicable)

Defined Use	Assessment Category	Applicable Codes
Display Dwelling	Self-assessable	Detached House Code Display Dwelling Code Filling & Excavation Code (where applicable) Landscaping Code Parking and Access Code
Duplex (where nominated on the plan of development)	Self-assessable	Duplex Dwelling Code Filling & Excavation Code (where applicable) Landscaping Code Parking and Access Code Civil Works Code Climate and Energy Code Design for Safety Code Stormwater Management Code
All other defined and non-defined uses	Impact Assessable	

85. Development in the Community Centre Precinct identified on the approved plans must be undertaken in accordance with the following Table of development Assessment

COMMUNITY CENTRE PRECINCT (MATERIAL CHANGE OF USE)		
1. Development identified in a development assessment table as self-assessable or code assessable that exceeds the height limits specified in a Planning Area Code applicable to the site is impact assessable.		
Defined Use	Assessment Category	Applicable Codes
		For code assessable development, the relevant Planning Area Code and the Precincts and Other Elements Code apply in addition to any applicable code identified opposite the particular use set out below under the heading "Defined Use".
Community Centre <i>where in accordance with the approval issued under Council Ref 2007/56R0019</i>	Code Assessable	Community Uses Code Landscaping Code Parking & Access Code Climate & Energy Code Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
All other defined and non-defined uses	Impact Assessable	

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency and Address
State Controlled Roads	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558
Response	The agency provided its response on 19 May 2011 (Reference No. NCR-8699 BRIS 2726). A copy of the response is attached, including any conditions the agency has for the development.	
Vegetation Management	Concurrence	Department Of Environment and Resource Management GPO Box 2454 BRISBANE QLD 4001
Response	The agency provided its response on 24 November 2010 (Reference No. elvas:2008/0000555 and IC0108NAM0012). A copy of the response is attached, including any conditions the agency has for the development.	
Wetlands	Advice	Department Of Environment and Resource Management GPO Box 2454 BRISBANE QLD 4001
Response	The agency provided its response on 21 December 2010 (Reference No. IC0108NAM0012).	
Acid Sulphate Soils	Advice	Department Of Environment and Resource Management GPO Box 2454 BRISBANE QLD 4001
Response	The agency provided its response on 20 December 2010 (Reference No. IC0108NAM0012).	
Preliminary Approval Overriding the Planning Scheme	Advice	Department of Local Government, Infrastructure and Planning PO Box 15009 CITY EAST QLD 4002
Response	The agency provided its response on 11 October 2010 (Reference No. RAA 629).	

A copy of any referral agency conditions is attached.

6. APPROVED PLANS

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

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
051033.7	F	<i>Proposed Subdivision</i> , prepared by KHA Development Managers	6 June 2011
Amendments		<ol style="list-style-type: none"> 1. Amend Lots 114 to 119 and 120-126 to show a traditional lot on the eastern boundary of the subject site. 2. Amend Lots 101 and 102 to remove the walkway, and relocate the walkway between Lots 91 and 92, and 99 and 100. 3. Modify the proposal where required by the proposed Stormwater Management System. 4. Provide staging details for the development, if proposed. 5. Identify the Community Centre site as the "Community Centre Precinct". 	

7. REFERENCED PLANS AND DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Plans

Plan No.	Rev.	Plan Name	Date
C1807/10/SMS	A	Stormwater Management Scheme, Proposed Residential Development at Parkland Boulevard, Caloundra prepared by Tate Professional Engineers Pty Ltd	July 2011
C1807/07/P17	C	Road Hierarchy Plan prepared by Tate Professional Engineers Pty Ltd	9 August 2010
C1807/07/D05	-	Stormwater Drainage – Preliminary Stormwater Layout prepared by Tate Professional Engineers Pty Ltd	December 2011

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 Contributions

1. This development permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Councils "*Adopted Infrastructure Charges Resolution (No.1) 2011*" under the State Planning Regulatory Provision (Adopted Charges) and the "*Sustainable Planning Act 2009*".

Modifications to Layout

2. The applicant is advised that modifications to the layout may be required to satisfy Council's stormwater management requirements under the relevant planning instrument to change the bioretention devices from "end of line" to "at source". Any such changes will be at the applicant's risk and will constitute a Permissible Change, where permitted by the *Sustainable Planning Act 2009*.

Bioretention Basins

3. Acceptable wording for the educational signage which must be erected to educate the residents of the development about the function of the bioretention devices 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 Currimundi Creek”".

Road Naming Procedure

4. 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.

Unitywater

5. Connection to the Unitywater live water supply and live sewerage system must be undertaken by Unitywater at the applicants cost.

Equitable Access and Facilities

6. 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

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

The *ACH Act* establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be

issued by the Land and Resources Tribunal, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

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

9. PROPERTY NOTES

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

2007/56R0019 – POD PACKAGE – Plan of Development

The following notation applies to all approved lots:

1. 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 2007/56R0019). 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

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

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Material Change of Use (Community Centre)
- Development Permit for Operational Work
- Development Permit for Building Work

12. SELF ASSESSABLE CODES

Self assessable development is to be undertaken in accordance with the relevant codes specified in the Tables of Development Assessment listed in this Decision Notice.

13. SUBMISSIONS

There was 1 properly made submission about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

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

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

16. OTHER DETAILS

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

4.2.2 REPRESENTATIONS FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE (EXTENSION TO SHOPPING COMPLEX) AND PRELIMINARY APPROVAL FOR BUILDING WORKS AT 119 POINT CARTWRIGHT DRIVE, 10 AND 12 TUMUT STREET, 2-18 BERMAGUI CRESCENT AND TUMUT STREET BUDDINA KNOWN AS KAWANA SHOPPINGWORLD

File No: 2008/500027

Author/Presenter: Principal Development Planner, Planning Assessment
Development Planner, Planning Assessment

Appendix: App A – Conditions of Approval (SPC Pg 62)

Attachments: [Att 1 - Proposed Staging Plan](#) (SPC Att Pg 61)
[Att 2 - Applicant's Representations](#) (SPC Att Pg 62)
[Att 3 - Previous Council Report](#) (SPC Att Pg 67)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Mirvac Funds Limited
Proposal:	Development Permit for Material Change of Use of Premises (Extend an Existing Shopping Complex) Preliminary Approval for Building Works
Development Permit Approval Date:	16 November 2011
Representations Submitted:	16 December 2011
Number of Submissions:	6 Not Properly Made submissions As the application is Code Assessable, there was no formal notification
PROPERTY DETAILS	
Division:	4
Property Address:	119 Point Cartwright Drive, 10 & 12 Tumut Street, 2 - 18 Bermagui Crescent and Tumut Street Buddina known as Kawana Shoppingworld
RP Description:	Lot 3 RP 185626, Lot 2 SP 202887, Lot 802 B 92942, Lot 803 B 92942, Lot 804 B 92942, Lot 805 B 92942, Lot 806 B 92941, Lot 807 B 92941, Lot 808 B 92941, Lot 809 B 92941, Lot 810 B 92941, Lot 811 B 92941, Lot 812 B 92941
Land Area:	11.03 ha (Lot 2) 12 m ² (Lot 3 – Access Restriction Strip) 551 m ² (Lot 802) 555 m ² (Lot 803) 555 m ² (Lot 804) 555 m ² (Lot 805) 570 m ² (Lot 806)

	600 m ² (Lot 807) 600 m ² (Lot 808) 600 m ² (Lot 809) 650 m ² (Lot 810) 612 m ² (Lot 811) 587 m ² (Lot 812)
Existing Use of Land:	Existing Shopping Complex
STATUTORY DETAILS	
SEQRP Designation:	Urban Footprint
Planning Scheme:	Caloundra City Plan 2004 (8 August 2011)
Strategic Plan Designation:	Not Applicable
Planning Area:	Kawana Waters
Planning Precinct / Zone:	Specialist Retail Area
Assessment Type:	Code

PURPOSE

The purpose of this report is to seek council's determination of representations for a Negotiated Decision Notice) for a Development Permit for Material Change of Use (Extend an Existing Shopping Complex).

The approval of this application was granted by council on 16 November 2011, subject to numerous conditions. The request for a Negotiated Decision is before council as the application was determined by council, and some of the conditions were explicitly imposed by council.

EXECUTIVE SUMMARY

This report considers the applicant's request for council to issue a Negotiated Decision Notice in respect of the approval granted by Council on 16 November 2011 for major extensions to the Kawana Shoppingworld shopping centre. The approval for extensions to a shopping centre was granted subject to numerous conditions.

The representations primarily relate to newly proposed staging of the building works, and deletion of the requirement for the bus station serving north bound traffic on Nicklin Way. In particular, the request for Negotiated Decision seeks to:

- approve staging of the development of the 8940 m² of floor spaces in 2 stages of 2054 m² and 6886 m²;
- delete Condition 42B requiring the construction of a bus station on the western side of Nicklin Way; and
- amend Conditions 66 and 68 in order that the building can be built over an existing sewer.

The application did not originally seek formal approval of staging. However, the applicant now requests that the development be staged in 2 parts:

- stage 1 consisting of 2,054 m² of additional gross floor area; and
- stage 2 consisting of 6886 m² gross floor area (and all of the external road and public transport infrastructure).

Stage 1 will result in a loss of 12 parking spaces for the development, effectively requesting over 2000 m² of additional development without provision of any additional car parking, or infrastructure associated with reducing parking demand. While the current Kawana Shoppingworld caters for car parking above peak demands, the request for additional gross floor area raises concerns regarding car parking. However, if the public transport infrastructure on Nicklin Way was to be moved forward to Stage 1, an argument could be mounted to support the staging, but the applicant's representations do not request modification to Condition 42A (which requires the construction of the bus interchange at Stage 2). Without this, officers do not support the proposed staging request.

The applicant requests that Condition 42B be deleted, which required the construction of a bus interchange facility on the western side of Nicklin Way. At this time, the details of the CoastConnect project are not known and the project has recently been further delayed on the State Government's Infrastructure Program. In particular, the precise location of this future major bus station, and any associated land acquisitions for the station and road widening remain undetermined. While the imposition of the condition would certainly meet the test for relevancy, particularly given the shortfall of parking on the shopping centre site, the condition is unlikely to meet the test for reasonableness given the current status of the CoastConnect project. Accordingly, it is recommended that the condition be deleted.

The applicant wishes to construct sections of the building over the existing sewer line. Unitywater were consulted, and advised that in principle support can be given to this request, but must be achieved through a separate application to Unitywater for approval.

OFFICER RECOMMENDATION

That Council:

- (a) refuse the request for staging as submitted by the Applicant and that Conditions 30 and 32 remain unchanged; and**
- (b) agree to delete Condition 42B; and**
- (c) agree to delete Condition 66 and replace with new conditions 66 and 66A, as outlined in this report; and**
- (d) agree to delete Condition 68 and replace with new condition 68, as outlined in this report; and**
- (e) approve with Conditions Application No. 2008/500027 and grant a Negotiated Decision Notice for a development permit for a Material Change of Use (Extension to a Shopping Complex) and Preliminary Approval for Building Works at 119 Point Cartwright Drive, 10 and 12 Tumut Street, 2 - 18 Bermagui Crescent and Tumut Street, Buddina, known as Kawana Shoppingworld in accordance with the conditions of approval outlined in Appendix A.**

FINANCE AND RESOURCING

The applicant is required to pay infrastructure charges for trunk infrastructure.

Council's Infrastructure Policy Branch has estimated that the infrastructure charges required by this development are currently \$1,376,550, as detailed in the previous council report.

SITE DETAILS

Background/Site History

The subject site has been known as the Kawana Shoppingworld site since opening in 1979 with a Woolworths and Big W anchoring the shopping complex. The site was redeveloped in 2002 to the current total use area of 30,660 m². The site now contains an additional anchor, being Coles, with other smaller anchors of JB HiFi, Best and Less, Terry White Chemist and City Beach.

The subject application has been modified 3 times since original lodgement in 2008, where the application proposed to increase the gross floor area by 18,739 m² including a cinema complex, Aldi store and other specialty stores. The applicant has subsequently reduced the proposed increase in gross floor to 8,940 m², removing the cinema complex, but retaining the Aldi store and some of the proposed specialty stores.

The current application was properly made on 30 August 2011, resulting in the application being considered under the decision rules of the *Sustainable Planning Act 2009*.

The application includes an Access Restriction Strip that was created in 1974 from a previous subdivision of the site, presumably to give council some control regarding any future development of the Kawana Shoppingworld.

The subject application was approved by council subject to conditions at the Ordinary Meeting held on the 16 November 2011. The applicant suspended their appeal period on 2 December 2011 and made formal representations for a Negotiated Decision Notice on 16 December 2011.

Site Description

The site is largely dominated by the existing Kawana Shoppingworld. The Shopping complex proposes to extend into the existing residential dwellings on the western side of Bermagui Crescent. The site is generally flat.

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



Surrounding Land Uses

The subject site is immediately bordered by residential development to the south-east and south (with the exception of the Ambulance base in Arunta Street), Buddina State School to the north-east, Nicklin Way to the west, Point Cartwright Drive to the northern boundary. On the tip of the northern boundary is a small commercial development with a restaurant and small commercial facilities. The Kawana Waters Library and Community Centre is located on the northern side of the small commercial development.

Immediately to the east of the site is land currently used for residential development, but able to be developed for mixed use as part of the identified Buddina Urban Village.

Beyond Nicklin Way and the eastern section of Point Cartwright Drive is residential development. On the opposite corner of Nicklin Way and Point Cartwright Drive is a commercial development containing offices, Red Rooster, Dan Murphy's and the Kawana Waters Tavern.

PROPOSAL

At the Ordinary Meeting held on 16 November 2011, a Development Permit for a Material Change of Use of Premises (Extend an Existing Shopping Complex) and Preliminary Approval for Building Works was issued subject to conditions.

The applicant made representations to the conditions of approval. The representations are detailed below, but primarily relate to staging the approved development, the bus interchange along the western side of the Nicklin Way and sewerage infrastructure.

ASSESSMENT

The assessment below considers the applicant's representations against council's Decision Notice issued on 22 November 2011. The assessment of these representations also considers any relevant State Planning Policy and the South East Queensland Regional Plan, in addition to Caloundra City Plan 2004.

Staging

The applicant has now requested to construct the development in 2 stages.

Applicant's Representation

The applicant has made the following representations to complete the development in 2 Stages:

The Site Plan has been amended to show the proposed staging for the approved extensions (as attached in appendix ...). The plan illustrates that the extensions will be completed in two (2) stages, with the small, north-western "Point Cartwright" extensions to be undertaken first, together with other minor extensions as shown.

The applicant has provided the following justification for the proposed staging:

*There are currently 1,720 car parking spaces on the site and that the Stage 1 extensions will actually be reducing this existing allocation by 12 spaces. There are two points to note with this. The first is that the parking rates for both stages actually remain generally consistent, with the Stage 1 extensions achieving a parking rate of **1 space per 19.1m²** and the overall development (i.e. including the Stage 2 extensions) achieving a parking rate of **1 space per 21.7m²**. The new supermarket tenant is*

included in Stage 2 and that this anchor tenant is likely to contribute a significant proportion of the expected increase in traffic generation.

Staging the extensions in this way will enable the sequencing of the site works in the most efficient and orderly fashion.

The applicant has proposed a new condition to clarify what conditions are applicable to each stage as found in the applicant's representations as attached to this report.

The applicant is also proposing amendments to Conditions 30 and 32 to facilitate the proposed staging.

Assessment of Representation

As part of the original application and assessment, staging was not proposed by the applicant. Therefore, car parking and public transport requirements were assessed based on the completed development.

In their Concurrence Agency response, the Department of Transport and Main Roads chose to divide their conditions into two stages to reflect the major infrastructure upgrades required by their conditions and the timing of these works. Department of Transport and Main Roads only applied conditions relating to external infrastructure on the Nicklin Way and did not take into consideration other impacts associated with this internally within the site.

Given the extent of the works over the majority of the site, the original assessment of the application assumed that the development would be constructed in stages. However, the detail was never known by officers. To address this issue, a condition requiring a Construction Management Plan was applied, which would typically address the following:

- traffic and parking management during all aspects of the construction phase including:
 - a Traffic Management Control Plan (including approval by the Department of Transport and Main Roads);
 - maintenance of safe pedestrian access;
 - proposed fencing during construction; and
 - works program identifying key components of the works and their respective durations;
- maintenance and protection of water quality and existing drainage lines; and
- complaint management procedures.

Given the nature of the site and the works that will need to be undertaken, the exact timing of the works are normally provided within the Construction Management Plan, to ensure minimal disturbance to the functioning of the site and adjoining residences.

Notwithstanding, the applicant has now requested that the construction phase be staged. The below tables outlines the proposed works in each stage:

Works by Stage – Table 1

Stage 1 – Additional 2,054 m ² gross floor area	Stage 2 – Additional 6,886 m ² gross floor area
<ul style="list-style-type: none"> • “Point Cartwright Drive” extensions and other minor extensions to the west amounting to an additional 2,054 m² gross floor area • Loss of 12 existing car parks. 	<ul style="list-style-type: none"> • South Eastern extensions of an additional 6,886 m² gross floor area • Roof top car park • Provision of an electronic car park monitoring system in the roof top car park • Dedication of land for the bus interchange along the Nicklin Way • Intersection and road upgrades along the Nicklin Way • The construction and embellishment of bus platform with premium standard bus shelters along the Nicklin Way • Realignment and streetscape works of Bermagui Crescent • End of trip facilities • Increased bicycle parking.

As a result of the staging of the development as proposed, the current available car parking bays on the site will be reduced in Stage 1 by 12 bays with an additional 2054 m² Gross Floor Area being added. The new public transport infrastructure required as part of the approval to cater for increased parking demand, including a high frequency bus interchange facility along the Nicklin Way, would not be required to be in use until Stage 2 of the development. Essentially, the applicant is proposing increased Gross Floor Area being, with no additional parking or alternative transport options being proposed as part of Stage 1 as shown in the table below.

Table 2

Stage	Total Increase in Gross Floor Area from previous stage	Total Gross Floor Area	Total Car Parks	Increase in car parking from previous stage	Parking Rate per 100 m ²
Existing		30,660 m ²	1,720		5.57
Stage 1	2,054 m ²	32,714 m ²	1,708	-12	5.23
Stage 2	6,886 m ²	39,600 m ²	1,827	+119	4.6

To consider whether the proposed provision of car parking would be sufficient despite the loss of parking numbers, information was taken from a Traffic Survey conducted by council in June 2009 at Kawana Shoppingworld. This survey found that peak car parking demand at the centre was 1,548 bays (for the existing gross floor area). However, this was only for one week in June 2009. To extrapolate the figures, i.e. to identify the peak demand for the

shopping complex, the below table from the *New South Wales Road Traffic Authority Guide to Traffic Generating Development* outlines monthly traffic demands within shopping complex developments.

Table 3

Month	Variation (compared with average)	Month	Variation (compared with average)
January	0.89	July	1.03
February	0.87	August	1.01
March	0.97	September	0.96
April	0.96	October	0.98
May	1.01	November	1.08
June	0.97	December	1.28

This table shows the typical rate of fluctuation for differing months where “1.00” is the base parking rate. For clarity, it should be noted that this data is for shopping centres in general across New South Wales, and does not take into account the differing peak traffic periods for a Tourist Region such as the Sunshine Coast (i.e school holidays). As such, these figures are generally conservative for the Sunshine Coast region. Based on this table and council’s traffic survey of the shopping complex, the base car parking rate required for the existing Kawana Shopping World is 1,596 bays (i.e 1548 bays/0.97) or 1 bay per 19.2 m² (30,660 m²/1596 bays).

With the increase in gross floor area, the base car parking rate would be 1703 car parking bays (32,714 m²/19.2 bays). To use these as conservative figures, the shopping complex would require the following total number of parking bays during each month with the increase in gross floor area proposed in Stage 1.

Table 4

Month	Variation (compared with average)	Required Parking Bays	Shortfall/excess in parking given 1708 bays provided
January	0.89	1515	+188
February	0.87	1481	+222
March	0.97	1651	+52
April	0.96	1635	+68
May	1.01	1720	-12
June	0.97	1651	+52
July	1.03	1754	-51
August	1.01	1720	-12
September	0.96	1635	+68
October	0.98	1669	+34
November	1.08	1839	-136
December	1.28	2054	-472

The above table shows that a shortfall in parking is likely to occur for at least 5 months of the year, with the possibility of other months being short given the conservative nature of the figures.

It is expected that parking will be at a premium during the months of November and December. For the months where a smaller shortfall is experienced (e.g. May, July and

August), this shortfall could be supported with the provision of upgraded high frequency public transport infrastructure, end of trip facilities for bicycle riders and pedestrians, increased bicycle parking, improved pedestrian connectivity and the provision of a podium car park with an electronic parking management system that will identify where free car parking spaces are, to cater for the increased parking demand created by the subject development. However, no additional infrastructure such as that mentioned above is being proposed within Stage 1. Accordingly, officers conclude that without such supporting infrastructure to encourage the use of alternative travel modes, parking numbers are likely to be deficient for more than half the year.

Furthermore, Stage 2 increases the gross floor area by only 6886 m². With substantial works being required at Stage 2 as outlined in Table 1, it may be difficult for the applicant to justify the commercial feasibility of delivering Stage 2 in an appropriate timeframe.

Without additional public transport infrastructure to compensate for the shortfall created by Stage 1 being provided at that stage or the applicant providing an alternative interim solution, the staging cannot be justified as proposed.

Officers have considered other options which might allow for staging of the development. Should the bus interchange proposed as part of Stage 2, and increased end of trip facilities, be included within the works for Stage 1 to compensate for the increased parking demand, staging of the development may be able to be justified given the enhancement of public transport facilities. However, current Condition 42A as detailed below requires this to occur as part of Stage 2:

Construction of Bus Interchange

42A Prior to the commencement of the use of any of the areas highlighted on drawing No RFI_CC_1 Revision D titled "Proposed Coast Connect The Nicklin Way Site and Floor Plan" dated 20 August 2011 drawn by Mirvac Design, the public passenger transport (bus) requirements of Condition 3 of the Department of Transport and Main Roads Concurrence Agency Response dated 20 September 2011 must be constructed and operational. The final design of the structures used in the bus interchange must be to the satisfaction of Council.

The applicant has not submitted representations on this condition; therefore, officers cannot make any changes to this condition to facilitate the staging proposed by the applicant.

However, the applicant has the option of requesting an amendment to condition 42A, thus allowing officers to present an argument to support the parking shortfall in line with the officer's previous report given the public transport enhancements proposed.

Accordingly, at this point in time the staging proposed by the applicant is not supported. As the staging of the development is not supported, the representations on Conditions 30 and 32, which relate to car and bicycle parking, are irrelevant and should remain as per the Decision Notice.

Recommendation

It is recommended that the request for staging be refused and that Conditions 30 and 32 remain unchanged.

Condition 42B Construction of Bus interchange on the Western side of Nicklin Way

42B Prior to the commencement of the use, a Bus Interchange Facility is to be constructed on the western side of Nicklin Way to service north-bound bus services

to the satisfaction of Council and the Department of Transport and Main Roads. Details are to be provided to Council prior to the approval of any application for Operational Works.

