

Agenda

Ordinary Meeting

Thursday 20 September 2012

commencing at 9.00am

Council Chambers, 9 Pelican Street, Tewantin

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1 DECLARATION OF OPENING

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

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**3 RECEIPT AND CONFIRMATION OF MINUTES**

That the minutes of the Council meeting held on 23 August 2012 be received and confirmed.

4 OBLIGATIONS OF COUNCILLORS**4.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 172 of the *Local Government Act 2009*, 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.

4.2 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 in 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.

5 MAYORAL MINUTE**6 PRESENTATIONS**

7 REPORTS DIRECT TO COUNCIL

7.1 REGIONAL STRATEGY AND PLANNING

7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR RETIREMENT VILLAGE AND AGED CARE FACILITY AT 82 & 100 MCKINNON DRIVE, TEWANTIN

File No: 132007.1965

Author/Presenter: Senior Development Planner, Planning Applications North
Coordinator, Planning Applications North
Planning Assessment

Attachments: [Att 1 – Proposal Plans](#) (Att Pg 3)
[Att 2 – Overlay Maps](#) (Att Pg 6)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=817138>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Sundale Garden Village Nambour
Proposal	Multiple Housing – Type 3 Retirement & Special Needs and Commercial Business – Type 1 Office
Properly Made Date:	25 September 2007
Information Request Date:	16 November 2007
Information Response Received Date:	12 May 2010
Decision Due Date	2 December 2010
Number of Submissions:	2 Properly Made Submissions
PROPERTY DETAILS	
Division:	12
Property Address:	82 & 100 McKinnon Drive, Tewantin
RP Description:	Lot 2 RP 220516 Lot 86 MCH 1415
Land Area:	61,860m ² 24,030m ²
Existing Use of Land:	Dwellings and Shed
STATUTORY DETAILS	
SEQRP Designation:	Urban Footprint
Planning Scheme	The Noosa Plan (3 February 2006)
Strategic Plan Designation:	Not Applicable
Planning Area / Locality:	Tewantin Doonan
Planning Precinct / Zone:	Rural Settlement
Assessment Type:	Impact Assessable

PURPOSE

The purpose of this report is to seek council's determination of an application for independent living retirement units and an aged care facility at 82 and 100 McKinnon Drive, Tewantin. The application is before council as the development is in conflict with the planning scheme.

EXECUTIVE SUMMARY

This application seeks a Preliminary Approval for 180 independent living retirement units and an aged care facility (60 beds). A Development Permit is also sought for Stage 1 of the development, which includes 52 independent living retirement units, core facilities and the aged care facility. The site is situated on the fringe of the Tewantin settlement area, and was zoned Rural Settlement in the drafting of The Noosa Plan due to the site's environmental characteristics and constraints, including flood risk and remnant vegetation. This zoning precludes its suitability for further residential development and identifies it as suitable for generally only a single dwelling house per lot. The proposed use is, therefore, identified as an inconsistent use for the site and the proposal significantly conflicts with The Noosa Plan.

In order to gain approval, where there is a conflict with the planning scheme, the *Integrated Planning Act 1997* requires that there must be sufficient grounds in the public interest to justify the conflict. In this respect, the applicant submits there is a recognised need for aged care beds in the Noosa area and has demonstrated that the co-establishment of an aged care facility with independent living retirement units is necessary for the aged care facility to viably function. Notwithstanding this, the site is not considered suitable for the development as it is significantly constrained by flooding and biodiversity values, which the applicant has not satisfactorily addressed. Further, there is no obvious over-riding public advantage.

The site is susceptible to major flooding, with 0–1.35 metres of fill required to achieve flood immunity for a Q100 flood event. While the proposal satisfies the Natural Hazards Code for a Q100 flood event, this Code does not support changes being made to the natural landform to achieve flood immunity, particularly as the site is not identified for development. The Code further seeks that people's safety and capacity to use land within the flood plains is not compromised and development is compatible with the nature of the hazard.

These Noosa Plan Code outcomes ought to be considered in view of the recent recommendations of the Queensland Flood Commission of Inquiry. While it can be given no statutory weight, the Inquiry's report recommends that community infrastructure, including aged care facilities "*...should be located and designed so as to function effectively during, and immediately after a flood*" and reiterates the unsuitability of housing aged persons on flood prone land given their age and limited mobility. Similarly, although the State Planning Policy 3/11 also has no statutory effect, the proposal significantly conflicts with this policy's development code, as the proposed development is fully within the Coastal Management District and partly in an erosion prone area. Further, recent times have seen significant rain events on the coast, with events exceeding the 1 in 100 year rainfall intensity being recorded in Pomona, Cooroy, Tewantin and along Nicklin Way. Therefore, locating retirement units and aged care facilities in flood areas represents a significant risk to elderly residents, which needs to be carefully assessed. To address this risk, the applicant proposes that residents be transferred to the second storey, but this does not address the overall outcomes of The Noosa Plan Code.

The proposal also conflicts with the biodiversity values sought to be protected by The Noosa Plan, which requires a 75 metre riparian buffer to the adjoining Wooroi Creek. The applicant proposes that the buffer be reduced to 30 metres to buildings, with fire management works reducing it further to 6 and 10 metres in places. A buffer of 75 metres or greater is recommended by state agencies due to the wetland and fish habitat values of Wooroi Creek and the Noosa River system. The riparian buffers for development have consistently been

maintained in the Noosa area, commensurate with the precautionary principle of the *Integrated Planning Act 1997*, and it is submitted that these environmental values contribute significantly to the high quality of the Noosa River, and to residents' lifestyle in the Noosa area and ought to be continued.

Further, the particular elements of the Noosa planning scheme limiting significant filling of sites to achieve flood immunity also contribute to maintaining the River's quality.

In summary, while there is a recognised planning need for aged care facilities in the Noosa area, the environmental constraints of the site have not been satisfactorily addressed by the applicant, and are significant given the use relates to aged persons and the flooding issues cannot be satisfactorily overcome with conditions. Also, there are no obvious over-riding advantages to the development of this site. The application is, therefore, recommended for refusal.

OFFICER RECOMMENDATION

That Council REFUSE Application No. 132007.1965 for a Preliminary Approval Overriding the Planning Scheme and Development Permit for Material Change of Use for Multiple Housing – Type 3 Retirement and Special Needs (Stage 1) and Commercial Business – Type 1 Office situated at 82 and 100 McKinnon Drive, Tewantin for the following reasons:

- 1. the proposed development conflicts with the Tewantin Doonan Locality Code as the proposed use is an inconsistent use in the Rural Settlement Zone and The Noosa Plan only envisages limited development on the site given the site's significant environmental constraints;**
- 2. the proposed development conflicts with the Biodiversity Overlay Code as it does not maintain a sufficient buffer to Wooroi Creek and the precautionary principle ought to be applied;**
- 3. the proposed development conflicts with the Natural Hazards Overlay Code as the proposal is likely to significantly compromise the safety of people and property from floods and seeks to modify the natural landform by extensive filling of the site to suit the development; and**
- 4. there are insufficient grounds to justify the proposal's conflict with the planning scheme, given the high risk to the safety of people and property from flooding and an insufficient buffer being proposed to Wooroi Creek.**

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 (which excludes infrastructure charges to Unitywater).

Stage 1 - Aged Care Facility and Independent Living Units (22 x 2 bedroom and 30 x 3 bedroom)

Allocation of Adopted Infrastructure Charges	Rebate	Payable	Charge
Transport	\$456,960.00	\$223,308.00	\$680,268.00
Public Parks and Land For Community Facilities	\$80,640.00	\$372,180.00	\$452,820.00
Stormwater (applicable to Residential development)	\$0.00	\$148,872.00	\$148,872.00
Stormwater (applicable to Non-Residential development)	\$64,700.00	\$0.00	\$64,700.00
TOTAL	\$602,300.00	\$744,360.00	\$1,346,660.00

Stage 2 - Independent Living Units (128 x 3 bedrooms)

Allocation of Adopted Infrastructure Charges	Rebate	Payable
Transport	\$0.00	\$649,728.00
Public Parks and Land For Community Facilities	\$0.00	\$1,082,880.00
Stormwater (applicable to Residential development)	\$0.00	\$433,152.00
Stormwater (applicable to Non-Residential development)	\$0.00	\$0.00
TOTAL	\$0.00	\$2,165,760.00

Stage 2 (Includes Alternative Option for Precinct 6) - Independent Living Units (144x 3 bedroom units)

Allocation of Adopted Infrastructure Charges	Rebate	Payable
Transport	\$0.00	\$730,944.00
Public Parks and Land For Community Facilities	\$0.00	\$1,218,240.00
Stormwater (applicable to Residential development)	\$0.00	\$487,296.00
Stormwater (applicable to Non-Residential development)	\$0.00	\$0.00
TOTAL	\$0.00	\$2,436,480.00

PROPOSAL

This application seeks to develop a retirement village of 180 units, an aged care facility of 60 beds, and an office for community care over the site. Ancillary management, administrative, personal, medical, retail, general and maintenance services are also proposed. The development is planned to be undertaken in varied stages commensurate with community need.

The application proposes 2 separate approvals, including:

- Preliminary Approval Overriding the Planning Scheme in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* to conceptually support the development over the site; and
- Development Permit for Material Change of Use for Multiple Housing – Type 3 Retirement and Special Needs and Commercial Business – Type 1 Office - Stage 1 (60 bed aged care facility, administration and support services and club house and 52 independent living units).

The applicant has requested the development occur over the site through a proposed "Sundale Tewantin Development Code". The proposed Code would override The Noosa Plan in terms of varying the levels of assessment applicable to development and identify development parameters relevant to the site.

The proposed Code has 10 Precincts comprising:

Precinct 1 (Core Precinct)

- Aged care residence of 60 beds in a 2 storey development.
- Central facilities, including club-house and kitchen, community care (based on site with services delivered in home, therefore off-site) and management and administration facilities, medical, retail, general service and maintenance facilities.

Precincts 2-6 (Residential Precincts)

- 180 retirement independent living units, in 1, 2 and 3 bedroom configurations over 2 storey's; OR
- 196 retirement independent living units, in 1, 2 and 3 bedroom configurations over 2 and 3 storey's.

Precinct 7 (Outdoor Recreation Precinct)

- Lawn bowls area with amenities.

Precincts 8-10 (Open Space Precincts)

- Dominant functions for canopy linkage, drainage and flood mitigation and riparian buffering. These precincts will also have a secondary function of providing for passive recreation.

The development is proposed to be 2 storeys in height with independent living units being in the form of 1, 2 or 3 bedrooms. The applicant has also proposed an alternative option, which provides for 196 independent living units, with the additional 16 independent living units being provided in Precinct 6. Development within Precinct 6 would be 3 storeys and consequently have a reduced building footprint from the 2 storey option. Basement car parks are proposed under all the buildings.

SITE DETAILS

Site History

Both sites have been used for grazing. During the late 1980s/early 1990s an earthmoving contractor took up residence on Lot 2 and the site was illegally filled.

Background

The application history extends back to September 2007 when the application was lodged with council for 60 residential aged care beds and 314 independent living units in a 3 storey development.

An information request was issued in November 2007 and, at the same time, officers met with the applicant to highlight concerns with the inconsistent land use proposed and the site's environmental constraints.

Officers subsequently agreed to grant 2 extensions, over an 18 month period, to allow the applicant to address the concerns of council and State agencies. During this time, the applicant reduced the number of independent living units to 180 in a 2 storey development.

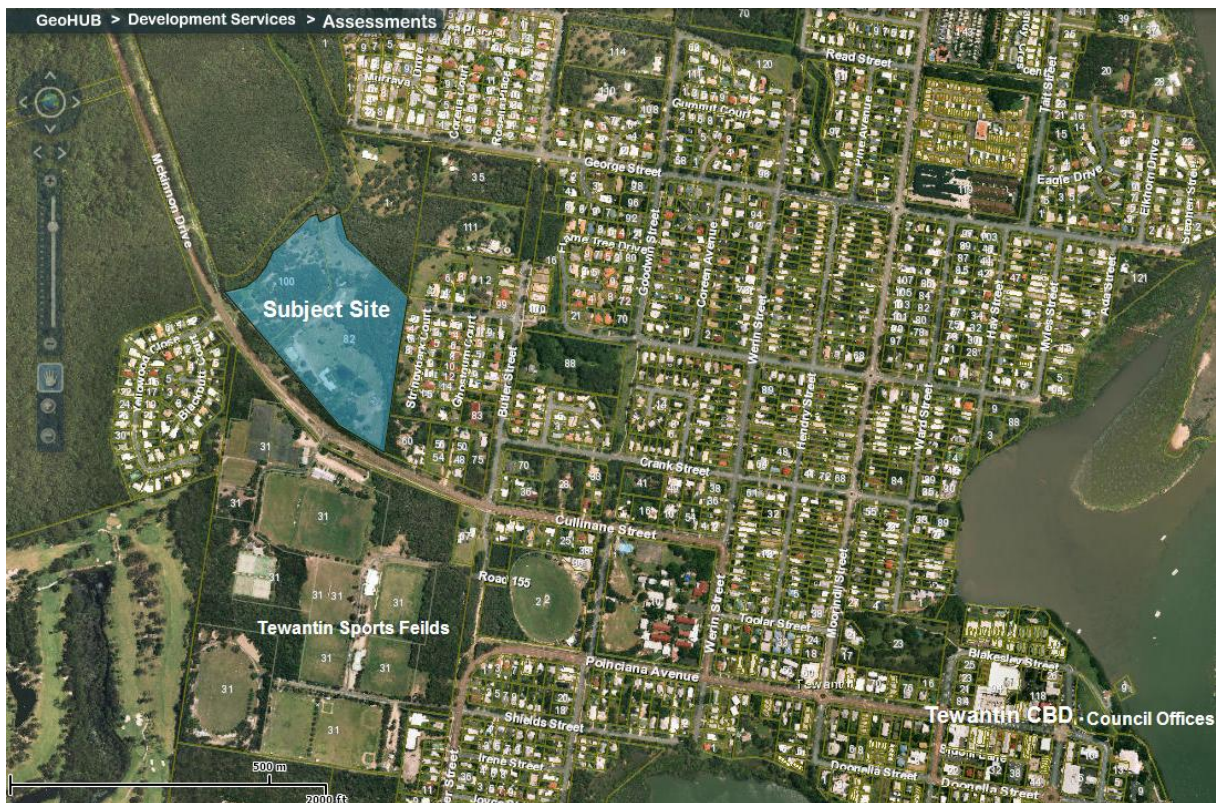
The applicant responded to council's Information Request in May 2010 and notably requested consideration be given to an alternative option for 196 independent living units which included an additional 16 units within a 3 storey development for Precinct 6. Public notification of the application was undertaken during June 2010.

In September 2010, officers advised the applicant that concern still remained with the proposed riparian buffer areas and flooding. The applicant requested time to consider these issues, including the Department of Environment and Resource Management's advice advising that a buffer to the waterway consistent with The Noosa Plan should be maintained.

In September 2011, officers followed up by seeking a formal response to these matters. In October 2011, the applicant provided further information. Officers subsequently met with the applicant in November 2011 and advised that the application was likely to be recommended for refusal, again raising the flooding and riparian buffer area issues. The applicant provided a further response to these matters in February 2012.

Site Description

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



The subject site comprises 2 irregularly shaped allotments, of 6.186 hectares and 2.403 hectares respectively, resulting in an overall site area of 8.589 hectares. The site has a 440 metre frontage to McKinnon Drive, a major road within the Noosa area.

Topographically, the site is relatively flat, but contains 2 significant drainage paths which drain small upstream catchments, including the Tewantin Sports Complex and urban development in the vicinity of Butler Street, Tewantin. These drainage paths are located centrally on the site (west-east direction) and adjacent to the north-eastern boundary (east-north direction) respectively. Both drainage paths flow into Wooroi Creek, which adjoins the site. Land in the vicinity of the site's north-western boundary slopes steeply to Wooroi Creek.

The site contains mostly scattered vegetation with some small clumpings. However, a notable tract of significant mature remnant vegetation exists centrally on Lot 86 (north-western lot). Lot 86 is predominantly undeveloped, although a small dwelling in a state of disrepair exists amongst vegetation on-site. Lot 2 contains a dwelling, several ancillary sheds and several large dams.

Given the site's rural settlement zoning and its location on the fringe of the Tewantin urban area, the site is unserviced by town water and sewer networks.

The site is well removed from local services and does not provide the advantage of independent access to services for non-drivers.

Surrounding Land Uses

The north-western boundary of the site is defined by Wooroi Creek, which is a tributary of the Noosa River. Undeveloped rural lands adjoin the site's north-eastern boundary. The urban areas of Tewantin adjoin the site's south-eastern boundary, with the Tewantin Business Centre being located approximately 1.4km from the site.

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 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide;
- State Planning Policy 2/02 - Planning and Managing Development Involving Acid Sulphate Soils; and
- State Planning Policy 3/11 Coastal Protection.

Of these, State Planning Policy 1/03 and State Planning Policy 2/02 have been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, do not warrant a separate assessment.

In relation to State Planning Policy 3/11, the policy took effect after the application entered the decision making stage and under the *Integrated Planning Act 1997* there is no requirement to assess the application against this policy. Notwithstanding, it is significant to note given the significant site suitability issues raised later in the report.

The site is wholly included within the Coastal Management District by the State Planning Policy. Two thirds of the development site is also mapped as being within an indicative erosion prone area in 2100. Consequently, the proposal significantly conflicts with the development code of the policy which seeks that development be located outside the part of the erosion prone area that is within the coastal management district.

Further, the area of the site containing remnant vegetation is mapped as High Ecological Significance. Although a lesser extent of remnant vegetation exists on the site, the designation of High Ecological Significance recognises the importance of the ecological processes the vegetation provides, such as in-situ habitat, water quality protection, biodiversity corridors and riparian buffers, buffers to the National Park and declared Fish Habitat Area. The proposed development is in conflict with the development code outcomes for nature conservation outcomes of the policy as development is proposed within areas of high ecological significance, and no environmental offset is proposed for any residual effects.

South East Queensland Regional Plan and State Planning Regulatory Provisions

The site is located within the Urban Footprint of the South East Queensland Regional Plan (the Regional Plan) and the proposed development is considered an urban use under the Regional Plan.

For the purpose of the *Integrated Planning Act 1997*, the regulatory provisions contained within the Regional Plan are defined as State Planning Regulatory Provisions. While the regulatory provisions of the Regional Plan identify that urban uses are appropriate to establish on land included in the Urban Footprint, the Regional Plan does not imply that all land in the Urban Footprint can be developed for urban purposes. In this respect, the Regional Plan recognises that land in the Urban Footprint may be unsuitable for development because of environmental constraints, including flooding and biodiversity.

The Regional Plan also contains a number of Regional Policies relating to floodplain management and the natural environment, which seek that development avoid areas of

unacceptable risk of flooding and ensure the protection of biodiversity values. The outcomes sought by these policies reinforce the requirements of the planning scheme.

The South East Queensland Koala State Planning Regulatory Provisions are not applicable to the site.

Preliminary Approval Overriding the Planning Scheme

The applicant has submitted a “Sundale Tewantin Development Code” for approval in conjunction with the application for a Preliminary Approval for Material Change of Use over the entire site. The Development Code addresses the broad planning and design principles for the site with regard to providing a range of accommodation and care for aging persons, while meeting building design and environmental outcomes.

A Structure Plan also forms part of the Code and identifies each of the development precincts over the site, their relationships and broad intents. A supporting Design Code outlines the levels of assessment for development over the site and provides overall site and individual precinct codes which prescribe relevant development outcomes.

The Development Code also incorporates an Environmental Management Strategy which outlines objectives and implementation criteria for environmental aspects during both the construction and operational phases of the development. Council sought some minor amendments from the applicant to the wording of the strategy for additional clarity. As these amendments have not been undertaken, it would be necessary to condition such requirements should the development be approved.

In considering the Development Code, 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. The Development Code is generally considered to be acceptable for the overall use of the site, subject to some amendments, should the development be approved.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is The Noosa Plan (3 February 2006). The following sections relate to the provisions of the Planning Scheme.

Land Use Code Provisions

The subject site is located in the Tewantin Doonan Locality and is zoned Rural Settlement. Although the site borders on the edge of the Tewantin urban area, it was included in the Rural Settlement zone because of its environmental attributes and location outside the existing water and sewer networks, which constrain its development potential. The site contains significant vegetation, is low lying, subject to flooding and has poor drainage.

Land within the Rural Settlement zone supports limited use rights. Consistent uses within the zone include a single dwelling house, a home based business and bed and breakfast type accommodation. Emergency service facilities, veterinary clinics and agricultural pursuits are also recognised as consistent uses for this land zoning, where the site’s constraints are satisfactorily addressed subject to an impact assessable application.

The proposed uses of Multiple Housing Type 3 Retirement and Special Needs (Aged Care and Independent Living Units and ancillary services) and Commercial Business Type 2 Office (Community Care) are all inconsistent uses within the Rural Settlement zone and are required to follow an impact assessable application process. The proposed development, therefore, is a significant departure from the intended use of the site and conflicts with the

planning intent for the site. The *Integrated Planning Act 1997* states that an application in conflict with the planning scheme cannot be approved unless there are sufficient grounds in the public interest to justify the decision despite the conflict.

Planning Need

In considering development proposals that conflict with the planning scheme, planning need can represent sufficient grounds, although the site must still be suitable for the development in terms of site constraints. A 2006 planning study titled "Residential Aged Care and Retirement Housing in Noosa Shire", commissioned by the former Noosa Council, identified that there is an under-supply of "aged care" facilities in the Noosa area generally. However, the need for "independent living units" was not significant, and an over-supply was noted. The study did not specifically identify desirable sites for aged care facilities but did recognise the difficulties of finding suitable land.

In response to the lodgement of this application and the 2006 study, which identified no real demand for independent living units, the former Noosa Council commissioned an independent review to determine whether the number of independent living units proposed with the development was reasonable. The review confirmed the applicant's position that independent living units are necessary in conjunction with aged care beds to off-set costs associated with providing a community service benefit in meeting ongoing transitional aged care needs in Noosa.

