

Agenda

Ordinary Meeting

Thursday, 28 March 2013

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 Chair will declare the meeting open.

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

That the Minutes of the Ordinary Meeting held on 28 February 2013 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 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**

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7 REPORTS DIRECT TO COUNCIL**7.1 REGIONAL STRATEGY AND PLANNING****7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - MASTERS HOME IMPROVEMENT STORE & SHOWROOM FOR NOOSA BUSINESS CENTRE - HOFMANN DRIVE, NOOSAVILLE**

File No: MCU12/0051

Author/Presenter: Development Planner
Regional Strategy & Planning Department
Senior Development Planner
Regional Strategy & Planning Department

Appendices: App A - Conditions of Approval

Attachments: Att 1 - Proposal Plans
Att 2 - Noosa Business Centre Precinct Map

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Hydrox Nominees Pty Ltd
Proposal:	Development Permit for Material Change of Use - Undefined Use (Masters Home Improvement Store) & Retail Business Type 4 (Showroom)
Properly Made Date:	9 May 2012
Information Request Date:	20 June 2012
Information Response Received Date:	17 October 2012
Decision Due Date:	28 March 2013
Number of Submissions:	Eight (8) properly made
PROPERTY DETAILS	
Division:	11
Property Address:	2-18 & 20 Hofmann Dr NOOSAVILLE
RP Description:	Lot 4 SP 246584 & Lot 1 SP 222982
Land Area:	9,952m ² (lot 4) & 25,810m ² (lot 1) total = 35,762m ²
Existing Use of Land:	Vacant
STATUTORY DETAILS	
SEQRP Designation:	Urban Footprint
Planning Scheme:	The Noosa Plan (8 August 2011)
Planning Locality:	Noosaville
Planning Zone:	Shire Business Centre (referred to as the Noosa Business Centre)
Noosa Business Centre Precinct:	E5 - Employment (Industry & Business) (Lot 1)

SUMMARY SHEET	
	B3 - Business (Showroom, Office & Business) (Lot 4) OS3 & OS6 - Open Space (Preservation of Visual Amenity)
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Material Change of Use for a Masters Home Improvement Store and a Showroom. The application is before Council because the development is not fully consistent with the planning scheme.

EXECUTIVE SUMMARY

This application seeks approval to establish a Masters Home Improvement Store and associated showroom at 2-18 & 20 Hofmann Drive, Noosaville. The site is located at the entrance to the Noosa Business Centre and is within the Noosa Plan Precincts E5 - Employment and B3 – Business.

Masters Home Improvement Stores are a new format hardware store, similar to Bunnings. The proposed Masters store includes approximately 70% of selling area dedicated to the core hardware market (made up of both hardware and garden), while 30% of selling area is dedicated to other household goods. A hardware store is recognised as a consistent use within both the E5 & B3 precinct of the centre, and The Noosa Plan includes gross floor area limits on showrooms expanding in the centre.

Given the proposal does not exactly accord with the 'Hardware' definition within The Noosa Plan, a broader economic assessment was undertaken in order to gauge the impacts associated with the proposed Masters store. The economic analysis found the Masters store will not impact on the development of the Noosa Business Centre as a multi-function employment node, with more than 13 ha of land available in the remaining undeveloped portions of the centre available for other business and commercial uses. In addition, the location of the Masters store does not compromise the functioning of the centre hierarchy within the Noosa area.

The application is also required to have regard to the Noosa Business Centre Review (2009). The review supports the proposed application by recommending that hardware, garden centres and trade related showrooms all be considered consistent uses within the subject precincts. Further, the Masters Home Improvement Store provides an appropriate transition between the adjoining Industry zoned land and the retail/business uses within the balance of the Noosa Business Centre.

The eastern entrance to the site forms part of the main entrance to the Noosa Business Centre. The majority of the building bulk is screened from the Eenie Creek Road frontage by existing and proposed vegetation buffers, while the main entrance is orientated internal to the Noosa Business Centre. The Masters entrance incorporates awnings, eaves, mix of materials and landscaping so as to achieve a building consistent with The Noosa Plan design outcomes. Additional revisions are required to the building's height and carparking area, so as to provide for a more consistent presentation compatible with the rest of the Noosa Business Centre.

While The Noosa Plan's precinct plan does not fully anticipate the proposed Masters store development type on the site, the development is appropriately sited so as to be a complimentary feature to both the Noosa Business Centre and the adjoining Industrial area. Therefore recommendation is for approval, subject to conditions.

OFFICER RECOMMENDATION

That Council:

- (a) **APPROVE WITH CONDITIONS** Application No. MCU12/0051 and grant a Development Permit for Material Change of Use - Masters Home Improvement Store & Retail Business Type 4 (Showroom) situated at 2-18 Hofmann Dr NOOSAVILLE QLD, in accordance with Appendix A
- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
1. The proposal is similar to a Hardware store, which is identified as a consistent use within Precincts E5 & B3 of the Noosa Business Centre and will add to the choice and variety available to consumers, to the community's benefit.
 2. The proposed development will not adversely impact upon the economic viability of the Noosa Business Centre or any other business centre within Noosa.
 3. The proposal is generally consistent with the Noosa Business Centre Review 2009, which identifies hardware stores, garden centres and trade related showrooms within Precincts B3 & E5 as consistent uses.
 4. The Home Improvement Store provides an appropriate transition in uses from the Noosaville Industrial Estate to the Noosa Business Centre.