Applicant's Representation

The applicant has requested this condition be deleted as they believe it is an invalid condition. The applicant has provided legal advice supporting this, which is summarised below:

- it is outside Council's jurisdiction to require works to be carried out on private land that is not owned by Council or included in the development approval. Condition 42B must only relate to land within the road reserve, or land that is owned by Council;
- any requirement to provide infrastructure must reasonably relate to the demand created by the development. The extent of works required is a factor in determining whether this condition is relevant and reasonably required. For example, a local bus stop may be appropriate but a five storey major bus interchange may not. At present, the uncertainty of the drafting of Condition 42B means that it is not possible to conclude whether the requirement is reasonable. It is then argued that this condition is invalid due to uncertainty;
- a condition will be invalid if it is ambiguous in its requirements. or leaves a significant aspect of the development for later determination. Condition 42B does not detail the nature of the works required. The lack of detail is particularly evident when contrasted with condition 42A and the corresponding Department of Transport and Main Roads Condition 3 (Public Passenger Transport - Bus); and
- the works required by Condition 42B are also subject to the approval of both Council and Department of Transport and Main Roads. As the types of works required are not adequately described, the level of discretion available to Council and Department of Transport and Main Roads may mean that the condition is invalid on the basis of lack of finality.

Assessment of Representation

Under the *Sustainable Planning Act 2009*, a development condition must be both reasonable and relevant. It must also provide certainty and be enforceable.

It is agreed that the subject condition does not detail the level of works council requires which potentially creates uncertainty and will require further approval from both council and the Department of Transport and Main Roads.

Further advice was sought from the Department of Transport and Main Roads in regards to the above representations and the arguments presented by the applicant.

The Department of Transport and Main Roads has advised that initial concept planning for this area has been undertaken by Translink under the CoastConnect project. The following information obtained from the Department of Transport and Main Roads CoastConnect website provides an overview of the project.

The Department of Transport and Main Roads is undertaking this project to increase options for sustainable travel on the Sunshine Coast through a priority bus spine from Caloundra to Maroochydore, including:

- *bus priority lanes;*
- *on-road cycle lanes;*

- *bus stations in key activity areas;*
- *bus stop upgrades; and*
- *bus queue bypasses.*

The South East Queensland Infrastructure Plan and Program 2010 – 2031 estimates the staged delivery of the CoastConnect project will occur between 2014 and 2019. However, latest media statements released in January 2012 by the state government announced that Stage 1 of the CoastConnect project has been delayed, now commencing in 2015.

This project is still in the concept planning phase and detailed planning and design works are yet to be undertaken by Translink and the Department of Transport and Main Roads. These detailed planning and design works will identify if any property resumption is necessary to facilitate planned works and will follow the procedures for land resumption under the relevant legislation.

Translink has also not decided on the final location for this bus interchange and associated infrastructure. It is currently not known what level of facility will be required in the subject location, nor if resumption will be necessary. Given the width of the current road reserve, there is a strong likelihood that resumption will be required. All details included on the Department of Transport and Main Roads concurrence agency response in regards to the possible future bus interchange on the western side of the Nicklin Way are conceptual only and will be subject to change upon further planning for the CoastConnect project.

The intent of Condition 42B is to provide and embellish a bus interchange as part of the subject development. Under the *Sustainable Planning Act 2009*, a condition may require works to be carried out on State Owned or State-Controlled Roads. However, council cannot condition works on land that is within private property.

While officers agree that the condition is relevant, officers are of the view that the condition is not reasonable given the applicant is unable to act as the Department for Transport and Main Roads and acquire land for the purposes of the CoastConnect project. The condition, as worded, also does not provide certainty for the applicant regarding their obligations.

Recommendation

It is recommended that Condition 42B be deleted.

Conditions 66 and 68

66. *Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings. The existing sewer mains affected by the development must be relocated accordingly.*
68. *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. For sewers on side boundary alignments easements may be partially located within neighbouring properties.*

Applicant's Representation

The applicant has provided the following representations for the above conditions:

It is imperative that the proposed extensions are able to be built over an existing sewer which follows the eastern boundary of the site.

To support this, long sections and detailed plan views have been prepared of the proposed sewer build over, and realignment of the existing 150mm diameter sewer line. CCTV has also been undertaken of the existing 450mm diameter sewer line to allow Council to determine the extent of relining works.

The shopping centre building extensions are proposed to be constructed over the existing sewer line. A longitudinal section of the existing sewer line has been prepared indicating the extent of build-over required. As part of the proposal, the existing manhole MH00938 is required to be demolished, with a new manhole being constructed within the loading dock of the shopping centre extensions, no more than 90m away from both the existing upstream and downstream manholes.

The existing 150mm diameter sewer, connecting to MH00938 also requires diversion as a result of the development proposal. Survey has been undertaken of the existing sewer manhole within private property to provide accurate long sections of the existing and proposed scenarios. Build over of the new section of 150mm diameter line will also be required for the building extensions.

The applicant has proposed the following amendment to Conditions 66 and 68

66. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings **with the exception of the sewer main identified in Section 5.2 of the submitted Engineering Report prepared by Bornhorst and Ward Consulting Engineers where building over the sewer is permitted.** ~~The existing sewer mains affected by the development must be relocated accordingly~~
68. 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). **Where building over sewer is permitted, a volumetric easement must be provided over the sewer main.** Easements must be located centrally over the main. For sewers on side boundary alignments easements may be partially located within neighbouring properties.

Assessment of Representation

Conditions 66 and 68 relate to the building being clear of Unitywater sewer mains and manholes and the provision of easements over Unitywater infrastructure. There is an existing 450mm diameter trunk sewer line following the eastern boundary of the site. This provides service to the shopping centre, as well as areas external to the development site.

The shopping centre building extensions are proposed to be constructed over the existing sewer line. Advice on the above representations was sought from Unitywater. It was advised the CCTV undertaken by the applicant and submitted in support of the applicant's request indicated that the subject sewer main was realigned by Caloundra City Council in 2005 and is in good condition. Additionally, councils' Engineering Specialist has indicated that when this realignment was undertaken it was agreed in principle that the applicant was

able to build over the existing trunk sewer main. Unitywater has advised that given the above they will not object to the building over this sewer main.

However, the applicant will need to obtain a further development permit for building over the sewer main. It is recommended a condition be added to reflect this requirement.

Given the above, council officers agree with this request with the inclusion of an additional condition requiring the applicant to obtain a permit to construct over the sewer.

Recommendation

It is recommended that Condition 66 and 68 be amended as per the applicant's proposed wording with an additional condition added as follows:

66. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings **with the exception of the sewer main identified in Section 5.2 of the submitted Engineering Report prepared by Bornhorst and Ward Consulting Engineers dated October 2010 where building over the sewer is permitted.** ~~The existing sewer mains affected by the development must be relocated accordingly~~
68. 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). **Where building over sewer is permitted, a volumetric easement must be provided over the sewer main in favour of Unitywater.** Easements must be located centrally over the main. For sewers on side boundary alignments easements may be partially located within neighbouring properties.

The following Condition **66A** to be added:

- 66A Prior to commencement of any building works over the existing 450mm diameter trunk sewer main, the applicant will be required to obtain a development permit to build over the sewer in accordance with Unitywater's requirements and Building Over Sewer Policy.**

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport and Main Roads

The department is a concurrence agency for state-controlled road matters. The department responded by letter dated 20 September 2011 approving the proposal subject to conditions. Conditions imposed by the Department of Transport and Main Roads relate to the following; a single relocated 'all movement' vehicle access (new intersection) to Nicklin Way, safety and efficiency impacts and works on the state-controlled road, bus interchanges, taxi ranks, footpath network, covered walkways, end of trip facilities, bicycle parking, stormwater run off in the state-controlled road network, lighting and roadside advertising devices.

The Department of Transport and Main Roads has been further consulted regarding the applicant submitted representations and their comments are noted within this report.

Advice

Department of Environment and Resource Management

The department is an advice agency for Acid Sulphate Soils. The department responded by letter dated 13 September 2011 advising that both the Acid Soils Investigation Report and the Acid Soils Management Plan should be amended to be consistent with State Planning Policy 2/02 Guidelines with particular regard to the Sampling Guideline and liming rates. It has been conditioned that the recommended amendments be made to this document before it is approved by council.

Other Referrals

Unitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

Internal Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Infrastructure Policy Branch;
- Environment Policy Branch;
- Hydraulics and Water Quality Unit, Engineering and Environment Assessment Branch; and
- Environment and Landscape Unit, Engineering and Environment Assessment Branch;

Public Notification

The application was not required to be publicly notified as the application is Code Assessable. Notwithstanding this, 6 submissions were lodged.

Of these, 13 issues were raised by the submitters, one related to the support for a bus interchange on the Nicklin Way. This was conditioned as part of the original development and the need for this facility has been discussed in detail above.

CONCLUSION

The representations made by the applicant relate to staging the proposed development, the construction of a bus interchange along the western side of the Nicklin Way, and sewerage infrastructure.

The applicant's proposed staging of the development cannot be supported at this time as it is likely that a parking shortfall will exist with no alternative modes of transport or public transport infrastructure improvements to supplement this shortfall, being proposed until the completion of Stage 2. However, the applicant may choose to make further representations to allow for Condition 42A (construction of the bus interchange on the eastern side of Nicklin Way) to be brought forward to Stage 1.

The applicant has requested that the condition requiring the construction of a bus interchange along the western side of the Nicklin Way be deleted. Whilst officers agree that the condition is relevant, the condition is not considered to be reasonable given further planning and likely land resumption as part of the Department of Transport and Main Roads CoastConnect project. Such works are outside the scope of the *Sustainable Planning Act 2009* and is recommended to be deleted.

The applicant has also requested that buildings be permitted over the existing sewer main. Council officers and Unitywater are satisfied that this request be granted given the information provided by the applicant.

APPENDIX A - CONDITIONS OF APPROVAL**1. APPLICATION DETAILS**

Application No:	2008/500027
Street Address:	119 Point Cartwright Drive, 10 & 12 Tumut Street, 2 - 18 Bermagui Crescent and Tumut Street Buddina known as Kawana Shopping World
Real Property Description:	Lot 3 RP 185626, Lot 2 SP 202887, Lot 802 B 92942, Lot 803 B 92942, Lot 804 B 92942, Lot 805 B 92942, Lot 806 B 92941, Lot 807 B 92941, Lot 808 B 92941, Lot 809 B 92941, Lot 810 B 92941, Lot 811 B 92941, Lot 812 B 92941
Planning Scheme:	Caloundra City Plan 2004 (8 August 2011)

2. DECISION DETAILS

Council, on the 16 November 2011, decided to issue the following type of approval

- (a) Development Permit for Material Change of Use (Extensions to Shopping Complex)
- (b) Preliminary Approval for Building Works

In relation to the representations, Council decided to:

- (a) refuse the request for staging as submitted by the Applicant and that Conditions 30 and 32 remain unchanged; and
- (b) agree to delete Condition 42B; and
- (c) agree to delete Condition 66 and replace with new conditions 66 and 66A, as outlined in this report; and
- (d) agree to delete Condition 68 and replace with new condition 68, as outlined in this report.

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

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

PLANNING

- 1. The applicant must comply with all of the conditions of this Development Permit prior to the commencement of use, unless otherwise stated.

2. The applicant must undertake the development generally in accordance with the approved plans and approved documents (subject to the required amendments) and Caloundra City Plan 2004.
3. Site development works including earthworks, roadworks, stormwater drainage, water supply and sewerage infrastructure, electrical reticulation, lighting, landscaping, revegetation and other relevant services must be designed and constructed in accordance with the Codes and Policies of the Caloundra City Plan 2004 unless specifically directed otherwise in the conditions contained herein.

Approved Use

4. The approved development is a Shopping Complex in accordance with the definitions within Caloundra City Plan 2004 and the approved plans.
5. The gross floor area of the development must not exceed 39,600 m² without the written consent of Council.

Amendments to Approved Plans and Documents

6. The applicant must, prior to the approval of any Operational Works application, provide to Council amended plans and documents which incorporate the amendments listed within this Decision Notice.

Amalgamation of Lots

7. All lots included in the application (with the exception of Lot 3 RP185626) are to be amalgamated into one lot prior to the commencement of the use.

Road Reserve Dedication

8. The boundaries of the site must be reconfigured, generally in accordance with the approved plans, to dedicate the required additional road reserve to accommodate the roadworks required external to the site, and the alterations to or creation of easements within the site. Lot 3 RP185626 must also be dedicated as road reserve. The Plan of Survey (and where appropriate, any associated easement documentation) must be lodged with Council for endorsement prior to the issue of a Development Permit for Building Works and registered with the Department of Environment and Resource Management prior to the commencement of the use.

CIVIL ENGINEERING

9. All necessary action must be taken to ensure that development activities do not damage any other property. Where damage to another property occurs as a result of development activities, rectification of the damage must be undertaken prior to the acceptance of the works as complete.
10. All works required for this development must take due regard of any and all existing services. Any existing services affected by the proposed works must be altered or relocated as necessary. In particular, any signs, poles or other obstructions must be relocated clear of pedestrian paths and vehicular driveways.
11. All necessary alterations to public utility mains and services arising from construction of works associated with the development must be undertaken at no cost to the service provider.
12. All earthworks must be undertaken in accordance with the provisions of AS 3798 ("Guidelines on Earthworks for Commercial and Residential Developments).
13. A separate development permit for operational works must be granted for bulk earthworks and the removal of fill from the site prior to any works commencing, unless those works form part of approved building work on the land. A development permit for operational works must also be obtained for any site proposed to source fill for, or receive fill from, the development. Transport routes for the haulage of material between the site and any land receiving or sourcing fill material must be identified and approved by Council's delegate.

14. Prior to commencement of any building works (excluding works associated with the removal of the existing detached houses), operational works and prior to any application for a permit under council's Local Laws for erection of hoardings, temporary road/ footpath closure, etc, a Construction and Traffic Management Plan must be submitted to Council for review and endorsement. This Plan must detail any areas of road/footpath reserve proposed to be closed as well as the proposed duration of the closure, and must include details of proposed temporary works to minimise disruption to vehicular and/or pedestrian traffic in the locality. The Plan must also include details of proposals for construction workers' car parking during construction of the development, in locations which will not excessively impact on nearby residences and/or vehicular and pedestrian traffic in the locality. The Plan must include details of a communication protocol with the Divisional Councillor, general public, adjoining owners, emergency services and local businesses to advise of approved construction times, impacts on traffic and services and other relevant issues.
15. The operations and construction work associated with this development must be undertaken in accordance with the requirements of Council's *Development Design Planning Scheme Policy*. In particular, no environmental nuisance is to be caused to adjoining properties or other persons by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is spilled or carried onto existing roads, it must be removed forthwith so as to restrict dust nuisance and ensure traffic safety. Adequate safety precautions must be maintained where work is undertaken on existing roads. Any damage attributable to the progress of the works or vehicles travelling to or from the site must be remedied at no cost to Council.
16. All new works associated with property accesses must be located a minimum of one (1) metre clear of existing power poles, streetlights or other signage. The developer is responsible for any necessary relocation of other existing services clear of the access that will serve the property and is required to contact all relevant service authorities and comply with their requirements in relation to these works.
17. Any existing unnecessary property access must be removed, and the kerb, footpath, and any verge area reinstated to match the existing footpath and/or verge treatments. Grassed verge areas to be reinstated must be provided with topsoil and grass seed or turf, and must be maintained by the developer until established.
18. Kerb and channelling alignments must be established prior to detailed design, having regard to the location of existing kerb and channel in the vicinity, significant vegetation and existing or proposed services. Kerb and channelling must be of industrial barrier type.
19. Any pavement construction or widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard to allow for the above.
20. Pavement design and construction for donated road infrastructure must be undertaken in accordance with the relevant Council Planning Scheme Policy.
21. All street surfacing must consist of a 35mm minimum depth of an approved hot mixed asphaltic concrete.
22. All works associated with pedestrian and cycle paths must be constructed in accordance with the following:
 - (a) Provision must be made for wheelchair/pram access at all kerb crossings associated with pathways, in accordance with Council's standard drawing.
 - (b) The provision of paths must be carried out following completion of all development works on the site, but prior to the commencement of the proposed use.
 - (c) The required work includes any surface earthworks/grinding/saw cutting to ensure the footpath finishes flush with all existing service covers and the like,

- or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard.
- (d) Any concrete footpath/cycle way must comply with Council's standard drawing and where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.
23. All frontage works must match neatly with existing road/footpath features. Additional works beyond the frontage may be required to provide an acceptable transition back to existing road/footpath profiles.
24. Prior to the commencement of the use, the developer must underground the power lines on the western side of Bermagui Crescent, including removal of power poles and reconnection of any existing properties where applicable. Such works must be undertaken at the developer's cost.
25. Street lighting is to be placed on the western side of Bermagui Crescent in accordance with the Australian Standards. Where the existing frontage street does not have adequate street lighting in accordance with the Australian Standard, the developer must arrange for its installation as part of the additional intersection lighting required for the development works. Any new street light poles required on external streets must be of a consistent standard (i.e. steel poles) to street light poles in the vicinity.

Car Parking

26. Internal to the site, the proposed vehicle access to/from all carparking areas must be designed by a Registered Professional Engineer of Queensland (RPEQ) and must include the provision of adequate driveway width and turnouts to suit the proposed entry and exit manoeuvres of the relevant design vehicle. Such works must include suitable tapers, flares and/or radiused turnouts, lane widths, signage, line marking and traffic control devices identified as part of the traffic report for the development, or as specifically required by this permit.
27. The following alterations are required to the design of the internal car parking area and pedestrian facilities, and must be included with the submission of the required operational works application:
- (a) Compliance with the requirements of the DTMR Concurrence Agency Response dated 20 September 2011 with respect to all internal works. Note: Prior to submission of an application for operational works, provide Council with a copy of the DTMR endorsement of the plans for the internal works as complying with their requirements;
- (b) The proposed parallel parking bays on both sides of the northern circulating roadway adjacent to the northern on-grade car park should be a minimum of 6.5 metres long;
- (c) the four parallel parking bays located near the Big W loading dock must be setback a minimum of 1 metre from the building with a raised kerb to act as a barrier. Such bays must be a minimum of 6.5 metres in length;
- (d) The proposed western one-lane vehicle access between the northern circulating roadway and northern on-grade car park must allow for left-turns into the car park from the internal roadway only. No other turns to or from the northern car park at this location are permitted;
- (e) Raised platforms, in accordance with the requirements of Section 1.29, Volume 1 of the Queensland Department of Transport and Main Roads' Traffic and Road Use Manual, must be installed at zebra crossings within the site at the following locations:
- (i) The three zebra crossings across the southern circulating roadway between Nicklin Way and Bermagui Crescent, including the zebra crossing at the south-east corner of the site near Bermagui Crescent;

- (ii) The zebra crossing adjacent to the eastern end of Burns Street in the southern on-grade car park;
 - (iii) The three zebra crossings across the western circulating roadway to the western on-grade car park;
 - (iv) The zebra crossing across the north-western circulating roadway to the north-west on-grade car park;
 - (v) The two zebra crossings across the northern circulating roadway to the northern on-grade car park;
 - (vi) The zebra crossing on the eastern circulating roadway opposite the footpath on the northern side of Tumut Street;
- (f) The vehicle access at the eastern end of the southern on-grade car park (opposite the ramp to/from the proposed Level 1 car park) must be deleted;
- (g) Wheelstops must be installed on all parking bays immediately adjacent to the shared path through the site (near the southern on-grade car park) linking Bermagui Crescent with Nicklin Way;
- (h) An additional two pedestrian pathways, located on the northern and southern side of the proposed zebra crossing on the western circulating roadway as generally found on site, must be extended through the western on-grade car park to Nicklin Way and the car park layout modified accordingly;
- (i) The intersection between the western at-grade car park and the western circulating roadway, and the associated two mid-block vehicle connections between parking aisles, must be relocated such that they are not directly adjacent the proposed pedestrian connection through the car park to Nicklin Way. The re-located mid-block vehicle connections between the parking aisles are to be staggered so as not to create four-way intersections within the car park; and
- (j) Lane separating lines must be marked on the entire main circulation roadway
28. All car parks and driveways must be constructed, sealed, linemarked and drained in accordance with the *Development Design Planning Scheme Policy* and *AS2890.1*. works must be designed and certified by an RPEQ.
29. Pavement design must be undertaken in accordance with the relevant standards. Structural integrity of the internal driveway and carpark areas will remain the responsibility of the developer and their engineering consultant.
30. The premises must be provided with a minimum of 1827 on-site car parking spaces, together with standing and manoeuvring for service vehicles including 9 Vans, 3 SRVs, 4 MRVs, 3 HRVs and 2 AVs. Car parking and manoeuvring areas must:
- (a) be provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the relevant Planning Scheme and AS2890 - Parking Facilities;
 - (b) achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that complies with the requirements of AS2890.1;
 - (c) be designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of outlined in AS2890.1 Clause 2.4.5 and AS1428.1 Clause 1.7.2;
 - (d) be provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
 - (e) be designed to enable all vehicles to enter and leave the site in a forward gear;
 - (f) be kept and used exclusively for vehicle parking and manoeuvring; and
 - (g) be accessible to the general public and/or staff during approved hours of operation.
31. The first floor car park containing 361 bays must be fitted with an Electronic Parking Management System showing availability of bays. All signage associated with this system is to be located within the subject site. Details for the system are to be provided to Council prior to the approval of any Operational Works application.
-

32. The premises must be provided with a minimum of 132 bicycle bays for employees and 77 bicycle bays for visitors. The premises must also provide for shower cubicles with ancillary change rooms provisions for both males and females. Details are to be provided prior to the approval of any Operational Works.
33. The developer must provide internal pedestrian paths within the car parking areas, to promote safe pedestrian routes to the shopping centre entry. Internal pedestrian paths must be located generally as shown on the approved drawings, subject to the specific alterations required in this permit.
34. Suitable safety measures, including warning signage, must be installed internal to the site to improve driver awareness of pedestrians at crossing points and to enhance pedestrian safety. Provision must be made for wheelchair/pram access at all kerb crossings within the subject site, in accordance with Council's standard drawing.
35. Lighting must be provided to pedestrian paths, building entries, driveways and car parking areas in accordance with the requirements of the *Design for Safety Code*.
36. Plans and specifications for all works associated with roadworks, car parking and vehicular access, stormwater drainage, sewer protection, or any works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer.

Green Travel Plan

- 36A Prior to the approval of an application for Operational Works, the applicant must submit to Council a 'Green Travel Plan' which identifies methods for reducing car dependency by employees and visitors travelling to the development through encouraging alternative modes of travel (such as public transport, walking/cycling and car pooling). The Green Travel Plan must nominate strategies, actions and practical initiatives for reducing car dependency for future building tenants, and must be included in all Community Management Statements for the subject site and be attached to any lease documents for future tenants.

TRAFFIC & TRANSPORT

Service Vehicle Access

37. No service vehicle access to or from the site is permitted via Bermagui Crescent or Tumut Street. Signs must be placed in a prominent position within all loading docks advising of this. The Manager of the Shopping Complex must ensure that all tenants and operators comply with this requirement.