Council's "Sunshine Coast Housing Needs Assessment" (2009) paper also highlights shortfalls and increasing need for aged care and residential options associated with the region's ageing population. It found:

The projections of household type and the findings for aged persons in relation to dwelling form and size suggest the following key needs in relation to the provision of housing for older people:

- *A substantially increased supply of smaller detached houses on smaller lot sizes, semidetached housing and attached dwellings are necessary to accommodate the future needs of older people;*
- *An increase in non-private integrated care for older people; and*
- *Consideration should be given to encouraging a balance of the supply of low and high level care to ensure that frail elderly people are not forced to move from the Sunshine Coast when a higher level of care becomes necessary.*

The current adopted Positive Aging Strategy 2011–2016 identifies the need for residential and aged care options for the region's elderly. Principal 6 "Opportunities for All to an Independent Lifestyle" suggests that council facilitate independent living and ageing in place through planning for affordable living and the provision of appropriate housing and aged care options. Similarly, the Affordable Living Strategy 2010–2020 identifies the need for increased aged care accommodation and seeks to increase levels to Federal benchmark standards.

The proposed development provides a mix of retirement and aged care options which responds to these identified needs. Notably, 2 aged care facilities exist in Tewantin, including Noosa Nursing Home in Moorindil Street and Carramar on Cooroy-Noosa Road, which currently provide for approximately 224 beds and 73 beds respectively, although it is significant to note that Carramar has approval for an additional 327 beds, not yet constructed.

Further, in December 2011, an application was approved for 109 independent living units and 118 aged care beds for Blue Care at Sunrise Beach, and 179 independent living units and 120 aged care beds were also approved for the RSL at Cooroy in February 2010.

While there is an identified need for the development, the applicant must also demonstrate that the site constraints can be satisfactorily addressed and the site is suitable for the development.

Density

The Noosa Plan states that development is generally required to be compatible with surrounding development and be of low site impact to enhance the opportunity to maintain natural site characteristics, including native vegetation and natural landforms. Due to the expected low scale nature of development in the Rural Settlement zone, The Noosa Plan does not quantify a density for development on this site.

The proposed density has been considered only with regard to the precincts proposed for residential development and not the entire site. Significantly, the proposed density is considerably less than the maximum density permitted for the Community Uses zone where the establishment of the same use, retirement living and aged care, is supported.

The density proposed is also less than maximum densities permitted for moderate to high residential density zones of Semi-Attached and Attached Housing, which support duplex and multi-unit developments respectively.

Overall, the proposed development is reasonably compatible with development densities on adjoining land zoned Detached Housing. However, the development is not considered to have a low site impact as, while setbacks to adjoining residential land and McKinnon Drive may be achieved, minimal setback (buffer) is provided to adjoining Wooroi Creek and significant filling is proposed.

Site Cover, Gross Floor Area and Plot Ratio

The proposed development is generally compatible with surrounding development as it maintains a site cover, gross floor area and plot ratio appropriate to the site's large size. The development's building forms will not present an appearance of bulk to adjacent properties and roads, due to height and setback requirements generally being maintained. Further, some existing vegetation is proposed to be retained and significant areas of landscaping are proposed.

Building Height and Roof Form

The development generally maintains the maximum permitted building height for the area of 2 storeys and 8 metres (or 9 metres where allowing for a roof pitch in Rural or Rural Settlement zones) apart from the residential aged care building which is proposed to be 10 metres in height, contrary to The Noosa Plan provisions. The additional height is attributed to the roof design of the residential aged care building. As the building is located at the front of the site, it is reasonable to require the roof design to comply with maximum height limits to ensure it is in keeping with the low rise scale of development in the area.

The proposed building heights for the alternative option for Precinct 6 to be developed as a 3 storey building are also inconsistent with The Noosa Plan. While it is recognised that the visible impacts of this additional height for Precinct 6 will be negligible, due to its location in the central western areas of the site some distance from adjoining properties and the road, it

is significant to consider the character of the area. The character of Tewantin is low rise, at 2 storeys, with no development in the area being 3 storeys.

Setbacks

A 10 metre setback requirement applies to the site's front, side and rear boundaries. The development generally complies, although it is noted that the proposed location of the residential aged care building does result in 3 minor encroachments to the front setback.

In this respect, 2 of these encroachments are limited to balconies, which encroach only 1 and 2 metres respectively into the setback. The third encroachment is limited to a small portion of building and balcony which encroaches a combined distance of 3 metres. All encroachments relate to both levels of the 2 storey building. Despite the encroachment, the visual continuity and pattern of buildings and landscape elements to McKinnon Drive will not be jeopardised due to its minor nature and the capacity for landscaping to be achieved in front of the encroaching parts of the building which will protect the amenity of users of the premises and the streetscape appearance of the site.

Overlay Provisions

The following Overlays are applicable to this application, and the application has been assessed against each of them. The pertinent issues arising out of assessment against the codes are discussed below.

1. Biodiversity Overlay Code

- **Proposed Riparian Buffer**

The development would encroach substantially into the 75 metre riparian buffer required to Wooroi Creek under The Noosa Plan Biodiversity Overlay and only one third of the buffer is proposed to be retained for its intended function under The Noosa Plan.

The encroachment of development (buildings and roadways) in Precincts 3, 5 and 6 reduce the buffer down to between 30 and 40 metres for Precinct 3 and Precincts 5 and 6 respectively. However, approximately 15 metres of these buffers are also required for bushfire setbacks and trails and, therefore in reality, the riparian vegetation buffer in these locations is reduced to between 6 and 10 metres in Precinct 3 and between 10 and 25 metres in Precincts 5 and 6.

- **Conflict with Biodiversity Outcomes**

The riparian buffers in The Noosa Plan seek to ensure the long-term viability and sustainability of native flora and fauna by prohibiting development within these areas. The buffer widths provide for setbacks to development, cumulative impacts of the development on natural values, conservation of riparian land and provision for ambulatory boundaries. Wooroi Creek adjoins the site's north-western boundary and is a fifth order stream that flows into, and forms part of, the Noosa River system. Significantly, the Noosa River system is listed as a Nationally Important Wetland on the Directory of Important Wetlands (Noosa River Wetland QLD135). Wooroi Creek is tidal adjacent to the site as is evidenced by the fringing mangrove vegetation. The tidal section of Wooroi Creek is within the Declared Fish Habitat Area 51 which encompasses the Noosa River System.

Riparian buffer widths determined for The Noosa Plan were derived from a number of studies. The principal study was the Planning Scheme Review project in 1996 entitled "Landform, Landscape, Aesthetic and Environmental Values in Noosa Shire". This study categorised waterways and riparian areas based on soil types, environmental role, sensitivity

and influence of the waterway. Wooroi Creek was classified as a category 3 waterway being significant as a local and district waterway. Category 3 waterways were assigned a buffer width of between 50-100 metres as per recommendations from the Department of Primary Industries (Fisheries) and Department of Environment and Heritage. In 2003, a further spatial analysis was undertaken, titled Riparian Buffer Analyses. This study was to determine the accuracy of mapped watercourses. This study used aerial photography and contour mapping to derive stream locations in the former Noosa Shire. Each waterway segment was prescribed a stream order according to the Stahler stream order method. The stream order was assigned a buffer width based on previous local studies and recommendations according to the Department of Primary Industries (Fisheries). Notably all tidal watercourses were recommended to have a minimum 100m buffer, but given the Wooroi Creek tidal reach was incorrectly mapped as non-tidal, a buffer width of only 75 metres was prescribed.

Adequate separation distances of 75 metres, as documented by The Noosa Plan and supported by the Department of Environment and Resource Management, are not proposed by the development. The proposed development conflicts with several outcomes of the Code in respect of the protection of significant vegetation, wetlands, riparian buffers and open space networks/wildlife corridors. The Code seeks that adverse impacts of development on the aforementioned aspects are avoided through the maintenance of appropriate separation distances.

Reduced separation distances will result in the degradation of Wooroi Creek, a declared fish habitat area and wetland. The extensive rehabilitation to the watercourse will be limited by the proposal's lack of separation distance. Due to the close presence of development, fringing vegetation to Wooroi Creek is likely to be compromised by gardening techniques and bushfire mitigation. Further, changes to overland flow, water velocities and water discharge rates have a high potential to impact negatively on the fish habitat areas and the biodiversity values of the site.

Placement of structure and buildings within close proximity to creek banks invariably lead to these structures and buildings being threatened by erosive processes. Asset protection measures, such as rock revetment walls or rock buttresses, are a normal consequence of ambulatory boundaries with actively eroding banks. These structures, through their construction and use, remove riparian vegetation, destroy fish habitat and degrade riparian values. The provision of adequate riparian buffer widths provides natural insurance against bank erosive processes and provides setbacks to erosive interfaces.

Further, while the site is not formally mapped as a Koala Habitat Area, koalas have been sighted on land on the opposite side of Wooroi Creek to the north of the site. The proposal includes the removal of remnant and regrowth koala habitat trees, on-going fire hazard reduction methods and reduction in overall connectivity in the natural landscape. These actions will impact on koala habitat values of the site. The decline of koalas in South East Queensland has been recognised at both State and Federal levels through the listing of the koala as a threatened species under both tiers of government. Council must be cognisant of this listing in assessment of planning applications and ensure the designated nature conservation areas and buffers are maintained and enhanced.

Section 1.2.3 of the *Integrated Planning Act 1997* and similarly, Section 5 of the *Sustainable Planning Act 2009*, states that in advancing the Acts' purpose in ensuring decision making process, the precautionary principle be applied. In this regard, "*the precautionary principle is the principle that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment if there are threats of serious or irreversible environmental damage*".

The application of the precautionary principle is highly relevant as it has been strongly upheld in the consideration of riparian buffers with respect to development applications in the former Noosa Council area. For example, in the case of the development of land adjacent to Lake Doonella, also a declared fish habitat area, council refused an application due to the concern of the implementation of adequate buffer width to set the development back from the lake and creek banks. In this circumstance the former Noosa Council, in its Strategic Plan, had identified the shores of Lake Doonella required a buffer width of 250 metres and to Cranks Creek, a buffer width of 100 metres.

A subsequent appeal to the Planning and Environment Court by the applicant, Allied Estates Planning, was refused. The Judge found in his decision that the proposed development would represent a substantial departure from the balance struck in the strategic planning of the former Noosa Council. The applicant's attempts to reduce building densities and provide a buffer of 114 metres to the foreshore of the lake to address stormwater and sediment control requirements so as to not worsen the quality of water entering the lake and creek were not considered sufficient. In his view the Judge determined "*the generous separation distances provided by the designation in the Strategic Plan may be taken to allow for many contingencies beyond what might be overcome by skilled engineering design*". Essentially, the wider buffer zones were seen to provide a greater insurance for the protection of sensitive areas. The site subsequently gained approval through a subsequent development application, wherein a 250 metre buffer to Lake Doonella and a 100 metre buffer to Cranks Creek were required.

2. Natural Hazard Overlay Code

- **Current Flood Situation**

The entire site is affected by flood waters, with the site being partially inundated from the regional, local and storm surge events and further inundated in more extreme floods events. In this regard, approximately half of the site is inundated by flood waters during a Q100 event with flood waters being 0 -1.35 metres high across the site and even deeper in more extreme events. Flooding of the site is subject to 2 sources, being the 2 drainage lines which run through the site from McKinnon Drive and from Wooroi Creek.

Notably, areas of the site below both the Noosa River and Wooroi Creek Q100 flood level have been previously unlawfully filled. The unlawful filling of the site occurred many years ago and at the time council took no enforcement action. As council has no legal rights now to take enforcement action, for the purposes of this assessment, the unlawful fill has become the existing situation from which additional impacts of the current development proposal are assessed. It is evident from the previous unlawful filling of the site that flood storage volume of the Noosa River floodplain has been lost and as a result flood waters have resulted in an increase in flood levels offsite. In addition to loss of flood storage volume, the conveyance capacity of the eastern most drainage line has been reduced by the unlawful filling, again resulting in off site impacts.

The proposed development involves significant filling of approximately 15,000m³ of areas below the local and regional flood level and also areas below Highest Astronomical Tide under both current and future climate scenarios. The only compensatory cut is within the central channel and while significant cut is proposed for the lake within this channel, it will not contribute to regional flood storage as it will be permanently full of water.

The proposed filling has been modelled not to have a significant impact on flood levels offsite as the loss of floodplain storage is not significant when the entire Noosa River floodplain is considered. However, the cumulative effect of filling in the floodplain would result in the

significant loss of flood storage for the Noosa River and result in a widespread increase in peak flood levels.

The topography of the site varies on average from 1 metre Average Height Datum to 3 metres Average Height Datum. Three main fill pads are proposed in the north, central and eastern areas of the site to accommodate the retirement independent living units and aged care facility. Filling in the range of 0.5 - 2.5 metres is proposed to achieve a finished pad level above the current climate Q100 freshwater flood level and above the Q100 storm tide level including projected sea level rise due to climate change. Accordingly, all buildings and basement car parks would not be affected by a Q100 flood.

- Conflict with Natural Hazard Outcomes

The Code seeks that development not compromise the safety of people or property from floods up to and including Q100 flood events. The development satisfies this outcome of the Code as extensive filling of the site is proposed to ensure the development (building platforms and access to the site) achieves flood immunity in a Q100 flood event. However, the proposal to fill the site directly conflicts with another outcome, Specific Outcome 20 of the Code, which states *“natural landforms are maintained rather than modifying the landform to suit the development.”* The proposal conflicts with this outcome as extensive filling, (approximately 15,000m³), is proposed to achieve three main fill pads for development on the site.

Specific Outcome 15 of the Code also states *“development does not result in adverse impact on people’s safety and capacity to use land with floodplains”*. While the development can provide flood immunity in a Q100 flood event, there are potential risks to people and property in greater flood events due to the site’s location in a flood plain and the type of use proposed. This is pertinent as the overall outcomes of the Code seek that the nature of the development is compatible with the natural hazard. The proposal to provide a place of residence for a large number of elderly persons is not compatible with the site’s risk of being affected by flooding.

Specific Outcome 15 is also highly relevant as in recent times the Sunshine Coast has seen some significant events that have exceeded the 1 in 100 year rainfall intensity, including rainfall intensity exceeding the estimated 1 in 900 year rainfall intensity at Cooroy on 24 February 2012 which resulted in a greater than Q100 flood event. This is evidence that flood events greater than Q100 do occur and should be considered.

- Considering Flood Risk beyond Q100

2 publications, *“Planning for stronger, more resilient floodplains Part 2 – Measures to support floodplain management in future planning schemes”* by Queensland Reconstruction Authority, and *“Floodplain Management in Australia – Best Practice Principles and Guidelines”* by CSIRO SCARM Report No. 73 (also referenced by the Queensland Flood Commission of Inquiry report) both strongly advocate a risk-based approach to floodplain management and are critical of contemporary Queensland practice (as exemplified through The Noosa Plan) which partly assumes filling land to the Q100 flood level eliminates flood hazard to an acceptable level. QRA (2012) specifically states: *“...good planning needs to consider more than just the 1%AEP flood (Q100). In particular, good land use planning should consider the possibility of a range of floods across the full floodplain extent, and also give greater attention to the consequences of flood”*.

The Queensland Reconstruction Authority document identifies a risk assessment process for determining the appropriateness of different land uses based on consideration of both the level of flood hazard and the consequences of flooding on the land use. Flood hazard is dependent on a range of factors but, at its most simplistic, can be determined quantitatively

using the procedures specified in the CSIRO's Floodplain Management in Australia Best Practice Principles and Guidelines. Based on these procedures, even after the site has been filled to the Q100 level, the flood hazard would be extreme during a Probable Maximum Flood and thus hold a resultant risk for the site as medium/high hazard.

- Queensland Flood Commission of Inquiry

The Queensland Flood Commission of Inquiry was instigated by the State Government following the extreme flood events of 2010/2011. The Commission was set up to enquire on matters of the floods including land use planning to minimise flood impacts. The final report is considered to be relevant to the assessment of this application as it also considers the appropriateness of planning for a Q100 event and whether this is an acceptable level of risk for development in view of overall outcomes of The Noosa Plan code.

While the final report is not statutory, it is likely that flood planning controls at state and local levels, through changes to State Planning Policy 1/03 and planning schemes, will change and become more stringent in the future.

The report recommends that community infrastructure (as identified under Schedule 2 of *Sustainable Planning Regulation*), including aged care facilities should *"be located and designed so as to function effectively during, and immediately after a flood"*. The Commission heard evidence about the evacuation of residents, from a Brisbane retirement complex which provided aged care, assisted and independent living facilities, during the January 2011 flood. The off-site evacuation raised emotional (stress) and physical (mobility) difficulties for the aged persons and also demonstrated the burdens that can be placed on the community in relation to finding suitable alternative housing options for aged persons during, and immediately after, flood.

The mobility difficulties associated with aged persons are exacerbated when needing to evacuate in the event of a flood and, in some circumstances, there may be inadequate warning time for evacuation before roads and property begin to flood. Hence, additional pressure is placed on emergency services personnel, their resources and the general community to carry out a means of safe and efficient evacuation.

However, while these documents support the consideration of flood events greater than Q100 flood levels in planning for development, particularly for sites not currently zoned for development, the current standard within state and local policy remains the Q100.

In relation to the site, peak Q100 and greater floods occur from Noosa River back flooding, and not exclusively from the drainage lines running through the site or from Wooroi Creek. Peak Q100 levels from the Noosa River result from a 48 hour storm event. It is recognised that the Bureau of Meteorology can forecast heavy rainfall occurring days in advance, although it's usually unknown as to whether such rainfall events will cause minor or major flooding. Accordingly, the expected maximum evacuation warning time for a flood event would be 1 day. In reality, this warning time would probably be shorter given the nature of the use and the associated constraints of an evacuation.

In relation to the duration of a flood event, Q100 flood levels are predicted to be 0 – 1.35 metres in depth over the site for a period of 37 hours.

To support these concerns, the report further references the Standing Committee on Agriculture and Resource Management Report Floodplain Management in Australia: best practice principles and guidelines which states that *"housing for the aged is best sited in flood-free areas because of the additional time likely to be involved in evacuation, and the dangers of slower evacuation"*. The Noosa Plan also supports development outside of flood

plains with provisions seeking that modifications to the landform are not made to suit the development.

Notwithstanding the above, the applicant submits that, in addressing the flood risk, an off-site evacuation is not necessary, as all building complexes on site will have a second storey above any greater flood levels that would be available to residents in the event of an emergency, and form part of a flood emergency evacuation plan. Similar to the concerns raised regarding an off-site evacuation, this solution is an inappropriate outcome as generally the same emotional (stress) and physical constraints identified below are relevant in terms of any on-site evacuation:

- mobility difficulties associated with aged residents;
- reliance on assistance from staff, community aid and emergency personnel and their resources required to safely and efficiently carry out the evacuation;
- suitability of 'refuging' a large amount of persons within existing buildings for an extended time period; and
- the ability to provide continued care in terms of food and medical supplies which may need to be brought in from off-site, and functioning services and utilities (i.e. access to clean water, sanitization and electricity).

In relation to functioning services and utilities, the likelihood of services working in a Q100 event would be as could be expected for anywhere in Tewantin. In more extreme flood events, where the development is fully inundated, it is anticipated that none of the services would work at the site.

Therefore, the final report of the Queensland Flood Commission of Inquiry is consistent with The Noosa Plan's Code to not fill land to achieve flood immunity.

- Disaster Coordination

Council's Local Disaster Coordinator supports the recommendation to refuse the application for the following reasons:

- the location of the site next to Wooroi Creek is subject to flash flooding;
- the site requires significant fill (up to 1.35 metres) in order to achieve flood immunity for a Q100 flood event, which could be argued is probably too low an immunity for a facility of this nature and location;
- the recommendations of the Queensland Flood Commission Inquiry that community infrastructure, including aged care facilities "*...should be located and designed so as to function effectively during, and immediately after a flood*";
- the lack of any clear recognition by the applicant that, in a major or extreme flood event (i.e. an event above the Q100), the frail aged are particularly vulnerable to the impacts of flooding; and
- no clearly enunciated strategy by the applicant to allow residents of both the aged care facility and the retirement village to adequately shelter in place during and after a major or extreme flood event.

A combination of these factors indicates that developing a retirement village and aged care facility on this site is high risk.

The application does not meet the intent of the Queensland Flood Commission of Inquiry Final Report's recommendations which seek to shift planning decisions from their current

focus on the “1 in 100 year” (Q100) flood to a more risk based approach “because floods come in all sizes”, nor does it meet the Queensland Reconstruction Authority’s best practice principles and guidelines as outlined in their “*Planning for stronger, more resilient floodplains Part 1 & 2*” documents which have at their core the principle of limiting to acceptable levels the effect of flooding on the well-being, health and safety of flood-prone land, individuals and communities.

- **Bushfire**

An area of the site adjacent to Wooroi Creek is identified as medium bushfire hazard under the planning scheme. The applicant has submitted a fire management report which demonstrates that the proposed use does not compromise the safety of people and property from bushfire. The report contains an assessment of the site’s risk to bushfire against the methodology identified in State Planning Policy 1/03. The report determines that this area of the site to be low hazard alike the other areas of the site. However, the report confirms that land to the north and north-west (on the opposite side of Wooroi Creek) of the site is medium hazard. Accordingly, given the site’s proximity to medium hazardous land (in the range of 30-50 metres), the report includes recommendations for mitigating actions for land buffering these medium hazard areas.

These actions will include:

- revegetating the riparian buffer and ongoing management through slashing or brush cutting of understorey vegetation;
- 15 metre firebreak (grass or ground cover planting);
- 2 metre hardstand access track (including fire hydrants) providing for fire access purposes; and
- buildings within 50 metres of medium hazard areas will be assessed against Australian Standards AS2959 at the building design phase.

Notwithstanding the above, it is significant to note that vegetation in adjacent National Parks and bushland reserves are subject to bushfires, caused by planned or uncontrolled burn offs. It is highly likely the perception of the level of threat from these regular bushfires will place additional stress on aged residents and operators of the site to ensure that the threat to the site is minimised.

- **Acid Sulphate Soils**

The proposed development involves mainly filling but some excavation is proposed for drainage channels, the lake and the basement car park. The Acid Sulfate Soil Investigation, undertaken by Golder Associates (2008), found that there is a moderate risk of acid sulfate soils existing at the site and an existing acidity hazard at a moderate level. To manage the acid sulfate soils and existing acidity in the soils of the site, lime treatment of excavated soils, collection and treatment of leachate, monitoring of surface water and groundwater would be required. In terms of operation of the proposed development, the basement would need to be fully tanked to prevent any groundwater seepage into the basement or lowering of the groundwater table. Management of acid sulfate soils and groundwater can be conditioned.