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 charge to trunk infrastructure networks	Stage 1 (Masters Building)	Stage 2 (Showroom)
Transport	\$445,493	\$185,851
Public Parks & Land for Community Facilities	\$82,271	\$32,797
Stormwater (applicable to Residential development)	\$0	\$0
Stormwater (applicable to Non-Residential development)	\$146,380	\$57,616
TOTAL =	\$674,144	\$276,264

PROPOSAL

The application seeks approval for a Masters Home Improvement Store comprising 9,822m² of gross floor areas and outdoor garden centre, and a 1,737m² showroom. The development is to be staged, with the Masters store to form stage 1 and the showroom to be constructed in stage 2.

The proposed Masters store is a 92m long x 70m wide x 11.5m high building, orientated east-west, with the garden centre located towards the Hofmann Drive entrance to the Noosa Business Centre. The store also includes a goods receiving and timber centre accessible via Eenie Creek Service Road for service vehicles. 270 carparking spaces are proposed on-site, which are accessible via an existing roundabout off Hofmann Drive.

Stage 2 of the development for a showroom will include a further 65 carparking spaces. The applicant advises that the showroom is intended to be leased out to a third party, which will complement the Masters development.

The applicant advises that the Masters store will offer a range of products including:- Hardware; Doors; Flooring; Lawn & Garden; Outdoor Living; Storage & Organisation; Windows; Building Supplies; Heating & Cooling; Home Décor & Paint; Lighting & Fans; Plumbing; Tools and; Whitegoods. Based on the product range, the Masters store will offer similar products and services to a Bunnings Warehouse, with the exception that Masters will offers whitegoods. The applicant also indicates that the majority of store sales are likely to come from the hardware market, with the store dedicating approximately 70% of selling area to the core hardware market (made up of hardware and garden (approx. breakdown 4:1)), while 30% of selling area is dedicated to other household goods. The applicant also indicates a small café (less than 150m²), may be included as an ancillary component within the Masters store.

Under the Noosa Plan, like the Bunnings Warehouse, the Masters store does not directly accord with any one single planning scheme definition, having components that are similar to a hardware store, garden centre and showroom.

A copy of the proposal plans is included as **Attachment 1**.

SITE DETAILS

Background/Site History

There have been two previous planning approvals granted over the site, including-

- Four office buildings with a combined gross floor area of 7,701m² for lot 4; and
 - Showrooms with a gross floor area of 7,633m² and offices of 5,256m² proposed for lot 1.
- A condition of the approval required the showrooms be for 'trade related' purposes only. Both approvals lapsed on 21 August 2012.

A prelodgement meeting was held on the 31 August 2011, regarding the proposed development and issues of use, design and traffic were raised as the primary matters for consideration.

Site Description

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



The proposal is located over Lot 4 on SP246584 (9,952m²) and Lot 1 on SP222982 (25,810m²) Hofmann Drive, Noosaville. The lots are located towards the northwestern corner of the Noosa Business Centre, and form part of the entrance to the centre.

The Noosa Business Centre is the highest level activity centre for Noosa, servicing Noosa-wide business and employment needs by providing for a range of Business Uses as well as administrative, community, and open space functions. The Noosa Plan includes the land in the 'Shire Business Centre' zoning, with the centre divided into various precincts all connected via an internal loop road.

The site is located within Precinct E5 - Employment (Industry & Business) and B3 - Business (Showroom Office & Business). The site's frontage to Eenie Creek is also identified as Precinct OS3 (Preservation of Visual Amenity) with part of the site's frontage to the internal loop road identified as OS6 (Preservation of Visual Amenity). These open space precincts are protected by covenant areas, with OS3 forming a 10 metre wide vegetated buffer to Eenie Creek Road and OS6 providing a 16.5m wide vegetated frontage to the internal loop road, which also serves a drainage function.

The site has a combined area of 35,762m², with the main access from the existing roundabout off the internal loop road for the Noosa Business Centre, known as Hofmann Drive. Within the middle of the site is a small tract of vegetation surrounding an intermittent drainage line.

A copy of the Shire Business Centre Precinct Plan Map is included as **Attachment 2**.

Surrounding Land Uses

The site is within a few kilometres of the secondary activity centres at Tewantin, Noosaville and Noosa Junction. The Noosaville industrial estate is located to the immediate west of the site, with a large retirement village located to the north, with the North Weyba section of the Noosa National Park and Lake Weyba to the east.

Within the Noosa Business Centre, opposite Hofmann Drive to the east are existing showrooms (7,200m²), a service station and offices (4,925m²) and the Noosa Civic Shopping Centre (23,900m²). Currently, land to the south of the site is vacant, with an application before council to subdivide this land into 7 lots for the purpose of providing 4,000m² industrial lots.

Noosaville currently has access to a 'Bunnings Warehouse' located 1km away at 178 Eumundi Noosa Road, which has a total area of 7,555m², and an outdoor nursery component of 1,815m². This development is located in the Industry zone.

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 Minister for Local Government deemed the applicable State Planning Policies as appropriately reflected in Council's planning scheme and therefore do 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 activity within the Urban Footprint. The Noosa Business Centre is a Major Activity Centre under the SEQ Regional Plan. Major Activity Centres complement the Principal Activity Centre of Maroochydore, as well as:

- Serve catchments of sub-regional significance and accommodate key concentrations of employment; and
- Provide business, service, and major retail and convenience functions.