Roadworks - Nicklin Way

38. At the time the applicant is required to construct the eastern bus platform and signalised intersection on Nicklin Way, the applicant must:
- (a) construct a shared path, at least 3 metres wide, along the full Nicklin Way frontage of the subject site. No poles, posts or other vertical obstructions are to be provided within the path. Existing poles, posts and other vertical obstructions must be removed or relocated as necessary to be clear of the path alignment;
 - (b) dedicate land as road reserve from the subject site such that the verge width along the Nicklin Way site frontage, north of the required eastern bus platform and south of the lift and stair to the future pedestrian bridge, is at least 4.5 metres (measured between the face of kerb and property boundary) and the shared path route across the eastern side of the signalised intersection is within road reserve.
39. The proposed signalised intersection with Nicklin Way, and associated kerb alignment of the shopping centre leg, must be designed to provide for the following:
- (a) An on-road bicycle lane, at least 1.5 metres wide, between the left-turn and right-turn vehicle lanes, from the first internal intersection (opposite Burns Street) to Nicklin Way;

- (b) Ensure the verge width around the south-east corner of the signalised intersection is at least 4.5 metres.
40. The pylon sign on the subject site on the southern side of the proposed signalised intersection with Nicklin Way must be relocated within the site as necessary to ensure the proposed 3 metre wide east-west pathway through the site adjacent to the southern side of the intersection is provided at least one metre from the adjacent kerb and at least 0.5 metres from all vertical obstructions.

Roadworks - Point Cartwright Drive

41. Prior to the commencement of the proposed use, the applicant must construct the proposed left-in / left-out driveway access from the site to Point Cartwright Drive north of Orana Street. A raised splitter island must be constructed at the driveway crossover, incorporating a shared pathway connection through it to maintain pedestrian / cycle movement along the southern verge of Point Cartwright Drive. The left-out access must intersect with Point Cartwright Drive at an angle of no less than 70 degrees. A 'no stopping' line is to be installed on Point Cartwright Drive between the proposed access and the existing driveway adjacent to the northern boundary of the site.

Roadworks - Bermagui Crescent

42. The applicant must dedicate land from the site as road reserve and construct works on Bermagui Crescent in accordance with the following:
- (a) dedicate land as road reserve to create a carriageway at least 11 metres wide on a straight alignment along the full Bermagui Crescent frontage of the site, with a verge at least 4.5 metres wide on the development side;
 - (b) construct pavement widening, street lighting and kerb and channel to achieve an 11 metre wide carriageway on a straight alignment. The carriageway is to consist of 2 x 3 metre wide traffic lanes and 2 x 2.5 metre wide parking lanes;
 - (c) construct landscaped kerb buildouts, integrated into the verge and kerb and channel, within the parking lane on the development side at regular intervals;
 - (d) provide marked parking bays on the development side that are 2.1 metres wide and at least 6.3 metres long (in addition to taper areas for obstructed end bays). The parking bays are to be signed, in accordance with the Queensland Manual of Uniform Traffic Control Devices, to provide a 2 hour time limit between 8am and 5pm;
 - (e) provide marked parking bays on the eastern side of Bermagui Crescent. No kerb buildouts are required to be constructed on the eastern side;
 - (f) construct a fully paved verge, with street trees and landscaping, along the development side. The streetscape and drainage layout is to be consistent with the future provision of a raised platform pedestrian crossing on Bermagui Crescent in front of the proposed mall entry to the street;
 - (g) Construct a cul-de-sac head and kerb and channel at the western end of the east-west portion of Bermagui Crescent; and
 - (h) Construct a concrete footpath, at least 2 metres wide, along the eastern side of Bermagui Crescent opposite the site, connecting with existing footpaths on Tumut Street and around the cul-de-sac head of Bermagui Crescent –

Construction of Bus Interchange

- 42A Prior to the commencement of the use of any of the areas highlighted on drawing No RFI_CC_1 Revision D titled "Proposed Coast Connect The Nicklin Way Site and Floor Plan" dated 20 August 2011 drawn by Mirvac Design, the public passenger transport (bus) requirements of Condition 3 of the Department of Transport and Main Roads Concurrence Agency Response dated 20 September 2011 must be constructed and operational. The final design of the structures used in the bus interchange must be to the satisfaction of Council.

42B Deleted

Roadworks - Tumut Street

43. Prior to the commencement of the proposed use fronting Bermagui Crescent, the applicant must construct the works on Tumut Street from and including its intersection with Bermagui Crescent to its western end, generally in accordance with Drawing No. RFI_CC_1 by Mirvac Design. The works must include kerb and channel, pavement widening, a zebra crossing with kerb buildouts and a raised platform (in accordance with Section 1.29, Volume 1 of the Queensland Department of Transport and Main Roads' Traffic and Road Use Manual), street lighting, and a concrete footpath (at least 1.5 metres wide) and associated connections and kerb ramps on both sides. The design should maximise the amount of on-street parking provided on Tumut Street.

HYDRAULICS & WATER QUALITY

44. Stormwater must be collected and lawfully discharged from the development site to the existing drainage connection serving the site, in accordance with Council's *Development Design Planning Scheme Policy* and *QUDM*.
45. Works must be undertaken in a manner such that existing stormwater drainage outlets and overland flow paths (including those from upstream adjoining properties) are not obstructed, to ensure that there are no adverse impacts on existing development with respect to drainage and flooding issues.
46. Existing stormwater pipes must be relocated clear of the proposed building works and/or structurally protected, in accordance with the requirements of the relevant service authority. Where necessary, obsolete easements must be extinguished and/or new easements registered over the relocated services, at the cost of the developer.
47. The minimum floor level of the proposed Shops and Mall shall be 3.465m AHD.
48. Concurrent with any application for Operational Works, the applicant must submit detailed calculations and supporting plans/documentation prepared by a suitably experienced Registered Professional Engineer of Queensland (RPEQ) to demonstrate that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and Council's Development Design Planning Scheme Policies without causing an annoyance or nuisance to any person or property. The following requirements must be addressed as part of any submission:
- (a) The incorporation of stormwater quality treatment devices into all development site drainage
 - (b) Suitable access for maintenance vehicles to service stormwater quality treatment devices
 - (c) Extension of the piped and overland flow drainage system through the development site to cater for all external catchments
 - (d) Registration of drainage easements over all drainage structures and concentrated flow paths on private land
 - (e) Construction of conventional stormwater drainage systems in accordance with Council's Development Design Planning Scheme Policies.
49. The development shall be provided with a stormwater quality treatment system that is planned, designed and constructed in accordance with Council's Development Design Planning Scheme Policies generally in accordance with the Stormwater Management Plan (Engineering Report for the Proposed Kawana Shoppingworld Stage 4 Development prepared by Bornhorst & Ward Pty Ltd Revision C including Revision B of Drawing No. SKC020 titled Preliminary Water Quality Layout Plan) referred to hence with as the endorsed Stormwater Management Plan. In conjunction

- with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for each stormwater quality treatment device proposed in the endorsed Stormwater Management Plan.
50. The development shall be provided with a stormwater conveyance system (piped stormwater system and overland flow) that is planned, designed and constructed in accordance with Council's Development Design Planning Scheme Policies, QUDM and generally in accordance with the endorsed Stormwater Management Plan. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for each component of the stormwater conveyance system proposed in the endorsed Stormwater Management Plan. Detailed design is to be undertaken in accordance with Council's Development Design Planning Scheme Policies.
 51. All proprietary stormwater quality treatment devices installed on the site must be routinely checked and serviced/cleaned out as per the manufacturers recommendations. The material extracted from the devices when being serviced and cleaned out is to be removed from the site and disposed of by either a licensed waste removal contractor or by other lawful means. Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.
 52. In accordance with the endorsed Stormwater Management Plan the development constructed on the site must be provided with an operating rainwater collection tank(s) collecting rainwater from a portion of the roof area. Rainwater harvested in the tank(s) shall be re-used for internal non potable uses and outdoor uses. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for the rainwater harvesting tanks. The total rainwater harvesting tank volume shall not be less than 15L per square metre of total roof area.
 53. Prior to commencement of use, the applicant shall provide a certificate from a suitably qualified person to certify that the rainwater collection tank(s) and associated reticulation has been installed in accordance with these conditions of approval.

LANDSCAPE & ECOLOGY

54. Landscaping is to be undertaken on-site generally in accordance with the submitted Landscape Plan for Kawana Shoppingworld and in accordance with the Landscaping requirements of Caloundra City Plan 2004.

ENVIRONMENTAL HEALTH

55. Acoustic barriers are to be constructed and maintained in accordance with Figures 5 and 6 of the submitted acoustic advice report (Report prepared by Ron Rumble Renzo Tonin, dated 10/6/2011, ref no. Q6460-03-F01, report rev 2). These barriers are to have no gaps in them, are to achieve a minimum surface density of 12.5kg/m² and are to be constructed of durable materials within the lot boundary alignment. Prior to the use commencing, certification shall be submitted to Council from a RPEQ certified acoustic consultant that the barriers have been constructed to achieve the required acoustic attenuation and in accordance with this condition of approval.
56. Prior to the use commencing, the services of a RPEQ certified acoustic consultant shall be engaged to conduct operational noise compliance verification testing for fixed plant and equipment to demonstrate that the noise limits set in table 9.6 of the City Plan 2004 Nuisance Code have been complied with. A report, prepared by the acoustic consultant, shall be submitted to Council for endorsement demonstrating that the measured levels comply with the noise limits set in table 9.6 of the City Plan 2004 Nuisance Code. This condition does not apply to operational fixed plant & equipment that does not emit audible noise beyond the boundary of the premises; (Refer Advice Notes)

57. Noise from the use of the shopping centre loading docks bays must not be audible at any noise sensitive dwelling(s) between the hours of 10:00pm and 7:00am on any day.
58. Articulated vehicles must not use the shopping centre loading bays between 10:00pm and 6:00am on any day. The requirements of this condition must be included in any shopping centre tenancy lease agreement, site by-laws document or equivalent document, for tenancies that use the loading docks. The shopping centre manager shall be responsible for ensuring that this condition is adhered to at all times.
59. Refuse bin servicing shall only occur between the hours of 7:00am and 6:00pm on any day.
60. Prior to or at the time application is made for Operational Works, an Environmental Management Plan shall be developed. This plan is to be prepared by a suitably qualified person in accordance with section 2.0 of the Council's Development Design Planning Scheme Policy and is to address, as a minimum, the following:
- (a) air quality and dust control – including specific requirements for dust screens (and rubbish chutes where applicable) to be fitted to all building floor level scaffolds during construction;
 - (b) acid sulphate soils
 - (c) sediment and erosion control – linked to stage specific erosion and sediment control engineering drawings
 - (d) flora and fauna
 - (e) hazardous substance management
 - (f) light management
 - (g) mosquito and biting midge control
 - (h) noise control (including the hours of operation detailed in section 440R of the *Environmental Protection Act 1994*)
 - (i) site management
 - (j) stormwater management
 - (k) traffic management
 - (l) waste management – Recycling initiatives
 - (m) water quality and sampling (including a detailed basement excavation de-watering procedure)
 - (n) off-site impacts associated with trucks and machinery, i.e. sediment and soil deposition on roads and dust control
 - (o) incorporation of a lawfully felled vegetation disposal plan consistent with the “Waste Management Hierarchy” principles. This reference point shall by default require the EMP to be drafted in a way to prohibit the burning of lawfully felled vegetation on the site.
61. Lighting devices to be installed on the site, i.e. security lights etc, are to be appropriately designed, sited, installed and tested to be in accordance with Australian Standard AS4282-1997 “Control of the obtrusive effects of outdoor lighting”. Prior to the use commencing, certification shall be provided to Council from a RPEQ certified Electrical Engineer, to demonstrate that the above requirements have been met.
62. The development must be provided with refuse container storage areas located in accordance with approved plans. These areas are to be:
- (a) enclosed on at least three sides to a height of at least 1.8m using materials compatible with the site (e.g. palings, lattice work, brick or blockwork, etc) to screen the area from adjoining properties and the road; and
 - (b) adequate in size for general refuse, recycle and commercial refuse bins; and
 - (c) imperviously sealed (e.g. concrete, bitumen, etc) and provided with a washdown pit lawfully directed to sewer with a stormwater catchment area not exceeding 1m²; and
 - (d) provided with a hose cock either in or adjacent to the wash down area; and
 - (e) provided with signage in a conspicuous location adjacent to the washdown pit with letters at least 50mm high and 30mm wide stating:
-

BIN WASHDOWN WASTE ONLY DISPOSAL OF ANY OTHER LIQUID OR WASTE IS PROHIBITED; and

- (f) constructed in accordance with Section 2 of Council's Development Design Planning Scheme Policy.
- 63. The layout and design of the development shall be such that the design refuse collection vehicle(s) required to perform waste collection on site are afforded easy, safe and unobstructed access.

UNITYWATER

- 64. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (e.g. valves, fire hydrants and sewer access chambers).
- 65. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
- 66. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings with the exception of the sewer main identified in Section 5.2 of the submitted Engineering Report prepared by Bornhorst and Ward Consulting Engineers dated October 2010 where building over the sewer is permitted.
- 66A Prior to commencement of any building works over the existing 450mm diameter trunk sewer main, the applicant will be required to obtain a development permit to build over the sewer in accordance with Unitywater's requirements and Building Over Sewer Policy.
- 67. Where applicable, written approval to enter and construct must be provided from property owners through which external sewers will traverse. This must be submitted with lodgement of the associated development application for Operational Works.
- 68. 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 Where building over sewer is permitted, a volumetric easement must be provided over the sewer main in favour of Unitywater. Easements must be located centrally over the main. For sewers on side boundary alignments easements may be partially located within neighbouring properties.
- 69. All obsolete water and sewer infrastructure must be capped and sealed or removed.
- 70. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
- 71. 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 approved varieties.
- 72. 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.

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency and Address
Public Passenger Transport	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop

Referral Trigger	Referral Status	Referral Agency and Address
		MAROOCHYDORE QLD 4558
Response	The agency provided its response on 20 September 2011 (Reference No. Ref. NCR-8123 BRIS-1633). A copy of the response is attached, including any conditions the agency has for the development.	
Future Public Passenger Transport	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558
Response	The agency provided its response on 20 September 2011 (Reference No. Ref. NCR-8123 BRIS-1633). A copy of the response is attached, including any conditions the agency has for the development.	
State Controlled Road	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558
Response	The agency provided its response on 20 September 2011 (Reference No. Ref. NCR-8123 BRIS-1633). A copy of the response is attached, including any conditions the agency has for the development.	
Acid Sulphate Soils	Advice	Department of Environment and Resource Management Implementation and Support Unit GPO Box 2454 BRISBANE QLD 4001
Response	The agency provided its response on 13 September 2011 (Reference No. IC1110NAM0010).	

6. APPROVED PLANS

Approved Plans

Plan No.	Rev.	Plan Name	Date
RFI_CC_2	A	Figure 4: Proposed Level 1 Floor Plan drawn by Mirvac Design	February 2011
RFI_06_ELE	C	Proposed Elevations Council RFI – Option 6 drawn by Mirvac Design	26 October 2010

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

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
RFI_CC_1	D	Proposed CoastConnect, The Nicklin Way Site and Floor Plan drawn by Mirvac Design	20 August 2011
Amendments	Amend as per the Car Parking conditions set out in this Decision Notice		

7. REFERENCED DOCUMENTS

Referenced Documents

Document No.	Rev.	Document Name	Date
SKC020	A	Preliminary Water Quality Layout Plan	19 October 2010
07295	B	Stormwater Management Plan (Engineering Report for the Proposed Kawana Shoppingworld Stage 4 Development) prepared by Bornhorst & Ward Pty Ltd	October 2010
Q6460-03-F01	2	Acoustic Advice Report prepared by Ron Rumble Renzo Tonin	10 June 2011

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 Contributions

1. This development permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Councils "*Adopted Infrastructure Charges Resolution (No.1) 2011*" under the State Planning Regulatory Provision (Adopted Charges) and the "*Sustainable Planning Act 2009*".

Environmental Health

2. The applicant is advised to ensure that during the detailed building design and construction phase, including the design, selection and installation of fixed plant and equipment, A/C units and refrigeration plant, mechanical exhausts, acoustic enclosures/plant rooms and the like, that the ongoing advice and design input of a suitably qualified RPEQ certified acoustic consultant is sought and implemented to ensure that the operation of such plant and equipment complies with conditions of this approval and statutory noise limits. Mechanical plant and equipment must be provided with appropriate acoustic enclosures/screening and located away from adjacent noise sensitive premises.
3. Trade waste generated on-site shall be subject to Unitywater's Trade Waste Policy and the *Water Supply (Safety & Reliability) Act 2008*. The applicant is advised to contact Unitywater's Trade Waste Officer on 5431 8333 to determine trade waste requirements.
4. All areas where food is to be stored, handled or prepared for sale or sold must be constructed and equipped in accordance with the provisions of the *Food Act 2006* and the *Food Standards Code*. Contact Council's Customer Services Unit on 1300 650 112 for further information.
5. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse affect, or potential adverse affect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

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

Unitywater

7. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicants cost.
8. A 100mm diameter watermain is located within the road boundary fronting the development site in Bermagui Crescent. Construction works, heavy traffic crossing the main, excessive vibration and excavation close to the main may cause damage to the pipe. Extreme care is required when working close to this infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

Equitable Access and Facilities

9. 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

10. 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.

Green Travel Plan

11. Council is willing to assist with the creation and adoption of the Green Travel Plan required by Condition 36A. Please contact Council’s Transport Change Unit to arrange a suitable time to discuss the merits/details of a Green Travel Plan.

9. PROPERTY NOTES

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

1. This site is provided with gross pollutant traps which captures and stores pollutants from stormwater runoff generated on this site. This device is required to be routinely checked and serviced/cleaned out as per the manufacturer’s recommendations. The material extracted from the device when being serviced and cleaned out is to be removed from the site and disposed of by either a licensed waste removal contractor or by other lawful means. Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Civil Works, Landscaping & Electrical Reticulation)
- Development Permit for Building Work

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

Not Applicable.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

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

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

16. OTHER DETAILS

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

4.2.3 REQUEST FOR A NEGOTIATED DECISION NOTICE - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH AN EXTRACTIVE INDUSTRY (SAND EXTRACTION) AND ENVIRONMENTALLY RELEVANT ACTIVITY NO. 16 (EXTRACTIVE AND SCREENING ACTIVITIES), 545 EASTERN MARY RIVER ROAD, 2084 AND 2316 MALENY-KENILWORTH ROAD, CONONDALE

File No: 2010/610004
Author/Presenter: Principal Development Planner, Planning Assessment
Appendices: App A – Conditions of Approval (SPC Pg 93)
Attachments: [Att 1 – Proposal Plan](#) (SPC Att Pg 105)
[Att 2 – Decision Notice](#) (SPC Att Pg 106)
[Att 3 – DTMR Conditions](#) (SPC Att Pg 112)
[Att 4 – DERM Conditions](#) (SPC Att Pg 118)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Integra Resources Pty Ltd C/-Groundwork Plus
Proposal:	Request for a Negotiated Decision Notice - Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities)
Properly Made Date:	29 April 2010
Information Request Date:	28 June 2010
Info Response Received Date:	29 December 2010
Decision Issued:	15 June 2011 for a Preliminary Approval rather than a full development permit.
Number of Submissions:	A total of 79 properly made submissions and 18 not properly made submissions were received objecting to the proposed development. 2 properly made submissions were received supporting the application.
PROPERTY DETAILS	
Division:	5
Property Address:	545 Eastern Mary River Road, 2084 & 2316 Maleny-Kenilworth Road, Conondale
RP Description:	Lots 1 & 2 RP55330 & Lot 1 RP55331
Land Area:	84 hectares
Existing Use of Land:	Lot 1 RP55330 - Rural Land Lot 2 RP55330 – Rural Land, Pastoral Activities & Detached House Lot 1 RP55331 – Existing Concrete Batching Plant
STATUTORY DETAILS	
SEQRP Designation:	Regional Landscape and Rural Production Area
Planning Scheme:	Caloundra City Plan 2004

Strategic Plan Designation:	N/A
Planning Area / Locality:	Mary River - Conondale
Planning Precinct / Zone:	Rural and Open Space Conservation and Waterways
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of the applicant's request for a Negotiated Decision Notice for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities).

At the Ordinary Meeting held on 8 June 2011, council resolved to grant a preliminary approval with conditions for the abovementioned use rather than a full development permit. Council also requested that any future request by the applicant for a negotiated decision notice be presented to council for determination.

EXECUTIVE SUMMARY

This report considers the applicant's request for council to issue a negotiated decision notice with a full development permit for an "extractive industry" (sand extraction) and an Environmentally Relevant Activity Number 16 for Extraction and Screening activities.

The application is for the proposed extraction of sand on Lot 2 RP55330 and the screening and processing of the sand at the existing concrete batching plant on Lot 1 RP55331. It is estimated that 150,000 tonnes per annum will be extracted.

The application was previously presented to council at the Regional Strategy and Planning Committee Meeting held on 1 June 2011 on the basis of significant public interest. The submitters raised numerous concerns in particular about erosion and flooding. These submissions were considered in the initial assessment and, while many were found to raise important issues, they did not warrant refusal of the application.

At Council's Ordinary Meeting on 8 June 2011, an alternative motion for a preliminary approval was adopted. A number of conditions were attached to the preliminary approval requiring the applicant to provide outstanding reports. In summary these conditions required the applicant to provide the following information:

- a Detailed Geomorphology Report covering issues such as erosion and sediment management, history of channel and floodplain changes, future channel, floodplain changes and impacts of proposed sand extraction operation, implications of pit capture, implications for downstream properties should pit capture occur, risk assessment, and mitigation measures to address the potential risks;
- a detailed Flood Assessment Report to consider pre and post development scenarios, in accordance with the Rehabilitation Management Plan, including recommendations for the management of floodwaters over the site during operation and post extraction;
- a revised Rehabilitation Management Plan based on the recommendations of the Detailed Geomorphology Report and Flood Assessment Report; and
- an Agricultural Appraisal, prepared by a suitably qualified consultant in accordance with the State Planning Guidelines: *The Identification of Good Quality Agricultural Land*.

The applicant submitted representations, which included a Geomorphic Investigation, a Floodplain Impact Assessment, a Flood Emergency Management Plan, a Site Suitability Analysis for Agricultural Use and an amended Site Layout Plan. Together these reports investigate how the proposed extraction activities will interact with the Mary River. The findings of these reports is that the extraction area floods during a 100 year ARI flood event and there is a moderate risk posed by various geomorphic processes. Mitigation measures are recommended to manage the flood waters through the extraction area and other mitigation measures recommended to manage the geomorphic processes.

An assessment of the additional information finds that the mitigation measures recommended by the reports can be reasonably conditioned to address council's and the submitter concerns. In addition the conditions previously recommended by Department of Environment and Resource Management and Department of Transport and Main Roads remain unchanged.

It is recommended that a Negotiated Decision Notice be issued replacing the Preliminary Approval with a full Development Permit - Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities) subject to reasonable and relevant conditions.