Uses and Works Code Provisions

The application has been assessed against each of the following applicable codes which regulate the use, design and works associated with the proposed development:

Residential Uses Code	The Code seeks that car parks drain from the site by gravity means. The development will require mechanical pumps to drain basement car parks. While the site is located 1.2 km from the Tewantin town centre, it is in close proximity to public transport with nearest bus stops being approximately 200-600 metres away thus allowing residents access to commercial and community services.
Driveways and Car Parking Code	The development requires 248 car parking spaces and an emergency bay, with notably an additional 20 car parking spaces being required should the alternative option for Precinct 6 be taken up. The proposed development provides a total of 290 car parking spaces comprising 234 spaces for the retirement independent living units, 56 spaces to service the aged care facility, ancillary uses and the community care office. Accordingly, the development provides sufficient car parking on site to meet the demands of the proposed use.
Landscaping Code	Landscape setback requirements are generally maintained to front (6 metres) and side (10 metres) boundaries apart from in the vicinity of Precinct 2 where only a 5 metre landscape setback is provided to adjoining rural residential land. This still provides sufficient buffer to protect the amenity of the land uses.
Transport, Roads & Drainage Code	The Code seeks that developments are provided with external roadworks along the full extent of the site's frontage having regard to the function of the road. Given the existing rural nature of the site's frontage, the development will require urban frontage works. These works consist of kerb and channelling, a footpath across the frontage of the site and footpath linkages with the existing pathway network.
Earthworks Code	No issues.

Other Matters for Consideration

Sunshine Coast Council Policy Framework - Strategies

As the application is Impact Assessable and seeks a Preliminary Approval to Override the Planning Scheme under section 3.1.6 of the *Integrated Planning Act 1997*, it is appropriate to consider the currently adopted Strategy documents applicable to the development. The Strategy documents will ultimately inform the drafting of the new planning scheme. For ease, consideration of the Strategy documents is grouped into the following three themes:

Economic Development Strategy

The development is in keeping with the intent of the strategy as its establishment will result in employment opportunities for those seeking work in the area of aged care support services.

Positive Ageing Strategy

The needs of older people can be met generally by the development, apart from flooding concerns, as it will allow for provision of services for the aging population through accommodation types, care and respite and medical services on and off-site.

Affordable Living Strategy

The Strategy identifies support for not for profit housing providers. Sundale (the applicant) is an established and long-term provider of not for profit aged person's accommodation on the Sunshine Coast.

Biodiversity Strategy

The site contains core habitat as identified on the Strategy maps. The proposed clearing of significant vegetation on-site is inconsistent with the Strategy, as habitat loss due to development, is an identified threat to maintaining the region's biodiversity.

Waterways and Coastal Management Strategy

The proposal to reduce riparian buffer areas to Wooroi Creek conflicts with the Strategy, which seeks to maintain riparian and instream health through minimisation of vegetation clearing and the protection of wetland and waterway environments from urban development.

Economic Implications The Economic Development Branch has examined matters relevant to the application in the context of The Noosa Plan 2000, Council's Corporate Plan 2009-2014 and Council's Economic Development Strategy 2010-2014.

In terms of council's Corporate Plan (2009-2014), the construction of the proposed aged care facility generally aligns with the Corporate Plan objective of creating a more robust economy by enabling growth in a range of identified emerging sectors (of which one is Health and Wellbeing) - in concert with ensuring that the traditional pillars of the regional economy (including construction) continue to grow. Aged care/health care/social assistance is a key growth sector and has the potential to provide both skilled and unskilled employment opportunities on a more enduring basis, with a greater emphasis on growing full-time employment. One of the most significant economic and labour market challenges confronting the Noosa and Tewantin local area is a disproportionately high concentration on part time and casual employment when compared with the remainder of the region, which is largely a product of the area's dependence on tourism and related sectors for employment opportunities.

The Economic Development Branch recognises the potential for the proposal to contribute to meeting localised needs, retaining capital and recurrent expenditure plus generating associated employment opportunities. The potential economic contribution of the proposed development would occur over both its staged construction and operational phases, including an additional 20 direct jobs once it is fully operational. Nevertheless, it is also acknowledged that such potential benefits must be balanced against the need for development which is resilient to flood inundation and hence ensure that its ability to deliver the predicted net social benefits over the longer term is not compromised.

Strategic Planning

The site is located within the Urban Footprint of the SEQ Regional Plan 2009-2031 and a Rural Settlement zone in The Noosa Plan 2006. The site adjoins "urban" zones and is on the fringe of the Tewantin settlement. The site's environmental characteristics and constraints (including flood risk, presence of mapped remnant vegetation and potential acid sulfate soils) precluded suitability for Detached Housing or other urban zoning when drafting The Noosa Plan.

The Noosa Plan identifies the proposed use of the site as an 'Inconsistent use' within the Rural Settlement zone, thus requiring impact assessment.

The Overall Outcomes for the Tewantin & Doonan Locality (s12.8.2a) prescribe that *"New uses and works are located, designed and managed to...maintain the safety of people and work", and "avoid significant adverse effects on the natural environment, including native habitat removal, fragmentation and attrition"*. The Overall Outcomes also prescribe that rural settlement is *"consistent with the environmental constraints of the area, offer high levels of amenity and moderate to high levels of convenience, accessibility and servicing"*.

The site is affected to varying degrees by the following overlays:

- Flood Hazard Area;
- Environmental Protection Area;
- Riparian Buffer Area;
- High Potential Acid Sulfate Soils (0-5 m Average Height Datum); and
- Medium Bushfire Hazard Area.

It is noted that specialist advice regarding flooding suggests development of the site would require filling which, in isolation, would not generate significant off-site impacts but, on a cumulative basis, could impact upon the flood storage of Noosa River resulting in increase in peak flood levels. However, it should be noted, that there is very limited opportunity for further development in the area given the remaining developable land in the planning scheme and the surrounding land ownership.

Given that the proposal conflicts with the planning scheme, assessment is required to consider whether there are "sufficient grounds" to approve the application despite the conflict. These sufficient grounds relate to matters of public interest, and a key consideration is whether the use would (on balance) improve community wellbeing. Further, some consideration needs to be given as to whether the same opportunity to meet this community need could be met elsewhere. It is noted that there is limited land available for this type of use in the general Noosa area; known sites include an approved Blue Care site in Sunrise Beach, the RSL site in Cooroy, and the extension of Carramar at Noosa-Cooroy Road, Tewantin.

Council recognises a high need for aged care accommodation as well as smaller, low maintenance and universally designed housing options across the Sunshine Coast to accommodate population growth and ageing. Independent living and ageing in place is also strongly supported in various council policies. A study, commissioned by the former Noosa Shire Council (2006), identified that additional aged care beds would be required in the northern parts of the coast in the longer term to meet Federal Government provision benchmarks. A lack of integrated aged care facilities (tri-care) was highlighted, as was the need for affordable housing options.

A Social Needs Assessment commissioned by the Sunshine Coast Council (2008) recognised the community benefits with the integrated care and charitable model proposed by Sundale. The report recommended the proposed integrated care model, and identified ways in which the community benefit could be further enhanced. It is considered that the subject site is of a suitable size (approximately 8.5 hectares) and location (being within 1.4km of the Tewantin centre) to accommodate aged care facilities including a mix of aged care and independent living units.

The proposal is generally consistent with the Affordable Living Strategy (2010) and the Positive Ageing Strategy (2011) and there is also a long-term need for aged care accommodation in the vicinity beyond the 32 places approved for Carramar at Noosa-Cooroy Road. It is considered that the Sundale proposal provides community benefits as follows:

- community care elements available to the wider community. The provision of community care and day respite services to the wider community would address a gap and allow people within the wider community to continue to live within their own homes as they age;
- an ageing in place/tri-care model designed to allow people to live within the same home or community as their care needs change over time. The Affordable Living Strategy and Positive Ageing Strategy supports ageing in place; and
- affordable accommodation and aged care services which would assist in addressing community needs.

The community benefits need to be considered against whether the site is suitable for the proposed use due to flood hazards, the practicality of providing adequate flood immunity and the consequent impacts on flood storage capacity. Attention is drawn to the Queensland Flood Commission of Inquiry Report which noted, among other things, the need for greater assessment of risk factors and a preference that flood impacts are contained on the site.

Traffic and Transport

The site has frontage to McKinnon Drive which is a dual carriageway (1 lane in each direction) with a speed limit in front of the site of 60km/hour. Under The Noosa Plan, McKinnon Drive is identified as part of the major road network within the Noosa area. Specialist traffic and engineering officers have identified the need for road, driveway and footpath improvements in front of the site including:

- the full length of the McKinnon Drive frontage of the development site shall be upgraded by providing kerb and channel, bitumen road widening and landscaping improvements to the footpath;
- left and right turn treatment on McKinnon Drive at the intersection with the proposed major access driveway to the site, including widening of McKinnon Drive in this location to accommodate a raised median island and vehicle accesses to the site;
- widening of McKinnon Drive opposite the existing driveway access to the sports complex on the other side of McKinnon Drive so as to provide a right turn treatment;
- limiting access to McKinnon Drive at the south-east corner of the site to left turn egress only and widening of McKinnon Drive to accommodate a raised median island on McKinnon Drive opposite this driveway to prevent right-turn vehicle movements at the driveway;
- limiting the proposed driveway access to McKinnon Drive at the north-west corner of the site to use by emergency vehicles only and the installation of a vehicle barrier on the site boundary on this driveway to prevent use by vehicles other than emergency vehicles; and
- a pedestrian refuge on the western side of the left-turn egress driveway. Pathway connections must be provided from the refuge to the site and to the existing pathway on the southern side of McKinnon Drive.

In relation to access to public transport, the site is situated approximately 600-800 metres from the nearest bus stops on Werin Street and Cooroy Noosa Road, with a bus shelter provided only at the latter. Notably, a bus shelter is located in front of the site, but no

Translink bus service passes the site. The site is generally well serviced by pedestrian paths with a footpath existing along the opposite side of McKinnon Drive. The footpath provides a connection from the Tewantin urban area to just before Yellowood Close where it crosses onto the same side of the road as the subject site, adjacent to Wooroi Creek. No central pedestrian refuge is provided on McKinnon Drive in this location. A refuge in the median on McKinnon Drive adjacent to the main access driveway to the site would be beneficial in meeting the needs of residents of the proposed retirement and aged care residence and the general community alike.

McKinnon Drive forms part of council's Flexilink service route between Boreen Point and Tewantin, thus providing an alternative means of public transport to residents of the site. In addition, Queensland Transport, in its referral agency response, requires that a courtesy bus be provided for residents to access shopping and medical facilities.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport and Main Roads

The Department of Transport and Main Roads provided responses in relation to road and transport matters. While its response of 1 June 2010 states it has no objections to the proposal in relation to road matters, its correspondence of 6 July 2010 contains conditions pertaining to transport matters, including the requirement for a regular courtesy bus service between the site and higher order shopping and medical facilities.

Department of Environment and Resource Management (site contains assessable vegetation)

The Department of Environment and Resource Management provided its response on 21 January 2010 which included conditions regarding vegetation clearing, building of infrastructure and revegetation in certain areas.

Advice

Department of Environment and Resource Management (site contains ASS below 5m Average Height Datum and involves filling above 1000m³, site within 100m of a protected area, forest reserve, critical habitat or area of major interest under the Nature Conservation Act 1992)

The Department of Environment and Resource Management response dated 22 November 2007 provides advice in relation to the site's biodiversity values, including emphasizing the remnant and wetland values which exist on and adjacent to the site and the necessity to protect and rehabilitate through riparian buffers and retention of significant vegetation. A development-free buffer consistent with The Noosa Plan is recommended.

No response was received in relation to Acid Sulfate Soils.

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:

- Senior Engineering Officer, Engineering and Environment Assessment;
- Senior Hydraulics and Water Quality Engineering Officer, Engineering and Environment Assessment;
- Senior Environment Officer, Engineering and Environment Assessment;
- Principal Traffic Engineer, Engineering and Environment Assessment;
- Coordinator Infrastructure Planning, Infrastructure Policy;
- Planning Coordinator, Strategic Land Use Planning;
- Policy Officer, Economic Development; and
- Local Disaster Coordinator.

Public Notification

The application was publicly notified for a minimum of 30 business days in accordance with the requirements of the *Integrated Planning Act 1997*. Two properly made submissions were received. The following table provides a summary and assessment of the issues raised by submitters.

Issues	Comments
The proposed development is not a consistent use in the Rural Settlement zone.	It is acknowledged the planning scheme does not support the proposal being in the Rural Settlement zone.
The site has been illegally filled in the past and that additional filling is proposed for the development.	Council recognises the submitters' concerns that illegal fill was placed on the site some years ago, but the timeframe in which council had to take enforcement action for its removal has since past, therefore, the existing fill on the site must be accepted as the current situation. The planning scheme does not support changes to the natural landform to suit the development and, therefore, proposed filling of the site to achieve flood immunity is contrary to the Code outcomes.
Concern for parking and traffic congestion on McKinnon Drive from persons attending sporting events on the nearby sports oval.	While the development may increase the number of vehicle movements on McKinnon Drive, it is unlikely to add to parking and traffic congestion problems in this area, as sufficient car parking is proposed on site to cater for resident and employee demands.

Issues	Comments
Events held at the site will result in noise impacts on nearby residents	Events held at the site are likely to be infrequent and largely held indoors within the club house. Therefore, noise impacts are not considered to be an issue of concern.
Native fauna such as koalas, kangaroo, birds and reptiles previously seen on the site will be forced from the site as a result of the development.	Native fauna will be impacted by the establishment of built form on the site. Further wildlife corridors adjacent to Wooroi Creek will be significantly reduced, as a smaller buffer than required under the planning scheme is proposed.
Concern to where stormwater will be discharged	Overflow from roof areas and stormwater from other areas of the site are proposed to be treated in bioretention swales integrated into the landscaped areas of the development. The bioretention swales then discharge into the channels through the site which discharge to Wooroi Creek. Wooroi Creek is a legal point for the site. At the outlet of the central channel a lake is proposed. This lake is also proposed to receive treated flows from the development and untreated flows from the catchment. Notably, this lake is not critical to the site's stormwater management.
Capability of sewerage networks	The site is not currently serviced by town water and sewerage networks. The development would be required to contribute toward the upgrade of such networks to allow for its connection.

CONCLUSION

The application seeks approval for a use that conflicts with the outcomes sought under the planning scheme. While the application has demonstrated a planning need for aged care housing, the proposal does not adequately address its environmental constraints. An inadequate buffer is proposed between the development and an adjacent watercourse such that the precautionary principle ought to be applied in retaining a 75 metre buffer to ensure the protection of significant environmental values associated with Wooroi Creek and, further, the Noosa River system.

Significant changes to the landform are proposed in the form of excavation and filling the site to achieve flood immunity which is contrary to the outcomes of the Noosa Plan, particularly as the site is not identified for development. Accordingly, the site is not suitable for the development given the nature of the use, characteristics of aged persons and the pressure that would be placed on residents, employees and the community and its resources in the event of an evacuation during a flood event.

The *Integrated Planning Act 1997* requires that there must be sufficient grounds to support the proposal despite its conflict with the planning scheme. While there is a need for aged care developments generally in the area, the constraints of the land are also not over-ruled by any significant public advantage. Therefore, the application is recommended for refusal.

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7.1.2 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT, 14 SANTA MONICA AVENUE, COOLUM BEACH

File No: REC12/0030

Author/Presenter: Development Planner, Planning Assessment
Coordinator, Planning Applications North, Planning Assessment

Appendices: App A – Conditions of Approval (Pg 38)

Attachments: [Att 1 - Proposal Plans](#) (Att Pg 9)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1154019>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Mr GW Dean
Proposal	Reconfiguring of a Lot (1 Lot into 2 Lots)
Properly Made Date:	19/03/2012
Information Request Date:	Not applicable
Information Response Received Date:	Not applicable
Decision Due Date	13 September 2012
Number of Submissions:	26
PROPERTY DETAILS	
Division:	9
Property Address:	14 Santa Monica Ave, Coolum Beach
RP Description:	Lot 43 RP 86149
Land Area:	787m ²
Existing Use of Land:	Detached Dwelling
STATUTORY DETAILS	
SEGRP Designation:	Urban Footprint
Planning Scheme	Maroochy Plan 2000 (8 August 2011)
Strategic Plan Designation:	Urban
Planning Area / Locality:	Coolum Beach No.11
Planning Precinct / Zone:	Coolum Beach North No.5 and Neighbourhood Residential
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for Reconfiguration of a Lot (1 Lot into 2 Lots). The application is before council on the basis of significant public interest, with 26 properly made submissions objecting to the development received.

EXECUTIVE SUMMARY

The application seeks approval to reconfigure an existing 787m² lot into 2 lots, comprising 1 lot of 369m² and the second lot of 421m². The site is located in a Neighbourhood Residential Precinct under the Maroochy Plan 2000, with single detached dwellings on generally traditional sized lots dominating the area. The site currently contains an older dwelling house, and is generally flat with some vegetation existing to the site's frontages. The application has been required to follow an impact assessment process, requiring public notification as the proposal seeks lot sizes less than the preferred minimum lot size for the precinct of 600m².

During the public notification period, 26 properly made submissions were received objecting to the application. The submitters were primarily concerned that the proposed lots were not in keeping with the character of the area, did not comply with the minimum lot size, were not located in a mixed housing precinct and that there was no public interest to justify relaxing the planning scheme provisions.

Although the proposed lots do not meet the minimum preferred lot size of 600m² specified for the precinct, the applicant seeks approval for a performance-based outcome for the site as provided for under the Maroochy Plan. In this respect, the proposal is consistent with the planning scheme's strategies for infill type development, which encourage dual occupancies and small lots in traditional neighbourhood residential areas. The proposal is of a density comparable to a dual occupancy development, and will not unduly compromise the area's character. Each proposed lot has a street frontage of 20 metres and contains a suitable building envelope for a single dwelling house that will ensure the existing streetscape pattern is generally maintained.

It is, therefore, recommended that the application be approved with conditions.

OFFICER RECOMMENDATION

That Council APPROVE WITH CONDITIONS Application No. REC12/0030 and grant a Development Permit for a Reconfiguration of a Lot (1 Lot into 2 Lots) situated at 14 Santa Monica Avenue, Coolum Beach, 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 (which excludes infrastructure charges to Unitywater):

Allocation of Adopted Infrastructure Charges	Rebate	Payable
Transport	\$0.00	\$3,984.00
Public Parks and Land For Community Facilities	\$0.00	\$6,640.00
Stormwater (applicable to Residential development)	\$0.00	\$2,656.00
Stormwater (applicable to Non-Residential development)	\$0.00	\$0.00
TOTAL	\$0.00	\$13,280

PROPOSAL

The application seeks approval for Reconfiguration of a Lot (1 lot into 2 lots). The proposal is a small lot subdivision seeking to establish lot sizes 369m² and 421m² from a 787m² lot in a neighbourhood residential precinct where the preferred minimum lot size is 600m². Each of the resulting lots would be capable of accommodating a single, 2 storey dwelling, with a double garage and up to 50% private space. Access is proposed along Santa Monica Avenue, Coolum Beach, for proposed Lot 1, and Daytona Ave for proposed Lot 2.

The applicant submits that, since dual occupancy residences are permitted within Neighbourhood Residential precincts on lots of 800m² (13m² more than the subject site), the proposed small lot subdivision would result in the same density, with no real difference in scale, nature or visual/ amenity impact.

SITE DETAILS

Site Description

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



The subject lot is an irregular shaped corner lot and contains an existing dwelling. The site's topography is relatively flat, sloping gently towards the road frontages. There is some dense vegetation long the site's frontages. All infrastructure services are currently available to the

site. A 1.8 metre footpath runs along the Santa Monica Avenue frontage and a sewer main transverses the site.

The site is located approximately 600 metres due west of the Coolum Beach commercial district along David Low Way.

The site is situated in relatively close proximity to a full range of commercial and community facilities and the beach. The Coolum Park Shopping Centre is approximately 900 metres away and local shops, restaurants and community facilities such as the Coolum library are within a 750 metre walk from the site.

The nearest bus stop is located approximately 200 metres away along Coolum-Yandina Road and another is located 250 metres away along Banksia Avenue.

Surrounding Land Uses

The neighbourhood consists of predominantly detached houses, but there are a small number of dual occupancy residences in the area. A number of multiple dwelling units are also located within the vicinity of the site, but are generally confined to Coolum-Yandina Road and areas closer to the commercial precinct.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009*, 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; and
- the Planning Scheme for the local government area.

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

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are 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 regional land use intent, regional policies and desired regional outcomes for the Urban Footprint.

In accordance with the South East Queensland Regional Plan, between 2009-2031 the Sunshine Coast is expected to accommodate a minimum of 37,000 additional dwellings within existing urban areas through infill development. The proposal generally supports the achievement of the intent of these policies.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is Maroochy Plan 2000 (8 August 2011). The following sections relate to the provisions of the Planning Scheme.

Strategic Provisions

One of the key issues of the urban development strategy is to facilitate higher densities and encourage infill development in urban areas without compromising the existing character of a particular precinct.

The strategy is reflected in the strategic objective *“To provide for diverse range of housing and residential lots”* and the implementation measure, which seeks to utilise the development provisions to *“facilitate a range of lot sizes, housing types and higher density accommodation”*.

The proposal is located in a neighbourhood residential precinct. The neighbourhood residential precinct allows both dual occupancy residences and small lots, where they are appropriately scaled and sited. The proposal is generally consistent the urban development strategy proposing infill type development in a manner that will not erode the area’s character.

Local Area Provisions

The subject site is located in Planning Area No.11 Coolum Beach, Planning Precinct No.5 – Coolum Beach North – Neighbourhood Residential.

The proposed 2 lot subdivision is located in the Coolum Beach North – Neighbourhood Residential precinct. The intent of the precinct is to maintain *“the relaxed character of the area due to its suburban streets and low density housing, and its association with the beach”*. The intent also acknowledges the *“increasing popularity of the area is likely to increase demand for housing and pressure for redevelopment”*.