The proposal will not adversely affect the hierarchy of centres for the region and is consistent with the regional land use intent, regional policies and desired regional outcomes for the designation.

State Planning Regulatory Provisions

The following State Planning Regulatory Provisions are applicable to this application:

- SEQ Regional Plan Regulatory Provisions
- SEQ Koala Conservation Regulatory Provisions

The proposal is for an urban activity within the Urban Footprint and is consistent with the SEQ Regional Plan Regulatory Provisions.

The site is located within the 'Koala Assessable Development Area', containing mapped areas classified as "Generally Not Suitable" and "Suitable for Rehabilitation – Low Value Rehabilitation" under the SEQ Koala Conservation Regulatory Provisions. As a result, the proposal is to comply with Table 7, Column 2, items 4-7 of the Regulatory Provisions.

The provisions require safe design movement as appropriate to the development type, koala friendly construction techniques, and koala sensitive landscaping. The site is predominantly cleared, except for a portion of vegetation surrounding the existing drainage line through the lot. The site is also bordered by two roads and developed industry zoned land, resulting in the vegetation on site, not linking up with any existing vegetation corridors which might provide for koala movement. The proposed landscaping plan includes supplementary koala food tree plantings and koala friendly construction techniques including the use of a spotter/catcher. As a result, the proposal complies with the Koala Regulatory Provisions.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is The Noosa Plan. The subject site is located within the Noosaville Locality Code, and is zoned Shire Business Centre under The Noosa Plan. Under the precinct plan for the Noosa Business Centre the proposed development is located within Precincts E5 – Employment, and B3 – Business, with parts of the site's frontages to Eenie Creek Road and Hofmann Drive included in an OS - Open Space Precinct.

Local Area Provisions

The Overall Outcomes of the Noosaville Locality Code recognise the Noosa Business Centre as the principal business centre for Noosa, being the focus for business and employment needs. To achieve this focus, a range of business uses, administrative, community and open space functions are sought in the centre. The range of business uses is intended to be a dynamic mix of development, with uses well integrated to form a cohesive centre and be the major focus of employment growth. The mix of development sought, is set out in the precinct plan for the Shire Business Centre zone.

The Overall Outcome for Precinct B3 is to provide for showroom and office development, with Precinct E5 intended for future employment growth. The table below identifies the consistency of the component uses in each of the precincts.

Use Type	Precinct B3	Precinct E5
Hardware	<i>Consistent</i>	<i>Consistent</i>
Garden Centre	<i>Consistent</i>	<i>Inconsistent</i>
Showroom	<i>Consistent</i>	<i>Inconsistent</i>

The proposed Masters store does not directly accord with the pattern of development envisaged by the Noosa Plan's Precinct Plan, given Masters does not directly fit with the 'hardware' definition and includes elements of a garden centre and showroom. Further, the specific outcomes of The Noosa Plan do not envisage any additional showroom floor space for the Noosa Business Centre, with an upper cap imposed on gross floor area as follows:-

O118 Development within Precinct B3 comprises a gross floor area of-

a) For Retail business Type 4 Showroom – up to 7,000m²;

There is currently 7,000m² of showroom floor space already developed in the Noosa Business Centre. This limit for retail development within the Noosa Business Centre is to ensure the centre is retained as a multi-function employment node and has the capacity to accommodate non-retail development, so as to take advantage of potential new employment opportunities. The retail cap also took into consideration economic advice received at the time of developing the master plan for the centre.

Despite the showroom cap for Precinct B3, the following are noted in the development's favor:

- The showroom use is not the dominant component of the proposal, with the store primarily comprising hardware sales.
- The site predominantly sits within Precinct E5 for which there are no retail floor area limits
- The proposal strongly aligns with the precinct intent for E5 to provide a transition from the adjacent industrial estate, as further discussed below.

The conflict created by the showroom component cap for Precinct B3 is therefore considered to be strongly outweighed by these matters.

Economic Need

The application was accompanied by an Economic Impact Assessment prepared by Duane Location IQ. The report presents an assessment of the demand for a large format 'Home Improvement' store, and considers the impacts resulting from the proposed development. This report was reviewed on behalf of council by Foresight Partners.

The conclusions of the review describe how Masters is a 'new' retail format, albeit one that is not very different to Bunnings. It will add to the choice and variety available to consumers, generally considered an important community benefit. It may also increase price and service competition among similar retailers, in turn increasing price and service competition among similar retailers, such as Bunnings, which is also generally beneficial to consumers.

The location of the Masters within the Noosa Business Centre will further strengthen Noosa as a destination (mainly for its primary catchment area of around 66,150 people) for hardware and home improvements. Furthermore, the proposal is not expected to negatively impact upon the overall centre network or functional role of any of the individual centres, including Tewantin, Noosaville and Noosa Junction.

The applicant's report notes previous economic studies carried out as part of the appeal against the expansion of Noosa Civic in 2011. This work was undertaken to gauge what effect additional retail development would have on the potential for office floor space within the Noosa Business Centre. This report was undertaken on behalf of council by Derek Kemp (Economic Consultant). The report highlighted a requirement to accommodate up to 33,000m² of Gross Floor Area (approximately requiring 5.6 Ha of land) for future office developments within the Noosa Business Centre.