OFFICER RECOMMENDATION

That Council:

- (a) agree to delete Conditions 1 to 6 of the Preliminary Approval; and**
- (b) approve with Conditions Application No. 2010/610004 and grant a Negotiated Decision Notice for a Development Permit for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities) situated at 545 Eastern Mary River Road, 2084 and 2316 Maleny-Kenilworth Road, Conondale, described as Lots 1 and 2 RP55330 and Lot 1 RP55331 in accordance with the conditions of approval outlined in Appendix A.**

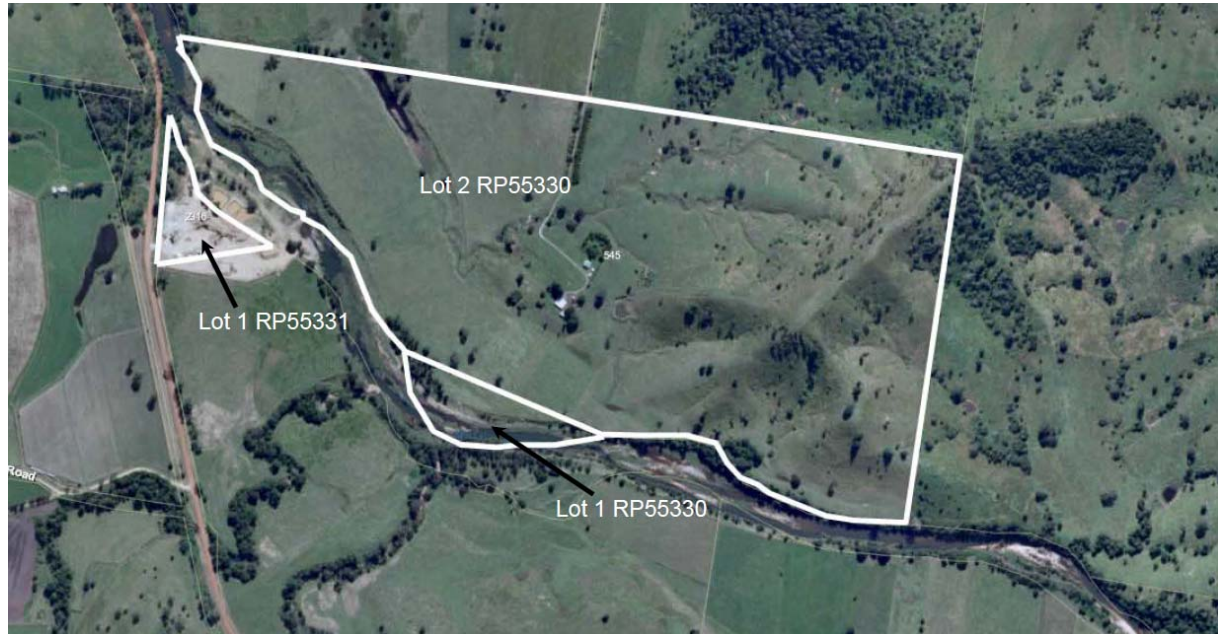
PROPOSAL

The application seeks approval for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities). Refer to Attachment 1 – Drawing No. 117.045 – Site Layout Plan.

The Environmentally Relevant Activity Number 16 consists of the following:

- Environmentally Relevant Activity Number 16 – Extractive and Screening Activities, Threshold (2) (b) – extracting other by dredging, in a year, more than 5,000 tonnes to 100,000 tonnes of material; and
- Environmentally Relevant Activity Number 16 – Extractive and Screening Activities, Threshold (3) (b) – screening, in a year, more than 100,000 tonnes to 1,000,000 tonnes of material.

The proposed development seeks approval for the extraction of sand from Lot 2 RP55330 to supply the existing concrete batching operation on Lot 1 RP55331. The applicant estimates that approximately 150,000 tonnes per annum will be extracted. Of the 84.03 hectares approximately 3.9 hectares are proposed to be used for extractive purposes. The balance of the land will be maintained as pastoral and grazing land.



Lot 1 RP55331 is currently used for existing concrete batching, extraction and screening activities and will continue to be used for these purposes in conjunction with the proposed new sand extraction area. It is proposed that the quantity of screening to be undertaken in conjunction with the proposed sand extraction and concrete batching operation will not increase from that provided for in the existing Environmentally Relevant Activity licence for Lot 1 RP55331 for between 5,000-100,000 tonnes of material per year. The new Environmentally Relevant Activities 16(2)(b) and 16(3)(b) will allow for extraction and processing to occur.

The sand extraction operations involve the removal of the top soil and overburden, which will be separately stockpiled for later incorporation into rehabilitation works. Pure sand is then extracted with either a floating dredge/dragline or by dry mining techniques (long stick excavator) and transferred to a stockpile and then the processing plant. Rehabilitation works will include regrading the banks and lake foreshore. Topsoil overburden previously stockpiled will be used to top dress the sand. The sequence cells of the sand extraction are shown on Drawing No. 117.045 – Site Layout Plan (**Attachment 1**). The final landform of the extractive area will be a lake with surrounding land stabilised and vegetated.

The applicant has not applied for an Environmentally Relevant Activity for Dredging. However, dredging activities may still occur. The applicant submits that the act of using dredging equipment does not, in itself, constitute dredging for the purposes of the *Environmental Protection Act 1994*. The Environmental Protection Regulation 2008 – Explanatory Notes defines Dredging as:

“Dredging includes extraction of mud, sand, coral, ballast, shingle, gravel, clay, earth and other material from the bed of Queensland tidal and non-tidal waters. Dredging does not include the banks of a waterway.”

The proposed extraction will not interfere with water from any watercourse affecting the site. Extraction is proposed to a depth above the watertable, and as such no sub-artesian water in the Upper Mary River area will be affected. The proposed extraction area will maintain a buffer distance of 40m from the high bank of the Mary River to Cells 1 – 5, 7 9 and 11 and 60m to Cells 6, 8 and 10.

A substantial part of the site will be managed as buffer land. The application also includes Lot 1 RP55330, which is to be used as buffer land and is to be rehabilitated as part of the rehabilitation of Lot 2 RP55330. This will be revegetated to preserve and help protect the banks of the Mary River.

Access to the existing concrete batching plant is from the Maleny-Kenilworth Road. From this site an internal haul road will cross the Mary River to provide access to the sand extraction site on Lot 2 RP55330. This river crossing has traditionally been used in conjunction with the agricultural use of the site. Integra Resources has obtained approval from the Department of Resources and Mines for a Riverine Protection Permit for the upgrade and use of this crossing (Permit No. 151010, 17 November 2009). The alignment of the internal haulage roads may change depending on the stage of extraction, but is generally contained within the batter of the extraction area.

It is proposed that the hours of operation will be from 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm on Saturdays. The applicant indicates that 20 persons will be employed full time with the operations of the sand extraction and haulage activities.

Electricity and telecommunication services are available to the site. A portable washroom and toilet facilities are available at the main office area on the concrete batching plant site. Domestic waste disposal will be removed by existing services provided by Council. All other wastes will be collected and stored on site prior to pick up and delivery to landfill, refuse transfer stations or recycling facilities by licensed contractors in accordance with the Waste Management Plan.

FINANCE AND RESOURCING

If council were to approve this development, the applicant would not be required to pay any developer contributions for trunk infrastructure.

INTRODUCTION

Background/Site History

A Preliminary Approval for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and ERA Number 16 (Extractive and Screening activities) was issued by council on 15 June 2011 (Attachment 2 – Decision Notice).

At the time the application was publicly notified for 30 business days in accordance with the requirements of the *Sustainable Planning Act 2009*. A total of 81 properly made submissions and 18 not properly made submissions were received. The submitters were primarily concerned with erosion, flooding, noise impacts, dust impacts, loss of good quality agricultural land and cropping land, dangerous volumes of truck movements on roads, impacts on the amenity of the rural area and scenic route and non-compliance with the Caloundra City Plan 2004 Desired Environmental Outcomes and Codes. These submissions were considered in the initial assessment, and while many were found to raise important issues, they did not warrant refusal of the application.

Council officers recommended approval of the development with conditions. However, the conditions required additional hydrological and geomorphological information to be provided. Council had concerns with making a decision when not all the information had been provided especially in light of the issues raised by the submitters. At council's Ordinary Meeting on 8 June 2011, an alternative motion for a preliminary approval was adopted. A number of conditions were attached to the preliminary approval requiring additional information to be provided by the applicant. In summary, these required the applicant to provide the following information:

- a Detailed Geomorphology Report covering issues such as erosion and sediment management, history of channel and floodplain changes, future channel, floodplain changes and impacts of proposed sand extraction operation, implications of pit capture, implications for downstream properties should pit capture occur, risk assessment, and mitigation measures to address the potential risks;
- a detailed Flood Assessment Report to consider pre and post development scenarios, in accordance with the Rehabilitation Management Plan, including recommendations for the management of floodwaters over the site during operation and post extraction;
- a revised Rehabilitation Management Plan based on the recommendations of the Detailed Geomorphology Report and Flood Assessment Report; and
- an Agricultural Appraisal, prepared by a suitably qualified consultant in accordance with the State Planning Guidelines: *The Identification of Good Quality Agricultural Land*.

The applicant suspended the appeal period on 17 June 2011 and made representations on 10 August 2011. On 25 November 2011 and 24 January 2012 the applicant submitted further detailed reports supporting their initial representations. These reports include a Geomorphology Investigation, a flood Assessment Report, a Flood Emergency Management Plan, an Agricultural Suitability Analysis and an amended Site Layout Plan. The applicant's representations are detailed below together with council officer's assessment and recommendations.

ASSESSMENT

Introduction

The previous recommendation to council was for approval with conditions and no subsequent operational works development permit was required. However, the representations propose engineering works to convey floodwaters into and out of the extraction pits. In addition, in order to stabilise the eastern bank of the Mary River, bank stabilisation works are required. These works are separate from the extraction activity being regulated by the Department of Environment and Resource Management and the engineering detail of these works has not been completed. Hence, it is appropriate, and consistent with the Caloundra City Plan 2004, to require an operational works development permit for these works associated with the material change of use of the land.

In the case of watercourses, the *Water Act 2000* is the legislation which determines where council's jurisdiction ends and the Department of Environment and Resource Management's starts. When land is defined as a watercourse it falls within the Department of Environment and Resource Management's jurisdiction and, when it is not a watercourse under the *Water Act 2000*, it is council's jurisdiction. A watercourse is defined in the *Water Act 2000* as being between the outer bank on one side of the watercourse and the outer bank on the other side of the watercourse. The definition of outer bank is not entirely clear but it is clear that the outer bank is determined by the Department of Environment and Resource Management. The department was contacted and informed council officers that, in this case, it is clear the outer bank on the eastern side of the Mary River is the macro channel of the Mary River. This means the watercourse extends right up to the high bank as shown on the proposal plan.

The implication of this is that council can only condition works below the high bank of the Mary River provided it is in accordance with the document titled *Guideline – Activities in a watercourse, lake or spring carried out by a landowner* (Department of Environment and Resource Management, 11/05/2011). This guideline allows re-vegetation works to be carried

out by the landowner and also allows activities that are the necessary protection and/or enhancement of bed and bank stability such as providing rock protection or replacing eroded material. Excavation of fill is limited to 500m³ and placement of fill is limited to 150m³.

An assessment in relation to each of the submitted representations is provided below.

Condition 1

1. *Provide revised proposal plans detailing the following:*
 - (a) *The width of the buffer from the high bank of the Mary River shall be increased to a minimum of 60m.*
 - (b) *Adjacent to Cell 5, 7, 9 and 11 the width of the buffer from the high bank of the Mary River shall be increased to a minimum of 80m.*
 - (c) *Cell 10 removed from the proposal and this area shown as buffer.*

APPLICANT'S REPRESENTATION

The applicant has provided revised proposal plans which reflect the recommendations of the Geomorphic Report and Hydrology Report. The applicant requests that council issues a negotiated decision notice for a full development permit.

ASSESSMENT OF REPRESENTATION

The width of the buffer to the Mary River specified in Condition 1 of the Preliminary Approval was conservative due to lack of detailed reports supporting the proposed buffer width of 40m. The condition was recommended when detailed reports on the flooding and geomorphology of this section of the Mary River had not been prepared. The applicant has subsequently provided a detailed flood assessment report and a detailed geomorphology investigation. Assessment of these reports is detailed in the following sections of this report.

Based on the technical reports, which includes a risk assessment, revised buffer widths and various mitigation measures have been proposed to deal with each of the identified risks. The revised buffer widths are shown on a revised proposal plan and include a buffer width of 60m to both the river and the downstream property adjacent to Cells 6, 8 and 10. The buffer width to other cells is proposed to remain at 40m. Cell 10 is much reduced in size and provides only a small amount of sand extraction for a significant increase in risk. For this reason it is recommended that Cell 10 remains as being deleted from the proposal and this area be incorporated into the buffer zone.

One of the key recommendations of the geomorphology report was stabilisation of the area below the high bank of the Mary River to prevent observed widening of the macro channel. To successfully stop the observed widening a combination of hard engineering solutions such as rocks along the toe of the bank and re-vegetation would be required. The Department of Environment and Resource Management Guideline allows revegetation and some bank stability works to be undertaken within the waterway. Conditions are recommended to require revegetation and bank stability works to be undertaken in the waterway.

As discussed above it is not in council's jurisdiction to condition any works below the high bank. The options available are either that the condition stays or the applicant gains approval from Department of Environment and Resource Management to undertake the required works within the macro channel of the Mary River.

Recommendation

That Condition 1 be deleted, the revised proposal plan be approved and conditions requiring mitigation measures to be constructed. Also, Cell 10 to remain as being deleted due to the risk of migration of the macro channel towards the site.

Condition 2

2. *Provide a Detailed Geomorphology Report prepared by a suitably qualified geomorphologist of the section of the Mary River adjacent to the extraction site. The Detailed Geomorphology Report shall address the following issues:*
 - (a) *Regional setting, flow regime, erosion and sediment management, history of channel and floodplain changes, future channel and floodplain changes*
 - (b) *Impacts of proposed sand extraction operation, implications of pit capture, implications for downstream properties should pit capture occur.*
 - (c) *Risk Assessment, mitigation measures to address risks*
 - (d) *Recommendations**All recommendations of the Detailed Geomorphology Report requiring further studies to be completed shall be completed and provided with the Detailed Geomorphology Study.*

APPLICANT'S REPRESENTATION

The applicant has provided Geomorphology Report entitled - Conondale Extractive Industry Mary River Geomorphology Investigation, 16 November 2011, Doc. Ref. J2005-01R02V02a, prepared by Water Technology Pty Ltd. The applicant requests that council issues a negotiated decision notice for a full development permit based on the recommendations of this report.

ASSESSMENT OF REPRESENTATION

The geomorphic investigation has found that, over the historical period considered, the macro channel of the Mary River at the study area has widened. This has been caused by a number of factors including changes within the catchment, floods and loss of riparian vegetation at the site. The outside of the bend adjacent to Cells 6, 8 and 10 will likely be subject to bank erosion via lateral migration in addition to channel widening in the future. Erosion of the bank opposite cells 5, 7, 9 and 11 is not expected to be subject to accelerated rates of erosion in the future. This is not to say that some erosion of this bank will still occur in the future but not at the same rate as expected adjacent to Cells 6, 8 and 10.

With respect to avulsion/pit capture it is stated that "*it is unlikely that the proposed extraction activities will significantly increase the risk of an avulsion within the study area*". This statement, therefore, acknowledges that the proposed extraction activities will increase the risk of a channel avulsion within the study area. However, the author of the report has subsequently explained that the increased risk of avulsion/pit capture is very low because, for this to occur, it has to result from an erosion head at the downstream end of the avulsion. In the case of the proposed extraction pit the avulsion would need to start about 800m downstream. At this location the proposed extraction has no impact on the existing flooding characteristics.

The geomorphology investigation finds that there are three critical locations where floodwaters enter the pit and are likely to be subject to erosion if left unchecked. In addition, it was found that there is a high potential for erosion to occur at three discrete locations where flows spill out of the excavation pit. Hence, we have a situation where, if no mitigation measures are implemented, there will likely be erosion as floodwaters enter and exit the pit.

This erosion will, however, not increase the risk of channel avulsion. Rock lined channels are recommended as mitigation measures for this erosion. Revegetation is recommended with respect to controlling the erosion of the macro channel.

The planning timeframe for the risk assessment was not initially specified. This is critical as the example risk assessment referenced in the report has a planning timeframe of 10 years. It has been confirmed subsequently with the author of the investigation that the planning horizon used includes flood events of sufficient size to overtop the extraction area (20-100 years).

One of the key mitigation measures proposed is for revegetation of the eastern bank of the Mary River extending from the eastern side of the low flow channel to the top of bank. However, because the bank in some places is steep and unstable, and flow velocities within the river can be up to 3.5m/s, vegetation alone will unlikely to be successful in halting channel migration. To successfully stop the observed widening, a combination of hard engineering solutions such as rocks along the toe of the bank and re-vegetation would be required. Therefore, it has been conditioned that bank stability measures be implemented as well as the recommended revegetation. The detail of the bank stability measures will be assessed as part of a subsequent operational works development permit.

Recommendation

That Condition 2 be deleted, the revised proposal plan be approved and conditions requiring mitigation measures to be constructed, the buffer monitored for migration of the river and operations to cease if the buffer width reduces to less than 40m be included on the decision notice.

Condition 3

3. *Provide a Flood Assessment Report prepared by a Registered Professional Engineer Queensland in accordance with Council's DDPSP.*
 - (a) *The Flood Assessment Report must consider the pre-development scenario, operational phase scenario and post extraction scenario with the development site rehabilitated in accordance with Rehabilitation Management Plan.*
 - (b) *The Flood Assessment Report must contain recommendations for the management of floodwaters over the site during operation and post extraction including but not limited to provision of scour protection where floodwaters enter and exit the extraction site at velocities above 1.5m/s.*
 - (c) *As a minimum the Flood Assessment Report must consider the peak 2, 20 and 100 year ARI flood events.*
 - (d) *The Flood Assessment Report must be undertaken using 2D flood modelling software.*
All recommendations of the Flood Assessment Report requiring further studies to be completed shall be completed and provided with the Flood Assessment Report.

APPLICANT'S REPRESENTATION

The applicant has provided a Flood Assessment report entitled Flood Assessment Report Extraction Site – Conondale, 16 November 2011, Ref. No. 2005R01V01_FloodAssessment.docx, prepared by Water Technology Pty Ltd. The applicant requests that council issue a negotiated decision notice for a full development permit based on the findings of this report.

ASSESSMENT OF REPRESENTATION

As expected the Floodplain Impact Assessment has demonstrated that the impact of the development on off site flooding is minimal. Also as expected the critical issues with respect to flooding is how floodwaters enter and exit the extraction site. Reference is made to the geomorphology investigation for details of scour protection at Mary River breakouts into the pit and overtopping locations out of the pits.

The hydrologic and hydraulic models have been calibrated to the January 2011 flood event. In addition, consideration has been given to gauge data within the catchment. Based on the review of the hydrologic and hydraulic modelling undertaken, it is assessed as being suitable for assessment of this development application. Notably the predicted flood levels are now in the vicinity of what council's Hydrology and Hydraulics Engineer initially anticipated i.e. much higher than Groundworks Plus stated in the response to the information request.

As expected, the site of the proposed extraction is subject to flooding during a 100 year ARI flood event. Flood flows break out of the main channel of the Mary River at three key locations and enter the western extraction pit. High velocities (>1.5m/s) are predicted at the locations where flood flows break out into the extraction pit. High velocities (>1.5m/s) are also predicted where flood waters exit the western extraction pit.

Within the macro channel of the Mary River the depth of floodwaters is greater than 6m and the velocity of floodwaters is greater than 1.5m/s. In both depth and velocity these are the highest categories presented in the figures and the peak depth and peak velocity is expected to be much greater. It is reported that peak velocities within the macro channel are in the order of 3 - 3.5 m/s during a 100 year ARI flood event. This modelling confirms that the Mary River opposite the extraction site is a fast flowing high energy river.

Increased flood levels are predicted on the downstream property of up to 0.1m. Given the extent and depth of flooding on the downstream lot this increase in flood levels is considered to be minor and 'non-adverse for this area'. In terms of velocity some decrease in velocities on the downstream property are predicted and also some very minor increases. The changes in velocities are not considered to result in any adverse impact on the downstream property.

Recommendation

That Condition 3 be deleted, the revised proposal plan be approved and conditions requiring mitigation measures to be constructed, the buffer monitored for migration of the river and operations to cease if the buffer width reduces to less than 40m be included on the decision notice.

Condition 4

4. *Provide revised proposal plans and revised Rehabilitation Management Plan based on the recommendations of the Detailed Geomorphology Report and Flood Assessment Report.*

ASSESSMENT OF REPRESENTATION

A revised Rehabilitation Management Plan which is based on the recommendations of the Detailed Geomorphology Report has not been submitted.

Recommendation

Ideally the revised Rehabilitation Management Plan would have been submitted prior to a decision being made on the development application. However, failure to submit a revised Rehabilitation Management Plan is not grounds for refusal. Rather, it is recommended that the request for a negotiated decision notice be approved and that a full development permit be issued for proposed extractive industry. This will require condition 16 to be included which requires the revised Rehabilitation Management Plan to be endorsed prior to the commencement of use.

Condition 5

5. *The Rehabilitation Management Plan as prepared by Groundworks Plus for Integra Resources dated December 2010, file reference documents 11117_031_V2 is to be amended to incorporate the following:*

- (a) *A three metre wide maintenance access track is to be provided throughout the entire length of the buffer with the balance of the buffer being completely revegetated.*
- (b) *The buffer planting length and width are to be revegetated utilizing the following species:-*

Trees	Spacings
<i>Melaleuca viminalis</i>	3 metres
<i>Melaleuca bracteata</i>	3 metres
<i>Casuarina cunninghamiana</i>	5 metres
<i>Eucalyptus Tereticornis</i>	10 metres
<i>Grevillea robusta</i>	10 metres
<i>Acacia melanoxylon</i>	5 metres
<i>Ficus corinata</i>	3 metres
<i>Glochidion ferdinandii</i>	5 metres

Shrubs	Spacings
<i>Lomandra longifolia</i>	1 metre
<i>Dianella caerulea</i>	5 metre

The average planting density throughout the buffer is to be one plant for every 1.5 square metres.

- (c) *The buffer revegetation works are to be fenced with a minimum 1.5 metre high four strand plain wire fence immediately following revegetation works. This fence is to incorporate a gate at each end of the maintenance access track.*
- (d) *The “undisturbed drainage and wetland area” located between the two sand extraction areas is to be rehabilitated to match as close as possible the representative species and densities which occur within Regional Ecosystem 12.3.7.*
- eg *Eucalyptus tereticornis*
Melaleuca viminalis
Melaleuca bracteata
Casuarina cunninghamiana
Acacia maidenii
Acacia melanoxylon

Lomandra Lonifolia
Lomandra Hystrix (lower gully lines)
Dianella coerulea
Associated sedges spp

The average planting density throughout this drainage and wetland area is to be one plant for every square metre. These revegetation works are to be completed prior to the commencement of works associated with the first sand extraction cell, and are subject to a three year maintenance period commencing from the completion of site plantings. Pre-state and completion site meetings are to be held with Council's Delegate in respect to these works.

ASSESSMENT OF REPRESENTATION

A revised Rehabilitation Management Plan which is based on the recommendations of the Detailed Geomorphology Report and the requirements of the Preliminary Approval Condition 5 has not been submitted.