The proposal seeks to establish 2 small lots of approximately 400m² each for the purpose of detached dwellings. The proposed lots will each provide a single dwelling, with a 20 metre frontage along Santa Monica Avenue, maintaining the existing streetscape character.

The proposal will not adversely impact on the precinct’s character, given the proposal is of a similar comparable scale and density to a dual occupancy. A dual occupancy is a preferred use for the precinct and a proposal for such on this site would satisfy the scheme’s performance criteria. Further, the development is in keeping with other various housing types in the area, including other dual occupancies and small lot housing.

Overall, the proposal is consistent with the general statements of intent for the Coolum Beach North Neighbourhood Residential precinct.

Land Use and Works Provisions

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

- Code for Reconfiguring Lots;
- Code for Integrated Water Management;
- Operational Works Code;
- Code for Traffic, Transport and Parking;
- Code for Detached Houses and Display Homes (Elements 1, 2, 3 and 4); and
- Code for Erosion and Sediment Control.

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
Code for Reconfiguration of a Lot	<p><u>Element 2 – Lot size and Dimensions</u></p> <p>The acceptable measures of the Code nominate a minimum lot size of 600m² in neighbourhood residential precincts. The proposed lots fall below the minimum lot size, with Lot 1 being 369m² and lot 2 being 421m².</p> <p>The proposed lots are classified by the planning scheme as ‘small lots’ insofar as they are smaller than the preferred minimum lot size for the precinct. Therefore, the applicant seeks consideration under the small lot provisions of the code. These ‘small lot’ allowances represent the current policy direction of the Maroochy Plan 2000 to encourage additional housing choice and diversity (infill development) within easy walking distance of existing centres.</p> <p>The small lot provisions of the Code for neighbourhood residential areas seek that:</p> <ul style="list-style-type: none"> • <i>Development is on a site which adjoins land in a Mixed Housing or Multi-storey Residential Precinct; or</i> • <i>Development is on a site, which is wholly or mainly within 400 metres of a centre precinct.</i> • <i>Small lots are established as part of an integrated development in which the overall site density is consistent with the residential densities intended for the precinct.</i> • <i>The land does not have a slope greater than 10%.</i> • <i>Each lot has a minimum frontage width of 12m where the lot is less than 450m²;</i> • <i>Each lot is capable of containing a building envelope 9 metres x 15 metres where the lot is between 300m² and 449m², and</i> • <i>Each lot is capable of accommodating a house that would</i>

Code	Discussion
	<p data-bbox="587 241 1415 342"><i>meet the acceptable measures for building siting and private open space set out in the Code for the Development of Detached Houses and Display Homes.</i></p> <p data-bbox="491 376 1415 510">The proposal complies with the above acceptable measures, with the exception that the subject site is not situated on land adjoining a Mixed Housing precinct nor is it within 400 metres of a centre precinct.</p> <p data-bbox="491 544 1415 611">Therefore, the proposal is required to be assessed against the relative Performance Criteria P2, which states:</p> <p data-bbox="491 645 1415 981"><i>P2 Small residential lots (of less than 600m²) are created only where:</i> <i>(a) they are within easy walking distance of a centre; and</i> <i>(b) where the development will be consistent with the desired character for the precinct in which the land is situated;</i> <i>(c) an appropriate building envelope can be accommodated;</i> <i>(d) any building likely to be contained within that envelope is not likely to adversely affect the amenity of adjoining land as a result of overshadowing, privacy and access to sunlight; and</i> <i>(e) a pleasant living environment can be provided for the occupants of the lot.</i></p> <p data-bbox="491 1014 1415 1081">The proposal generally complies with the above Performance Criteria P2 for the following reasons:</p> <ul data-bbox="539 1093 1415 2024" style="list-style-type: none"> <li data-bbox="539 1093 1415 1317">• The proposal is situated 390 metres in a straight line from the nearest centre precinct. However, the direct walking route is 620 metres via Banksia Ave, which is flat and provides a continuous footpath. This is considered an easy walk for an able person and takes approximately 6-7 minutes. The proposal is also 530 metres from a centre precinct via Beach Road, although this is a more hilly route. <li data-bbox="539 1328 1415 1451">• The subject site provides an opportunity to facilitate infill development in an area close to community facilities and local services, without compromising the existing level of neighbour amenity and character. <li data-bbox="539 1462 1415 1653">• The proposal is consistent with the desired character of the area, on the basis the proposal is akin to a dual occupancy under separate titles. The existing lot could potentially contain a dual occupancy use, resulting in a similar density to the subject application. Further, a number of dual occupancies are already present in the precinct. <li data-bbox="539 1664 1415 1765">• The subject site is located on a corner lot and proposes to provide 20 metres frontages to Santa Monica Ave, minimising any significant impacts on the existing streetscape. <li data-bbox="539 1776 1415 1832">• The site has good accessibility to public transport with two bus stops within 250 metres. <li data-bbox="539 1843 1415 2000">• The applicant has demonstrated that each of the proposed lots can achieve building envelopes that can accommodate a single, 2-storey dwelling with sufficient room to accommodate the building setbacks, private open space and a double garage. <li data-bbox="539 2011 1415 2024">• The subject site is located on the south west corner of Santa

Code	Discussion
	<p>Monica Ave and Daytona Avenue, therefore the proposal is not likely to affect any of the adjoining owners as a result of overshadowing or access to sunlight.</p> <ul style="list-style-type: none"> The proposed dwellings would be architecturally designed and landscaped, which would assist in providing a pleasant living environment for potential occupants. <p><u>Element 3 – Integrated Movement Networks.</u></p> <p>Performance Criteria P7 states: <i>P7 Access arrangements for lots do not affect the function, vehicle speeds, safety, efficiency and capacity of streets and roads.</i></p> <p>The application was referred to Council's engineering specialist who identified that the access for proposed lot 2 does not strictly comply with the driveway requirements, as the proposed access for proposed Lot 2 does not meet the minimum setback requirements from the intersection of Santa Monica Avenue and Daytona Avenue.</p> <p>Council's engineering officer has identified that a complying access can be achieved along the Santa Monica Avenue frontage. Therefore, conditions and plan amendments have been recommended to ensure that a safe access can be achieved along Santa Monica Avenue frontage, without affecting the functionality of the street.</p>
Code for the Development of Detached Houses and Display Homes	The proposed dwelling plans lodged within the application are architecturally designed and provide a high standard of residential amenity without detriment to the scale and amenity of adjoining premises. These plans demonstrate that a building envelope with 40% site cover, 100m ² of private open space and the relevant setbacks provisions can be achieved in accordance with the Code.

Overlay Provisions

The following Special Management Areas are applicable to this application:

- Acid Sulfate Soils

In relation to this Special Management Area, the Code for the Assessment and Management of Acid Sulfate Soils is applicable.

The application has been assessed against the Code for the Assessment and Management of Acid Sulfate Soils and has been found to comply. The proposal does not involve any excavation of acid sulfate soils at this stage.

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.

Traffic and Transport

The subject site fronts Santa Monica Avenue which runs between Coolum-Yandina Road (State controlled road) and Banksia Avenue. The subject site has a footpath along its full frontage and extends the length of Santa Monica Avenue. The site provides good access to public transport provisions with the nearest bus stop located 200 metres away along Yandina Coolum Road and another located along Banksia Avenue approximately 250 metres away.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agency:

Advice

Department of Environment and Resource Management

The department is an advice agency for wetlands. The department responded by letter dated 2 April 2012 advising they had no objection to the proposal, but advised that consideration should be given to any potential impacts of the development on the wetland, including water quality, natural hydrological flows and ecological functioning of the wetland.

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:

- Development Engineer, Engineering and Environment Assessment Branch; and
- Landscape Officer, Engineering and Environment Assessment Branch.

Public Notification

The application was publicly notified for 30 days in accordance with the requirements of the *Sustainable Planning Act 2009*. 26 properly made submissions were received. The majority of the submissions were provided as a Proforma generated by Development Watch Inc. 8 submitters are located within 850 metres of the subject site.

The following table provides a summary and assessment of the issues raised by submitters.

Issues	Comments
Conflicts with the planning scheme requirements for the area.	The proposal is consistent with the performance criteria of the planning scheme.
Neighbourhood Residential precinct, which specifies a minimum lot size of 600m ² . The proposal is for lots of 369m ² and 421m ² .	The proposal is consistent with the performance criteria of the planning scheme and akin to a dual occupancy development, which is permitted for the site.
The land is not in a Mixed Housing or Multi-storey Residential precinct	Agreed.
The site is not within 400 metres of a centre precinct.	Agreed.
No matter of public interest would justify relaxation of the requirements of Maroochy Plan 2000. However, the interest of the local community in maintaining the local character is relevant.	The planning scheme is a performance-based instrument and the proposal is consistent with the performance criteria of the planning scheme.
A creek flows nearby and the proposal would cause a negative impact on the environment.	The site is not affected by a creek, which is located approximately 80 metres to the west of the site. The proposal would not negatively impact upon the creek or its surrounding environment.
The applicant hopes to maximise profit without apparent regard for the amenity of the local community.	Profit making concerns are not a planning consideration.
If approved it will set a very undesirable precedent for our local community and erode the neighbourhood residential precinct.	The proposal is generally consistent with the planning scheme and each application of this nature must be assessed and determined on its merits.
The lots are too small and looking at the attached house plans, too many further relaxations are required.	The applicant has provided architecturally drawn plans that demonstrate suitable building envelopes for each lot and the approved plans would further have to demonstrate compliance with the planning scheme.

In response to the submissions, the applicant has provided confirmation from the adjoining property owner to the east, who has expressed their general support for the subject application.

CONCLUSION

The proposal has been assessed against the provisions of the Maroochy Plan 2000. The proposal was publically advertised for 30 days and received 26 submissions objecting to the proposal. The main issues arising from the submissions related to maintaining the existing character of the precinct and ensuring compliance with the relevant performance criteria of the planning scheme.

The proposal seeks a performance-based outcome for the site and is consistent with the planning scheme, which envisages infill-type development in neighbourhood residential areas. The proposal is also of a density that will maintain the character envisaged for the precinct with each proposed lot having a street frontage of 20 metres. The proposal is also comparable to a dual occupancy development, which is permitted in the precinct.

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	REC12/0030
Street Address:	14 Santa Monica Ave COOLUM BEACH QLD 4573
Real Property Description:	Lot 43 RP 86149
Planning Scheme:	Maroochy Plan 2000 (8 August 2011)

2. DECISION DETAILS

The following type of approval has been issued:

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

3. RELEVANT PERIOD OF APPROVAL

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

4. ASSESSMENT MANAGER CONDITIONS

PLANNING

- **When Conditions Must Be Complied With**
 1. Unless otherwise stated, all works required by the conditions of this Decision Notice must be completed prior to submission of the subdivision plan to Council for compliance assessment.
- **Approved Plans**
 2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*.
**(Refer to Advisory Note)*
 3. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.
- **Plan of Development**
 4. All future dwellings on the approved lots must be sited and constructed in accordance with the approved building envelopes and dwelling controls (i.e. the "Plan of Development") shown on the Approved Plans. A copy of the approved Plan of Development must be included in the contract of sale for the approved lots, together with a clause which requires future dwellings to be constructed in accordance with it.
- **Boundary Encroachments**
 5. Certification must be submitted to Council from a Licensed Surveyor which certifies that:

- (a) the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice;
- (b) all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement; and
- (c) 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.

ENGINEERING

• **Property Access and Driveways**

6. A residential driveway must be constructed to each Lot in their respective Santa Monica Avenue frontage.
7. The residential driveway to Lots 1 and 2 must be constructed to ensure that the maximum sight distances and maximum separation from the intersection can be achieved. The works must be undertaken in accordance with the IPWEAQ standard drawing SEQ R-050.
8. Vehicle access to Lot 2 is limited to the Santa Monica Avenue frontage only. A clause must be included in the contract of sale for Lot 2 which requires vehicle access to be from the Santa Monica Avenue only and prohibits vehicle access being taken from Daytona Avenue.

• **Stormwater Drainage**

9. Each lot must be provided with a stormwater drainage system connecting to a lawful point of discharge.
10. Stormwater runoff from the development must be disposed of without causing scour or damage to the subject site or any adjoining property.

• **Electricity and Telecommunication Services**

11. An underground connection to reticulated electricity and telecommunication services must be provided to each lot in accordance the standards and requirements of the relevant service provider.
12. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
13. Certification must be submitted from all relevant service providers which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

• **Easements**

14. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site must be placed within an easement registered against the title of the property. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms.
15. Draft easement documentation must be submitted to Council for endorsement.
16. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

- **Damage to Services and Assets**

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

UNITYWATER

- Reticulated water must be provided to each lot in the development. This must include:
 - Ensuring that existing internal water pipes are wholly contained within the lot they will serve.
 - An approved water meter for each lot in accordance with Unitywater Standard Drawings SCW 350,355 and 360.
 - Provision of a water service for each lot in accordance with Unitywater Standard Drawings SCW 350, 355 and 360.
 - Water meters located on alternative boundaries to electrical pillars.
- Reticulated sewerage must be provided to each lot in the development.
- A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property.
- A minimum clearance of 1.0 metres must be maintained between Unitywater sewers and proposed buildings and other structures.
- A deed of indemnity must be completed by the property owners and submitted to Unitywater prior to survey plan release.
- The applicant must adjust the level of the existing sewerage inspection opening as necessary to suit the proposed finished surface levels. Work must be undertaken by Unitywater at the applicants cost. Where the sewerage inspection opening point is located within a sealed or concreted area, a brass cap is required to be fitted.
- Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
- 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.
- 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 Type	Referral Agency	Referral Trigger	Response
Advice	Department of Environment & Resource Management GPO Box 2454 BRISBANE QLD 4001	Wetlands	The agency provided its response on 2 April 2012 (Reference No. SPAR04025512)

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
SH-8/1112	A	<i>Plan of Development</i> , prepared by Ocean Architects	7/03/12
Amendments		<ol style="list-style-type: none"> The plan of development must comply with requirements Conditions 6-7, relating to moving the access driveway to the Santa Monica Ave frontage. The plan of development must demonstrate compliance with the applicable requirements of the Code for Detached Houses and Display Homes (Elements 1, 2, 3 and 4). 	

7. REFERENCED DOCUMENTS

Not Applicable.

8. ADVISORY NOTES

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

PLANNING

Resubmission of Amended Plan Required

- The conditions of this Decision Notice require resubmission of plan to Council with amendments. Please address the amended plan to Council's Planning Assessment Branch with the Reference No. REC12/0030.

Infrastructure Charges

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

ENGINEERING

Integrated Water Management Guidelines

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

UNITYWATER

- Connection to the Unitywater live water supply and live sewerage system must be undertaken by Unitywater at the applicants cost.
- The detachable eaves may encroach to 950 metres from the sewer pipe.

GENERAL**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*.

9. PROPERTY NOTES

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

REC12/0030 – Property Access Driveway

The following notation applies to approved lot 2:

1. To ensure the safety and efficiency of the road network vehicle access to this lot must be from Santa Monica Avenue only (refer to Council Approval REC12/0030).
2. To ensure that the maximum sight distances can be achieved and maximum separation from the intersection can be achieved, vehicle access to this lot must be from the constructed driveway only. The driveway must not be relocated without Council agreement (refer to Council Approval REC12/0030).

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Works

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 26 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

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

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

16. OTHER DETAILS

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

7.1.3 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (SHOPPING COMPLEX) - 242 PARKLANDS BOULEVARD, MERIDAN PLAINS

File No: MCU11/0160
Author/Presenter: Principal Development Planner, Planning Assessment
Appendices: App A – Conditions of Approval (Pg 60)
Attachments: [Att 1 - Proposal Plans](#) (Att Pg 11)
[Att 2 - DTMR Concurrence Agency Response](#) (Att Pg 17)
[Att 3 - DERM Concurrence and Advice Agency Response](#) (Att Pg 30)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1051599>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Ridgehaven Retirement Village Pty Ltd
Proposal:	Development Permit for Material Change of Use (Shopping Complex)
Properly Made Date:	7 July 2011
Information Request Date:	18 August 2011
Information Response Received Date:	16 January 2012
Decision Due Date	16 May 2012
Number of Submissions:	11 Properly Made Submissions, including 2 petitions containing a total of 48 and 43 signatures respectively
PROPERTY DETAILS	
Division:	1
Property Address:	242 Parklands Boulevard, Meridan Plains
RP Description:	Lot 3 SP 242451
Land Area:	4.4 hectares
Existing Use of Land:	Vacant/Retirement Village
STATUTORY DETAILS	
SEQRP Designation:	Urban
Planning Scheme	Caloundra City Plan 2004 (27 June 2011)
Strategic Plan Designation:	Not Applicable
Planning Area:	Caloundra West
Planning Precinct	Emerging Community
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Material Change of Use (Shopping Complex). The application is before Council due to conflict with the planning scheme.

EXECUTIVE SUMMARY

The application seeks approval for a Material Change of Use to establish a Shopping Complex at 242 Parklands Boulevard, Meridan Plains.

A Preliminary Approval was granted in August 2010 on the subject site for a smaller complex (2,500m²), subject to conditions requiring the relocation of the shopping complex closer to the Parklands Boulevard frontage (to provide active street frontages to Parklands Boulevard), and provision of direct interaction with the future train station.

The current proposal intends to construct a 6,000m² complex, including a 3,500m² full line Supermarket, 1,350m² of Speciality Retail/Medical space and a Tavern/Convenience Restaurant of 1,150 m².

While the land use itself is consistent with the overall outcomes of the planning area, the proposed development requests variations to the planning scheme regarding the size of the shopping complex, car parking and landscaping provisions.

As part of the application, an Economic Impact Assessment, submitted by the applicant, stated that the increased gross floor area would not affect the commercial viability of other local and district retail centres. This was independently reviewed by an external consultant who agreed with the recommendations of this assessment on the basis that "*the proposed development would not affect the role of retail centres within the hierarchy and there is some support for the proposed development by planning documents that post-date the 2004 Planning Scheme*" (referring to the Local Growth Management Strategy document).

The proposed development provides 306 parking bays. The acceptable measure in the planning scheme requires 366 bays, resulting in a perceived 60 bay shortfall. However, the nature of a shopping complex typically results in visits to multiple tenancies in the complex, as opposed to independent trips to 1 tenancy. This is increasingly so, as the centre grows in size. In addition, the tavern's main hours of operation will fall outside the busier times of the retail shopping complex, resulting in additional bays being available for use. It is not, therefore, expected that offsite impacts will be experienced, and the parking provision can be supported.

Minor variations are noted for landscaping buffers on the subject site including the front and side boundaries. These matters can be addressed via conditions.

As part of the desire for activation of the future train station, officers recommend the relocation of the tavern to the eastern boundary abutting the Caboolture to Maroochydhore Corridor. This will allow for activation, and add to the entry statement to the shopping complex as a destination.

On balance, the application is recommended for approval, subject to conditions.

OFFICER RECOMMENDATION

That Council:

- (a) grant a Development Permit for a Material Change of Use (Shopping Complex) for Application No. MCU11/0160 situated at 242 Parklands Boulevard, Meridan Plains, in accordance with Appendix A; and
- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
 - (i) the proposed development would not affect the role of other centres within the retail hierarchy;
 - (ii) the proposal will benefit the community by providing greater choice and convenience and increased competition; and
 - (iii) the location of the complex is consistent with the planning scheme requirements.

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	\$722,118
Public Parks and Land for Community Facilities	\$127,433
Stormwater (applicable to non-residential development)	\$190,350
TOTAL	\$849,551

PROPOSAL

The application seeks approval for a Material Change of Use to establish a Shopping Complex.

The Shopping Complex totals 6,000m² of gross floor area comprising a 3,500m² full line Supermarket, 1,350m² of Speciality Retail/Medical space and a Tavern/Convenience Restaurant of 1,150 m². The site is intended to be serviced by 306 parking bays, of which 125 are located in a basement below the supermarket.

The proposed development will be accessed from Parklands Boulevard via a new 4-way signalised intersection.

SITE DETAILS

Background/Site History

In August 2010, council issued a Preliminary Approval for a 2,500m² shopping complex (Council Reference 2007/510015) subject to conditions requiring significant amendments to the design including:

- relocation of the shopping complex closer to the Parklands Boulevard frontage;
- direct interaction with the future train station;
- active street frontages to Parklands Boulevard; and
- requirements for the intersection of Parklands Boulevard and the shopping complex entrance.

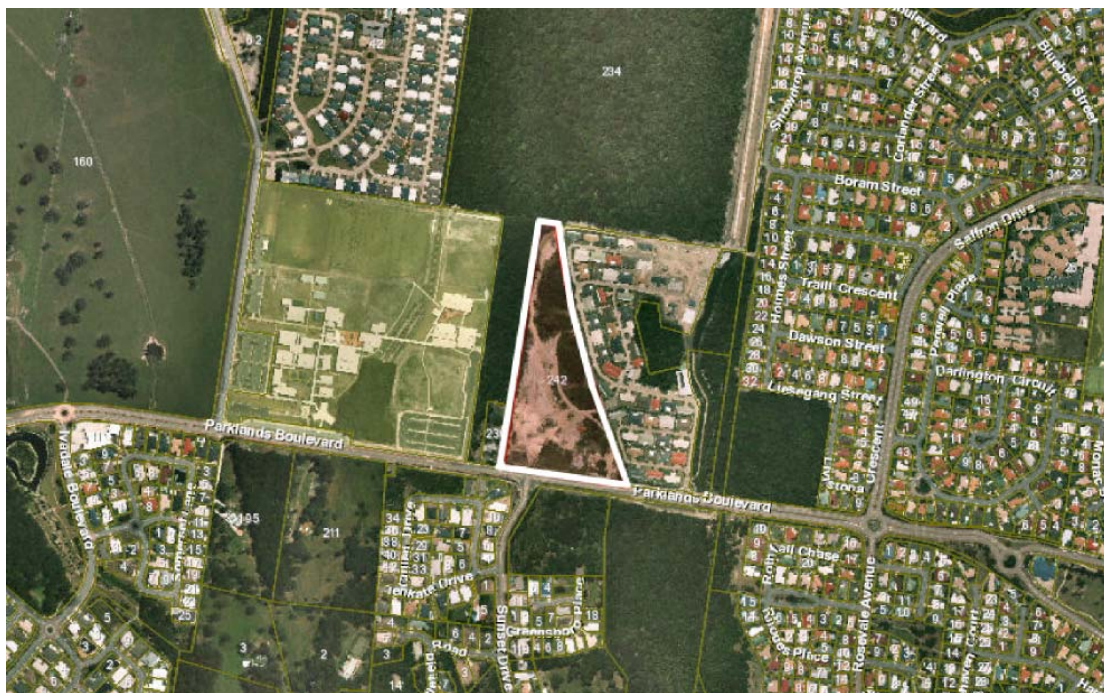
The applicant has made representations on the above decision notice. However, the applicant has requested that council defer consideration of this request pending the outcome of this second application.