Considering this in relation to the current application, the subject site is located on 3.5 Ha, and the undeveloped parcels within the NBC precincts E1-E4, E6 & E7 total some 14.4 Ha, which could potentially accommodate up to 10.22 Ha of Gross Floor Area. Accordingly, the undeveloped precincts are still capable of accommodating the future office requirements.

During public notification, submitters raised concerns about the economic trade impacts of the development, mostly by other hardware store operators in the Noosa area. Given hardware stores are a consistent use within both precincts of the Noosa Business Centre, and the development doesn't seek to extend the boundaries of the zone or propose an out-of-centre development, this reason should not be a reason for refusal. Competition between commercial operators in appropriately zoned land is a commercial market reality and is not a Planning Scheme matter.

Transition of Uses

The majority of the site is located within Precinct E5. The Noosa Plan seeks for the nature, design and operation of any use in the precinct to be compatible and have strong relationships with development in adjacent precincts, in particular, business uses in Precinct B3 and the Noosaville Industrial Estate.

Precinct E5 is not well located for office uses, with the land being a link between the Noosaville industrial estate and the business uses and open space functions within the Noosa Business Centre. The proposed Masters store has been designed to reflect this interface, with the goods receiving and timber areas adjoining the Industrial area, while the garden centre is located closest to the entrance to the Noosa Business Centre. This is compatible with both adjoining uses and provides for a good transition from the adjacent industrial estate to the centre's retail and commercial business uses.

Shire Business Centre Review

On 29 January 2009, Council endorsed the Noosa Business Centre Review, which was carried out for the purposes of providing direction for future planning of the centre. As part of Council's endorsement of the review, it resolved that officers have regard to its findings in assessing development applications in the centre.

The review recommends trade related showrooms, hardware, and garden centres be made consistent uses within both the E5 & B3 precinct, as indicated in the table below. These uses are identified as being complimentary features to both the Noosa Business Centre and the Industry zone, providing a transition between the zones.

Use Type	Precinct B3	Precinct E5
Hardware	<i>Consistent</i>	<i>Consistent</i>
Garden Centre	<i>Consistent</i>	<i>Consistent</i>
Showroom	<i>Consistent</i>	<i>Consistent*</i> <i>(*For Trade Related Showrooms)</i>

The proposed use components are considered a complementary feature linking both the Industry zone and the business uses within the Noosa Business Centre. Furthermore, the land still available in other precincts of the Noosa Business Centre allow for the centre to be developed into a multi-function employment node, which has the opportunity to take advantage of new employment activities.

Land Use and Works Provisions

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

- Noosaville Locality Code
- Business Uses Code
- Driveways and Carparking Code
- Landscaping Code

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

Code	Discussion																																	
Noosaville Locality Code	<p>The proposals compliance with the built form requirements are outlined within the following table:</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>E5 Precinct</th> <th>B3 Precinct</th> <th>Proposal</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Building Height</td> <td>2 storeys</td> <td>2 storeys</td> <td>2 storeys</td> <td>✓</td> </tr> <tr> <td>10 metres</td> <td>8 metres</td> <td>11.5 metres</td> <td>×</td> </tr> <tr> <td>Plot Ratio</td> <td>0:6:1</td> <td>0:8:1</td> <td>0.33:1</td> <td>✓</td> </tr> <tr> <td rowspan="2">Setbacks</td> <td colspan="2">• 5 metres from Open Space Conservation Zone</td> <td>7.15m</td> <td>✓</td> </tr> <tr> <td colspan="2">• 6 metres from Internal Loop Road</td> <td>9.4m</td> <td>✓</td> </tr> <tr> <td>Roof Form</td> <td colspan="2">5 degrees and 600mm eave overhangs</td> <td>5 degree & 600 mm eaves</td> <td>✓</td> </tr> </tbody> </table> <p><i>Building Bulk</i></p> <p>The stage 1 'Masters' building includes a 92m long x 70m wide main building orientated east-west opening up to the internal carparking area to the south. A 7m wide fire safety road extends around the eastern and northern perimeter of the proposed building, to which the applicant indicates is a</p>	Parameter	E5 Precinct	B3 Precinct	Proposal	Complies	Building Height	2 storeys	2 storeys	2 storeys	✓	10 metres	8 metres	11.5 metres	×	Plot Ratio	0:6:1	0:8:1	0.33:1	✓	Setbacks	• 5 metres from Open Space Conservation Zone		7.15m	✓	• 6 metres from Internal Loop Road		9.4m	✓	Roof Form	5 degrees and 600mm eave overhangs		5 degree & 600 mm eaves	✓
Parameter	E5 Precinct	B3 Precinct	Proposal	Complies																														
Building Height	2 storeys	2 storeys	2 storeys	✓																														
	10 metres	8 metres	11.5 metres	×																														
Plot Ratio	0:6:1	0:8:1	0.33:1	✓																														
Setbacks	• 5 metres from Open Space Conservation Zone		7.15m	✓																														
	• 6 metres from Internal Loop Road		9.4m	✓																														
Roof Form	5 degrees and 600mm eave overhangs		5 degree & 600 mm eaves	✓																														