Recommendation

As with Condition 4, ideally, the revised Rehabilitation Management Plan would have been submitted prior to a decision being made on the development application. However, failure to submit a revised Rehabilitation Management Plan is not grounds for refusal. Rather it is recommended that the request for a negotiated decision notice be approved and that a full development permit be issued for proposed extractive industry. Once again, this will require condition 16 to be included which requires the revised Rehabilitation Management Plan to be endorsed by council's delegate prior to the commencement of use.

Condition 6

6. *Submit an agricultural appraisal, prepared by a suitably qualified consultant in accordance with the State Planning Guidelines: The Identification of Good Quality Agricultural Land'. Soil descriptions must include all of the minimum data specified in Table 4 of these guidelines.*

APPLICANT'S REPRESENTATION

The applicant appointed a Hydrogeologist to provide an assessment of the soil characteristics of the site for suitability for agricultural use. The applicant has submitted representations in response to Condition 6 to support a full development permit for the proposed extractive industry.

The applicant submits that only a portion of the site in the western side is identified in council's planning scheme as Good Quality Agricultural Land. The applicant has provided a site specific assessment of the soil type and land suitability. The land suitability analysis finds that the site comprises Agricultural Land Class B (Limited Crop Land).

The suitability for selected crops was also assessed. It was found that for tree crops (macadamia and citrus), the soil types on the site are marginal and presently unsuitable (Class 4). For other crops (rye grass, soybeans, sorghum, maize, crucifers (Brassica species) and potatoes, the land is suitable with either minor (Class 2) or moderate limitations (Class 3). Soils on the plains and low terraces (including the Honey and Spencer soil types) are generally suitable for a wide range of crops. Some of the soils (Cressbrook) found on the site are generally unsuitable for any crops due to the low moisture-holding capacity of their coarse-textured soil profile. The Honey-Cressbrook soil on the site was found to have an intermediate suitability between the two soil types for non-tree crops; it is suitable for sorghum, maize and soybean with moderate limitations.

The soil types at the site were assessed as being collectively of Agricultural Land Class B (limited Crop Land). This classification applies to 71% of the Kenilworth–Conondale area. Only about 2% of the Kenilworth–Conondale area is classified as Class A land, which is not located on the site. The main reason for having a large area of Class B land is that soils on plains and the terraces are unsuitable for tree crops because of the flooding hazard. A further limitation is the low moisture-holding capacity of coarse-grained soils and subsoils occurring within the site.

ASSESSMENT OF REPRESENTATION

This condition was attached to provide more certainty as to the agricultural potential of that portion of land subject to the proposed sand extraction activity.

The applicant has provided sufficient additional information about the soil structure to demonstrate that the site, although identified as Good Quality Agricultural Land, has limited agricultural potential being Agricultural Land Class B (Limited Crop Land). Furthermore, the Minister for Local Government and Planning deemed that *State Planning Policy 1/92 - Development and the Conservation of Agricultural Land* was appropriately reflected in council's planning scheme. The scheme also shows that the site as a potential extractive industry resource.

The Caloundra City Plan 2004 specifically identifies part of Lot 2 RP55330 as land subject to Extractive Resource Areas Overlay. This is shown on the Mary-River Conondale Planning Area Map MRC2 as Land Subject to Extractive Resource Areas Overlay (Resource and Separation Areas) and as an Extractive Resources Area on Map Desired Environmental Outcome 1.2 – Natural Economic Resources. Part of Lot 2 RP55330 is also identified on Map 7.4 – Extractive Resource Areas and Separation Areas as an Extractive Resource Separation Area. It is not shown as an Extractive Resource Area on this plan. However, it is believed that the intent of this mapping is that this is an Extractive Resource Area.

It appears that the proposed extraction area is within the separation area and also beyond the separation area identified on the above-mentioned plans. However, given the close proximity of the operation to these areas, and that the extraction avoids the watercourse of the Mary River and achieves satisfactory compliance with the Extractive Industry Code, it is reasonable to support the extent of the operation as proposed. It is clear that the intention of the Caloundra City Plan was that this could be used or protected for extractive purposes.

As the site is also identified for extractive purposes and the land has limited crop potential, it is reasonable to expect that it be developed for extractive purposes rather than agricultural pursuits.

Recommendation

That condition 6 be deleted and that the request for a negotiated decision notice be approved and that a full development permit be issued for proposed extractive industry.

Flood Emergency Management Plan

Preparation of a Flood Emergency Management Plan was not a condition of the preliminary approval but preparation of the plan was going to be conditioned as part of any approval.

ASSESSMENT OF REPRESENTATION

As expected, the Flood Emergency Management Plan has been able to demonstrate that that the risks from flooding of the site and access to the site can be adequately managed

when the procedures detailed in the Flood Emergency Management Plan are followed. The submitted Flood Emergency Management Plan has been assessed as being suitable.

Recommendation

Condition 7 is recommended which requires the development to be operated in accordance with the Flood Emergency Management Plan and any updates of this plan as required by the plan.

CONSULTATION**IDAS Referral Agencies**

The application was referred to the following IDAS referral agencies:

Concurrence**DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT**

- Environmentally Relevant Activity Number 16 (Extractive and Screening Activities) is controlled by the Department of Environment and Resource Management.
 - Environmentally Relevant Activity Number 16 – Extractive and Screening Activities, Threshold (2) (b) – extracting other by dredging, in a year, more than 5,000 tonnes to 100,000 tonnes of material.
 - Environmentally Relevant Activity Number 16 – Extractive and Screening Activities, Threshold (3) (b) – screening, in a year, more than 100,000 tonnes to 1,000,000 tonnes of material.

The department responded by letter dated 4 February 2011, approving the Environmentally Relevant activities with conditions.

In summary the department's response contained extensive conditions which deal with area of extraction, limits of operations, operating hours, noise, dust, nuisance, water quality, land rehabilitation, auditing of use to mention a few. Refer to Attachment 4.

DEPARTMENT OF TRANSPORT AND MAIN ROADS

The Department of Transport and Main Roads is triggered as the development is adjacent to a main road being the Maleny-Kenilworth Road. Refer to Attachment 3.

The department responded by letter dated 21 September 2010, stating that it supports the development with conditions of approval.

In summary the department's conditions contain the following requirements:

- single access from the Maleny-Kenilworth Road to be maintained in the existing location;
- the road access location is approved for an annual extraction up to but not exceeding 150,000 tonnes per annum;

- the applicant is to provide the department with Annual Extraction Certificates issued under licence by the Department of Environment and Resource Management for the purposed of verifying compliance;
- the Maleny-Kenilworth Road at the permitted access point is to be upgraded to allow basic left and right turn treatments, achieve relevant sight distances with all works for a 110km/h design speed to suit the current posted speed of 100km/h;
- the applicant must pay a one off, non-refundable payment of \$36,801 to the Department of Transport and Main Roads to offset the expected increased routine maintenance costs on the Maleny-Kenilworth Road over the first 10 years of the proposed use. The department may require a further payment to offset any expected additional increase in routine maintenance costs for extraction exceeding 150,000 tonnes per annum;
- the applicant must ensure that the management of stormwater flows associated with the proposed development do not impact on the Maleny-Kenilworth Road or adversely impact on stormwater quality; and
- the applicant must ensure that no dust and/or debris adversely impacts on the Maleny-Kenilworth Road.

Advice

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

Department of Environment and Resource Management is triggered as the proposed extraction areas is adjacent to a wetland.

The Department responded by letter dated 4 February 2011 providing advice on wetland issues.

Internal Referrals

The application was forwarded to the following council Branch:

- Engineering and Environment Assessment Branch - Civil Engineering, Environment and Landscape, Hydraulics and Water Quality.

Their assessment forms part of this report.

CONCLUSION

The applicant has provided specialist reports which include a Geomorphic Report and a Hydrology Report which provide the outstanding documentation required by council. These reports and their recommended mitigation measures have been assessed and it is recommended that a full development for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities) be issued subject to reasonable and relevant conditions.

APPENDIX A - CONDITIONS OF APPROVAL**1. APPLICATION DETAILS**

Application No:	2010/610004
Street Address:	545 Eastern Mary River Road, 2084 & 2316 Maleny-Kenilworth Road, Conondale
Real Property Description:	Lots 1 & 2 RP55330 & Lot 1 RP55331
Planning Scheme:	Caloundra City Plan 2004

2. DECISION DETAILS

Council on 15 June 2011 decided to issue the following type of approval

Preliminary Approval for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities).

In relation to the representations, Council decided to:

- (a) agree to delete Conditions 1 – 6, and
- (b) issue a Negotiated Decision Notice – Development Permit for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities).

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

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

PLANNING

1. The use of the premises for the purpose of “extractive industry” shall at all times accord with the criteria set out within the “extractive industry” definition in Part 3 of the Caloundra City Plan 2004.
2. The site is to be developed generally in accordance with the approved staging plans (except where varied by conditions of approval).
3. The extraction is to be limited to the area contained by a metes and bounds survey to be lodged with Council prior to any extraction activity occurring on the site.
4. No screening or processing of excavated material is to occur on Lots 1 & 2 RP55330.
5. Extraction and processing activities shall be screened from view from the Maleny-Kenilworth Road by natural features and landscaping associated with the rehabilitation works process.
6. Public signage (to warn of operations and safety hazards) is to be provided to all boundaries of the extractive site.

HYDROLOGY AND HYDRAULICS

7. The development shall be operated in accordance with the *Flood Emergency Management Plan* listed in this Decision Notice and any updates of this plan as required by the plan.
8. Cell 10 is not approved for sand extraction. Cell 10 shall be incorporated into the adjacent buffer to the high bank of the Mary River.
9. Within 6 months of extraction commencing in Cell 1 and prior to re-vegetation works commencing within the "Revegetation Area" the steep and eroding sections of the eastern bank of the Mary River shall be stabilised. The bank stabilisation measures shall be designed and constructed under the supervision of a suitably qualified Registered Professional Engineer Queensland or geomorphologist and shall be in accordance with the document titled *Guideline – Activities in a watercourse, lake or spring carried out by a landowner* (Department of Environment and Resource Management, 11/05/2011). In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for the bank stabilisation measures. The bank stabilisation measures shall be maintained by the operator for the life of the development.
10. The three defined channels that convey flood flow into the excavation pit during a 100 year ARI flood event shall be rock lined. The rock lined channels shall be designed by a suitably qualified Registered Professional Engineer Queensland. The rock lined channel designs will:
 - (a) Involve the placement of a rock at the transition from the floodplain surface into the excavation pit;
 - (b) Involve the placement of a rock over the full width of the flood channels;
 - (c) Require minimum D50 of 300mm rock;
 - (d) Incorporate a rock crest into the channel design at the upstream extent;
 - (e) Incorporate rock that is hard, durable and angular in shape, free from cracks, overburden, shale and organic matter; and
 - (f) Require that the finished channel be fully keyed into the surrounding surface and not left proud of the surrounding surface level.In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for the rock lined channels. Each channel shall be constructed within 6 months following commencement of extraction in the adjacent extraction cell. For example the channel adjacent to Cell 1 shall be constructed within 6 months following commencement of extraction in Cell 1.
11. A rock armoured spillway shall be constructed at the north east corner of the largest extraction pit (adjacent to Cell 6). The rock lined spillway shall be designed by a suitably qualified Registered Professional Engineer Queensland incorporating many of the design elements identified for the rock lined channels. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for the rock armoured spillway. The spillway shall be constructed within 6 months following commencement of extraction in Cell 6.
12. From the commencement of use and until the site is fully rehabilitated in accordance with the *Revised Rehabilitation Management Plan* as amended by this Decision Notice, the high bank of the Mary River and top of batter of the extraction pit must be surveyed at intervals not exceeding two years and within 6 months of a significant flow event (see below). Survey of the high bank of the Mary River and the top of batter of the extraction pit must be kept and made available to Council Officers upon request. A significant flow event is defined as a 1 in 10 year ARI event which shall be deemed to have occurred when the Bellbird Gauge records a peak flow of 1800m³/s or greater.

13. Within 1 week of receiving survey information showing that the high bank of the Mary River has migrated towards the approved extraction area or if the operator of the site becomes aware that the high bank of the Mary River has migrated towards the approved extraction area, the operator of the site shall inform Council and arrange for Council's delegate to inspect the site. If the high bank of the Mary River is found to have migrated to less than 40m from the outermost point of the extraction area, then the extraction from the extraction area must cease until a 40m wide buffer is restored. Restoration of the buffer shall include restoration of the 40m wide buffer and restoration of the batter profile in accordance with Figure 3 of the 'Revised Rehabilitation Management Plan'. Another inspection with Council's delegate shall be arranged to confirm that the buffer has been restored in accordance with this condition of approval prior to extraction from the extraction area recommencing.
14. Within 6 months of receiving survey information showing that the high bank of the Mary River has migrated towards the approved extraction area or if the operator of the site becomes aware that the high bank of the Mary River has migrated towards the approved extraction area, the operator of the site shall submit to Council and have endorsed by Council's delegate a report prepared by a suitably qualified Registered Professional Engineer Queensland or geomorphologist recommending appropriate mitigation measures. All of the mitigation measures recommended in the report shall be implemented on site.
15. The depth of the extraction pits shall be limited to the following:
 - (a) 112m AHD at the southern end of the extraction area grading to 111m AHD at the northern end of the extraction area;
 - (b) 10m below the existing ground surface; and
 - (c) Above the groundwater table.

ENVIRONMENT

Buffer and Rehabilitation Area

16. Prior to the commencement of the use, submit a revised Rehabilitation Management Plan to Council's delegate for endorsement. The revised Rehabilitation Management Plan is to replace the Rehabilitation Management Plan, December 2010, Doc. Ref. 11117_031_V2, prepared by Groundwork Plus. The revised Rehabilitation Management Plan is to incorporate the changes required by conditions 17 to 25 inclusive of this decision notice and the recommendations of the Conondale *Extractive Industry Mary River Investigation*, prepared by Water Technology Pty Ltd, Ref No. J2005-01R02V02a.docx, dated 16 November 2011.
17. Revegetation works to the two extraction lake banks and the associated 40 to 60 metre wide buffers are to be undertaken in accordance with the revised Rehabilitation Management Plan.
18. A 4 metre wide maintenance access track is to be provided throughout the entire length of the 40 to 60 metre wide buffers, the balance length and width of the 40 to 60 metre buffers are to be completely revegetated.
19. The 40 to 60 metre buffers length and width are to be revegetated utilizing the following species:-

Trees	Spacings
Callistemon viminalis	3 metres
Melaleuca bracteata	3 metres
Casuarina cunninghamiana	5 metres
Eucalyptus Tereticornis	10 metres
Grevillea robusta	10 metres
Acacia melanoxylon	5 metres

Trees	Spacings
Ficus corinata	3 metres
Glochidion ferdinandii	5 metres

Shrubs	Spacings
Lomandra longifolia	1 to 1.5 metres
Dianella caerulea	900 millimetres

- The average planting density throughout the buffer is to be one plant for every 1.5m²
20. Prior to the commencement of each sand extraction cell all revegetation works within the adjoining 40 to 60 metre wide buffer are to be completed. Pre-start and completion site meetings are to be held with Council's delegate in respect to all revegetation works i.e. each sand extraction cell associated buffer plantings.
21. The "undisturbed drainage and wetland area" located between the two sand extraction areas is to be rehabilitated to match as closely as possible the representative species and densities which occur within Regional Ecosystem 12.3.7, e.g.:
- (a) Eucalyptus tereticornis;
 - (b) Callistemon viminalis;
 - (c) Melaleuca bracteata;
 - (d) Casuarina cunninghamiana;
 - (e) Acacia maidenii;
 - (f) Acacia melanoxylon;
 - (g) Lomandra Lonifolia;
 - (h) Lomandra Hystrix (lower gully lines);
 - (i) Dianella coerulea; and
 - (j) Associated sedges spp.

- The average planting density throughout this drainage and wetland area is to be one plant for every square metre. These revegetation works are to be completed prior to the commencement of works associated with the first sand extraction cell, and are to be maintained for the life of this development (sand extraction works) in accordance with ecological/revegetation industry best practice. Pre-state and completion site meetings are to be held with Council's delegate in respect to these works.
22. All revegetation and rehabilitation works are subject to a maintenance period for the life of the extraction works plus a 12 month maintenance period following the completion of all extraction works. Prior to the commencement of sand extraction works a revegetation/rehabilitation and maintenance bond (cash or unconditional bank guarantee) equal to 1.5 times the cost of the revegetation/rehabilitation works must be lodged with Council to guarantee performance with regard to those requirements.
23. Submerged and emergent clumps of logs (aquatic habitat zone) are to be located at regular and suitable locations throughout the lakes. These clumps of logs are to be of sufficient size to provide habitat for aquatic animals, sunning spots for turtles and perches for wetland/water birds. The number and extent of these aquatic habitat zones shall be determined by a recognised freshwater ecologist and placed progressively as each lake cell is completed.
24. Prior to the sand extraction commencing a certificate from Council's delegate is to be provided stating that declared plants pursuant to the *Land Protection Pest and Stock*

Route Management Act 2002 (as amended) have been satisfactorily managed/removed in accordance with the provisions of this Act, from the whole of the land subject to this development approval. In addition, those environmental weeds as listed in the Caloundra City Plan 2004, Landscaping Code are to be removed.

25. All revegetation works as specified in the conditions included in this development approval are to be maintained for the life of this development (sand extraction works) in accordance with ecological/revegetation industry best practice.

Revegetation Area

26. The Revegetation Area as identified on Groundwork Plus, Development Proposal Report, Site Layout Plan ,Drawing Number 1117.045 dated 15 November 2011 is to be revegetated utilizing the following species:-

RIVER FLAT	Spacing's
Callistemon viminalis	5 metres
Casuarina cunninghamiana	6 metres
Eucalyptus tereticornis	10 metres
Leptospermum brachyandrum	5 metres
Lomandra longifolia	1 to 1.5 meters
Lophostemon suaveolens	5 metres
Melaleuca bracteata	6 metres

LOWERBANK/TOE OF BANK	Spacing's
Angophora subvelutina	10 metres
Castanospermum australe	8 metres
Callistemon viminalis	5 metres
Casuarina cunninghamiana	6 metres
Cupaniopsis parvifolia	5 metres
Dianella longifolia	900 millimetres
Eucalyptus tereticornis	10 metres
Glochidion ferdinandi	5 metres
Grevillea robusta	10 metres
Lomandra longifolia	1 to 1.5 metres
Lophostemon suaveolens	5 metres
Melaleuca bracteata	6 metres
Tristaniopsis laurina	5 metres
Toona ciliata	8 metres

MIDBANK TO TOP OF BANK	Spacing's
Acacia maidenii	5 metres
Alphitonia excelsa	5 metres
Angophora subvelutina	10 metres
Bursaria spinosa	2 metres
Cissus Antarctica	4 metres
Clerodendrum floribundum	3 metres
Corymbia intermedia	10 metres
Corymbia tessellaris	10 metres
Dodonaea triquetra	2 metres
Dianella longifolia	900 millimetres
Ehretia acuminata	5 metres
Eucalyptus tereticornis	10 metres
Ficus opposita	5 metres

MIDBANK TO TOP OF BANK	Spacing's
Glochidion ferdinandi	5 metres
Grevillea robusta	10 metres
Hibiscus heterophyllus	4metres
Lomandra longifolia	1 to 1,5 metres
Mallotus phillippensis	5 metres
Maclura cochinchinensis	4 metres
Melia azedarach	6 metres
Petalostigma triloculare	4 metres

27. The average planting density throughout the Revegetation Area is to be one plant every 1.5m², with the plantings on the River flats dominated with Lomandra longifolia at 1 to 1.5 spacings, Eucalyptus tereticornis at 10 metre spacings, Casuarina cunninghamiana and Melaleuca bracteata at 6 metre spacings and Callistemon viminalis ,Leptospermum brachyandrum and Lophostemon suaveolens at 5 metre spacings.
28. All Revegetation Area Plantings as identified on Groundwork Plus Drawing Number1117.045 dated 15 November 2011 are to be completed prior to the completion of the first cell excavation.
29. All Revegetation Area Plantings as identified on Groundwork Plus Drawing Number 1117.045 dated 15 November 2011 are to be maintained for the life of this development (sand extraction works) in accordance with ecological/revegetation industry best practice.

ENVIRONMENT HEALTH

30. Hours of operation shall be limited to between 7am and 6pm Monday to Friday, 8am and 1pm on Saturdays with no operations on Sundays or Public Holidays.
31. Blasting methods of extraction are not permitted on site.

ENGINEERING

32. The alignment and level of any services above or below ground likely to be affected by the proposed development must be identified prior to construction work commencing. Any conflict between the development and an existing or proposed service must be referred to the relevant service authority for determination. Any damage incurred to a service must be repaired at the developer's cost to the satisfaction of the relevant service authority.

GENERAL

33. Unless otherwise stated, all of the conditions of this development approval are to be complied with prior to the use commencing on the site.

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency and Address
Material change of use – Environmentally Relevant Activities	Concurrence	Department of Environment and Resource Management Ecoaccess Customer Service Unit PO Box 15155 CITY EAST QLD 4002

Referral Trigger	Referral Status	Referral Agency and Address
Response	The agency provided its response on 4 February 2011 (Permit No. SPCE00590810). A copy of the response is attached, including any conditions the agency has for the development.	
State Controlled Road	Concurrence	Department of Transport & Main Roads P O Box 1600 Sunshine Plaza Post Shop Maroochydore QLD 4558
Response	The agency provided its response on 21 September 2010 (Reference No. Ref. NCR-8752). A copy of the response is attached, including any conditions the agency has for the development.	
Wetland	Advice	Department of Environment and Resource Management Ecoaccess Customer Service Unit PO Box 15155 CITY EAST QLD 4002
Response	The agency provided its response on 4 February 2011 (Reference No. IC0610NAM0010_SC14174_433854).	

6. APPROVED PLANS

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

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
1117.045		<i>Site Layout Plan</i> , prepared by Groundwork Plus	15/11/2011
Amendments	Amendment to plan to remove Cell 10 as per Condition 8 of this approval. Amendment to plan to show the "undisturbed drainage and wetland area" located between the two sand extraction areas and annotated as "Current Extent of Drainage and Wetland to be Maintained" as revegetation area. This area starts from the southern boundary of Cell 1 and Cell 14 and extends to the sites northern boundary.		
Drawing Number 1117.041	-	Figure 3 – Lake Batter Rehabilitation Profile, prepared by Groundwork Plus	16 December 2010
Amendments	Amendment to plan to reflect the requirement of Condition 18 of this approval.		
Drawing Number 1117.038	-	Figure 2 – Rehabilitation Plan, prepared by Groundwork Plus	30 November 2010,

Plan No.	Rev.	Plan Name	Date
Amendments		Amendment to plan to show the Revegetation Area below the High Bank of the Mary River.	

7. REFERENCED DOCUMENTS

Referenced Documents

Document No.	Rev.	Document Name	Date
2005R02R01_FEMP.docx	1	<i>Flood Emergency Management Plan – Extraction Site - Conondale</i> , prepared by Water Technology Pty Ltd	16/11/2011
J2005-01R02V02a.docx	V02a	<i>Conondale Extractive Industry Mary River Geomorphology Investigation</i> , prepared by Water Technology Pty Ltd	16/11/2011
File Ref.1117_031)	v2	Revised Rehabilitation Management Plan prepared by Shane Stuart, Groundwork Plus	December 2010
Amendments		Revise Rehabilitation Management Plan to reflect condition 16 of this decision notice.	