In July 2011, council issued a Development Permit for Reconfiguration of a Lot (1 into 2 Lots) to separate the subject site and the retirement village located to the east of the subject site. These lots have since been created with separate title.

Site Description

The subject site comprises a total area of 4.4ha, which is vacant and contains predominantly flat terrain. The site is wedge-shaped, with the Caboolture to Maroochydore Corridor forming part of the subject site along its eastern boundary. The subject site is intended to accommodate the future Aroona Train Station (which will be dedicated in the future).

Map 1 - Subject Site and Surrounding Area



Surrounding Land Uses

The land to the north is vacant, containing low-lying remnant vegetation designated within the Open Space – Conservation and Waterways Precinct under Caloundra City Plan. The Aroona Station, as part of the Caboolture to Maroochydore Corridor investigation area, is proposed to be located on the subject site. An established residential community is located farther to the east. A large parcel of park is located south-east of the subject site, separating the Caboolture to Maroochydore Corridor investigation area from the existing residential neighbourhood to the east. Established residential dwellings are found to the south on the opposite side of Parklands Boulevard. There is a detached house located directly adjacent to the western boundary. Farther to the west is Meridian State College, located within 100 metres of the subject site.

The Currimundi Market Place Shopping Complex is located approximately 1.5km to the east of the subject site, along Saffron Drive.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009*, 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 2/02 Planning and Managing Development Involving Acid Sulfate Soils; and
- State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

Of these, 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.

State Planning Policy 1/03 has been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme, for the bushfire component only.

The land is not affected by the flood or steep land overlays and can, therefore, comply with the intent of the State Planning Policy.

South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposal is for a commercial use within the Urban Footprint. The proposed development is broadly consistent with the regional land use intent, regional policies and desired regional outcomes for the Urban Footprint.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is Caloundra City Plan 2004 (27 June 2011). The following provides an assessment against the provisions of the Planning Scheme.

Land Use

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

The Overall Outcomes in the Caloundra West Planning Area Code state that:

- development provides for a local business centre with a gross floor area *not* exceeding 2,500m² for a local level of service only;
- the centre is located proximate to the proposed CAMCOS transit station at Kalana Road and provides for a mix of retail, business and community uses;
- development in local business centres incorporates a high standard of architectural and landscape design which contributes to the creation of attractive and comfortable meeting places conducive to community interaction; and
- development does not compromise the provision and operation of the Dedicated Transit Corridor (Caboolture to Maroochydoore Corridor), the Multi Modal Transport Corridor and Caloundra Road.

The above states that the land use itself is not contrary to the provisions of the planning scheme, but the exceedance of the gross floor area and proximity/protection of the Caboolture to Maroochydoore Corridor warrant further consideration.

Gross Floor Area

The proposed development exceeds the anticipated gross floor area predicted by the planning scheme by 3,500m².

While holding no statutory weight, the former Caloundra City Council Local Growth Management Strategy (2007) investigated this particular location and found that the retail allocation is consistent with the planning scheme until 2016, with an additional 2,500m² gross floor area being required to service the local catchment by 2026 (i.e. a total of 5,000m²).

The Business Code identifies, as an acceptable measure, that:

Any premises used for business and commercial uses with a gross floor area exceeding 3,000 m² is located in:

- (a) the Regional Business Centre Precinct, District Business Centre Precinct (other than Maleny Township) or the Kawana Waters Specialist Retail Area Precinct ;or*
- (b) the District Activity Centre Precinct (where in a Master Planned Area).*

(Note: This would preclude use of a Local Centre for a full line supermarket)

The associated specific outcome states:

Premises are of a type and scale consistent with:

- (a) Caloundra City's business centre hierarchy and the role of Maroochydore as the Principal Activity Centre for the Sunshine Coast Sub-region;*
- (b) the desired character of the Precinct and locality in which it is situated; and*
- (c) the existing centre's desired urban design, built form and internal movement networks.*

However, to support the variation, the applicant submitted an Economic Impact Assessment from *Economic Associates* which provided the following conclusions to support the increased gross floor area and tavern use:

- *the addition of the proposed centre would improve choice and convenience for trade area residents, particularly the Primary Trade Area which currently does not have a full-line supermarket. The addition of specialty retailing in the proposed development will add to the diversity of the retail offer, allowing for the purchase of specialty items while accessing the proposed full-line supermarket. The proposed tavern will increase the dining choice for trade area residents;*
- *the addition of the proposed centre would result in increased competition within the centres network;*
- *the proposed centre would reduce the travel time and associated cost of trade area residents in accessing convenience retail facilities. Additionally, the co-location of the proposed centre with the Park and Ride facility is anticipated to reduce trips allowing trade area residents to go grocery shopping on their way home rather than travel to centres farther afield;*
- *the co-location of the proposed development with the Park and Ride facility and the proximity to Meridan State College would significantly contribute to the establishment of a community node; and*
- *the co-location of the proposed centre with the Park and Ride facility public transport station would provide for active and passive surveillance of the public transport station and parking facility throughout the retail trading hours of the centre.*

Officers commissioned an independent assessment by *Norling Consultants* of the applicant's Economic Impact Assessment. This assessment agreed with the conclusions drawn by the applicant's report stating that:

- *the Primary Catchment population is currently over 6,000 persons and projected to reach 10,000 persons by 2021. The population threshold for a full-line supermarket is 8,000 persons (less in high growth areas). There is, therefore, a sufficient population base to support a full-line supermarket within the catchment;*

- *examination of the existing designated local centres within the network reveals that each of these centres is site constrained and, thus, unable to expand to cater for a larger supermarket dominated centre. Thus, while not addressed in the Economic Need and Impact Assessment report, we do believe that there is a planning need for the centre as proposed at the subject site;*
- *the proposed development would not affect the role of retail centres within the hierarchy and there is some support for the proposed development by planning documents that post-date the 2004 Planning Scheme [referring to the Local Growth Management Strategy document]; and*
- *the impact of the development on existing local centres is likely to be ameliorated by the continued growth of population within the catchment area and by the expected high level of turnover obtained by these centres currently.*

Given the above expert reports, the proposal meets the specific outcome stated in the planning scheme as it does not interfere with the business hierarchy.

Location and Uses

The overall outcome of the planning area intends that the proposed shopping complex development be located on the same site as the future Aroona Train Station and contain a mix of retail, business and community uses.

The proposed development is located on this site and acknowledges the future train station in the design of the centre.

The development proposes predominantly retail uses on the site. The site could, in the future, be expanded, if required, to accommodate other land uses.

Design of the Building

The planning scheme requires that “*development in local business centres incorporates a high standard of architectural and landscape design which contributes to the creation of attractive and comfortable meeting places conducive to community interaction*”.

It is acknowledged that the site constraints, including the orientation of the lot and the location of the Caboolture to Maroochydhore Corridor, limit the ability of the site to respond to sub-tropical climate design and the desirable northern orientation. The design of the shopping complex and tavern represents a modern example of Sunshine Coast architecture, but does have some areas for potential improvement.

Upon entering the site, the proposed loading and back of house areas of the tavern are the first viewpoint. This has been proposed to address potential noise conflicts with the adjoining site. However, this does not present well as the entry to the site.

An option is to relocate the tavern building adjacent to the Caboolture to Maroochydhore Corridor and to relocate the parking area to the current location of the tavern. This would allow for the development to provide a clear view of the destination upon entry, frame the entry to the future train station and also provide suitable landscaping softening the entry to the development. This can be conditioned in the event of approval.

In relation to the shopping complex, the building does propose a covered plaza, incorporating awnings and eaves to the majority of pedestrian areas. It provides a pleasant, shaded area for people, and also an opportunity for deep planting given the location of the basement car park.

The eastern elevation presents as a built-to-boundary concrete wall. While this is not typically desirable, this wall faces onto the rail corridor and is considered a suitable solution with the construction of the Caboolture to Maroochydore Corridor. However, this may not occur for a very long time and a suitable interface should be considered. This should include the use of textured walls, landscaping against this boundary, and the requirement for graffiti proof paint. These aspects can be conditioned in the event of approval.

With the above modifications, the application can comply with the planning scheme intent.

Operation of the Caboolture to Maroochydore Corridor

The proposed development does not compromise the operation of the Caboolture to Maroochydore Corridor.

Impacts of Tavern

A number of submissions were received during the public notification stage regarding the potential impacts associated with a tavern within the shopping complex including:

- noise impacts;
- attraction of “undesirables” to the area and increased crime;
- loss of property value; and
- proximity to Meridan State College.

To address the potential noise impacts, the applicant submitted a noise impact study, which demonstrates that the outdoor dining areas and internal areas can comply with the stipulated noise guidelines to residential properties found in the planning scheme and the Office of Liquor and Gaming Regulation. The recommendations of the noise impact report can form conditions of approval to ensure that these matters are addressed.

The concern regarding the attraction of undesirables is not directly a planning consideration, and is dealt with by the Office of Liquor and Gaming Regulation.

A loss of property value is typically associated with a loss of amenity. Should the development proceed as proposed, no significant loss of amenity is expected. Should the train station be constructed in the future, additional noise impacts will be experienced.

The subject site is located approximately 100 metres from the Meridan State College. The overall outcome in the Business Code requires that “amenity impacts on adjoining properties are mitigated by appropriate layout, siting and design”. The application can demonstrate that noise and other amenity impacts can be addressed through the building design and layout.

However, under the Office of Liquor and Gaming Regulation, the applicant will be required to submit a Community Impact Statement. The guidelines require an applicant to consider the proximity to the school, and state:

Schools (defined as educational institutions where children and young people between the ages of 5 and 18 attend) warrant special consideration, particularly where hotels or nightclubs are proposed. The attitude and expectations of school staff should be addressed in any case where the proposed hotel or nightclub falls within the Local Community Area of that school.

In assessing certain licensed premises proposed for establishment near to venues which are high-risk community facilities, a distance of 200 metres applies. In

measuring a 200 metre distance, the criterion shall be the shortest route that reasonably may be used.

Additionally, the CIS should assess the seriousness or significance of any social impacts. It must make an evaluation or judgment on whether the social benefits of an application outweigh the social costs. In weighing social costs, serious or significant harm to even a small section of the community counts heavily.

Mitigation measures must be identified in every case where negative impacts are found.

A school is located approximately 100 metres from the proposed centre. Should the tavern be relocated to the eastern boundary, as discussed above, the tavern will be farther away from the school than currently proposed.

These matters were raised with the applicant who advised that similar developments in Brightwater and Bellvista have gained approval from the State Government and they expect that this issue can be addressed. However, the Office of Liquor and Gaming Regulation will assess the suitability of the site, in a social context, as part of their independent assessment.

Car Parking

The Caloundra City Plan 2004 requires car parking be calculated on the basis of 1 space per 20m² for the first 2,000m², and 1 space per 15m² for any additional gross floor area. This provision is contrary to the contemporary approach where car parking rates usually decrease as gross floor area increases, i.e. through economies of scale.

Based on the overall gross floor area of the shopping complex, including the tavern, a total of 366 parking bays would be required under City Plan 2004. The application proposes a total of 306 parking bays (or 1 space per 19.6m² of gross floor area) – a shortfall of 60 parking bays based on current scheme requirements.

With regard to the specific outcome sought by the planning scheme, the requirement is:

Sufficient on-site car parking is provided for the number and type of vehicles likely to be generated by the development activity.

As a general rule, as the floor area increases within a shopping centre, the rate of parking provision may reduce. This is because trips generated by the development do not increase in a linear fashion, due to generated trips being shared between the various uses within shopping complexes, e.g. customers will generally complete several shopping tasks during the 1 trip, such as grocery shopping and shopping for other retail goods provided on site.

In addition, the tavern would typically be busier outside normal shopping hours, potentially freeing up additional car parking spaces.

For comparison purposes, a similar scale development in Brightwater was recently approved with a rate of 1 space per 20m² of gross floor area, and no offsite parking impacts are expected.

The proposed parking provision is recommended to be suitable for the purpose.

Landscaping

The landscape plan submitted with the application demonstrates that a minimum of 10% of the site has been landscaped in accordance with the planning scheme. However, the following inconsistencies are noted.

The planning scheme requires a 3 metre wide landscaping buffer to the front boundary. The plans show a large landscaped area in the south western corner of the site, but no landscaping to the remainder of the frontage. The future park and ride facility is proposed to be located on the front boundary to Parklands Boulevard. Notwithstanding this, a condition is recommended to provide the required landscape buffer to the Parklands Boulevard frontage.

The Landscaping Code requires a landscaped buffer along the interface boundary to create a visual screen where the development abuts residential areas. A residential building is located immediately to the west of the subject site.

An acoustic fence is also required to be located on this boundary to control noise impacts associated with the development. As such, a visual landscaped buffer is required to the acoustic fence fronting the residential property. It is recommended that a condition be imposed requiring a 1.5 metre wide landscape buffer (in the form of hedging) to the western side of the acoustic fence to provide some visual relief from the acoustic fence for the adjoining property.

The proposed landscape buffer on the eastern boundary (abutting the Caboolture to Maroochydhore Corridor) varies in width from 0 to 3 metres. However, the Caboolture to Maroochydhore Corridor still forms part of the subject site, and a landscape buffer to the common boundary of the retirement village would not be effective. To cater for the future development of the Caboolture to Maroochydhore Corridor, it is recommended that a 1.5 metre wide landscaped buffer (in the form of hedging) be provided along the western edge of the Caboolture to Maroochydhore Corridor.

Stormwater Management

The Stormwater Management proposed for the site can be broken into stormwater quantity and quality. These are discussed below.

Stormwater Quantity/Lawful Point of Discharge

The subject site may be subject to flooding from upstream catchments, which will ultimately discharge to Currimundi Creek adjacent to Snowdrop Avenue to the north east of the subject site. Should floodwaters enter the site, the overland flowpath is likely to follow the proposed Caboolture to Maroochydhore Corridor. If this occurs, the Caboolture to Maroochydhore Corridor will need to be shaped to convey these flood flows in an overland flowpath designed in accordance with council's Development Design Planning Scheme Policy. The corridor currently takes overland flow so shaping the land as an overland flowpath will not affect the future development of the corridor. This will involve minimal modification to the existing Caboolture to Maroochydhore Corridor area.

A condition can be included on any approval to address this matter.

Stormwater Quality

The proposed stormwater quality treatment system for the site comprises an end of line bioretention basin with a coarse sediment forebay. It is noted that the bioretention system is

poorly integrated into the development and is likely to be expensive to construct. However, this construction and ongoing maintenance cost will be borne by the developer, and will not be maintained by council. As this solution complies with the planning scheme and associated policy documents, the proposed stormwater quality solution is accepted.

Consistency between Original Decision and Current Application

A condition in the previous preliminary approval for the site required the development to be located farther towards Parklands Boulevard to address the street and interact with the future train station.

Since the time of that approval, the Department of Transport and Main Roads proposes to locate the park and ride facility for the future train station in the southern portion of the site adjacent to Parklands Boulevard. This effectively results in council's previous desire to locate the buildings towards Parklands Boulevard being not possible for implementation in this application.

However, the recommendation to relocate the tavern/convenience restaurant will frame the entry to the future train station to encourage active interaction between the proposed buildings and the future train station.

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

The subject site in Meridan Plains falls within the Caloundra North Statistical Local Area. According to the Small Area Labour Market Series produced by the Federal Department of Education, Employment and Workplace Relations (DEEWR), the smoothed unemployment rate for this area for the March 2012 quarter is 6.7%. This compares unfavourably to the 6% for the overall Sunshine Coast Local Government Area generally and the unemployment rate of 5.5% for Queensland for the same period. This does however represent a decrease in unemployment for the area from 7% for the March 2011 Quarter. Nevertheless, there is an exhibited desire for augmented employment generating activities within the Caloundra North Statistical Local Area catchment.

The applicant has advised that the proposed development will generate (based on a \$12.5 million construction cost) the following estimated employment impacts:

Phase	Direct Employment*	Indirect Employment*	Total*
Construction	120	100 (for a period of 18 months)	220
Retail operations	110		110
Total	230	100	330

*includes both full and part time employment

The Economic Development Branch has examined matters relevant to this application in the context of the *Caloundra City Plan 2004*, council's *Corporate Plan 2009-2014* and council's *Economic Development Strategy 2010-2014*.

In terms of Council's Corporate Plan (2009-2014), the proposed development aligns with the Corporate Plan objective of creating a more robust economy. The Economic Development Strategy (2010-2014) aims to build a mature, diversified economy that is more resilient to the fluctuations of economic cycles by enabling growth in a range of identified emerging sectors in concert with ensuring that the traditional elements of the regional economy (including retail and construction which are the key beneficiaries of this development) continue to grow and prosper.

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 have substantial employment impacts for the local area, based on a consideration of the advice provided by the applicant;
- will support new local retail business investment;
- should not impact adversely on the Desired Outcomes and value proposition for the Maroochydore Principal Regional Activity Centre or other district and local centres;
- is unlikely to lead to a broadening of the economic base for the region, given that it will primarily generate direct employment in the retail and construction sectors. This alone however, does not provide a policy rationale that would warrant refusal of the application as council is equally committed to fostering growth in the three main sectors of the regional economy – tourism, retail and construction.

Traffic and Transport

The establishment of the development will require the access to Parklands Boulevard to be upgraded with a signalised intersection incorporating Sunset Drive. The signalised intersection should allow for safe pedestrian movement across Parklands Boulevard between the site and nearby residential areas.

Existing bus routes utilise Parklands Boulevard past the site. There is an existing bus stop and shelter on the northern side of Parklands Boulevard at the eastern end of the site that can be utilised by the development. The corresponding bus stop on the southern side of Parklands Boulevard does not have a bus shelter and is presently unsealed. As part of any approval issued, a condition of approval can be applied requiring a sealed bus stop, bus shelter, and a raised pedestrian refuge island within the existing median strip to aid the safe movement of pedestrians across Parklands Boulevard between the proposed development and this bus stop.

Strategic Land Use Planning Commentary

The Strategic Land Use Planning Branch supports the application given that the location and proposed centre floor space allocation generally accords with the intent of the draft 2007 *Caloundra City Draft Local Growth Management Strategy* (LGMS), which nominated Aroona as a suitable locality for a Transit Oriented Community.

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 matters relating to Public Passenger Transport and Railways. The department responded by letter dated 15 March 2012 stating that it supports the application subject to conditions relating to the Caboolture to Maroochydore Corridor being kept clear of any permanent buildings, structures and improvements, obtaining the required certification for development occurring within a railway environment, provide appropriate bicycle parking facilities, construct footpaths through the future park and ride facility area to provide pedestrian connectivity to the shopping complex, and provide taxi facilities at the entrance to the retail shopping complex.

Department of Environment and Resource Management

The department is a concurrence agency for Clearing Vegetation. The department responded by letter received 21 September 2011 stating that it supports the proposal with a condition imposed stating that the clearing of remnant vegetation must be limited to that which is necessary for urban development that is authorised under this approval.

Advice

Department of Environment and Resource Management

The department is an advice agency for Conservation Estate and Acid Sulfate Soils. The department responded by letter received 21 September 2011 stating that it supports the proposal with a condition imposed stating that the clearing of remnant vegetation must be limited to that which is necessary for urban development that is authorised under this approval.

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, Engineering and Environment Assessment Branch;
- Landscape and Ecology Unit, Engineering and Environment Assessment Branch;
- Urban Design, Planning Assessment Branch;
- Traffic and Transport, Engineering and Environment Assessment Branch;
- Strategic Land Use Planning; and
- Economic Development Branch.

Their assessment forms part of this report.

Public Notification

The application was publicly notified for 30 days in accordance with the requirements of the *Sustainable Planning Act 2009*. 11 Properly Made Submissions, including 2 petitions containing a total of 48 and 43 signatures respectively, were received.

The following table provides a summary and assessment of the issues raised by submitters.

Issues	Comments
Tavern may cause antisocial behaviour including crime, vandalism and loss of property value	This matter is not a planning consideration and will be addressed by the Office of Liquor and Gaming Regulation.
Traffic Impacts	The applicant has submitted a Traffic Impact Study which demonstrates that Parklands Boulevard will be able to accommodate the additional traffic.
There is no further need for additional shopping complexes in the area	An Economic Impact Assessment provided by the applicant (and independently reviewed by an external consultant) states that the area can accommodate the proposed floor area.
Lighting in car park impacting residential properties	A condition has been applied to ensure that no light spill will occur onto adjacent sites.
Noise impacts from the loading and unloading areas	A condition has been applied to ensure the development complies with all noise regulations.
Noise impacts from patrons leaving the tavern	An acoustic report has been assessed and can be conditioned in any approval.
Stormwater management impacts on adjacent sites.	The stormwater management plan addresses this matter with a lawful point of discharge.
Illegal activity of removal of soil from adjacent site to fill the subject site	This matter is addressed separately by council's Development Audit and Response Team.
Truancy from local school	This is not a planning consideration and would need to be managed by the operators, parents and the school.
Development is contrary to the Local Growth Management Strategy	This document has little statutory weight and the application has been assessed on its merits.
Development is contrary to the Business Code regarding size of the shopping complex and the hierarchy of centres	An Economic Impact Assessment provided by the applicant (and independently reviewed by an external consultant) states that the area can accommodate the proposed floor area.

Conditions should be imposed for the provision of access from Lots 1 and 2 on RP171508 (located to the west of the subject site) through the subject land to the road network	There is no legal requirement to provide access through this development. This should be negotiated with the applicant.
Insufficient car parking is provided	The above report argues that parking is adequate.

CONCLUSION

The above assessment reveals inconsistencies with the planning scheme regarding the gross floor area, interaction with the future train station associated with the Caboolture to Maroochydhore Corridor, car parking and landscaping.