Code	Discussion
	<p>requirement of the QLD Fire and Rescue Service.</p> <p>The proposal retains the 10m wide vegetation covenant area along Eenie Creek Road, and the 16.5m wide vegetation covenant area along Hofmann Drive. Additional landscaping is provided within the covenant areas and the areas within the road reserve adjoining, so as to thicken this vegetation buffer. This will ensure satisfactory screening of the building from the north, maintaining an inward focused business centre as sought by the planning scheme outcomes. No signage is proposed to this northern elevation.</p> <p>The garden centre component of the building opens to the east and is the most prominent elevation when viewed from the Hofmann Drive/Eenie Creek Road intersection. This elevation has been designed with window openings and modwood/rendered feature screens, to articulate the most visible wall.</p> <p>The southern frontage of the building includes 100 litre shade trees, timber paneling and awnings to the front, providing scale to the building. These modifications were made in response to council's information request, and reflect existing features within the Noosa Business Centre and meet the built form outcomes of The Noosa Plan.</p> <p>The Stage 2 showroom has been designed to comply with the technical parameters of The Noosa Plan including height, setbacks and plot ratio. This building is proposed to be developed as a separate development that will complement the main Masters building. Connection between the two buildings is via a pedestrian thoroughfare through the carpark with links also to Hofmann Drive.</p> <p><i>Roof Form and Height</i></p> <p>The Noosa Plan requires the height of buildings within Precinct E5 to be no greater than 10m in Precinct E5, and 8m in Precinct B3. The proposed building is 11.5m from ground level to the top of the entry box feature and air conditioning units on the main building, while the garden centre roof is 11m in height.</p> <p>The majority of the Master's building is within Precinct E5 and includes a single pitched roof of 5 degrees. The garden centre component of the development is located entirely within the B3 Precinct and includes multiple 10 degree sloping roofs opening up to the north.</p> <p>The increased height for the main building is not consistent with the maximum height of buildings in the adjoining industrial area, or existing buildings within the Noosa Business Centre. Given there is no justification for this increased height, the building's height should be limited to 10m. Similarly, the garden centre height is excessive for the precinct and a reduction to 9m would better complement existing buildings in the Centre. This will allow for the roof lines to transition appropriately, considering the building scale and the proposed skillion roof form.</p> <p>The air conditioning units on the roof of the building are not consistent with the scheme requirement to integrate with the roof form and may be conditioned to integrate, so as not to dominate the roof form.</p>
Business Uses Code	<p>The Business Uses Code requires for 110 bicycle spaces to be provided on the site. Considering the type of development, it is reasonable to reduce this requirement to 30 bicycle spaces and 2 showers for stage 1, and 10 bicycle spaces and a shower for stage 2.</p>

Code	Discussion
	The proposal also includes waste storage areas at the rear of the building, and a suitable vegetative screening buffer to Eenie Creek Road.
Driveways and Carparking Code	<p>The carparking rates for a hardware store or garden centre are 1 space per 60m², and 1 space per 50m² of use area for a showroom. Given Masters does not accord directly with these use definitions, the applicant was advised that the Masters component of the development be calculated against measured parking demands at similar establishments, such as Bunnings (approximately 1 space per 40m² of use area).</p> <p><i>Planning Scheme Policy 26 - Motorcycle & Motor Scooter Parking</i> requires 1 motorcycle space to be provided per 10 carparking bays, amounting to 25 motorcycle bays. In providing for scooters/motorcycles, the policy also provides for the equivalent credit of carparking spaces for motorcycle spaces at a rate of 1 per 4 bays.</p> <p>Therefore, the recommended minimum carparking and motorcycle parking for Stage 1 equates to 240 carparking spaces & 25 motorcycle bays, and stage 2 requires 34 carparking bays & 3 motorcycle bays.</p> <p>The applicant proposes 270 carparking spaces for stage 1 (1 per 36.4m²) and 65 spaces for stage 2 (1 per 26.7m²). As a result, the proposal provides 44 carparking bays above the recommended carparking requirement (24 bays for stage 1, and 20 spaces for stage 2).</p> <p>The Driveways and Carparking Code and the Landscaping Code seeks carparking areas to maximise landscaping, to soften the visibility of the carparking area, with 100 litre shade trees to be planted for every 4 carparking spaces. The current proposal exceeds the minimum parking requirement. There is sufficient room within the carpark, to accommodate appropriate shade trees within the carparking area while still meeting the minimum carparking requirement. Conditions are recommended in this regard.</p>
Landscaping Code	The Landscaping Code asks for a 6m landscaping setback around the property boundaries. A 6m landscaping setback is proposed around both roundabouts leading into the Noosa Business Centre from Hofmann Drive. This setback tapers down to 3.6m for a portion located adjacent to the south-eastern corner of the building adjoining Hofmann Drive. The proposal provides substantial landscaping to the main frontages adjoining Eenie Creek Road, which is appropriate to the size and nature of the development and its setting, thus meeting the outcomes of the code.

Overlay Provisions

The following overlays codes are applicable to this application:

- Natural Hazard - Acid Sulfate Soils
- Natural Hazard - Medium Bushfire Hazard
- Biodiversity - Environmental Enhancement

The site is identified as containing Environmental Protection and Enhancement vegetation under the Biodiversity Overlay. The Biodiversity Overlay Code discourages vegetation to be removed within this mapped area.

The majority of this vegetation was removed under the previous approvals for the site, except for the existing vegetation surrounding a drainage line. This vegetation is now an isolated tract surrounded by roads and existing development, which reduces its significance and given the site is located in a highly urban area, its retention is not warranted.