8. ADVISORY NOTES

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

1. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
2. Environmental harm is defined by the Act as any adverse affect, or potential adverse affect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.
3. Due regard should be given to the design and location of noise emitting fixed plant and equipment and any acoustic treatment that may be required. It is advised that an appropriately qualified acoustic consultant be involved with the selection and installation of such equipment. A qualified acoustic consultant can give advice on how to best locate and design the equipment such that it can meet statutory noise or planning requirements.
4. In accordance with the *Public Health Act 2005*, rainwater tanks must be constructed with mosquito proof screens (made from either brass, copper, aluminium or stainless steel), and constructed with a mesh size of no more than 1mm, and must be installed

in a way that does not accelerate corrosion. Tanks that contain flap valves must be installed so that when closed, mosquitoes cannot pass through the valve. It is unlawful under the *Public Health Act 2005* to construct, install or be in possession of a tank that does not comply with these requirements.

Equitable Access and Facilities

5. 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).

The 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

6. 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*.

7. Prior to the use and works commencing on-site, separate application for a Development Permit for Operational Works will be required to be submitted and approved.

9. PROPERTY NOTES

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

To apply to Lots 1 & 2 RP55330

1. Revegetation works (buffer, wetland and bank and floodplain revegetation areas) associated with the sand extraction works are to be maintained in accordance with the conditions of Development Decision Notice File Reference 2010/610004.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Civil and Landscaping)

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 81 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

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

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

16. OTHER DETAILS

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

This page has been intentionally left blank.

4.2.4 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ENTERTAINMENT AND DINING BUSINESS AND MODIFICATIONS TO EXISTING SERVICE STATION, 66 NOOSA DRIVE, NOOSA HEADS

File No: 09/1335
Author/Presenter: Coordinator, Planning Applications (North), Planning Assessment
 Senior Development Planner, Planning Assessment
Appendix: App A – Conditions of Approval (SPC Pg 114)
Attachment: [Att 1 - Revised Site and Elevation Plans](#) (SPC Att Pg 133)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Cobus Forbes International Pty Ltd
Proposal	Entertainment & Dining Business Type 1 Restaurant (Hungry Jacks) and Service Station
Properly Made Date:	5 October 2009
Information Request Date:	2 November 2009
Information Response Received Date:	23 June 2011
Decision Due Date	16 September 2011
Number of Submissions:	30 (Not properly made)
PROPERTY DETAILS	
Division:	11
Property Address:	66 Noosa Dr NOOSA HEADS
RP Description:	Lot 3 RP 129637
Land Area:	1295m ²
Existing Use of Land:	Service Station (Mobil) and Car Hire Premises (Thrifty)
STATUTORY DETAILS	
SEQRP Designation:	Urban Footprint
Planning Scheme	The Noosa Plan (11 May 2009)
Strategic Plan Designation:	N/A
Planning Area / Locality:	Noosa Heads
Planning Precinct / Zone:	Business Centre
Assessment Type:	Code

PURPOSE

The purpose of this report is to seek council's determination of an application for a new fast food restaurant, together with modifications to an existing service station on the same site, at 66 Noosa Drive, Noosa Junction. The application is before council at the request of the divisional councillor.

EXECUTIVE SUMMARY

The applicant seeks approval to establish a 24 hour fast food restaurant (Hungry Jacks) and drive-through facility, in addition to undertaking modifications to an existing service station at 66 Noosa Drive, Noosa Junction.

The proposed fast food restaurant is identified as a consistent, code assessable use for the site, being part of the Noosa Junction business centre. The use, although generating some concerns from the public, will serve the local community and visitors to the area and is compatible with the other retail, commercial, community and entertainment and dining businesses in Noosa Junction.

The proposal has also demonstrated, through odour and acoustic reports that the use can operate on the site without impacting adversely on surrounding uses, including nearby residents. However, the noise report does not address the proposed 24 hour operation with regard to the potential for people to loiter and create significant noise disturbance in the area. Accordingly, the hours of operation are recommended to be limited to 5am to midnight consistent with other restaurants operating in the area and the planning scheme requirement to preserve the low key nature of Noosa Junction.

The application, although code assessable, has attracted significant public interest, with 30 'not properly made' submissions objecting to the development received. The concerns raised by submitters primarily relate to potential impacts from a fast food type use, such as location, noise, odour and hours of operation. Given the use is identified as consistent for the business centre, these issues do not present sufficient grounds for refusal as the concerns can partly be addressed through conditions.

While it is recognised that the triangular shape of the site and the proposal to retain the existing building (including service station), coupled with proposed extensions to accommodate a Hungry Jacks, has presented difficulties associated with the redevelopment of the site, concern remains with the number and width of driveways on the site and their impact on the reduced landscaping opportunities and pedestrian safety across the site's frontage. The Noosa Plan and Noosa Junction master plan seek a 'green streetscape' and, therefore, further design changes and the provision of streetscape works are considered necessary to address these concerns to ensure the proposal is compatible with the existing streetscape. For this reason, only a preliminary approval is recommended.

OFFICER RECOMMENDATION

That Council APPROVE WITH CONDITIONS Application No. 132009.1335 for a Preliminary Approval for Entertainment and Dining Business – Type 1 Restaurant and modifications to an existing service station situated at 66 Noosa Drive, Noosa, in accordance with Appendix A.

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Infrastructure Policy Branch has provided the following estimate of the infrastructure charges required by this development.

Allocation of Adopted Infrastructure Charge to Trunk Infrastructure Networks	Total
Transport	\$9,095.00
Public Parks and Land for Community Facilities	\$225.00
Stormwater (applicable to residential development)	-
TOTAL	\$9,295.00

PROPOSAL

The application seeks approval for a Material Change of Use for a fast food premises (Hungry Jacks) restaurant on the site. The application also makes modifications to the existing approved service station on the site.

The applicant seeks to utilise the existing double storey building on the site, with some modifications to accommodate the existing Mobil service station shop and bowzers and a new 24 hour Hungry Jacks Restaurant. Both uses are proposed over the 2 floor levels, with a drive-through facility also proposed for the restaurant.

A total of 12 car parking spaces are proposed on the site. Of these, 9 car parking spaces are provided at basement level, with 3 spaces (including a disabled space) proposed at the ground/podium level. In addition, 3 car parking spaces are proposed on-street adjoining existing car parking in this location. A loading bay is proposed at the front of the site.

SITE DETAILS

Background/Site History

The site is currently used as a service station and for vehicle hire. It also contains a caretaker's residence.

Site Description

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

The site is triangular in shape. The land is relatively flat adjacent to its Noosa Drive frontage but falls away to the north west rear corner of the site.

The site is currently occupied by 2 buildings including a double storey building with a large canopy awning used as a Mobil service station shop and bowzers. Thrifty Car Rental occupies the single storey building located in the south western corner of the site.



Surrounding Land Uses

The 'J' community centre adjoins the site's north-eastern boundary. Pauls milk factory and commercial offices adjoin the site's south western boundary. Opposite the site in Noosa Drive is a Post Office and 7 Eleven and homewares shops.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Integrated Planning Act 1997* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies;
- the South East Queensland Regional Plan;
- State Planning Regulatory Provisions;
- any Structure Plan or Master Plan in place for declared areas;
- any Preliminary Approval Overriding the Planning Scheme for the land;
- the Planning Scheme for the local government area; and
- any Temporary Local Planning Instrument in place for the local government area.

Of these, the statutory planning instruments relevant to this application are discussed in the sections that follow.

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policy is applicable to this application:

- State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils;

State Planning Policy 2/02 has been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, does not warrant a separate assessment.

South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposal is for an urban use within the Urban Footprint. The proposed development is consistent with the Desired Regional Outcomes of the SEQ Regional Plan for the Urban Footprint.

State Planning Regulatory Provisions

For the purpose of the *Integrated Planning Act 1997*, the regulatory provisions contained within the SEQ Regional Plan are defined as State Planning Regulatory Provisions. These regulations are not applicable to the site.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is The Noosa Plan (11 May 2009). The following sections relate to the provisions of the Planning Scheme.

Local Area Provisions

The subject site is located in the Business Centre Zone of the Noosa Heads Locality. The proposed Entertainment and Dining Business – Type 1 Restaurant is identified as a consistent use in the zone and is required to follow a code assessable application process.

The proposed use is consistent with the Overall Outcomes for the Business Centre. The Business Centre is intended to accommodate retail, commercial and entertainment and dining businesses and community uses. Development is required to maintain the amenity, vitality and character of Noosa Junction commercial strip by preserving its low key and low density nature.

The proposal for a 24 hour operation is not consistent with the requirement to preserve the low key nature of Noosa Junction where the character of the area is that very few businesses operate past midnight. Businesses which continue to operate after midnight are generally limited to the Noosa 5 Cinemas in certain circumstances, the 'J', and the Sogo Bar (formally Irish Murphy's) and the Noosa Reef Hotel – the latter 2 have liquor licences until 2am and 3am respectively. The only other business in Noosa Junction which is known to operate late is the 7 Eleven located on the opposite side of Noosa Drive from the site which operates 24 hours.

In terms of the proposed 24 hour operation, the use itself does not raise any acoustic or odour impacts. The concern is the proposed 24 hour operation is likely to encourage the site to be used as a 'loitering place' for party revellers following the late night closure times of 'night club' businesses in the vicinity. Persons loitering could be under the influence of

alcohol and may, at times, exhibit undesirable behaviour, thus negatively impacting the amenity of residents and visitors.

It is, therefore, considered reasonable to condition the operating hours of the restaurant and drive-through as 5am to 12 midnight. The closure of the fast food premises at 12 midnight would be consistent with the closing times of other restaurants in the vicinity and would discourage persons from loitering at the site following the closure of nearby 'night clubs'. Accordingly, these hours would preserve the low key character of Noosa Junction and respond to the site's proximity to nearby residents. Notably, these operating hours are consistent with the current operating hours of McDonalds at Noosaville, apart from the drive thru which operates 24 hours.

Land Use and Works Provisions

The following codes which regulate land use and design are applicable to this application:

- Business Uses Code;
- Driveways and Car Parking Code; and
- Landscaping Code.

The application has been assessed against each of the above applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below.

Code	Discussion
Business Uses Code	<p>Odour and noise reports submitted with the application demonstrate the proposal can comply with relevant acceptable limits.</p> <p>The odour report identifies that cooking odours associated with the use can be maintained within acceptable limits through appropriately designed cooking exhaust systems and maintenance. Similarly, refuse odours can be managed by having roofed bin enclosures, covered bins and regular collection and cleaning schedules.</p> <p>The noise reports consider varying and steady noise sources of Hungry Jacks at the closest residence/future residence during the daytime, evening and night time periods. Noise sources generally comply, with the exception of a delivery truck where noise levels slightly exceed (1db) noise levels during the night time period. As this is minor in that the noise would not be discernible to the human ear and the fact that the site does not directly adjoin residential land, there is no need to restrict delivery times. Notably, the noise report does not address the issues of the uses potential for people to loiter which can lead to greater noise disturbances as discussed previously.</p> <p>The code seeks that loading areas be located to the rear of the site. Due to the drive-through on site and basement car park this is not achievable. Although the loading bay is located at the front of the site, it is not considered to adversely affect the streetscape.</p>
Driveways and Car Parking Code	<p>The proposal incorporates 3 driveway crossovers, being 3.5m, 6m and 10m in width. The number and width of driveways impacts on pedestrian safety as there are multiple conflict points along the site's frontage. In addition, currently there is a pedestrian refuge in front of the site providing a connection with the crossing across Noosa Drive.</p>

Code	Discussion
	<p>The proposed design removes this refuge and thus compromises pedestrian safety.</p> <p>A reduction in the 10m driveway crossover will allow for increased opportunities for pedestrian safety by allowing for a larger pedestrian refuge between driveways and further, incorporate a refuge to align with the crossing across Noosa Drive. The number and width of driveways also impacts on landscaping opportunities for the site and this could be slightly improved with the reduction of the 10m driveway cross-over. However, the road pavement in front of the site is quite large such that there is opportunity for the on street parking to be moved closer to the traffic lane. This would provide a greater area of road reserve in front of the site that could be landscaped in accordance with the Noosa Junction master plan. Conditions are recommended.</p> <p>Hungry Jacks generates a car parking requirement of 8 spaces while the service station requires a minimum of 5 spaces. The proposal illustrates provision for 12 spaces on site. In addition, 4 motorcycle spaces are proposed, which in accordance with Council's Planning Scheme Policy PSP26, is equivalent to 1 car parking space, thus the proposal complies with car parking requirements. Notably, the 3 car parking spaces proposed for the road reserve in front of the site are surplus to the number of spaces required for the development.</p> <p>The two existing eastern fuel bowsers will need to be removed to allow for vehicle manoeuvring to be achieved to the disabled space with all bowsers occupied. Conditions are recommended.</p>
Landscaping Code	<p>The proposal complies with minimum landscape area requirements of 10% site area. In this regard, 12% of the site is identified for landscaping purposes, with 9% of these areas accommodating soft landscaping and 3% hard landscaping, but the proposed landscaping does not provide a significant improvement on the existing situation.</p> <p>The proposal does not meet the required minimum 2m landscape width to the site's frontage. It is recognised that the development is constrained by its utilisation of existing buildings (i.e. canopies), but the proposed multiple wide driveways and parking (disabled) spaces only afford opportunity for a 1m landscape width (in 3 segments) to only half (approx 25m) of the site's frontage.</p> <p>As the "J" on the adjoining site provides for a landscape setback between buildings/carpark and the road, the proposal does not provide opportunities to complement the existing streetscape appearance of Noosa Drive.</p> <p>Further, Noosa Drive is identified under the Noosa Junction Master Plan as a 'green streetscape'. In accordance with the intent of the master plan, it is reasonable for the applicant to undertake additional landscaping in the road reserve verge to supplement existing landscape areas on site and address the reduced landscaping opportunities to the front of the site as a result of multiple wide driveways. Conditions are recommended.</p>

Overlay Provisions

The Natural Hazards Overlay is applicable to this application in regard to acid sulphate soils. The provisions relating to this Overlay are contained within the Natural Hazards Overlay Code. The application has been assessed against this Overlay code and found to be compliant with the code as the proposal will not involve more than 300m² of excavation works.

Other Matters for Consideration

Sunshine Coast Council Policy Framework - Strategies

The proposed development has not been assessed against the Strategies for the following reasons:

- it is not a Section 242 Application Overriding the Planning Scheme to create a planning assessment framework fundamentally different from that which currently exists;
- the planning impacts of the proposal are not of regional significance; and
- it is not a use which is so unusual, unknown and/or un contemplated in nature that it warrants a wider assessment.

Economic Implications

Noosa Heads falls within the Noosa (S) – Noosa-Noosaville Statistical Local Area. According to the Small Area Labour Market Series produced by the Federal Department of Education, Employment and Workplace Relations, the smoothed unemployment rate for the area for the June 2011 Quarter was 6.0%. This is marginally favourable compared to 6.1% for the Sunshine Coast region generally and is higher than the unemployment rate of 5.5% for Queensland for the same period.

The applicant has advised the business will provide employment for up to 60 people.

The Economic Development Branch has examined matters relevant to this application in the context of the *Noosa Plan 2006*, Council's *Corporate Plan 2009-2014* and Council's *Economic Development Strategy 2010-2014*.

In this context, the economic development Branch has no objection to the application and notes that, in the context of Council's Corporate Plan and Economic Development Strategy - the development will:

- potentially grow local employment opportunities in an area experiencing high levels of unemployment compared with State and national averages; and
- potentially provide a further avenue of part-time and casual employment in the 15-24 age cohort, although it is noted the region already has a significantly higher proportion of its employed labour force in this age demographic (compared with State and national averages) engaged in part-time and casual employment.

It is noted that, in the context of Council's Economic Development Strategy 2010-2014, it is unlikely this development will lead to a broadening of the economic base for the region, given that it will primarily generate direct employment in the Accommodation and Food Service industry which constitutes the single largest employment sector in the Noosa (S) – Noosa-Noosaville Statistical Local Area. This sector accounts for 19.2% of employment in this area compared with a rate of 9.3% for same sector for the Sunshine Coast region (as an

aggregate) and 7.0% for the State. This is illustrative of the profile of the area as a recognised national and international tourism destination and the entrenched dependency of this area on the performance of that industry and the success of destination marketing strategies.

However, this alone does not provide a policy rationale that would warrant refusal of the application on economic grounds, as council is equally committed to fostering growth in the 3 main sectors of the regional economy – tourism, retail and construction.

Traffic and Transport

A traffic island splits directional traffic lanes on Noosa Drive in front of the site. While that part of Noosa Drive in front of the site is not identified as a designated bus route, the site is 420 metres from bus stops further north on Noosa Drive and south east on David Low Way. Pathways along Noosa Drive form part of council's trunk network infrastructure.

CONSULTATION

IDAS Referral Agencies

The application did not trigger referral to any of the IDAS referral agencies.

Other Referrals

Unitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

Internal Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Civil Engineering Unit, Engineering and Environment Assessment Branch;
- Environment and Landscape Unit, Engineering and Environment Assessment Branch; and
- Traffic Engineer, Engineering and Environment Assessment Branch.

Public Notification

As the application is Code Assessable, public notification was not required. Notwithstanding, 30 'not properly made' submissions were received.

The following table provides a summary and comment on the issues raised by submitters.

Issues	Comments
Hours of operation –24 hour operation	It is considered appropriate to restrict the operating hours to 5am to 12 midnight to minimise disturbance to the amenity of the area.
Traffic and parking - Inadequate parking, queuing onto Noosa Drive and increased traffic impacts on Noosa Drive and nearby residential streets	Sufficient car parking has been provided for the uses on site. There are not considered to be significant external traffic impacts of the proposed

Issues	Comments
	<p>development. A significant proportion of traffic utilising the proposed use is expected to be drop-in trips by traffic that would be passing the site in any case.</p> <p>The consolidated entrance provides sufficient space to contain any expected queues within the site. The queue length for the drive-through facility is generally in accordance with the standard guidelines.</p>
Noise Impacts – drive-through speakers, patron noise, hooning	A noise report has demonstrated that steady (mechanical plant etc) and variable noise (i.e. patrons, vehicles on site etc) can comply with acceptable limits over a 24 hour period. This is largely due to the separation distances involved, and the existing ambient noise environment.
Location - Proximity to residential area	While the site is located in proximity to residential areas, the use is appropriately located within a business centre zone. Noise, odour and traffic impacts from the use operating will not impact on residential areas.
Undesirable behaviour/Safety concerns - Congregations, littering, graffiti, vandalism and safety of customers and community during late night/early morning hours	The proposed hours of operation of the restaurant can be restricted to discourage persons loitering at the site. Inappropriate behaviour is a police matter.
Odour - Impacts from restaurant	An odour report submitted with the application demonstrates the use can comply with acceptable limits of AS1668 in relation to distances from existing and future residential dwellings.

CONCLUSION

The proposed use is generally supported, with the exception of the proposed 24 hour operating hours. In this respect, it is recommended that the operating hours of the fast food premises be restricted to close at midnight to ensure that amenity of Noosa Junction is preserved by minimising opportunities for people to loiter in the area. Further, such closing times are consistent with other restaurants in the area.

The proposal raises design issues relating to the number and width of driveway crossovers and their impact on landscaping opportunities and pedestrian safety across the site's frontage. On this basis, it is reasonable to grant only a Preliminary Approval until such time as these issues can be further addressed.

APPENDIX A - CONDITIONS OF APPROVAL**1. APPLICATION DETAILS**

Application No: 132009.1335
Street Address: 66 Noosa Dr NOOSA HEADS
Real Property Description: Lot 3 RP 129637
Planning Scheme: The Noosa Plan (11 May 2009)

2. DECISION DETAILS

The following type of approval has been issued:

- Preliminary Approval for Material Change of Use – Entertainment and Dining Business Type 1- Restaurant and modifications to existing Service Station.

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****General**

1. Prior to the issue of a Development Permit, amended plans shall be submitted to the satisfaction of Council which demonstrate compliance with the conditions of this Preliminary Approval including the following changes to the proposed layout:
 - (a) Additional landscaping opportunities shall be provided generally within the island between the 3.5m exit driveway and 10m entry driveway and in the road reserve in front of the site; and
 - (b) A pedestrian refuge shall be provided generally within the island between the 3.5m exit driveway and the adjoining property to align with the existing pedestrian crossing and refuge across Noosa Drive.
 - (c) The two western fuel bowsers are only permitted for the Service Station and the eastern fuel bowser shall be removed to facilitate vehicle manoeuvring.
 - (d) The existing on-street car parking spaces in Noosa Drive shall be relocated southward closer to the existing traffic lanes. The final location of the on-street car parking spaces (relocated and new) must be generally in accordance with Council's Noosa Junction Master Plan and in accordance with AS 2890.5-1993. The redundant hardstand area of the current on-street car parking spaces must be removed and the area landscaped in accordance with Council's Noosa Junction Master Plan and Council's Planning Scheme Policy PSP3 – Landscaping Plants and Guidelines.
 - (e) A minimum of 6 bicycle spaces shall be provided at the front of the site and/or the road reserve verge in front of the site.
2. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in this Decision Notice and may be amended by these conditions.

3. Unless otherwise stated, all works required by the conditions of this Decision Notice must be completed prior to the use commencing and then maintained at all times while the use continues.
4. The development must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting nuisance or other emissions.
5. All goods are to be displayed on site within the property boundaries and/or on the premises approved for the use.
6. The premises are to be identified by the provision of a street number in a prominent location to ensure it is identifiable to all persons, particularly emergency services personnel.

Nature and Extent of Use

7. The approved use must not operate outside of the hours of :
 - (a) Fast Food Premises – 5am to 12 midnight Monday to Sunday; and
 - (b) Service Station – 5am to 12 midnight Monday to Sunday.
8. The hours of operation of the premises must be clearly displayed by signage on the building.

Building Height

9. The maximum height of the development must not exceed 3 storeys and 12 metres above natural ground level and finished floor level.
10. Certification must be submitted from a qualified person which certifies that the building does not exceed the maximum height requirement of this Decision Notice.

Building Appearance

11. The external basement walls and support and retaining walls to the drive-through shall incorporate decorative design treatments to improve its visual interest. A colour perspective plan shall be submitted to Council prior to obtaining a Development Permit for Operational Works.

End of Trip Facilities

12. Secure bicycle racks shall be provided generally in front of the site to accommodate a minimum of 6 bicycles. The proposed bicycle racks shall be identified on the landscaping plans and shall be located to the reasonable satisfaction of Council.
13. End of trip facilities shall be provided within the approved building (Hungry Jacks) at a minimum of 3 lockers, 1 shower and change room.

Advertising Signage

14. Signage shall comply with Council's policies on advertising devices. Any signage shown on the approved plans does not form part of this approval

Security Bond

15. Security in the form of a cash bond or trading bank guarantee to the sum of **\$30,000** must be submitted to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit.
16. The requirements of this development approval are to be effected prior to the use of the premises. Council reserves the right to call upon the bond or guaranteed sum referred to in this approval to effect compliance with conditions.

17. The developer must obtain all of the other Development Permits referred to in the Decision Notice prior to obtaining a Development Permit for Building Works.