The proposed Shopping Complex exceeds the gross floor area prescribed in the planning scheme. However, the applicant has submitted an Economic Impact Assessment demonstrating that the gross floor area can be accommodated on this site without affecting the viability of other district and local centres.

The preliminary approval issued for the site required better integration with the future train station. With the recommended relocation of the tavern/convenience restaurant, this integration will improve.

The proposed development has a shortfall of 60 bays as per the acceptable measures in the planning scheme. However, the combination of uses located on the site indicates that shared car parking will be available, and no offsite parking impacts are expected.

The landscaping variations are minor in nature, and can be conditioned to comply. This will require some modification to the location of the building to accommodate these landscaping strips, but will not affect the operation of the shopping complex.

Accordingly, the application is recommended for approval subject to conditions.

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

Application No: MCU11/0160
Street Address: 242 Parklands Boulevard, MERIDAN PLAINS
Real Property Description: Lot 3 SP 242451
Planning Scheme: Caloundra City Plan 2004 (27 June 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use (Shopping Complex)

3. RELEVANT PERIOD OF APPROVAL

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

4. ASSESSMENT MANAGER CONDITIONS**PLANNING****When Conditions must be complied with**

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

Approved Plans

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

**(Refer to Advisory Note)*

Location of Tavern/Convenience Restaurant Building

3. The tavern/convenience restaurant building is to be relocated adjacent to the CAMCOS corridor to the south of the entrance to the future train station. The building should be designed to ensure all noisy activities (children's play areas, Designated Outdoor Smoking Areas, loading bays etc) are located on the western side of the building (away from the Retirement Village to the east), and in accordance with an amended Acoustic Report.

Nature and Extent of Approved Use

4. The approved use must not operate outside the hours of:
 - (a) 7am to 10pm Monday to Thursday
 - (b) 7am to 12pm Friday and Saturday
 - (c) 9am to 10pm Sunday or any public holiday.

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

5. Service vehicle movements associated with the approved 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. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

Building Height

6. The maximum height of the development must not exceed 12 metres above natural ground level.

Sunset Clause for Completion of Approved Development

7. The development may be staged with the Shopping Complex as Stage 1, and the Tavern as Stage 2. All conditions associated with that stage must be completed prior to commencement of the use.
8. Pursuant to s342 of the *Sustainable Planning Act 2009*, this development approval lapses if the whole of the approved use has not happened by 20 September 2020.

Building Appearance

9. Ground floor shopfront glazing must be fully transparent to a minimum of 65% of the street frontage to allow passive surveillance and encourage social interaction, and must be provided at full height (floor to ceiling).
10. Any security screens on the premises consist of grille or translucent screens and not solid shutters, screens or roller-doors.
11. All mechanical equipment and other service infrastructure located on the site must be:
 - (a) located not less than 2 metres from a property boundary
 - (b) fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties. Where screened by landscaping, landscaping beds must be at least 1.5 metres wide.
12. No part of the site may be used for outdoor storage of materials unless specified on the Approved Plans or the conditions of this Decision Notice.
13. The eastern and northern elevation of the shopping complex and tavern must be finished with a graffiti proof paint, with any graffiti removed within 48 hours of incident.

Public Safety

14. All ground floor shopfront glazing must be protected against vandalism by the use of a form of safety glass such as toughened or laminated glass.
15. During operating hours, all parking areas, pedestrian areas and entrances/exits to all stairwells, travelators, lifts, foyers and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS1158 "*Public Lighting Code*". Lighting must be designed to reduce the contrast between shadows and well lit areas.
16. After hours access to loading docks, storage areas and the basement carpark (including the vehicle ramp and all stairwells) must be restricted by a security gate,

lockable doors and/or other suitably appropriate means. The basement carpark must be kept closed and locked at all times while the use is not operating.

ENGINEERING

Site Access and Driveways

17. A sealed access driveway must be provided from Parklands Boulevard to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval prior to commencement of the use for Stage 1 and must include, in particular, a separate dedicated right turn lane into future CAMCOS car park.

Car Parking

18. A minimum of 290 car parking spaces must be provided and marked on the site prior to commencement of the use for Stage 1. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) pedestrian routes in accordance with the conditions of this Decision Notice
 - (b) provision of vandal resistant public lighting with intensities to satisfy the requirements of Australian Standard AS1158: *Public Lighting Code*
 - (c) sufficient disabled parking spaces within the total as per the applicable standards.
19. A minimum of 306 for the entire development must be provided and marked on the site prior to commencement of the use for Stage 2. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) pedestrian routes in accordance with the conditions of this Decision Notice
 - (b) provision of vandal resistant public lighting with intensities to satisfy the requirements of Australian Standard AS1158: *Public Lighting Code*
 - (c) sufficient disabled parking spaces within the total as per the applicable standards.
20. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Service Vehicles

21. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval and must include a total of:
 - (a) 3 van spaces;
 - (b) 2 SRV spaces;
 - (c) 2 MRV spaces;
 - (d) 1 HRV spaces; and
 - (e) 1 AV space.

Pedestrian and Bicycle Facilities

22. Pedestrian and bicycle facilities must be provided for the development prior to commencement of the use. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) a 2.5 metre wide concrete footpath within the road verge for the entire length of the site's frontage to Parklands Boulevard;
 - (b) pedestrian pathways between the proposed plaza area and the future CAMCOS railway station;
 - (c) a 2.0 metre wide concrete footpath from Parklands Boulevard to development;
 - (d) pedestrian pathways between the proposed car parking area and the plaza and within the car parking area generally in accordance with drawing number

- 0221-SD241M Site Plan prepared by Brad Read Design Group and dated 27.10.11;
- (e) adequate separation of all specific pedestrian routes from vehicle access and manoeuvring areas, and clear demarcation by pavement marking, signposts or changes in surface materials or levels;
 - (f) signage and lighting at strategic locations to direct people to building entries and public toilet facilities;
 - (g) pedestrian refuge areas at strategic locations within the carpark to ensure safe and convenient congregating of pedestrians waiting to cross major access driveways;
 - (h) a total of 19 class 1 bicycle parking spaces; and
 - (i) a total of 12 class 3 bicycle parking spaces.

Easements

23. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site must be placed within an easement registered against the title of the property. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms.
24. Draft easement documentation must be submitted to Council for endorsement.

Earthworks

25. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.

Damage to Services and Assets

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

TRAFFIC AND TRANSPORT

External Works

27. Parklands Boulevard must be upgraded for the length of its frontage to the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) pedestrian crossings across all four intersection approaches;
 - (b) the relocation and/or construction as necessary of all services, pathways, and retaining walls;
 - (c) pavement widening and construction on the southern side of Parklands Boulevard west of Sunset Drive as generally shown on Approved Drawing 11/7608 to create a 16.35 metre wide carriageway, except that the initial interim lane configuration to be provided on the western leg must consist of at least:
 - (i) a 1.5 metre wide eastbound bikelane/shoulder;
 - (ii) a 3.5 metre wide through lane in each direction;

- (iii) a 3.1 metre wide right turn lane. The right turn lane is to be at least 75 metres long, plus at least a 20 metre long entry taper;
- (iv) a raised concrete median extending through to the existing central median on Parklands Boulevard west of the intersection, with breaks provided opposite existing driveways. The median is to be at least 2 metres wide adjacent to the right turn lane. The existing central median is to be modified as necessary such that the transition of the alignment of the eastbound through lane on Parklands Boulevard is in accordance with the *Queensland Department of Transport & Main Roads' Road Planning & Design Manual*;
- (v) a 2.75 metre wide westbound bikelane/shoulder;
- (d) pavement widening and construction on both sides of Parklands Boulevard east of Sunset Drive as generally shown on Approved Drawing 11/7608 to create a widened carriageway, except that the initial interim lane configuration to be provided on the eastern leg must consist of at least:
 - (i) a 4.7 metre wide verge along the northern side of Parklands Boulevard;
 - (ii) a 7.9 metre wide eastbound carriageway marked as a 2.6 metre wide parking lane, 1.8 metre wide bike lane, and 3.5 metre wide through lane;
 - (iii) a 2 metre wide raised concrete median;
 - (iv) a 3.1 metre wide right turn lane. The right turn lane is to be at least 70 metres long, plus at least a 20 metre long entry taper;
 - (v) a 4.8 metre wide westbound carriageway marked as a 3.3 metre wide through lane and 1.5 metre wide sealed bikelane/shoulder;
- (e) pavement widening and construction on the Sunset Drive leg of the intersection as generally shown on Approved Drawing 11/7608 except that, in addition to a left-turn slip lane on the south-west corner of the intersection, further widening is required to incorporate the following:
 - (i) at least a 5 metre wide through carriageway in each direction on Sunset Drive for the length of the required works, incorporating a 3.5 metre wide traffic lane and 1.5 metre wide sealed shoulder/bike lane;
 - (ii) at least a 3 metre wide exclusive right turn lane on the Sunset Drive intersection approach. The storage length of the right-turn lane should be at least 18 metres;
 - (iii) pavement widening as necessary to accommodate a turning articulated vehicle in all directions. The left-turn slip lane and associated corner island must be designed in accordance with the *Queensland Department of Transport & Main Roads' Road Planning & Design Manual* and have a minimum approach angle to Parklands Boulevard of 70 degrees;
- (f) pavement widening and construction on the proposed development leg of the intersection as generally shown on Approved Drawing 11/7608 except that, in addition to a left-turn slip lane on the north-east corner of the intersection, further widening is required to incorporate the following:
 - (i) at least a 3 metre wide exclusive right turn lane on the intersection approach. The storage length of the right-turn lane should be at least 18 metres;
 - (ii) pavement widening as necessary to accommodate a turning articulated vehicle in all directions. The left-turn slip lane and associated corner island must be designed in accordance with the *Queensland Department of Transport & Main Roads' Road Planning & Design Manual* and have a minimum approach angle to Parklands Boulevard of 70 degrees; and

- (iii) land must be dedicated as road reserve from the site as necessary to ensure pedestrian travel paths along the northern verge of Parklands Boulevard across the intersection are located within road reserve.
28. A sealed indented bus bay and bus stop shelter must be constructed at the existing bus stop on the southern side of Parklands Boulevard near the eastern boundary of the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) pavement widening and sealing such that the bus bay, at least 3 metres wide, is located clear of the carriageway and shoulder;
 - (b) raised barrier kerb for the length of the bus bay (excluding tapers);
 - (c) a bus stop shelter in accordance with Translink requirements;
 - (d) a raised concrete pedestrian refuge island and associated kerb ramps must be incorporated into the adjacent existing painted median; and
 - (e) a concrete footpath, at least 1.5 metres wide, must be constructed on the southern side of Parklands Boulevard between the bus shelter and pedestrian refuge island.

HYDRAULICS & WATER QUALITY

29. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual, and must include in particular:
- (a) the works described in the Stormwater Management Plan listed in this Decision Notice;
 - (b) collection and discharge* of stormwater in accordance with QUDM;
 - (c) extension of the site stormwater system to accommodate stormwater external to the site, including registration of drainage easements; and
 - (d) the use of gravity stormwater drainage and not surcharge pits.
- *(Refer to Advisory Note)
30. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland*, and must include in particular:
- (a) stormwater quality treatment devices of a size and location generally in accordance with those shown in the of the Stormwater Management Plan listed in this Decision Notice;
 - (b) bioretention devices which:
 - (i) are designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001;
 - (ii) incorporate a coarse sediment forebay (in addition to the required filter media surface area), which is sized in accordance with the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* and designed generally in accordance with IPWEQA Standard Drawing No. WSUD-005;
 - (iii) have safe, unobstructed and all weather access from the road frontage for maintenance purposes, particularly for the coarse sediment forebay; and
 - (iv) are provided with a free-draining outlet from the sub-soil drainage system.

31. All stormwater quality treatment devices must be maintained in accordance with a Maintenance Manual* for the stormwater quality treatment system prepared by a qualified person* and referenced in a Development Permit for Operational Works. Records of all maintenance activities undertaken must be kept and made available to Council upon request.
**(Refer to Advisory Note)*
32. Operating rainwater collection tanks must be provided for the development. The tanks must be provided in accordance with an Operational Works approval and must include in particular:
- (a) minimum total tank capacity of 40,500 litres;
 - (b) a rainwater collection catchment of at least 60% of the building roof area; and
 - (c) re-use of harvested rainwater for internal non-potable uses and outdoor uses.
33. Certification must be submitted to Council from a qualified person* which certifies that the rainwater collection tanks and associated reticulation have been installed in accordance with the requirements of this Decision Notice.
**(Refer to Advisory Note)*
34. The minimum floor level of all buildings constructed on the site must be 10.60 m AHD.
35. The internal access road which provides access to the northern portion of the site shall be designed and constructed to fully contain peak 100 year ARI flow with freeboard to basement access in accordance with QUDM.
36. In conjunction with the submission of an operational works development application, submit a detailed Flood Assessment undertaken in accordance with Council's DDPSP. The detailed Flood Assessment must consider the catchment draining to the southern side of Parklands Boulevard between Sunset Drive and Rosevale Avenue. If it is found through preparation of a detailed flood assessment that during extreme events the capacity of the culverts under Parklands Boulevard is exceeded and there will be flood flows through the eastern portion of the site (CAMCOS corridor), then the CAMCOS corridor shall be shaped to convey these flood flows in an overland flowpath designed in accordance with Council's DDPSP.
37. The basement must be designed and constructed as a water excluding structure in accordance with AS 3735 - Concrete Structures for Retaining Liquids to prevent groundwater being discharged from the basement after construction. If basement carpark seepage is noted and deemed problematic by an authorised Council officer, approved remedial action will need to be carried out to the satisfaction of an authorised Council officer.

LANDSCAPE AND ECOLOGY

38. The development site must be landscaped*. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) 3 metre wide landscaping strip along the Parklands Boulevard frontage, exclusive of the access driveway, uncompromised by infrastructure items;
 - (b) 1.5 metre wide landscaping strip located between the western boundary of the lot and the acoustic barrier, uncompromised by infrastructure items. The landscaping strip must provide vegetated screening designed such that 90% of the acoustic barrier will be screened within 5 years;

- (c) 1.5 metre wide landscaping strip located between the western boundary of the driveway entry road and the acoustic barrier, uncompromised by infrastructure items. The landscaping strip must provide vegetated screening designed such that 90% of the acoustic barrier will be screened within 5 years;
- (d) densely planted 2 metre wide landscaping strip located between the northern boundary of the staff carpark and the bioretention devices, exclusive of the access ramp, uncompromised by infrastructure items;
- (e) densely planted 2 metre wide landscaping strip located on the eastern boundary between the bioretention devices and the Parklands Boulevard frontage, uncompromised by infrastructure items;
- (f) shade trees located at 5 metre centres on both sides of the central pedestrian pathway within the shopping centre carpark with designed sub-surface root zones for establishment and longevity of the trees;
- (g) landscaping to the centre plaza entrance for provision of shade, amenity and entrance definition. The landscaping must include feature trees with designed sub-surface root zones for establishment and longevity of the trees;
- (h) provision of 1 street tree within the road reserve for every 8 metres of road frontage;
- (i) provision of 1 tree for every 4 carparks with designed sub-surface root zones for establishment and longevity of the trees;
- (j) the provision of street furniture, specifically 4 public bench seats and 1 drinking fountain within the public plaza; and
- (k) removal of all weeds species listed as Declared Plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003.

*(Refer to Advisory Note)

39. All landscape works must be established and maintained in accordance with horticultural best practice with construction techniques and irrigation that allow for healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.
40. All landscape works must be maintained generally in accordance with the approved design for the life of the development.
41. Where some or all of the land remains vacant or undeveloped for more than 3 months, or buildings are demolished and redevelopment is delayed for more than 3 months, the following works must to be carried out:
- (a) the site must be cleared of all rubble, debris and demolition materials;
 - (b) the site must be graded (to the same level as the adjoining footpath wherever practicable), turfed and mown at a minimum 3 weekly intervals;
 - (c) the site must be landscaped with perimeter planting consisting of advanced specimens of fast growing tree species;
 - (d) drainage must be provided to prevent ponding;
 - (e) the site must be maintained so there is no sediment run-off onto adjacent premises, roads or footpaths;
 - (f) the site must be maintained to ensure no nuisance to adjacent premises, roads or footpaths;
 - (g) public access must be provided where public safety can be maintained; and
 - (h) where fencing is installed to secure boundaries:
 - (i) the fencing must be durable and not capable of being pushed or blown over;
 - (ii) the fencing type must not detract from local amenity (barbed wire is not acceptable);
 - (iii) vandalism must be promptly repaired and any graffiti removed.

ENVIRONMENTAL HEALTH**Waste Management**

42. Refuse storage, removal and collection facilities must be provided in accordance with the Approved Plans and the following:
- (a) collection by service vehicles from within the site only, and not from the kerbside;
 - (b) provision of a communal hardstand impervious area for the permanent storage location and service collection of all bulk bins, having minimum dimensions of 1.5 m² (1100mm x 1300mm) per bin and located no closer than 3 metres to the site frontage and 1.5m to any other boundary;
 - (c) provision of a 1.8m high purpose built enclosure to the communal bin store, which is screened from the street and adjoining properties by landscaping; and
 - (d) provision of a wash-down area in the vicinity of the permanent storage location fitted with a hosecock and a drain connected to the sewer that has a stormwater catchment area of no more than 1 m².

Acoustic Amenity

43. Acoustic measures and treatments must be incorporated into the development in accordance with Section 11 of the Acoustic Report listed within this Decision Notice.
**(Refer to Advisory Note)*
44. Certification must be submitted to Council from a qualified person* which certifies that the development has been constructed in accordance with Section 11 of the Acoustic Report listed within this Decision Notice.
**(Refer to Advisory Note)*
45. A complaints management procedure for the site must be prepared and submitted to Council prior to the issue of any Development Permit for Operational Works. The complaints management procedure must include the following:
- (a) a contact person with whom complaints can be lodged;
 - (b) a clearly defined procedure for responding to and investigating complaints; and
 - (c) a notification protocol to all complainants of the outcome of complaint investigations.
46. A record of all complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.

Outdoor Lighting Devices

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

UNITYWATER

49. 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).
50. Reticulated water must be provided to the development. This must include:
 - (a) ensuring that existing internal water pipes are wholly contained within the lot;
 - (b) the fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second;
 - (c) 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; and
 - (d) the water meter must be located on an alternative boundary to the electrical pillar.
51. Reticulated sewerage must be provided to the development generally in accordance with the Concept Drawing UW-SK01 dated 10 Aug 2011. This must include:
 - (a) ensuring existing sewer house drains are wholly contained within the lot;
 - (b) connection to sewer must be made to the 500dia gravity sewer to the north of the site, via a 300dia gravity sewer;
 - (c) a 300dia sewer main must be extended to the Parklands Boulevard boundary in the south eastern corner of the lot to enable future mains extensions; and
 - (d) a 225dia sewer connection must be provided to adjoining Lot 2 RP171508 to the west to enable future mains extensions.
52. 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.
53. Where necessary, written approval to enter and construct, must be obtained from the owners of properties through which external sewers traverse. The approval must be submitted with lodgement of the associated development application for Operational Works.
54. A Trade Waste permit must be obtained prior to stormwater, groundwater or sump pump discharge into Unitywater's sewerage system.
55. Buildings, basements 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.
56. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
57. 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 of suitable approved varieties.

58. 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:

Concurrence	State Agency	Referral Trigger	Response
Concurrence	Department of Transport & Roads	of Public Passenger and Main Transport Railways	The agency provided its response on 15 March 2012 (Reference No. TMR12-001109). A copy of the response is attached.
Concurrence	Department of Environment & Resource Management	of Clearing Vegetation	The agency provided its response on 12 August 2011 (Reference No. IC0811NAM0014). A copy of the response is attached.
Advice	Department of Environment & Resource Management	of Wetlands	The agency provided its response on 13 September 2011 (Reference No. IC0811NAM0014).
Advice	Department of Environment & Resource Management	of Acid Sulphate Soils	The agency provided its response on 10 August 2011 (Reference No. IC0811NAM0014).

A copy of any referral agency conditions is attached.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
0221-SD242B	B	<i>Basement Carpark Plan</i> , prepared by Brad Read Design Group Pty Ltd	15 April 2011
0021-SD243C	C	<i>Shops Ground Floor Plan</i> , prepared by Brad Read Design Group Pty Ltd	15 April 2011

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

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
0221-SD241M	M	<i>Site Plan</i> , prepared by Brad Read Design Group Pty Ltd	27 October 2011

0221 – SD245A	A	<i>Retail Elevations</i> , prepared by Brad Read Design Group Pty Ltd	15 April 2011
Amendments	<ol style="list-style-type: none"> 1. Plan to be amended to provide for acoustically enclosed loading dock for the retail and supermarket loading facilities in accordance with the recommendations and Figure 6.1 of the acoustic report listed within this decision notice 2. Amend as per condition 3 of this approval 3. Amend to incorporate required landscape buffers set out in the LANDSCAPE AND ECOLOGY section of the conditions. 		

Plan No.	Rev.	Plan Name	Date
0221-SD246B	B	<i>Tavern Ground Floor Plan</i> , prepared by Brad Read Design Group Pty Ltd	15 April 2011
0021 – SD248B	B	<i>Tavern Elevations</i> , prepared by Brad Read Design Group Pty Ltd	15 April 2011
Amendments	1. Amend as per condition 3 of this approval (as required)		

Plan No.	Rev.	Plan Name	Date
11/7608-	A	<i>Intersection Stage 1</i> prepared by Crocker & Associates Pty Ltd	17 October 2011
Amendments	<ol style="list-style-type: none"> 1. Traffic lanes, bicycle lanes and verges to be amended to match conditions. 2. Traffic lanes to be aligned to match designed road alignment west of Meridan State School. 		

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
11/7608	Unspecified	Stormwater Management Plan, Retail Development Location at Lot 101 SP223686, 242 Parklands Boulevard, Meridan Plains prepared by Crocker & Associates Pty Ltd (As submitted as part of the Response to Council's Information Request as Appendix E)	Undated
6116R01V01		<i>Noise Impact Assessment</i> , prepared by ASK Consulting Engineers	7/12/11
ED 11210 DA - 01	B	<i>Landscape Plan – Development Application</i> , prepared by JS of Element Design	17.11.11

8. ADVISORY NOTES

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

Development Compliance Inspection

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

Infrastructure Charges

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

Nature and Extent of Approved Development

3. The applicant is advised that this development approval comprises a Material Change of Use for a Shopping Complex (4,850 m² Shopping Complex and 1,150 m² Tavern)

Resubmission of Amended Plans Required

4. The conditions of this Decision Notice require resubmission of plan/s to Council with amendments. Please address the amended plans to Council's Planning Assessment Branch with the Reference No. MCU11/0160, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plans be resubmitted prior to lodgement of any Operational Works application. However, should the plans not be submitted, the applicant is advised that a Preliminary Approval for Operational Work may be issued in lieu of a Development Permit.