The site is identified as being within a Medium Bushfire Hazard Area and having the potential to contain acid sulfate soils under the Natural Hazards Overlay. The proposed development is not considered to be at risk of bushfire, as the site is well setback from vegetated areas by other development and roadways. In this regard, the site's western boundary adjoins existing industrial development, with land to the south cleared.

Conditions are required for further detailed work pertaining to Acid Sulfate Soils to be undertaken as part of subsequent Operational Works applications.

Traffic and Transport

The applicant undertook a traffic report produced by *Cambray Consultants*, which examined the combined traffic impacts on the surrounding road network as a result of the development. This report was reviewed by *Beard Traffic Engineering*, whom was involved in other significant development applications over the Noosa Business Centre site.

Council's traffic consultant indicates that the impacts of the proposed development would be similar to what would be expected for a large hardware store, which is a consistent use in both precincts. Council's consultant also notes a significant proportion of trips generated by the development will be linked trips with other destinations in the Noosa Business centre (particularly as it is progressively developed). Others will be linked with adjacent destinations, and some would replace trips to other destinations which would have had similar impact.

In this case, any increases in net traffic generations reasonably expected on this site will not be significant, and traffic modeling identifies that all intersections will continue to function appropriately.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport & Main Roads

The department is a concurrence agency for development that meets the thresholds for referral relating to impacts associated with State Controlled Roads, Public Passenger Transport and Railways. The department responded by letter dated 13 November 2012, with conditions requiring bike parking and pathways to be provided with the development.

Department of Environment & Heritage Protection

The department is a concurrence agency for contaminated land and coastal management matters. The department responded by letter dated 7 June 2012 with general conditions about the construction works.

Advice*Department of Environment & Heritage Protection*

The department is an advice agency for wetlands and acid sulfate soils. The department responded by letter dated 7 June 2012 with general advice about protecting wetland values and undertaking earthworks in a potential acid sulfate soil area. The proposal is within a part of the business centre designated for development, with the design respecting the existing open space buffer areas.

Other Referrals

The application was forwarded to Unitywater and the following internal council specialists:

- Development Engineer;
- Hydraulics and Water Quality Specialist;
- Landscape Officer;
- Environment Officer;
- Urban Designer;
- Traffic Engineer;
- Strategic Planning; and
- Economic Development.

The Economic Development Branch notes the benefits stemming from construction/operational phases and addition of a new player in the home improvement market. According to the Economic Impact Assessment some 117 permanent retail positions are likely to result from the proposed development, generating a further 111 jobs within the broader community. In addition, some 286 jobs are likely to be created, both directly and indirectly, from the construction stage. It is also estimated that the capital costs for the construction of the project will be around \$15.7 million.

The Economic Development Branch has no major concerns in relation to this development application.

Public Notification

The application was publicly notified for 30 business days in accordance with the requirements of the *Sustainable Planning Act 2009*. Eight (8) properly made submissions were received.

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

Issues	Comments
Economic Loss of amenity to the shopper with the oversupply of these large stores, which will drive out the specialist shops. In doing so, this will reduce the range of product available to the shopper.	Council's economic consultant indicates that Masters is a 'new' retail format, albeit one that is not very different to Bunnings. It will add to the choice and variety available to consumers, and may also increase price and service competition among similar retailers, such as Bunnings, which

	is generally beneficial to consumers.
The western trade area should be discounted in the economic assessment given there is a Mitre 10 and a Bunnings establishing in Gympie.	Council's consultant also questioned the importance as to the inclusion of this catchment, but concluded that based on the primary catchment for Masters (being the Noosa area) the proposal will not affect the overall centre network or functional role of any individual centre within the catchment.
The argument that 40,000 people can sustain a big box Hardware Store is flawed.	The applicant's economic report makes comment about Bunnings and Masters stores of 10,000m ² requiring 40,000 people to support it. As previously discussed, a hardware store is a consistent use within this portion of the Noosa Business Centre, and the proposed development does not impact on the existing retail hierarchy set out in The Noosa Plan. In this regard, the number of persons able to be supported by the Masters development is a commercial decision.
The proposal is more like a large shop than a hardware store selling bulky goods.	The applicant indicates that the proposed Masters store will include approximately 70% of selling area dedicated to the hardware market (made up of both hardware and garden), while 30% of selling area is dedicated to other household goods.
The potential loss of Industry & Business land designated in the Noosa Business Centre.	The proposal includes components of hardware, garden centre and trade related showroom, which are all consistent uses within Precinct E5 & B3 of the Noosa Business Centre Review 2009.
The economic report should look further at the net employment generation of a business of this kind (especially the impacts on smaller hardware and trade related stores).	Competition between commercial operators in correctly zoned land is a commercial market reality. It is important to note, the application does not propose out-of-centre development for which such impacts become a consideration.
Environment The design should incorporate meaningful koala food tree locations on the site.	The mapping for the SEQ Koala Conservation Regulatory Provisions confirms that the site contains Low Value Koala Habitat, and the proposal meets the applicable provisions.
The emergency roadway around the perimeter of the building should be removed and further landscaping included.	The roadway surrounding the site is a requirement of the QLD Fire & Rescue Service. The proposal includes a suitable 6m landscaping setback buffer around the eastern and northern boundaries adjoining the roadway.
Built Form The design is a big box with no articulation and 'saw tooth' facades.	The proposal includes some articulation to the eastern elevation, which is the most visible portion of the building from the intersection of Eenie Creek Road and Hofmann Drive. The garden centre presents a varied roof form and façade wall treatment, which will assist in complementing the building with the other