CIVIL ENGINEERING

Vehicle Access

18. Vehicular access to and within the development must be constructed generally in accordance with drawing number SK8.02 Revision H prepared by WBP Architects dated 6 October 2011 or as amended by conditions of this approval. The access must include all necessary signage and linemarking including the proposed automated signage for the Lower Carparking area.
19. The driveways must be designed and constructed to Council's design standards and to grades that prevent vehicles from scraping and/or bottoming while also allowing pedestrians movements along the footpath without any step or level difference.
20. To ensure pedestrian safety between vehicles exiting the site and pedestrians on the footpath, the driveway and any associated fencing, signage or vegetation near the driveway must comply with the minimum sight line requirements as defined in AS 2890.1, section 3.2.4.
21. All vehicles must enter and leave the site in a forward direction.

Loading Areas

22. The Loading Bay as shown on drawing number SK8.02 Revision H prepared by WBP Architects dated 6 October 2011 must be suitable for a MRV and be suitably signed and linemarked. All signage and linemarking must be in accordance with the Queensland Transport and Mains Roads Manual of Uniform Traffic Control Devices (MUTCD).

Car Parking

Off Street

23. Carparking must be provided within the site generally as shown on drawing number SK8.02 Revision H prepared by WBP Architects dated 6 October 2011 and drawing number SK8.01 Revision H prepared by WBP Architects dated 18 October 2011, except as modified herein.
24. A minimum of 12 carpark spaces must be provided on site, including 1 clearly defined disabled carpark space.
25. The 2 car parking spaces off the drive-through shall be designated for staff parking only.
26. A minimum of 4 motorcycle/motor scooter spaces shall be provided in the basement carpark.
27. The carparking area must be designed and constructed to comply with the provisions of:
 - (a) AS/NZS 2890.1-2004 user class 1 for all staff car spaces;
 - (b) AS/NZS 2890.1-2004 user class 3A for all customer car spaces; and
 - (c) AS/NZS 2890.6-2009 for the disabled space.
28. All carparking must be kept, maintained and line-marked in a condition fit for use.

Frontage Works

29. Footpath improvements such as topsoiling, grassing, and tree planting are required to the Noosa Drive frontage of the site in accordance with Planning Scheme Policy PSP03 Landscaping Plants & Guidelines. Grass must be couch, free of weeds.

30. The new sections of footpath as shown on drawing number SK8.02 Revision H prepared by WBP Architects dated 6 October 2011 must be constructed as part of the development, as may be amended by the conditions of this Preliminary Approval. The paths crossing the "islands" must be at grade with no step up or down.
31. All redundant vehicular crossings to the site must be removed and replaced by kerb and channel, footpath paving and landscaping such as trees and grasses in accordance with Council's Standard specifications prior to commencement of the use permitted by this permit.

Roof Water & Stormwater Drainage

32. Roof runoff from any new building must be directed to a rainwater storage system or tank that is installed to ensure water from the rainwater storage system or tank is used for external uses (such as watering gardens, irrigation, ornamental ponds, water features, outdoor cleaning, etc) and for internal (ground floor) use in washing machine cold taps and toilet cisterns. All rainwater tanks are to be designed and installed in accordance with the Queensland Development Code (QDC) current at the time of building approval and must be part of the plumbing application for approval. The location and capacity of the tanks must be clearly shown on the plans submitted for Building Works and Operational Works approval and any overflow must be directed to the stormwater drainage system.
33. All stormwater drainage (including roof water overflow from the rainwater storage system) must be collected and discharged so there is no net increase in stormwater runoff from the site. Stormwater drainage permitted to drain from the site must be discharged to Council's existing drainage structures within the site and in Noosa Drive. Plans of the drainage design must be prepared by a Registered Professional Civil Engineer and submitted to Council prior to obtaining a Development Permit for Operational Works. The drainage design must demonstrate that the existing downstream drainage system has the capacity to cater for the runoff from the development. The maximum discharge of stormwater drainage allowable to Council's kerb and channel street drainage system at any one location is 25 litres/second
34. To ensure that polluted run-off does not enter Council's stormwater drainage system, stormwater run-off from the carparking areas and the driveways must have the first flush (the first 12 mm of rainfall or hose-down) collected in a grease/oil arrestor/gross pollutant trap provided on site prior to being permitted to discharge into Council's drainage system.
35. All other clean stormwater, such as roof water, can be collected on site and discharged through a single underground drain line directly into the existing drainage system, bypassing the grease/oil arrestor/gross pollutant trap.
36. To this end, a detailed maintenance plan must be prepared for the proposed grease/oil arrestors/gross pollutant trap, which must be submitted to the Council for approval prior to obtaining a Development Permit for Operational Works.
37. The approved maintenance plan must be incorporated in the ongoing maintenance plan for the development and a copy of this must be provided for Council's records prior to commencement of the approved Use.
38. A Development Permit for Building Works must not be granted until a Development Permit for Operational Works has been issued in regard to the drainage scheme.
39. All site stormwater drainage must be by means of a gravity system.

Service Easements (Stormwater)

40. A registered easement (volumetric) in favour of Council must be created over any stormwater drainage pipes within the site that collect stormwater from a Council road or convey stormwater from any adjoining property (for example, where drainage pipes are provided within the site to prevent adjacent properties from additional ponding/flooding due to the subject site being filled). The easement must:
- (a) Be limited in height to the underside of the structures of the ground floor level of the development;
 - (b) Be of sufficient depth to wholly encompass the existing service with sufficient allowance for reconstruction if required in the future; and
 - (c) Be of sufficient width to provide for maintenance access by Council.

Plans of the easement prepared by a Cadastral Surveyor detailing the width and height limitations of the easement must be submitted with the application for a Development Permit for Operational Works.

41. No building must be constructed to encroach within an easement.
42. Any building or structure within proximity of an easement or any other public utility's underground must have its foundations designed so that no surcharge loads are imposed upon such underground infrastructure. Foundations must be taken down a minimum of 1.0m below a line of influence measured 1.0m in the direction of the foundation from the centreline of the closest underground service and along the natural angle of repose of the foundation soil type(s).
43. Plans and supportive documents detailing these proposed foundations must be designed by a registered practising Geotechnical Engineer and submitted with the application for a Development Permit for Operational Works.

Site Stability

44. A Geotechnical Engineer or similar qualified expert must assess the soil condition on site, determine the soil classification, establish whether any measures are required to protect the stability of adjoining buildings and/or structures and/or services and/or land, and make recommendations on the type of foundation system(s) best suited for the proposed development. The recommendations of this report must be incorporated into the design and construction of the proposed development.
45. A Geotechnical Engineer or similar qualified expert shall supervise the demolition of those parts of the existing building and the excavation and construction of the proposed development to ensure that the works are carried out in accordance with the recommendations of the abovementioned report.

Construction & Demolition Issues

46. A Condition Survey must be carried out on adjoining buildings, structures and services prior to any demolition, excavation or construction works taking place on site. If distress already exists, a photographic survey should be undertaken, the distress measured and a plan to monitor changes to distress shall be implemented.
47. Demolition of the existing building and the construction of the new development on the site shall not be undertaken during the peak Christmas school holiday period.

General

48. Any damage caused to any public utility during the course of construction must be repaired to Council's standards and at no cost to Council.

49. Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site must be at no cost to Council.

ENVIRONMENT

50. The development site and the road reserve in front of the site must be landscaped generally in accordance with Council's Noosa Junction master plan and Council's planning scheme policy PSP3 – Landscape Plants and Guidelines. The works must be undertaken in accordance with an Operational Works approval and the Sunshine Coast Regional Council landscape materials palette for that specific area and must include in particular:
- (a) the works shown on the approved Landscaping Plan, as may be amended by conditions of this Preliminary Approval;
 - (b) planting of more mature vegetation including pot sizes of 45 and 100 litres to the Noosa Drive frontage;
 - (c) vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage; and
 - (d) provision of street trees to the road frontage.
51. 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.
52. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

ENVIRONMENTAL HEALTH

53. The release of noxious or offensive odour(s) resulting from the operation of restaurant must not cause an environmental nuisance at any nuisance sensitive place. Where a complaint (other than a frivolous or vexatious complaint) is made to Council about odour causing an environmental nuisance at a nuisance sensitive place, then Council may direct the site operator to implement odour abatement measures such that the operation of the development will not result in further environmental nuisance.
54. A mechanical exhaust system shall be installed in accordance with AS1668 Parts 1&2 - The use of mechanical ventilation and air-conditioning in buildings. The mechanical exhaust system shall be provided with odour treatment and filtration system(s) to remove odour from cooking processes. Prior to or at the time application is made for operational works, detailed plans shall be submitted to Council for endorsement which outlines the specific odour treatment and filtration system(s) and AS1668 compliant mechanical exhaust ventilation designs to be installed on site.
55. Prior to the use commencing, certification shall be provided to Council that the kitchen exhaust system has been installed and tested to be in accordance with AS1668, and that the odour treatment and filtration system(s) have been installed in accordance with the endorsed plans.
56. The mechanical exhaust system and associated odour treatment and filtration system(s) must be serviced and maintained in accordance with the manufacturer's specifications and records must be kept on site of such maintenance.
57. Noise from building works associated with the development shall comply with the following –
- (a) Limited to between 7:00am to 6:30pm Monday to Saturday; and
 - (b) Not permitted on Sunday or public holidays.

58. Lighting devices to be installed on the site, i.e. security lights etc, are to be appropriately designed, sited, installed and tested to be in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting". Prior to the use commencing, certification shall be provided to Council from a RPEQ certified Electrical Engineer, to demonstrate that the requirements of this condition have been met.
59. Any fixed plant and equipment that causes either tonal (L_{eq}) sound (e.g. from basement car-park exhaust, air conditioning/refrigeration units or pool filtration units), or impulse (L_{max}) sound, must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the following levels for habitable rooms within dwellings:
- (a) 40 dB(A) L_{eq} for living and work areas;
 - (b) 35 dB(A) L_{eq} for sleeping areas; and
 - (c) 45 dB(A) L_{max} for all areas

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

60. A solid 1.8m high screening fence shall be installed and maintained along the western and north western side of the drive through lane, which continues around to the northern aspect of the staff car park and bike parking area.
61. Prior to the commencement of use, certification must be submitted to Council from a suitably qualified person which certifies that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice.
62. The development must be provided waste storage and disposal facilities in accordance with Planning Scheme Policy No. 9 "Waste Management Multi-Dwellings and Commercial and Industrial Premises", including an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties. A bin wash area is required with a cold-water tap, hose and drain outlet lawfully connected to sewer, via a bucket trap. The drain outlet is to be designed to prevent storm water entry to the sewerage system and this can be achieved with a nib wall 50mm high and up to 700mm x 700mm wide (max 0.5m²), or alternatively the waste area can be roofed, or any other design approved by Council.
63. The development must allow refuse-loading areas to be located off street. All vehicles associated with the collection of waste/recyclables, shall enter and leave the site in a forward direction.
64. A Waste Management Plan (Operational) in accordance with Planning Scheme Policy No. 9 "Waste Management Multi-Dwellings and Commercial and Industrial Premises", shall be developed and implemented on site, the contents of which shall be endorsed by Council's Environment & Landscape Assessment Unit prior to or at the time an application is made operational works. The Waste Management Plan must include the following as a minimum: -
- (a) The types and estimated volumes of waste that will be generated from the activities approved within the development;
 - (b) Methods to be used for dealing with garden waste;
 - (c) Initiatives to minimize waste either by waste prevention, reduction, re-use or recycling;
 - (d) Description of procedures and clearly identified site responsibilities for all site occupants for getting all waste to the bins; the storage of bins and the collection of bins by the contractor;

- (e) A description of the design details of waste storage and recycling areas including size, location, elevation and floor plan, methods of bin washing and system to prevent storm water getting into sewer via the bin wash;
- (f) A description of types and volume of waste storage containers to be used, and the collection frequency of containers; and
- (g) The waste and recycling storage area shall include the provision of containers for all waste and recycling materials including putrescible matter, non-recycling waste, paper/ cardboard, glass, aluminium/steel cans, waste oil, Styrofoam boxes, etc, and bin washing facilities connected to sewer.

UNITYWATER

- 65. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (e.g. valves, fire hydrants).
- 66. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
- 67. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
- 68. Water meters must be located on alternative boundaries to electrical pillars.
- 69. Retaining walls greater than 1.0 metre high crossing the Unitywater house connection branch must be self supporting for a minimum of 1.0 metre each side of the sewer branch and pierced below the zone of influence of the pipe.
- 70. The sewerage inspection opening cap must be at finished surface level at completion of the landscaping/carpark works. A brass cap is required if located in a sealed or concreted area.
- 71. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage infrastructure. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.
- 72. 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.

5. REFERRAL AGENCIES

Not Applicable.

6. APPROVED PLANS/DOCUMENTS

Approved Plans

Plan No.	Rev.	Plan Name	Date
SK8.03	C	Upper Floor Plan	16.9.11
SK8.04	C	Elevations & Sections	18.10.11
SK8.06	C	Lower Level Carpark Setout Plan	6.10.11
SK8.8	B	Lower Floor Landscaping Plan	6.10.11

Approved Documents

Document No.	Rev.	Document Name	Date
Report No. R11050/D2489	1	<i>Environmental Noise Level Study for Hungry Jack's and Modifications to Existing Service Station</i> , prepared by David Moore & Associates Pty Ltd	4.11.11
Ref: L09411/TLC/10-125		<i>Odour Impact Assessment</i> , prepared by Max Winders & Associates Pty Ltd	9.6.11

7. PLANS/DOCUMENTS REQUIRING AMENDMENT

Plan No.	Rev.	Plan Name	Date
SK8.01	H	Lower Floor Plan	18.10.11
SK8.02	H	Ground Floor – Site Plan, prepared by WPP Architects	6.10.11
SK8.05	C	Site Carpark Setout Plan	6.10.11
SK8.07	D	Landscaping Plan	6.10.11

8. ADVISORY NOTES**Infrastructure Charges**

1. This development permit may trigger an 'Adopted Infrastructure Charge Notice' (if applicable) to be issued in accordance with Councils *'Adopted Infrastructure Charges Resolution (No.1) 2011'* under the State Planning Regulatory Provision (Adopted Charges) and the *Sustainable Planning Act 2009*.

General

2. A suitably qualified Registered Professional Engineer must prepare engineering drawings and specifications for all engineering works, which must be submitted in conjunction with an application for a Development Permit for Operational Works. In this regard a DXF/DWG file on GDA94 zone 56 grid of the proposed cadastre layout is to be submitted in conjunction with any application for Operational Works.
3. Digital detailed designs including drawings, calculations, specifications and a schedule of works must be submitted with any application for a Development Permit for Operational Works in respect of roadworks and stormwater drainage works. The design must be in accordance with Council's Planning Scheme Policy PSP05 – Engineering Design Standards – Roads, Drainage and Earthworks. To avoid conflict with underground pipes or services, all existing and proposed services required by the development must be shown on the plans.
4. To facilitate production of As Constructed drawings it is suggested that all design drawings are submitted in the Asset Design and As Constructed (ADAC) digital format. (Guidelines on the use of ADAC are available at www.adac.com.au).

Plumbing & Drainage

5. The applicant is advised that a Compliance Permit for all plumbing and drainage works within the boundaries of the development site must be obtained from Council's Plumbing Services Section prior to obtaining a Development Permit for Building Works.

General Environmental Duty

6. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities involved in the operational, civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Trade Waste

7. Trade waste generated on-site shall be subject to Unitywater's Trade Waste Policy and the Water Supply (Safety & Reliability) Act 2008. The applicant is advised to contact Unitywater's Trade Waste Officer on 5431 8333 to determine trade waste requirements.

Food Premises

8. Where any food premises is included in a development, the following is required:
- (a) Plans and application is to be made to Council's Healthy Places Unit for approval prior to any building approval, fitting out or use of the premises.
 - (b) A statement indicating the purpose of the food premises, type of food sold, proposed menu and maximum number of patrons at any time, is to accompany the application for plan approval.
 - (c) Construction and use of the food premises should comply with Council's Food Premises Policy and the Food Safety Standards. (Both available from Council)
 - (d) Toilets for customers and staff to be provided in accordance with Building Code of Australia. Obtain advice from a building certifier on numbers and standards, including disable access.
 - (e) Plans and approval is required for any mechanical exhaust ventilation system, which should comply with AS1668. A certificate from the installer certifying the system complies with the Standard must be obtained and lodged with Council prior to commencement of trade.
 - (f) Any Licensable Food Business, as defined in Chapter 3 of the *Food Act 2006*, must obtain a Food Licence from Council, prior to use of those premises.

Contaminated Land

9. It is a requirement of the *Environmental Protection Act 1994*, that if an owner or occupier of land becomes aware that a Notifiable Activity (as defined in Schedule 3 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must within 30 days after becoming aware, give notice to the Department of Environment and Resource Management. NOTE: the site is currently listed on the Environmental Management Register Site ID. 10235.

Storage of Flammable & Combustible Liquids

10. Any changes to the storage of flammable and/or combustible liquids or equipment (e.g. underground tanks, storage capacity, delivery system, venting system, spillage control, changes to pumps, class and nature of fuels etc) as part of this development will require an Application for Amendment of Existing Licence to Store Flammable & Combustible Liquids and Design Approval. The application form and plans should be submitted to Council's Healthy Places Unit for approval prior to works commencing. Contact Council's Customer Service number for further information.

Existing Environmentally Relevant Activity

11. Any changes to the existing Environmentally Relevant Activity e.g. commencing a new ERA, increasing the threshold of the ERA, a material change in the intensity or scale of the ERA, as part of this development will require a MCU ERA Application. Contact Council's Environment and Landscape Assessment Unit for further Customer Service number for further information.

Acoustic Certification

12. Due regard should be given to the design and location of noise emitting fixed plant and equipment and any acoustic treatment that may be required. It is advised that an appropriately qualified acoustic consultant be involved with the selection and installation of such equipment. A qualified acoustic consultant can give advice on how to best locate and design the equipment such that it can meet statutory noise or planning requirements

Rainwater Tanks

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

Unitywater

14. Connection to Unitywater live water mains must be undertaken by Unitywater at the applicants cost.
15. A 375mm diameter DICL watermain is located within the road boundary fronting the development site in Noosa Drive. Construction works, heavy traffic crossing the main, excessive vibration and excavation close to the main may cause damage to the pipe. Extreme care is required when working close to this infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

Equitable Access and Facilities

16. 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).

17. 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

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

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

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

9. PROPERTY NOTES

Not Applicable.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Material Change of Use for Entertainment and Dining Business – Type 1 Food and Beverages (Hungry Jacks) and modifications to existing service station.
- Development Permit for Operational Work for Landscaping, Access and/or Carparking, Site Civil Works, Roadworks, Stormwater Drainage and Frontage Works
- Development Permit for Operational Works for Advertising Devices
- Development Permit for Building Work

12. SELF ASSESSABLE CODES

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

Advertising Devices Code

13. SUBMISSIONS

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 *Integrated Planning Act 1997* 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.

This page has been intentionally left blank.

4.2.5 UPCOMING SIGNIFICANT DEVELOPMENT APPLICATIONS

File No:	ECM - 15 February 2012
Author:	Manager, Planning Assessment Regional Strategy and Planning
Appendix:	App A – List of Upcoming Significant Development Applications (SPC Pg 130)

PURPOSE

The purpose of this report is to inform council, in advance, about significant issues arising from key development applications lodged with council.

EXECUTIVE SUMMARY

It is appropriate that a list of all significant development applications, with brief description and brief update on the status of the applications, be reported to council on a bi-monthly basis (refer to Appendix A).

Councillors who wish to raise issues of concern on particular applications can give feedback at the Strategy and Planning Committee meeting, and questions which require a reply will be sent to all councillors and relevant officers so that the matter of interest and the response are known to all councillors.

All applications listed in Appendix A are available for viewing on Planning and Development (PD) Online.

Preliminary notification of all development applications to councillors will continue, as is the current practice.

All applications listed in Appendix A will continue to be reported to council until they appear as a council report on an agenda.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled 'Upcoming Significant Development Applications'; and
- (b) note the List of Upcoming Significant Development Applications (Appendix A).

FINANCE AND RESOURCING

There are no finance and resourcing implications.