Building and Construction Industry (Portable Long Service Leave) Levy

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

Noise

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

Preparation of a Preliminary Construction Management Plan

7. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
- (a) traffic management during all aspects of the construction phase including:
 - (i) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
 - (ii) maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased
 - (iii) proposed fencing to the site during the construction phase of the development
 - (iv) approval of the Traffic Management Control Plan by the Department of Main Roads (DMR) for any works on State controlled roads
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
 - (c) works programme identifying key components of the works and their respective durations
 - (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues
 - (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
 - (f) details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. **NB** any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense
 - (g) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

Co-ordination of Operational Works Assessment

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

Qualified Person

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

10. For the purpose of certifying acoustic barrier construction for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland.
11. For the purpose of certifying outdoor lighting devices for the development, a qualified person is considered to be either:
 - (c) a Registered Professional Engineer of Queensland;
 - (d) an environmental or electrical design consultant with a minimum of 3 years current experience in the field of outdoor lighting.
12. For the purpose of preparing a Maintenance Manual for stormwater quality treatment devices, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ).
13. For the purpose of certifying the design of rainwater collection tanks, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ).
14. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 3 years current experience in the field of landscape design.

Lawful Point of Discharge

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

Extension of Drainage System for Stormwater External to the Site

16. During all but extreme rainfall events stormwater external to the site is intercepted by the drain on the southern side of Parklands Boulevard and is directed to the east where it is discharged under Parklands Boulevard. During extreme events when the capacity of the culverts is exceeded there is the potential that the eastern portion of the site (CAMCOS corridor) forms a relief overland flowpath. If it is found through preparation of a detailed flood assessment that this is the case then the CAMCOS corridor will need to be shaped to convey these flood flows in an overland flowpath designed in accordance with Council's DDPSP.

Preparation of a Maintenance Manual

17. To ensure expedient assessment of any Operational Works application, the applicant is advised that the Maintenance Manual required by this Decision Notice 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.

Preparation of a Landscape Plan

18. All landscape works required by this approval must be demonstrated on a detailed Landscape Plan submitted to Council for Operational Works approval. The detailed Landscape Plan must:
 - (a) be prepared by a qualified person and submitted in A3 size (3 x hardcopies)
 - (b) be of a scale suitable for clear interpretation at A3 size

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

Unitywater

- 19. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicants cost.
- 20. A Trade Waste Permit from Unitywater must be obtained prior to proceeding with any plumbing or drainage work that involves the sewerage system receiving liquids from any pre-treatment system or discharge to sewer. The applicant should contact a Trade Waste Officer from Unitywater directly with any enquiries.

Equitable Access and Facilities

- 21. 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

- 22. 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:

MCU11/0160 – Stormwater Quality Treatment Devices

This site is provided with stormwater quality treatment devices which capture and store pollutants from stormwater runoff generated on the site. These devices are required to be routinely checked and serviced/cleaned out as per the endorsed maintenance manual. 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
- Development Permit for Building Work

12. SELF ASSESSABLE CODES

Not Applicable

13. SUBMISSIONS

There were 11 properly made submissions including 2 petitions containing a total of 48 and 43 signatures respectively 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

The Assessment Manager considers the decision conflicts with the planning scheme and the following are sufficient grounds to justify the decision despite the conflict:

- (i) the proposed development would not affect the role of retail centres within the hierarchy;
- (ii) the proposal will benefit the community by providing greater choice and convenience and increased competition; and
- (iii) the location of the complex is consistent with the planning scheme requirements.

15. RIGHTS OF APPEAL

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

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

16. OTHER DETAILS

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

7.2 FINANCE AND BUSINESS

7.2.1 JULY 2012 FINANCIAL PERFORMANCE REPORT

File No: ECM - 20 September 2012
Author: Acting Financial Services Manager
Finance and Business
Appendix: [App A - July 2012 Financial Performance Report](#) (Att Pg 43)

PURPOSE

To meet council's legislative obligations, a monthly report is to be presented to council on its financial performance.

EXECUTIVE SUMMARY

The monthly financial performance report provides council with a summary of performance against budget at the end of each month. The key items reported on are the performance against budget in relation to the operating result and in terms of delivering the capital program.

It is still early in the 2012/2013 financial year and therefore difficult to compare year to date budget and actual results with any degree of certainty until:

- 2011/2012 carry-over works are loaded into the 2012/2013 budget as part of Budget Review 1;
- the impacts of accruals from June 2012 are matched to physical payments; and
- 2012/2013 capital budget profiling is finalised.

The report also identifies minor budget adjustments that have occurred during the month to allow work to continue in a responsive manner. More significant budget reviews are carried out during the year.

Council's financial results at 31 July 2012 show the organisation with a \$6.6 million better than forecasted operating position against the full year budget. The operating result is a key financial performance measure and ongoing surpluses will be critical.

The 31 July 2012 operating surplus variation is made up of higher than expected revenue of \$2.9 million (2.1%) and lower than anticipated operating expenses of \$3.7 million (13.7%). The operating revenue variance is partly a result of profiling for rates discounts being recorded in July not August.

At 31 July 2012, \$4.8 million (3.3%) of council's \$148.2 million 2012/2013 capital works program was financially complete.

During July 2012, the 2012/2013 Operating and Capital Budgets were adjusted to accommodate reallocations between budget categories or line items. Details are set out in **Appendix A**.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “July 2012 Financial Performance Report”; and
- (b) approve the budget amendments for operating as outlined in the July 2012 Financial Performance Report (Appendix A).

FINANCE AND RESOURCING

This report incorporates reallocations within the 2012/2013 operating budgets. There has been no change to the operating result as a result of these allocations.

CORPORATE PLAN

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.2 Ensure legislative compliance and awareness

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.2 Effective business management
Strategy: 8.2.1 Develop indicators and measure the performance of council and the success in achieving its vision

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.3 Strong financial management
Strategy: 8.3.2 Ensure council’s financial performance is well managed and leads to a strong financial position

CONSULTATION

Internal Consultation

All departments or branches participated in the formation of the recommendations associated with this report.

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

Council’s financial results at 31 July 2012 show the organisation with a \$6.6 million better than forecasted operating position against the full year budget.

It is still early in the 2012/2013 financial year and therefore difficult to compare year to date budget and actual results with any degree of certainty until:

- 2011/2012 carry-over works are loaded into the 2012/2013 budget as part of Budget Review 1;
- the impacts of accruals from June 2012 are matched to physical payments; and

- 2012/2013 capital budget profiling is finalised.

The 31 July 2012 operating surplus variation is made up of higher than expected revenue of \$2.9 million and lower than anticipated operating expenses of \$3.7 million.

The operating revenue favourable variance of \$2.9 million (2.2%) is partly a result of profiling for rates discounts being recorded in July not August, a variance of \$3.4 million.

The operating revenue variance masks that general rates has an unfavourable variance of \$1.5 million, due to lower growth than anticipated growth: that is, 0.9% growth against 1.5% budget. This is offset by prepaid rates of \$1.7 million. Interest revenues are \$100,000 higher due to higher interest rates and more cash available for investment than anticipated.

The operating expense favourable variance of \$3.7 million (13.7%) is made up of a lower than budgeted expenditure on Materials & Services of \$3.6 million. Of this, \$1 million relates to Community Services, and is largely due to grants accruals posted back into 2011/2012. In addition, \$2.2 million relates to Infrastructure Services; this is largely due to timing of works or contract payments (profiling to be adjusted in August to reflect correct timing) with the largest occurring in Waste business. This is due to contract rises not yet recognised and payment invoices not yet received.

At 31 July 2012, \$4.8 million (3.3%) of council's \$148.2 million 2012/2013 Capital Works Program was financially complete.

During July 2012, the 2012/2013 Operating and Capital Budgets were adjusted to accommodate reallocations between budget categories or line items. Details are set out in Appendix A. Two of these are worth mentioning:

- The State Government have reduced the RMPC contract which relates to works undertaken by Council on State controlled roads. The result is a reduction in the budget allocation for maintenance of these roads of \$479,000; and
- The Bus Set Down program has been allocated with the following areas to be delivered from the 2012/2013 budget:
 - Outlook Drive, Tewantin - WOR Set down 700479
 - Outlook Drive, Tewantin - WOR Set down 700480
 - Main Road, Kuluin - WOR Set down 700306
 - Gympie Terrace, Noosaville - WOR Set down 700676
 - Kawana Way, Birtinya - WOR Set down 700357
 - Maud Street, Maroochydore - WOR Set down 700282
 - Karawatha Drive, Buderim - WOR Set down 700230
 - Noosa Parade, Noosaville - WOR Set down 700580
 - Fairway Drive, Tewantin - WOR Set down 700645
 - Mary Street, Noosaville - WOR Set down 700753
 - Lake Weyba Drive, Noosaville - WOR Set down 700458
 - Burnett Street, Buderim - WOR Set down 700174
 - Maroochydore Road, Kunda Park - WOR Set down 700309
 - Bushlands Drive, Noosaville - WOR Set down 700466

- Council has received \$2.4 million of capital grants from the SEQ Cycle Network Program. This has increased both capital revenue and capital expenditure budgets by equal amount.

Legal

There are no legal implications to this report.

Policy

There are no policy implications associated with this report.

Risk

There are three risks that have been identified as at the end of July.

In June 2012 the Federal Government pre-paid half of the Financial Assistance Grant. The adopted budget anticipated that the practice of pre-paying one quarter of the grant would continue. It is unclear what will happen in relation to any prepayment of the 2013/14 grant and there is a potential shortfall of \$2.6 million in the current budget. If this shortfall eventuates it will only be a timing issue as the funds would expect to be received in the 2013/14 year.

As indicated in the report the expected growth in rateable properties is less than forecast and revenue is \$1.5 million less than budgeted.

The achievement of the \$5 million savings target that is included in the budget. There are a number of reviews and initiatives that are underway however the above issues will make the achievement of the savings target more difficult.

Previous Council Resolution

On 27 June 2012, council adopted the 2012/2013 budget.

Related Documentation

There is no related documentation for this report.

Critical Dates

With the Council meeting structure the reports will be presented to Council later than was previously the case. This will be addressed in part by the issue of the monthly board reports to councillors shortly after the end of each month.

Implementation

If the recommendations are adopted by Council the budget will be amended to reflect the adjustments included in the report.

7.2.2 2012/2013 BUDGET AMENDMENT FOR 2011/2012 CARRY-OVER WORKS

File No:	ECM
Author:	Acting Financial Services Manager Finance and Business
Appendices:	App A - 2011-12 Financial Statements (Att Pg 53) App B - 2012-13 Financial Statements (Att Pg 54)
Attachments:	Att 1 - 2011-12 Capital Expenditure (Att Pg 63) Att 2 - 2012-13 Operating Projects (Att Pg 87) Att 3 - 2012-13 Capital Report (Att Pg 90)

PURPOSE

This report presents the amended 2012/2013 budget, for works that have been carried over from the 2011/2012 financial year and the associated reserve movement. This report also seeks approval of reserve movements for 2011/2012 as part of end of financial year adjustments to enable the continuance of council works.

EXECUTIVE SUMMARY

This report identifies works from the 2011/2012 budget that were not completed as at 30 June 2012 and require funds to be carried over to the 2012/2013 financial year together with adjustments to the 2012/2013 capital works program and operating projects.

In accordance with the *Local Government (Finance, Plans and Reporting) Regulation 2010*, the 2012/2013 Budget needs to be formally amended to reflect these changes.

The 2011/2012 interim financial position incorporates end of financial year adjustments, however the final result will be subject to review by Council's external auditors, during September and October 2012.

Council's interim financial results as at 30 June 2012 show the organisation with a balanced contribution to council position with net reserve movements total \$35.3 million, **Appendix A**.

The capital projects carried over from 2011/2012 increase the Capital Works program by \$40.5 million to a total of \$186.3 million. This is funded by an increase in capital revenues of \$9.0 million and transfers from reserves of \$31.5 million. Operational carry-over projects increase the operating expenses by \$4.6 million which is funded by transfer from reserves.

The financial statements for the amended 2012/2013 Budget including a detailed listing of all capital project adjustments are given in **Appendix B**. As a result of this review, there will be no significant movement in council's financial statements or ratios.

OFFICER RECOMMENDATION

That Council:

- (a) note and receive the report “2012/2013 Budget Amendment for 2011/2012 Carry-Over Works”;
- (b) adopt the interim transfer of \$35.3 million to reserves at 30 June 2012 as included in Appendix A, noting that a further report will be submitted to council detailing the final reserve balances as part of the completion of the 2011/2012 audited financial statements; and
- (c) adopt the amended 2012/2013 Budget to include works that have been carried over from the 2011/2012 financial year, 2012/2013 works that were completed in the 2011/2012 financial year and approve the associated reserves transfers to fund the amendments, as included in Appendix B.

FINANCE AND RESOURCING

The 2011/2012 reserve balance has reduced from \$221.5 million at the start of the 2011/2012 financial year to \$186.2 million at year end as funds were expended for the purposes they were collected. This expenditure of \$35.3 million was mainly allocated to the construction of assets in councils Capital Works Program.

The funding of adequate reserves is critical to the ongoing financial management and funding of future capital and operational works of council. As identified in the finance and resourcing section there are significant expenditure of reserves forecast over the next five years which will impact on key financial ratios. For 2011/2012 all required funds were transferred to reserves at 30 June 2012.

A reserves reconciliation will be undertaken pending the audit of councils draft Annual Financial Statements.

CORPORATE PLAN

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.2 Ensure legislative compliance and awareness

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.2 Effective business management
Strategy: 8.2.1 Develop indicators and measure the performance of council and the success in achieving its vision

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.3 Strong financial management
Strategy: 8.3.2 Ensure council’s financial performance is well managed and leads to a strong financial position

CONSULTATION

Internal Consultation

All departments of council were consulted in the course of the review.

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

This report identifies works from the 2011/2012 budget that were not completed as at 30 June 2012 and require funds to be carried over to the 2012/2013 financial year together with adjustments to the 2012/2013 capital works program and operating projects.

The 2011/2012 interim financial position incorporates end of financial year adjustments, however the final result will be subject to review by council's external auditors, during September and October 2012.

Council's interim financial results as at 30 June 2012 show the organisation with a balanced contribution to council position with net reserve movements total \$35.3 million.

At 30 June 2012, \$170.9 million or 82% of council's \$209.5 million 2011/2012 Capital Works Program was financially complete (**Attachment 1**).

Within the 2011/2012 Capital Works Program, \$31 million was allocated to the Horton Park land acquisition. Of this, \$19.3 million has been spent against this program in 2011/2012, and the remaining \$11.7 million is to be spent in 2012/2013.

Also within the 2011/2012 Capital Works Program, \$33 million has been allocated to the business units Capital Works Program. Of this, \$24.7 million has currently been spent against the business units, with a financial completion rate of 75%.

Excluding Horton Park and the Business Units, council has spent \$126.8 million against a Capital Works Program of \$145.5 million, with a financial completion rate of 87%.

An alternative review of the Capital Works Program is to monitor those programs that deliver a service directly to the community. If this view is taken then council has spent \$97.7 million against a budget of \$107.6 million with a financial completion rate of 91%.

Section 100 of the Local Government (Finance, Plans and Reporting) Regulation 2010 allows council to amend its annual budget by resolution at any time before the end of the financial year as long as the budget continues to apply with *Section 99 the Local Government (Finance, Plans and Reporting) Regulation 2010*, that requires council to be presented with a full set of financial statements (including significant business activities) and ratios. The budget amendment must also be consistent with council's long-term financial forecast, financial plan, 5-year corporate plan, annual operational plan and long-term community plan.

In accordance with the *Local Government (Finance, Plans and Reporting) Regulation 2010*, the 2012/2013 Budget needs to be formally amended to reflect 2011/2012 carry-overs and associated adjustments.

The increase to the 2012/2013 budget is \$4.6 million for operating expenditure, \$40.5 million for capital expenditure, \$9.0 million for capital revenues and transfers from reserves of \$36.5 million as a result of the 2011/2012 carry-over works (**Attachment 2**). The projects carried over from 2011/2012 increase the Capital Works Program to a total of \$186.3 million. The details of amendments to the budgeted capital program are listed in (**Attachment 3**).

Sections 148 and 149 of the Local Government (Finance, Plans and Reporting) Regulation 2010 require that the creation of a reserve or the transfer to or from a reserve only occur through a council resolution or as part of the adoption of the annual budget.

Reserve balances are being finalised as part of council's draft Annual Financial Statements for the period 1 July 2011 to 30 June 2012. Transfers to/ from reserves were required to be processed as part of end of financial year adjustments, for example, unspent special levies, grants and carry-over works.

The net movement of reserves in 2011/2012 total is \$35.3 million. This being movements to operating reserve of \$3.0 million, and movements from capital reserve of \$38.3 million. These transfers enable the continuance of council capital program into 2012/2013. The reserve movements for 2012/2013 total \$36.5 million.

Legal

This report ensures that council complies with its legislative obligations under *Sections 148 and 149 of the Local Government (Finance, Plans and Reporting) Regulation 2010*. Along with council's legislative obligations to amend its budget in accordance with *Sections 99 and 100 of the Local Government (Finance, Plans and Reporting) Regulation 2010*.

Policy

The recommendations in this report are consistent with council's Capital and Operational Reserves Policy as adopted on 8 October 2009.

Risk

This review ensures that funds are provided for projects which were budgeted but not completed in the last financial year, ensuring continuity in their delivery.

Under *Section 101 of the Local Government (Finance, Plans and Reporting) Regulation 2010*, council must make a resolution about spending money (carry-overs) before, or as soon as practicable after, the money is spent.

The funding of adequate reserves is critical to the ongoing financial management and funding of future capital and operational works of council. As identified in the finance and resourcing section there are significant expenditure of reserves forecast over the next five years which will impact on key financial ratios.

Previous Council Resolution

The 2012/2013 budget was adopted on 27 June 2012.

Related Documentation

There is no related documentation for this report.

Critical Dates

Approval of all reserves movements for the 2011/2012 financial year is required before formal sign off of council's 2011/2012 financial statements.

The next set of monthly financial reports (year to date September) can only be reported against the updated budget if council adopts it in this round of meetings.

Implementation

The Council resolution that eventuates from this report will support the draft 2011/2012 Annual Financial Statements and allow the processing of the budget adjustments associated with the carry over of projects from the 2011/2012 financial year.

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7.2.3 REVIEW OF GROUPS, BOARDS, TASKFORCES, CORPORATIONS AND COMMITTEES

File No: ECM
Author: Business Integration & Projects Manager
Finance and Business
Appendices: [App A - Committees Recommended to Continue](#) (Att Pg 105)
[App B - Committees Recommended to Cease](#) (Att Pg 112)
[App C - Committees - Ceased Operation](#) (Att Pg 113)

PURPOSE

The purpose of this report is to review all Council endorsed committees in relation to their purpose and the Councillor representation on those committees and to formally cease and recognise committees that have completed their purpose.

EXECUTIVE SUMMARY

A previous Council resolution on 26 July 2011 recommended that existing Advisory Groups and Taskforces continue to meet until 30 June 2012 after which date their purpose and membership be reviewed.

Current Council endorsed committees are included with this report in Appendix A to enable review of their purpose and membership.

To formally endorse their cessation, committees that have completed their purpose are listed in Appendix B or, where they have ceased operation, they are listed in Appendix C.

Operational committees that are not endorsed by Council are not included in this report. These committees are administered by the relevant department within Council, and a current database of all committees is maintained on Council's intranet site.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Review of Groups, Boards, Taskforces, Corporations and Committees";
- (b) endorse the continuation of Council endorsed committees including councillor representation, as listed in Appendix A;
- (c) endorse the cessation of the committees listed in Appendix B, noting the completion of the work by the committees;
- (d) endorse the cessation of the committees listed in Appendix C; and
- (e) request the Chief Executive Officer to advise committees of Councillor representation, cessation and, as necessary, acknowledge and thank ceasing committees.

FINANCE AND RESOURCING

The 2012/2013 budget allocation for each committee is listed by committee at Appendix A.

CORPORATE PLAN

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.2 Ensure legislative compliance and awareness

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.2 Effective business management
Strategy: 8.2.4 Consolidate data, information and knowledge to improve council operations

CONSULTATION

Internal Consultation

- Councillors
- Chief Executive Officer
- Executive Directors
- Branch Managers
- Project Managers
- Management Accountants
- Executive Officers
- Community Development Team

External Consultation

In the conduct of the review reference was made to external organisations' websites and there was some direct contact with relevant external organisations.

Community Engagement

No direct community engagement activities have been undertaken as part of this report.

PROPOSAL

The word "committee" is used in this report to describe all groups, boards, taskforces, corporations and committees that are currently endorsed by Council. This report excludes operational committees that are not endorsed by Council.

All Council endorsed committees are listed in the attached appendices. The appendices relate to the following categories:

- Appendix A – Council endorsed committees recommended to continue
- Appendix B – Council endorsed committees recommended to cease
- Appendix C – Council endorsed committees that have ceased operation and require a formal resolution to cease

Appendix A provides information for Council to review the purpose of Council endorsed committees and to endorse councillor representation on those committees.

There are a number of Council endorsed committees that do not have Councillor membership listed. Typical reasons for this include that the committee may be an external board, corporation or organisation of which Council does not determine membership.

Any of the committees recommended to continue in Appendix A may have an end date or trigger event applied (under the heading "term of group") to cease the operation of the committee at a future time.

Appendix B provides information on Council endorsed committees that are no longer required and have not formally ceased, but are recommended to cease.

Appendix C provides information on Council endorsed committees that have ceased operation and require a formal resolution to cease.

It is proposed that Council:

- review Appendices A, B and C;
- endorse the continuation of the committees and Councillor membership listed in Appendix A; and
- endorse the cessation of the committees listed in Appendices B and C.

Legal

There are no legal implications to this report.