	developments within the Noosa Business Centre.
<p>Traffic The access from Hoffman Drive is an issue if stage 2 is to incorporate a shop or restaurant. This access will also be impacted from semi-trailers using this part of the carpark.</p>	<p>The applicant has applied for the use of stage 2 to be a Retail Business Type 4 - Showroom. Furthermore, the applicant has demonstrated that a HRV can access stage 2.</p> <p>Due to the Showroom use, the number of heavy vehicle movements a day would be minimal and therefore the potential for conflict between heavy vehicles is also minimal. It is also an operational issue for the operator to ensure that there is no conflict between heavy vehicles (arranging delivery times such that they do not occur at the same time as refuse collection).</p>
<p>No details are given as to the impacts from the Heavy Rigid Vehicles on Eenie Creek Road.</p>	<p>The modifications required to the existing vehicle crossover will be part of the works in the subsequent operational works application. This is not an unusual occurrence. In addition, the applicant has demonstrated that the heavy vehicle types proposed (AV in stage 1 and HRV in stage 2) can traverse the site.</p>

DRAFT SUNSHINE COAST PLANNING SCHEME

The subject site is zoned Industry and Major Centre and located within the NVL LPP - 1 (Noosa Business Centre) precinct. Within the Precinct, the site is further divided into both the NVL LPSP - 1g (Industry & Business) and NVLLPSP - 1c (Showrooms, Offices & Business) sub-precincts of the draft Sunshine Coast Planning Scheme.

The application would trigger impact assessment under the draft planning scheme, and would be affected by the following Overlays:

- Acid Sulfate Soils
- Native Vegetation Area
- Biting Midges
- 10m & 8m Height Limit
- Adjoining a Major Road Corridor

The Draft Planning Scheme has not incorporated all of the recommendations of the Noosa Business Centre review and/or the existing provisions from The Noosa Plan. The Draft Planning Scheme also incorporates the State Planning Provision's standard definitions and notably the proposal does not fit with any of the definitions and continues to be an undefined use. The table below identifies the consistent/inconsistent use types within the applicable precinct.

Use Type	NVLLPSP - 1c (Showrooms, Offices & Business) (Previously Precinct B3)	NVL LPSP - 1g (Industry & Business) (Previously Precinct E5)
Hardware	<i>Consistent</i>	<i>Consistent</i>
Garden Centre	<i>Inconsistent</i>	<i>Consistent</i>
Showroom	<i>Consistent</i>	<i>Inconsistent</i>

An assessment under the Draft Sunshine Coast Planning Scheme would be similar to that under the Noosa Plan.

CONCLUSION

The report provides an assessment for a Masters home improvement store and a showroom within the Noosa Business Centre against The Noosa Plan, with regard given to the recommendations of the Noosa Business Centre Review 2009.

The application is considered an Undefined Use, with the proposed Masters store including approximately 70% of selling area dedicated to the hardware market (made up of both hardware and garden), while 30% of selling area is dedicated to other household goods. Given the proposal does not exactly accord with the 'Hardware' definition within The Noosa Plan, a broader economic assessment has been undertaken in order to gauge the impacts associated with the proposed Masters store.

Economic analysis and review was undertaken as part of the application, with the results confirming that the proposal will not compromise the hierarchy of centres established within the Noosa area. Furthermore, this development still allows for the development of the Noosa Business Centre as a multi-function employment node, with opportunity for non-retailing employment.

The proposed Masters store primarily incorporates elements which are similar to a hardware store, which is identified as a consistent use within the E5 & B3 precincts. Furthermore, the Noosa Business Centre Review 2009 recommends that hardware, garden centres and trade related showrooms be made consistent uses within this portion of the Noosa Business Centre, as they considered complimentary features to the centre.

This site is located adjacent to the industrial zone, and the Masters store provides an appropriate transition of use types between the more intensive industrial uses, and the retail/business uses within the Noosa Business Centre. The development will not result in any significant traffic impacts.

The relatively large built form of the proposed Masters is mostly screened from Eenie Creek Road by the existing Open Space Precincts and additional vegetation buffers. The building has been designed with a different roof form and includes a mix of materials. It is also recommended that the building to reduced in height, to provide for a more consistent presentation compatible with the rest of the Noosa Business Centre.

In conclusion, there are sufficient grounds to support the proposed development, with the Masters store complementing the function and purpose of the Noosa Business Centre. Appropriate conditions are recommended, including the restriction of the showroom use within stage 2 to 'trade related showrooms'.

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**7.1.2 MATERIAL CHANGE OF USE FOR ENTERTAINMENT & DINING
BUSINESS TYPE 1 - FOOD AND BEVERAGES (FUNCTION VENUE), 111
LUKES ROAD, COOROY MOUNTAIN**

File No: MCU12/0109
Author/Presenter: Principal Development Planner
 Regional Strategy & Planning Department
 Development Planner
 Regional Strategy & Planning Department
Appendices: App A - Conditions of Approval
Attachments: Att 1 - Proposal Plan
 Att 2 - Letters of Support