CORPORATE PLAN

Corporate Plan Theme: *Managing Growth*

Emerging Priority: 7.1 The areas for growth and renewal are clearly defined
Strategy: 7.1.5 Make decisions on development applications in accordance with the planning scheme and defend those decisions

Emerging Priority: 7.2 The heritage and character of our communities is protected

Strategy: 7.2.2 Protect heritage places, values and significant regional landscapes in the planning scheme

Emerging Priority: 7.3 Well designed and beautiful places

Strategy: 7.3.1 Encourage developers to use place making techniques and embrace high quality urban design in the provision of parks, open spaces and local facilities

APPENDIX A – LIST OF UPCOMING SIGNIFICANT DEVELOPMENT APPLICATIONS

DIVISION 1

Application No.:	MCU11/0072
Date Application Properly Made:	6 April 2011
Applicant:	Hanson Construction Materials Pty Ltd
Address:	Honey Farm Road, Meridan Plains , Lot 4 RP210048
Application Details:	Development Permit for Material Change of Use to Establish an Extractive Industry, Environmentally relevant Activity # 8 – Chemical Storage & # 16 Extractive Screening Activities.
Key Features:	Code Assessable Extraction of sand between 100,000 tons and 1,000,000 tons of sand.
Status:	<ul style="list-style-type: none"> • The application is in the decision making stage • Follow progress using PD OnLine http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> • Enter the Application Number • Click on Search • Click on Show

Application No.:	MCU11/0160
Date Application Properly Made:	14 July 2011
Applicant:	Ridgehaven Retirement Village
Address:	242 Parklands Boulevard, Meridan Plains
Application Details:	Material Change of Use to Establish a Shopping Complex
Key Features:	<ul style="list-style-type: none"> • Impact Assessable • Site abuts the proposed CAMCOS Corridor and Kawana Train Station • Gross Floor Area of 6000 m² including <ul style="list-style-type: none"> ○ 3500 m² of Retail ○ 1350 m² of Retail/Medical ○ 1150 m² for Tavern • Land abutting Parklands Boulevard is to be set aside for parking for CAMCOS Corridor
Key Issues:	<ul style="list-style-type: none"> • Economic Need for increased GFA above that identified in the Planning Scheme (2500 m²) • Interface between shopping complex and train station
Status:	<ul style="list-style-type: none"> • Acknowledgement Notice issued 21 July 2011 • Information Request due on 18 August 2011 • Information Response received on 16 January 2012. Currently in public notification, ending on 6 March 2012 • Follow progress using PD OnLine http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> • Enter the Application Number • Click on Search • Click on Show

DIVISION 2

Application No.:	MCU10/2121												
Date Application Properly Made:	21 December 2010												
Applicant:	Stockland Development Pty Ltd												
Address:	First, Mayes, Second and Oval Aves and Karlyn Court, Caloundra												
Application Details:	The application seeks a development approval for Material Change of Use of Premises (Shopping Complex) – CODE ASSESSABLE												
Key Features:	<ul style="list-style-type: none"> The site is located in the Central Caloundra Planning Area – Caloundra Regional Business Centre Precinct - Business Centre Core (Sub-Precinct 1a). The proposal is for a new stand alone shopping complex to the west of the existing Caloundra Stocklands Shopping Complex. The site is bounded by First Avenue to the east, Mayes Avenue to the south, Second Avenue to the west and Oval Avenue to the north. The application is over 20 existing residential sites. The application proposes a total Gross Floor Area of 8,545m² and a Gross Leasable area of 9,004m². The breakdown of the uses is as follows: <table style="margin-left: 40px;"> <tr> <td>Majors – New Discount Department Store</td> <td style="text-align: right;">5,150m²</td> </tr> <tr> <td>Mini-Majors</td> <td style="text-align: right;">1,450m²</td> </tr> <tr> <td>Speciality Retail Total</td> <td style="text-align: right;">(1,945m²)</td> </tr> <tr> <td>- External Speciality</td> <td style="text-align: right;">1,375m²</td> </tr> <tr> <td>- Kiosk</td> <td style="text-align: right;">40m²</td> </tr> <tr> <td>- Hotel</td> <td style="text-align: right;">530m²</td> </tr> </table> The site cover is 100%. Maximum Height of Building is 11m. Parking for 473 cars is provided. 	Majors – New Discount Department Store	5,150m ²	Mini-Majors	1,450m ²	Speciality Retail Total	(1,945m ²)	- External Speciality	1,375m ²	- Kiosk	40m ²	- Hotel	530m ²
Majors – New Discount Department Store	5,150m ²												
Mini-Majors	1,450m ²												
Speciality Retail Total	(1,945m ²)												
- External Speciality	1,375m ²												
- Kiosk	40m ²												
- Hotel	530m ²												
Key Issues	<ul style="list-style-type: none"> Expansion away from Bulcock Street, stand alone Shopping Complex, <i>timing</i> of development in relation to Caloundra City Plan 2004 which calls for this area to be developed in the long term and limits development in this area to existing residential uses and to small scale businesses and commercial activities within existing buildings Impacts/implications on the retail, business, cultural and social vitality of the traditional town centre at Bulcock Street Linkages pedestrian and vehicular Car parking shortfall in terms of requirements of Caloundra City Plan 2004 Traffic circulation, service vehicle access Integration with existing Stocklands Shopping Complex. Integration/interface with existing residential area in Mays Estate. Urban Design. 												
Status:	<ul style="list-style-type: none"> The application is in the Decision Making Stage. However, the applicant has suspended this for a further 6 months to make representations to the Department of Main Roads and Transport as the Department as a concurrence agency has directed council to refuse this application. Follow progress using PD OnLine http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> Enter the Application Number Click on Search Click on Show 												

Application No.:	MCU11/0184
Date Application Properly Made:	30 August 2011
Applicant:	Stockland Development Pty Ltd
Address:	47 Bowman Road, Caloundra
Application Details:	The application seeks a development approval for Material Change of Use of Premises (Extension to Existing Shopping Complex) – CODE ASSESSABLE
Key Features:	<ul style="list-style-type: none"> • The site is located in the Central Caloundra Planning Area – Caloundra Regional Business Centre Precinct - Business Centre Core (Sub-Precinct 1a) Area A. • The proposal is for an extension to the existing Stockland Shopping Complex at Caloundra. The site is bounded by First Avenue to the west, Bowman Road to the east and south and Oval Avenue to the north. • The application proposes a total Gross Floor Area of 9,012m² and a Gross Leasable area of 8,993m² (net increase – having regard to a loss of 1,576m² from existing centre). The breakdown of the uses is as follows: <ul style="list-style-type: none"> Mini-Majors 2,765m² Speciality Retail Total 7,804m² (gain), 6,228m² (net increase) - Internal Speciality; - External Speciality; - Kiosk and - Hotel. • Maximum height of building exceeds maximum building height of 11m. • Net gain of 398 car parking spaces is provided.
Key Issues	<p>(k) Major issues with traffic circulation and road and intersection capacity.</p> <p>(l) Integration with the new Shopping Complex (MCU10/2121) – integration of the two sites needs to be adequately addressed.</p> <p>(m) Building height exceeding 11 metres without meeting bonus criteria.</p> <p>(n) Insufficient activation of street frontages – First Avenue and Bowman Road (as an identified 'boulevard').</p> <p>(o) Potential impacts/implications on the retail, business, cultural and social vitality of the traditional town centre at Bulcock Street.</p> <p>(p) Building scale requiring offset by complementary setbacks, landscaping and street widths and articulation.</p> <p>(q) Linkages pedestrian and vehicular.</p> <p>(r) Car parking shortfall in terms of requirements of Caloundra City Plan 2004.</p> <p>(s) Service vehicle and staff car park fronting Bowman Road – not appropriate Caloundra CBD entrance statement.</p> <p>(t) Integration/interface with existing residential area in Mayes Estate.</p> <p>(u) Urban Design</p> <ul style="list-style-type: none"> – Architecture for climate responsive and sustainable design. – Design for safety. – Public art.
Status:	<ul style="list-style-type: none"> • The application is in the Information Request Stage under the <i>Sustainable Planning Act 2009</i> <ul style="list-style-type: none"> • Follow progress using PD OnLine <p>http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</p> <ul style="list-style-type: none"> • Enter the Application Number • Click on Search • Click on Show

DIVISION 7

Application No.:	MCU11/0175 – new application
Date Application Properly Made:	08/08/2011
Applicant:	Altusvista Pty Ltd Tte C/- Dillon Folker Stephens Town Planners
Address:	71 Owen Creek Road, Forest Glen
Application Details:	Application for a Development Permit for a Material Change of Use of Premises – Extension to Existing Caravan Park (Relocatable Home Park)
Key Features:	<ul style="list-style-type: none"> • Proposal for 165 additional relocatable home sites, resulting in a total of 303 relocatable home sites on the site and a proposed leisure centre.
Key Issues:	<ul style="list-style-type: none"> • Route of the historic Buderim Tramway Trail passes through the subject site, which is identified as trunk infrastructure in Council's adopted Infrastructure Charges Schedule • Buffering to adjoining land uses • On-site pedestrian and cycle facilities • Built form controls for relocatable homes established on the site • Koala habitat offsets • Protection of remnant vegetation and waterway buffering. • Bushfire hazard reduction
Status:	<ul style="list-style-type: none"> • Currently in the Information and Referral Stage. • The applicant has responded to Council's and the Department of Transport and Main Road's Information Request. • The applicant has not yet responded to the Department of Environment and Resource Management's Information Request. • Once all referral agency responses have been received, or their assessment timeframes have expired, the application will be publically notified. • Follow progress using PD Online http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> • Enter the Application Number • Click on Search • Click on Show

Application No.:	MCU11/0180 – new application
Date Application Properly Made:	15/08/2011
Applicant:	Maroochy Palms Holdings Pty Ltd & Krp Pty Ltd & Barklya Pty Ltd C/- Subdivisions (Qld) Pty Ltd.
Address:	Maroochy Palms 319 Bradman Avenue, Maroochydore
Application Details:	<p>Application for:</p> <ul style="list-style-type: none"> • Preliminary Approval for a Material Change of Use of Premises overriding the Planning Scheme (Detached Houses and Dual Occupancy) • Development Permit to Reconfigure a Lot - Residential (8 Lots into 204 Lots) • Development Permit for Operational Work - Excavation or Filling & Engineering (Stormwater & Sewerage Infrastructure)
Key Features:	<ul style="list-style-type: none"> • 204 lot subdivision comprising a variety of small lots, including several rows of 200m² terrace lots with rear laneway access • The proposal includes a new neighbourhood park • The applicant also seeks a preliminary approval for detached houses on • The applicant proposes a new code to regulate the development of detached houses within the estate. The new code incorporates more contemporary design principles and is better suited to regulate small lot housing than the current planning scheme detached house code. • The proposal also includes the earthworks required to establish the development, which includes the importing of significant quantities of fill on to the site, associated service relocation.
Key Issues:	<ul style="list-style-type: none"> • Interface with adjoining sports complex, residential areas and Bradman Avenue due to significant change in level (retaining walls and/or batter slopes) • Built form controls for detached houses and duplexes on the site. • Flooding impacts on adjoining properties. • Noise and odour associated with adjoining sewer pump station. • Streetscape landscaping and embellishment of the proposed park.
Status:	<ul style="list-style-type: none"> • Currently in the Information and Referral Stage. • Council issued its Information Request on 26 September 2011. • Once the applicant has responded to Council's information request, and all referral agencies responses have been received or their assessment timeframes have expired, the applications will be publicly notified. • Follow progress using PD Online http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> • Enter the Application Number • Click on Search • Click on Show

DIVISION 8

Application No.:	MCU07/0097
Date Application Properly Made:	A request to change the development application was lodged on 6 August 2010. The change was properly made on 30 September 2010.
Applicant:	ERM Australia Pty Ltd
Address:	154-164 Horton Parade, Maroochydore (Sunshine Plaza)
Application Details:	Sunshine Plaza Expansion - Material Change of Use for Shopping Complex, Educational Establishment, Local Utility, Community Meeting Hall
Key Features:	<ul style="list-style-type: none"> • The recently lodged change application includes a proposed increase of 59,543m² in Gross Floor Area to the existing Sunshine Plaza Shopping Centre, resulting in a total Shopping Complex floor area of 133,228m². <p>The change application proposal involves:</p> <ul style="list-style-type: none"> • Plaza Parade redevelopment - The previously proposed Plaza Parade expansions (for Big W and additional speciality retail, multi-deck car park, increased loading facilities totalling 18,127m² retail and 4,900m² office); • Northern Sub Precinct (Kmart end) redevelopment - 39,901m² retail in the northern precinct (for relocation of K-mart, new 2 storey David Jones, additional level for Myer and supporting speciality retail, new multi-deck car park, loading facilities) • South Sub-precinct (northwest of existing Coles along the creek) - 1,279m² of new speciality retail in the South Sub-precinct • Other uses such as an Educational Establishment, Local Utility, Community Meeting Hall are interchangeable with the proposed shopping complex and office uses. This would allow TAFE or Council to occupy some tenancies if required at a later date.
Key Issues:	<ul style="list-style-type: none"> • Numerous planning and design issues including – <ul style="list-style-type: none"> ➢ GFA exceeds scheme limits by 31,500m² (planning provisions (total of 20,000m² is permitted for shopping complex uses within the precinct by 2011, and an additional 8,000m² by 2016), ➢ Pedestrian connectivity/walkable waterfronts and connection to adjoining areas, ➢ Building height and car park structures to the street frontages, ➢ Street and creek frontage activation, ➢ Provision of public open space in accordance with the Public Parks Infrastructure Policy, ➢ Uses and scale of the proposed bridges over the waterways, ➢ Lack of clarity relating to proposed floor areas, ➢ Stormwater/flood modelling, ➢ Integration with adjoining properties, remaining town centre, ➢ Economic implications and impacts on growth of remaining Town Centre, and ➢ Infrastructure provision/capacity (in particular roads).
Status:	<ul style="list-style-type: none"> • The information response period for the applicant has been extended until 3 March 2012. The applicant is attempting to address council's requirements. • Information request was issued on 2 November 2010. • Acknowledgment notice was issued on 5 October 2010. • Currently waiting on the applicant to respond to the information request issued by council and the State Agencies. • Follow progress using PD OnLine http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Application/master/Default.aspx <ul style="list-style-type: none"> • Enter the Application Number • Click on Search • Click on Show

Application No.:	MCU03/0122
Date Application Properly Made:	14 July 2003
Applicant:	Innovative Planning Solutions
Address:	26 - 40 Menzies Drive, Pacific Paradise
Application Details:	Development Permit for Material Change of Use of Premises - Retirement Village Units (99) and Residential Care Facility (120 beds)
Key Features:	<ul style="list-style-type: none"> Residential Care Facility to be located on the front portion of site (1.2 hectares) Retirement Village towards rear of block
Key Issues:	<ul style="list-style-type: none"> Land is located within Urban Footprint but zoned General Rural under Maroochy Plan 2000. Application was on hold pending the outcome of the LGMS. Key issues relate to biodiversity, vegetation clearing, flooding and inconsistent with zoning of planning scheme.
Status:	<ul style="list-style-type: none"> Applicant has submitted information for consideration in the new planning scheme. Applicant has requested council make decision on application. Assessment of the flooding information revealed the surrounding road network will flood in Q2 event. Applicant has presented additional information on 4 August 2011. Expected to be presented to council at a future S&P meeting. Follow progress using PD OnLine http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> Enter the Application Number Click on Search Click on Show

Application No.:	MCU11/0227 – new application
Date Application Properly Made:	4 November 2011
Applicant:	Horton Park Golf Club Maroochydore Inc
Address:	374 - 514 David Low Way & Finland Road, Bli Bli
Application Details:	<p>Application for:</p> <ul style="list-style-type: none"> • Material Change of Use (Indoor Recreation and Outdoor Recreation – 27 Hole Golf Course and Clubhouse) • Development Permit to Reconfigure a Lot - (2 Lots into 2 Lots) • Development Permit for Operational Work – Bulk Earthworks
Key Features:	<ul style="list-style-type: none"> • 27 hole Golf Course and Driving Range • Approximately 2000 m² of Clubhouse facilities, with Function Room, Bar Facilities and Gaming Facilities
Key Issues:	<ul style="list-style-type: none"> • Rural Land • Flood Management • Coastal Hazards (under imminent Queensland Coastal Plan) • Water Quality and Constructed Waterbodies • Design of waterbodies to minimise bird habitat areas (given proximity to airport) • Aviation Affected Area
Status:	<ul style="list-style-type: none"> • Council issued its Information Request on 6 December 2011. • All State Government Agencies have also issued Information Requests (DERM, DTMR and DEEDI). • The applicant has not yet responded to the information request, but meetings have been held with the applicant to ensure the information response will address the issues. • Once the applicant has responded to Council's and the State Agencies' information requests, the application will undergo a 30 day public notification period. • Follow progress using PD Online http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> • Enter the Application Number • Click on Search • Click on Show

DIVISION 9

Application No.:	MCU10/2128
Date Application Properly Made:	23 December 2010
Applicant:	Noosa Events Pty Ltd
Address:	219 Doonan Bridge Road, Verrierdale
Application Details:	<ul style="list-style-type: none"> • Development Permit for MCU for Caravan Park • Development Permit for MCU for ERA No. 63 (Sewage Treatment)
Key Features:	<ul style="list-style-type: none"> • Proposal for "Eco Friendly Tourist Park" containing 70 self-contained cabins, 80 camping/caravan sites and associated resort facilities. • Subject site is a large property (252.7ha) over which extensive revegetation and vegetation covenants are proposed. • Future intent to utilise the site for vegetation offsets with Ecofund.
Key Issues:	<ul style="list-style-type: none"> • Site is within a rural precinct for which urban and rural residential type development is specifically mentioned as not preferred. • Appropriateness of the site for a caravan park and whether "need" for the development can be established on this site. • GQAL issues (non-vegetated parts of the site are low-lying canelands). • The site is outside the Urban Footprint under the SEQ Regional Plan. • Visual amenity and character issues. The site is currently open and exposed to the road, and a caravan park development may conflict with the local rural character if not well hidden. • Adequacy of the rural road network for the use. • Environmental aspects of the site. • Validity of the purported "eco-credentials" of the development.
Status:	<ul style="list-style-type: none"> • An Information Request was issued on 21 March 2011, to which the applicant has until 21 March 2012 to respond. • Follow progress using PD OnLine http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> • Enter the Application Number • Click on Search • Click on Show

Application No.:	MCU10/2001
Date Application Properly Made:	2/7/2010
Applicant:	ALH Group (c/ Place)
Address:	1 & 3 Margaret Street & 2 Birtwill Street, Coolum
Application Details:	Development Permit for MCU - Hotel (redevelopment) Development Permit for MCU - shops (Dan Murphy's and speciality shops) Development Permit for MCU - Motel (39 units)
Key Features:	<ul style="list-style-type: none"> • Site area - 12,390m² • Total GFA - 11,912 m² (approx) • 3 storey development • Basement car park
Key Issues:	<ul style="list-style-type: none"> • Significant car parking shortfall • Large scale Dan Murphy's bottle shop in village centre • Amplified music (tavern) and caravan park and residential uses nearby • Works to David Low Way required
Status:	<ul style="list-style-type: none"> • The applicant has requested an extension of 3 months to the decision making period. The period now ends on 27 April 2012. • Currently being publicly notified • Follow progress using PD OnLine http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> • Enter the Application Number • Click on Search • Click on Show

Application No.:	MCU07/0192 – Park Lakes 2
Date Application Properly Made:	8 November 2007 27 August 2010 – Change to the Application
Applicant:	Covey & Associates
Address:	183-187 Camp Flat Road, Bli Bli
Application Details:	Development Permit for Preliminary Approval for a Material Change of Use pursuant to section 3.1.6 of IPA 1997 to Override the Planning Scheme to allow staged (11 stages) residential development in accordance with the Park Lakes Extension Master Planned Community - Preliminary Approval Document dated August 2010.
Key Features:	<ul style="list-style-type: none"> • The 93 ha site is located north of Park Lakes 1, Bli Bli. • The proposal is for up to 700 new dwellings (predominately detached houses) within 7 precincts. • Precinct 1-4 (residential) detached houses and a school. • Precinct 5 (retirement village/affordable housing) higher density relocatable home park/retirement village. • Precinct C1 (community & mixed housing) – sporting/community facilities & high density units. • Precinct P1 – 32 ha open space (conservation/drainage reserve). <p><u>Site background</u></p> <ul style="list-style-type: none"> • On 21 December 2007, Council issued an Amended Acknowledgement Notice which included an Advice Note which stated that <i>‘Despite its inclusion within the urban footprint under the Regional Plan, the development site is currently designated as Sustainable Cane Lands under Maroochy Plan 2000 (MP2000). The Planning and Development Department’s position with respect to applications for urban development within rural precincts outside the urban designation under Maroochy Plan 2000 is that such applications are “premature” pending the completion of a Local Growth Management Strategy (LGMS) and Structure Plan for each area and are unlikely to be supported under the current Planning Scheme.’</i> • The applicable State referral agencies issued Information Requests, which allowed the applicant up to 1 year to respond under IPA. • The Department of Transport and Main Road (DTMR) extended the Information Response period by an additional year, allowing the applicant additional time to address the issues. • On 27 August 2010, the applicant lodged a <u>Change to the Application</u> to include community facilities, a mixed housing precinct, a school precinct and a caravan/relocatable home park. • On 10 September 2010, Council issued a second Acknowledgement Notice with a similar advice note (ie <i>premature pending the new planning scheme</i>). • On 1 November 2010, the Department of Transport and Main Roads issued an Information Request, giving the applicant 12 months to respond (1 Nov 2011).
Key Issues:	<p>Zoning</p> <ul style="list-style-type: none"> • The site is Urban under the Regional Plan, but Rural (cane land) under MP2000. • The Regional Plan states <i>"Inclusion of land in the Urban Footprint includes some land not available or appropriate for development. Local Government planning schemes and Structure Plans are the principal instruments for establishing the desired use of the land and the preferred timing of development in the Urban Footprint."</i> • Park Lakes 2 area is identified as a <i>‘Local Investigation Area’</i> under the Statement of Proposals for the new planning scheme. • Strategic Planning is currently investigating the site in terms of its future <i>‘zoning’</i> under the new scheme. <p>Vegetation</p> <ul style="list-style-type: none"> • The west of the site contains significant vegetation on steep slopes. The amended plan identifies this area as <i>‘park’</i> consistent with the DERM concurrence agency conditions aimed at protecting it.

	<p>Flooding</p> <ul style="list-style-type: none"> Parts of the site are susceptible to Q100 flooding from watercourses which cross the site and flooding from a regional Maroochy River flood event. The applicant provided an initial Flood Study on 16/01/08. An amended Flood Study, addressing climate change, provided on 27 August 2010. <p>Waterbody</p> <ul style="list-style-type: none"> A constructed freshwater lake is proposed within parkland.
Status:	<ul style="list-style-type: none"> On 1 November 2011, DTMR extended the Information Response period by an additional 6 months to 1 May 2012. The application is in the Information and Referral stage. DTMR has yet to provide its concurrence agency response. The application must be publicly advertised. Follow progress using PD OnLine. <p>http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Application/master/Default.aspx</p> <ul style="list-style-type: none"> Enter the Application Number Click on Search Click on Show

Application No.:	REC11/0049 & OPW11/0153
Date Application Properly Made:	5 May 2011
Applicant:	Cardno Qld Pty Ltd
Address:	Quanda Rd, Coolum Beach
Application Details:	Development Permit to Reconfigure a Lot (29 Lot Industrial Subdivision) Development Permit for Operational Work (Excavation, Extraction or Filling)
Key Features:	<ul style="list-style-type: none"> The applicant seeks approval for an industrial subdivision comprising 29 large allotments (>4000m²) The development is Stage 2 of Coolum Industrial Estate being developed by the State. Significant filling of the 50 ha development site is involved.
Key Issues:	<ul style="list-style-type: none"> The site is Stage 2 of the industrial estate and, as such, no significant new issues are raised but issues of hydrology and stormwater treatment adjacent to the National Park and management of earthworks need to be addressed.
Status:	<ul style="list-style-type: none"> The application is in the Information Response period under SPA. Follow progress using PD OnLine <p>http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Application/master/Default.aspx</p> <ul style="list-style-type: none"> Enter the Application Number Click on Search Click on Show

DIVISION 12

Application No.:	132007.1965.1
Date Application Properly Made:	25 September 2007
Applicant:	Sundale Garden Village Nambour
Address:	81 and 100 McKinnon Drive, Tewantin
Application Details:	Development Permit for Material Change of Use for Multiple Housing, Type 3 Retirement and Special Needs and Wellbeing – Type 2 Social
Key Features:	<ul style="list-style-type: none"> The applicant seeks approval for a 60-bed aged care residence and 180-196 (two options) independent living units, day respite and support services with Sundale operating as a community based not for profit charitable organisation. Subject to impact assessment.
Key Issues:	<ul style="list-style-type: none"> The proposed uses are inconsistent uses within the site's Rural Settlement zone. The site is included within the Urban Footprint of the South East Queensland Regional Plan. The site is also affected by a number of overlays, which recognise significant vegetation, riparian buffers to adjacent waterways, bushfire and flood hazard areas, high potential acid sulfate soils, etc., which all constrain the development potential of the site. Studies indicate that there is a need for some further retirement and aged care facilities in Tewantin.
Status:	<ul style="list-style-type: none"> The applicant is providing additional information to address staff concerns following a meeting. The application is in the Decision Making Period under IPA. Follow progress using PD OnLine http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx <ul style="list-style-type: none"> Enter the Application Number Click on Search Click on Show

5 CONFIDENTIAL REPORTS

5.1 REGIONAL STRATEGY AND PLANNING

5.1.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – PALMVIEW EAST-WEST GREENLINK ALIGNMENT

File No: ECM 15 February 2012
Author: Project Director Transportation Strategy
Regional Strategy and Planning

PURPOSE

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* this report is considered confidential as it deals with matters for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

5.1.2 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – UPDATE – STRATEGIC OPERATIONS

File No: ECM 15 February 2012
Author: Executive Director Regional Strategy and Planning
Regional Strategy and Planning

PURPOSE

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* this item is considered confidential as it deals with matters for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

6 NEXT MEETING

The next meeting of the Strategy and Planning Committee will be held on 7 March 2012 in the Caloundra Council Chambers, 1 Omrah Avenue, Caloundra.

7 MEETING CLOSURE