Policy

The current community engagement policy, mentioned in the resolution below, is in the program of works for revision during the current financial year. There are no other policy implications.

Risk

There are no risk implications for this issue.

Previous Council Resolution

Ordinary Meeting 26 July 2011

"That council:

- a) receive and note the report titled "2011 Progress Report on Council's Advisory Groups and Taskforces";*
- b) that the Cooroy Lower mill Site project group, the Rural Reference Group and the Tourism Transition Advisory Board have successfully fulfilled their charter and are no longer meeting;*
- c) agree that all other existing Advisory Groups and Taskforces continue to meet until June 30, 2012 after which date their purpose and membership be reviewed;*
- d) agree to call for nominations for membership of the ongoing Advisory Groups and Taskforces where there are current vacancies;*
- (e) agree to amend the Community Engagement Policy so that:*
 - (i) individual Advisory Groups and Taskforces report to council on an as needs basis; and*
 - (ii) there be an annual consolidated report to council from all of the Advisory Groups and Taskforces."*

Related Documentation

A previous report to Council on 26 July 2011 titled "2011 progress Report on Council's Advisory Groups and Taskforces" reported on the activities of 14 Advisory Groups and Taskforces created by Council since 2008.

Critical Dates

There are no critical dates that relate to this report.

Implementation

A central intranet database of operational committees is available on Council's intranet site and each Department has the responsibility to maintain the currency of all committees.

The Chief Executive Officer to write to:

- those committees identified to cease and, where appropriate, thank the committees for their contributions; and
- advise committees of Councillor memberships.

It is acknowledged that, for some committees that are recommended to cease, transitional arrangements may be required and that these be managed by the relevant responsible department within Council.

7.2.4 DRAFT CALOUNDRA AERODROME MASTER PLAN

File No:	ECM 200912
Author:	Planning and Major Projects Manager, Sunshine Coast Airport, Finance and Business
Appendices:	App A - Master Plan (Att Pg 117)
Attachments:	Att 1 - Public and Stakeholder Notif Strategy (Att Pg 171) Att 2 - Industry Subs - Prelim Draft MP (Att Pg 197) Att 3 - Caloundra Aerodrome Bus Strategy (Att Pg 202)

PURPOSE

The purpose of this report is to recommend that Council place on public exhibition the draft Caloundra Aerodrome Master Plan (Appendix A).

EXECUTIVE SUMMARY

Council at its meeting of 17 April 2010 resolved to prepare a Business Strategy and Master Plan for Caloundra Aerodrome reflecting the advice of the State Government that the State was no longer pursuing the relocation of Caloundra Aerodrome.

The draft Master Plan for Caloundra Aerodrome addresses a number of issues and proposes specific actions. It is recommended that the draft Master Plan be placed on public exhibition for a period of 30 days. A consultation plan entitled "Public and Stakeholder Notification Strategy" is proposed to be implemented and is attached to this report as Attachment 1.

The draft Master Plan will be further reported to Council upon the completion of the public exhibition phase.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Caloundra Aerodrome Master Plan";**
- (b) resolve to place the draft Caloundra Aerodrome Master Plan (Appendix A) on public exhibition for a period of 30 days; and**
- (c) note that a further report will be presented to Council following the completion of the public exhibition period.**

FINANCE AND RESOURCING

A total of \$150,000 has been allocated to this project. To date, \$128,195 has been spent.

It is estimated that additional funding of \$39,000 is required to complete the Master Plan.

CORPORATE PLAN

Corporate Plan Theme: *Robust Economy*

Emerging Priority: 1.1 A broad economic base
Strategy: 1.1.4 Encourage and help to establish sustainable business clusters

Emerging Priority: 1.3 Infrastructure for economic growth
Strategy: 1.3.1 Facilitate the delivery of key infrastructure projects for our preferred economic growth

CONSULTATION

Internal Consultation

- Infrastructure Policy branch
- Integrated Transport Planning branch
- Property and Business branch
- Strategic Planning branch

External Consultation

- Department of Environment and Resource Management
- Department of Local Government and Planning
- Department of Transport and Main Roads
- Unitywater
- Moreton and Scenic Rim Regional Councils
- Energex
- Caloundra Aerodrome lease holders and Caloundra Aerodrome businesses

The preliminary draft Master Plan was circulated to all lessees and business operators at the aerodrome for a period of two weeks prior to the draft Master Plan being completed for this report.

A summary of the submissions received and the actions taken in response is provided at Attachment 2.

Community Engagement

Public consultation will occur as described in the "Public and Stakeholder Notification Strategy" (Attachment 1) pending Council's determination of the recommendation contained in this report.

PROPOSAL

Council at its meeting of 17 November 2010 resolved to prepare a Business Strategy, Master Plan, and Environmental Strategy for Caloundra Aerodrome in response to advice from the State Government that the State would no longer pursue the relocation of Caloundra Aerodrome.

This report addresses the preparation of the draft Master Plan and recommends that the draft Master Plan be placed on public exhibition for a period of 30 days for public comment.

The purpose of the Master Plan is to describe and program the future development of the aerodrome.

The draft Master Plan addresses the following issues:

- the role and function of Caloundra Aerodrome;
- aviation demand forecasts;
- infrastructure, utilities and transport;
- airspace;
- proposed development; and
- implementation.

The key features of the actions proposed under the draft Master Plan include:

- expansion of the aviation leases areas – a potential expansion of up to 6.8 hectares has been indentified;
- expansion of the apron (with apron edge taxiway) in stages to coincide with the expansion of the aviation lease areas;
- conversion of the existing grass apron into an all weather surface for itinerant aircraft;
- reconfiguration of the existing public carpark and amenities to facilitate the towing of aircraft between the apron and the Queensland Air Museum;
- the construction of two engine run up bays, adjacent to the taxiways to runway ends 23 and 12;
- the construction of a helipad;
- identification of a future site for the relocation of the fuel farm;
- identification of a future site for public carparking, amenities and viewing area;
- the possible lengthening to 1199m and widening to 23m of runway 05/23 to facilitate the operation of Code B, non RPT operations;
- the extension of both Pathfinder Drive and Henebery Place as required to provide access to the expanded business areas;
- the identification of a potential non-aviation commercial development area of approximately 9.5 hectares;
- the possible expansion of the Queensland Air Museum site onto the adjacent Council reserve; and
- the establishment of a left in/left out access point to Caloundra Road as an emergency alternative to the present Pathfinder Drive access.

As indicated in the Master Plan document, Caloundra Aerodrome will play an increasingly important role in general aviation in South-East Queensland. The aerodrome remains a key piece of infrastructure supporting the economy of the region.

The Master Plan also identifies the key challenge for the aerodrome – the encroachment of noise sensitive land uses, particularly residential development into the aerodrome's operational curtilage.

It is also noted that the Queensland Aviation Museum has the potential to expand and play a larger role as a tourist attracting activity for the Sunshine Coast. To realise this potential the site will need to be increased from its current 2 hectares to 4 hectares. For the expansion to occur it will be necessary to extend into the adjoining council reserve. The draft Master Plan recommends this possibility be explored.

A consultation strategy has been prepared to guide the public exhibition process. It is likely that a diverse range of views will be submitted in response to the exhibition of the draft Master Plan and amendments to the exhibited draft plan may be recommended when the matter is again reported to Council following the public exhibition.

Related matters

A draft Business Strategy which sets out the objectives and actions relating to the broader management strategy for the aerodrome has been prepared and is attached (Attachment 3) for Councillors' information purposes only. It is proposed that this document be reported back to Council with the "post exhibition" Master Plan.

The draft Master Plan includes as an implementation action the preparation of an Environmental Strategy for the Aerodrome.

The Strategy will provide the framework for responsible environmental management by airport users and Council as the manager of the aerodrome.

The range of matters to be addressed in the AES includes:

- developing and maintaining Caloundra Aerodrome's environmental management system;
- initiating and following up on environmental reviews of relevant aspects of the airport;
- providing internal resources to work with tenants to protect the environment of the aerodrome and assist with the investigation of incidents on the site; and
- liaising with and, where required, reporting to relevant internal and external environmental authorities.

The Environmental Strategy will be prepared following the adoption by council of a Master Plan for the aerodrome.

Council at its meeting of 7 December 2011 resolved to write to the Minister for Local Government to seek an exemption from the tendering requirements of the Local Government Act with respect to the renewal of existing commercial leases at Caloundra Aerodrome.

Council is advised that the Minister has granted the exemption and that new draft leases have been forwarded to the existing lease holders for their consideration.

It is proposed that any new commercial lease areas that become available as a result of the implementation of the draft Master Plan be the subject of the tender process under the Act.

Legal

There are no legal issues arising from the exhibition of the draft Master Plan.

Policy

The proposed exhibition of the draft Master Plan is consistent with Council's community engagement policy.

Risk

There are no risk implications arising from the public exhibition of the draft Master Plan.

Previous Council Resolution

Council Resolution (OM10/316)

That Council:

- (a) *request the Chief Executive Officer to prepare a Business Strategy, Master Plan and Environment Strategy for Caloundra Aerodrome;*
- (b) *refer the request for funding of \$150,000 to the current budget review to enable the Business Strategy, Master Plan and Environment Strategy to be completed during the 2011 calendar year;*
- (c) *request the Chief Executive Officer complete the Business Plan and preliminary stages of the Master Plan by December 2011, to a point that provides clarity for existing/future enterprises/tenancies to enable early tendering for post 2014 business activity; and*
- (d) *request the Chief Executive Officer advise the current lessees and business operators at Caloundra Aerodrome and the Caloundra Aerodrome Community and Aviation forum of Council's resolution; and*
- (e) *request the Chief Executive Officer to release the report publicly after appropriate amendments.*

Council Resolution (OM11/270)

That Council request the Chief Executive Officer to write to the Minister for Local Government and Planning seeking an exemption from the tender processes required under Section 176 of the Local Government (Finance, Plans and Reporting) Regulation 2010 to negotiate future lease arrangements at Caloundra Aerodrome up to December 2021 with the relevant parties, and further to identify necessary steps to deliver optimum land tenure arrangements for business development at the Caloundra Aerodrome.

Council Resolution (OM11/303)

That Council:

- (a) *receive and note the report titled "Caloundra Aerodrome Draft Business Strategy";*
- (b) *request the Chief Executive Officer to proceed with the preparation of a draft Master Plan for the Aerodrome using the draft Business Strategy as a guide;*
- (c) *request that the Draft Business Strategy, incorporating key milestone dates, be reported back to Council for consideration concurrently with the next report to Council on the draft Master Plan in February 2012;*
- (d) *commence leasing processes for Caloundra Aerodrome no later than June 2012;*

- (e) *authorise the Chief Executive Officer, on behalf of council to enter into leases with Queensland Air Museum, Surf Lifesaving Queensland and with respect to the Caloundra Air Cadets: the Department of Defence. The lease conditions are to include a nominal rental and be otherwise consistent with council's usual practices with regard to the leasing of land to community groups; and*
- (f) *request the Chief Executive Officer to prepare a report and recommendations for presentation to council during the 2012/2013 budget preparation regarding the arguments for and against the application of a public benefit test as provided for under national competition policy.*

Council Resolution (OM11/315)

That Council repeal Resolution Number OM11/270 of the Council Meeting held on 26 October 2011, as outlined below:

That Council request the Chief Executive Officer to write to the Minister for Local Government and Planning seeking an exemption from the tender processes required under Section 176 of the Local Government (Finance, Plans and Reporting) Regulation 2010 to negotiate future lease arrangements at Caloundra Aerodrome up to December 2021 with the relevant parties, and further to identify necessary steps to deliver optimum land tenure arrangements for business development at the Caloundra Aerodrome.

Council Resolution (OM11/316)

That Council request the Chief Executive Officer to write to the Minister for Local Government and Planning seeking an exemption from the tender processes required under Section 176 of the Local Government (Finance, Plans and Reporting) Regulation 2010 to negotiate future lease arrangements at Caloundra Aerodrome with the relevant parties, and further to identify necessary steps to deliver optimum land tenure arrangements for business development at the Caloundra Aerodrome.

Related Documentation

- Caloundra Aerodrome Draft Management Plan (November 1997)
- Caloundra Aerodrome Land Use Study – prepared by GHD – Old Caloundra Council File No. 446 002 000 (June 1999)
- SEQ General Aviation Needs & Opportunities Study Information paper – Queensland Transport report prepared by Economic Associates & Aerodrome Operations Support (September 2000)
- Queensland Aviation Strategy 2001 and Queensland Aerospace Industry Development Plan 2001 – Queensland Government
- Caloundra City Plan 2004
- Caloundra Aerodrome Investigation – Background Report (Caloundra City Council) (April 2005)
- Review of the State of the GA Sector in SEQ – prepared by Rehbein AOS (2007)
- Department of Infrastructure and Planning – Replacement Aerodrome Study for Caloundra Aerodrome – Draft Report for Phases One – Stages 1 and 2 – draft prepared by GHD (November 2008)

- BTRE Report – General Aviation Activity 2008
- Sunshine Coast Council Corporate Plan 2009
- SEQ Regional Plan – Department Local Government & Planning 2009
- Commonwealth Government Aviation White Paper – Chapter 3 – General Aviation (December 2009)
- Sunshine Coast Council Economic Development Strategy 2010
- Caloundra South Structure Plans/Master Plans and Development applications – Urban Land Development Authority and Stockland (2010-2012)
- Caloundra Aerodrome – Threatened Flora and Fauna Assessment (April 2011)
- Caloundra Aerodrome Safety/Compliance Risk Assessment – Aviation Projects (June 2011)
- Environmental Assessment Report Caloundra Aerodrome, WSP (July 2011)
- Caloundra Aerodrome – Economic Contribution – PWC (August 2011)
- Environment – Flora Species Survey – Caloundra Aerodrome Biodiversity Assessment & Management (December 2011)
- Species Management Plan *Crinia Tinnula* – Caloundra Aerodrome – Biodiversity Assessment and Management (December 2011)
- Report for 2030 Aircraft Movement Forecast – Caloundra Aerodrome (March 2012)
- BTRE Report – General Aviation Activity 2011 (2012)

Critical Dates

It is important to progress public exhibition of the draft Master Plan as soon as possible in light of previous delays.

Implementation

Subject to Council endorsing the recommendation, it is proposed to exhibit the draft Master Plan in the manner described in Attachment 1.

At the conclusion of the public exhibition period, the option of combining the attached draft Business Strategy with the Master Plan will be investigated.

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7.3 COMMUNITY SERVICES

7.3.1 PROPOSAL TO NAME COUNCIL PARKS AND INFRASTRUCTURE

File No: ECM
Author: Strategic Project Officer
Community Services

PURPOSE

This report seeks council's endorsement to endorse park naming proposals currently lodged with council.

EXECUTIVE SUMMARY

Council has received two naming proposals, which have been assessed by the Naming Panel and are detailed in Appendix A.

This report recommends the resolution of current proposals to name two (2) parks and places,

This report recommends that council, as part of the Local Law review, amend Local Law No 4 (Local Government Controlled areas, facilities, Infrastructure and Roads) 2011, Section 7 to ensure consistency with Council's Naming Policy

This amendment will enable council to delegate the approval of park naming proposals to the Chief Executive Officer, as articulated in council's endorsed Naming policy.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Proposal to Name Council Parks and Infrastructure";**
- (b) resolve to name the bridge located on Mary River Road Cambroon and situated between Eastern Mary River Road and Maleny - Kenilworth Road as Cambroon Bridge;**
- (c) resolve to name the park identified as property number 223618, lot 999 SP 153457 as Canavan Gracie Recreational Park; and**
- (d) request the Chief Executive Officer to ensure *Local Law No 4 (Local Government Controlled areas, facilities, Infrastructure and Roads) 2011 Section 7* Management of local government controlled areas, facilities, infrastructure and roads is amended as part of the current local law review.**

FINANCE AND RESOURCING

Council placed one (1) advertisement in the Sunshine Coast Daily on 12 May 2012 at a cost of \$458.10.

Signage is estimated to cost \$1,000.

All costs will be absorbed from within current operational budget with the Community Development Branch.

CORPORATE PLAN

Corporate Plan Theme: *Social Cohesion*

Emerging Priority: 5.2 Strong community groups and networks
Strategy: 5.2.1 Value and support community organisations and volunteers across the region

CONSULTATION

Internal Consultation

The Naming Panel:

- Community Programs Manager
- Open Space Coordinator
- Landscape Architect Urban Design
- Heritage Library Coordinator
- Community Sports and Facilities Plan Manager
- Governance Project Officer

Division 1 and Division 5 Councillors were consulted.

External Consultation

The proposal to name Cambrook Bridge and Canavan Gracie Recreational Park was advertised in the Sunshine Coast Daily on 12 May 2012 inviting comment within 21 days; no submissions have been received following the placement of the advertisement.

There has been a project news document circulated to the community in relation to the newly constructed Cambrook Bridge

The Bellvista Community Association submitted the proposal to name Canavan Gracie Recreational Park and had advertised their intentions in the local newspaper and raised the matter at their general meetings.

Community Engagement

Council is engaging by newspaper advertisement to invite the community to submit any comments which could be relevant to the proposal

PROPOSAL

Council has the legal ability to name parks and infrastructure and the legislation is contained in Local Law No 4 (Local Government Controlled areas, facilities, Infrastructure and Roads) 2011 Section 7.

Council has an adopted Naming Policy.

Council has received two proposals to name parks and infrastructure in a number of areas; these are set out in Appendix 1 of this report and have been assessed by a Naming Panel on 26 April 2012.

The two proposals considered by the Naming Panel are:

- (a) Canavan Gracie Recreational Park at Lomond Crs, Caloundra West. This proposal was submitted by the Bellvista Community Association to remember Dr June Canavan and Mr Keith Gracie sadly both of whom died in an aircraft accident in August 2009. Their contribution to a variety of areas of the sunshine coast is widely recognised.

The naming panel recommended this application to progress.

- (b) Cambronn Bridge. This proposal was submitted by a resident of the area, and has been supported by the project manager for the construction of the bridge. The old bridge had been replaced by a new bridge. Historically it appears the bridge has been known as Cambronn Bridge since the 1940's, the naming of this bridge simply formalises a name which has unofficially been used by local residents for decades.

The naming panel recommended this application to progress.

Legal

On 1 January 2012, Local Law No 4 (Local Government Controlled areas, facilities, Infrastructure and Roads) 2011 commenced.

Section 7 of Local Law 4 provides council, inter alia, with the ability to name a place.

Management of local government controlled areas, facilities, infrastructure and roads

Subject to the *Land Act 1994*, the local government may, by resolution, do the following things in respect of a local government controlled area (the relevant place).

- (a) give the relevant place a name;

It should be noted this section includes the words "by resolution", the *Local Government Act 2009* Section 257 prohibits council from delegating actions required to be undertaken by resolution, therefore each proposal will require a resolution from council.

This is inconsistent with Councils endorsed Naming Policy. The policy will be referred to the Local Law review.

Policy

Sunshine Coast Council Naming Policy adopted 15 September 2010

Risk

There are no Risk implications for this issue.

Previous Council Resolution

OM10/238 - 15 September 2010

That Council:

- (a) receive and note the report titled "Sunshine Coast Regional Council Naming Policy";*
- (b) make the delegation as detailed Naming of Community Facilities, Places, Social Infrastructure and Roads (Appendix A); and*
- (c) adopt the proposed Sunshine Coast Regional Council Naming Policy (Appendix B).*

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates that relate to this report.

Implementation

Following council resolving in accordance with the recommendations contained in this report, arrangements will be made for the Divisional Councillor to conduct a naming event and installation of signage.

8 NOTIFIED MOTIONS**9 TABLING OF PETITIONS**

Petitions only eligible for submission if:

- * Legible
 - * Have purpose of the petition on top of each page
 - * Contain at least 10 signatures
 - * Motion limited to:
 - Petition received and referred to a future meeting
 - Petition received and referred to Committee/Chief Executive Officer for report and recommendation
 - Petition not be received
-

10 CONFIDENTIAL SESSION**10.1 STRATEGY AND PLANNING****10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - TEMPORARY LOCAL PLANNING INSTRUMENT - SUNSHINE COAST AIRPORT**

File No: ECM
Author: Coordinator Planning Projects
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.

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

File No: ECM 200912
Author: Coordinator Appeals Management
Regional Strategy and Planning

PURPOSE

In accordance with Section 72 (1) (f) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it relates to legal proceedings involving the local government.

10.1.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE – PLANNING APPEAL COOLUM BEACH

File No: ECM 200912
Author: Coordinator Appeals Management
Regional Strategy and Planning

PURPOSE

In accordance with Section 72 (1) (f) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it relates to legal proceedings involving the local government.

10.2 INFRASTRUCTURE SERVICES**10.2.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - ALTERNATIVE WASTE TECHNOLOGY BUSINESS CASE**

File No: 1-14054
Author: Contract Development Manager
Infrastructure Services

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.

10.2.2 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - DEVELOPMENT OF NEW WASTE COLLECTION CONTRACT 2014

File No: 1234
Author: Manager Waste and Resources Management
Infrastructure Services

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.

10.2.3 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - DRAFT TEEWAH ROAD RESERVE MANAGEMENT PLAN**File No:** ECM 20 September 2012**Author:** Asset and Investigations
Infrastructure Services

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.

10.2.4 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ACQUISITION OF EASEMENT FOR RISING MAIN TO SERVICE COOLUM LANDFILL**File No:** 1-14054**Author:** Coordinator Projects
Infrastructure Services

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.

10.3 EXECUTIVE OFFICE**10.3.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - JINIBARA PEOPLE
NATIVE TITLE CLAIM**

File No: 1-10213
Author: Solicitor, Legal Services
Executive Office

PURPOSE

In accordance with Section 72 (1) (f) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it relates to legal proceedings involving the local government.

10.4 FINANCE AND BUSINESS**10.4.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - SUNSHINE COAST
INVESTMENT INCENTIVE SCHEME APPLICATION**

File No: SCIIS - No 4
Author: Investment Facilitation Officer
Finance and Business

PURPOSE

In accordance with Section 72 (1) (e) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it deals with contracts proposed to be made by the local government

11 NEXT MEETING

The next meeting of the Ordinary meeting will be held on 18 October 2012 in the Council Chambers, 1 Omrah Avenue, Caloundra commencing at 9.00am.

12 MEETING CLOSURE