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1202736>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Breona Pty Ltd Atf Amies Investment Trust C/- KHA Development Managers
Proposal:	Development Permit for Material Change of Use of Premises for Entertainment & Dining Business Type 1 – Food and Beverages (Function Venue)
Properly Made Date:	24/07/2012
Information Request Date:	17/08/2012
Information Response Received Date:	22/10/2012
Decision Due Date:	19/02/2013
Number of Submissions:	162 properly made submissions
PROPERTY DETAILS	
Division:	12
Property Address:	111 Lukes Road, Cooroy Mountain
RP Description:	Lot 2 RP 214048
Land Area:	36.83 ha
Existing Use of Land:	Detached house, studio, associated structures on rural land
STATUTORY DETAILS	
SEQR Designation:	Regional Landscape and Rural Production Area
Planning Scheme:	The Noosa Plan 2006 (8 August 2011)
Planning Area / Locality:	Cooroy & Lake Macdonald
Planning Precinct / Zone:	Rural

SUMMARY SHEET	
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for an application for a Material Change of Use of Premises for Entertainment & Dining Business Type 1 – Food and Beverages (Function Venue). The application is before council as there are significant levels of public interest, with 162 properly made submissions having been received.

EXECUTIVE SUMMARY

The proposal seeks approval for a daytime function venue on the site that would have an 8pm curfew and cater for a maximum of 100 guests.

The application proposes to utilise both an existing studio building and an outdoor lakeside venue to host daytime events such as corporate meetings, training, workshops, wedding ceremonies/receptions, birthday parties, staff Christmas parties, family gatherings, food and wine tastings, promotions and product launches.

The studio building is located on the highest point of the site, adjacent to Cooroy Mountain, and takes advantage of the panoramic views throughout the hinterland and the coast. The applicant proposes to limit operating hours to between 7am and 8pm, 7 days per week, which would limit the venue to primarily daytime use.

The application has been lodged with the support of both Tourism Noosa and Sunshine Coast Destination Ltd as a development that would contribute positively to the tourism market because of the uniqueness of the site. Council's Economic Development Branch agrees the proposed venue would be an opportunity to capitalise on a tourism product that would enhance the region's point of difference and visitor attractiveness through its picturesque setting in Cooroy's hinterland. The development is also expected to have flow-on economic benefits to other local businesses such as accommodation providers, retailers and other indirect business activities associated with the facility and its guests.

The key issues presented by the application are primarily those issues that were raised in the submissions objecting to the development, namely, potential impacts on rural character as a result of noise, dust, and increased traffic generation along the currently single-laned, unsealed access road. These issues have been assessed and found able to be overcome by conditions that include, among other things:

- limiting use of the site to the studio building only, and not the outdoor lakeside venue
- limiting operating hours to 1 event per day, 4 days per week and until 8pm on any day
- limiting vehicles attending any function to 36, thereby requiring guests to utilise a bus to the site, as proposed by the applicant
- restricting amplified music to an in-house system only that is fitted with a noise limiter set at 85 db (A) and
- prohibiting the conduct of fireworks, light displays, helicopter arrivals or other similar intrusive activities.

Overall, there are found to be sufficient public interest grounds for the development to justify the rural location and the potential impacts from the use are within reasonable and acceptable limits, subject to the conditions recommended herein. The application is recommended for approval.

OFFICER RECOMMENDATION

That Council:

- (a) **APPROVE WITH CONDITIONS Application No. MCU12/0109 and grant a Development Permit for a Material Change of Use of Premises for Entertainment & Dining Business Type 1 – Food and Beverages (Function Venue) for the land situated at 111 Lukes Road, Cooroy Mountain, in accordance with Appendix A and**
- (b) **find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:**
1. **the development would contribute to the tourism industry by the provision of a venue to add to the existing range of facilities that can attract business from outside the Sunshine Coast region**
 2. **the development would result in flow-on economic benefits for local businesses, and assist other businesses in the region that are linked to the wedding and events industry**
 3. **the proposed use can be adequately limited by conditions to avoid significant adverse impacts on the amenity of surrounding properties by way of noise, dust and traffic.**

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 charge to trunk infrastructure networks	Offset/Rebate or other	Amount Payable
Transport	\$0.00	\$36,621
Public Parks & Land for Community Facilities	\$0.00	\$6,462
TOTAL=	\$0.00	\$43,083

PROPOSAL

The application seeks approval for a Development Permit for a Material Change of Use for Entertainment and Dining Business Type 1 Food and Beverages (Function Venue).

Functions on the site would predominantly be carried out within an existing 'Studio' building, which is located on the highest point of the site adjacent to the eastern boundary. In addition to this building, the applicant also seeks to utilise a flat, grassed open area adjacent to a lake in the western portion of the site. The applicant envisages that a temporary marquee would be used on occasion within this area.

The proposed functions are likely to include corporate meetings, training, workshops, wedding receptions, birthday parties, family gatherings, food and wine tastings, promotions and product launches. The applicant proposes to limit use of the function venue to between the hours of 7am – 8pm, 7 days per week. However, despite the proposed 7 day operation, the applicant predicts that demand would be limited to about 3 events per week.

Originally, the proposal was seeking to cater for a maximum of 100 guests at any one time. Subsequent to council's information request, and an effluent disposal report prepared by Unearthed Geotechnical, the applicant has proposed to stage the development. Stage 1 would cater for a maximum of 70 guests, while Stage 2, which would require the expansion of the effluent disposal system, would cater for a maximum of 100 guests.

The application proposes to transport the majority of its patrons to the site by bus. The bus service would use multiple buses to collect guests either directly from their accommodation, or from designated local pick-up points. A four wheel drive bus would be necessary to transfer people to and from the studio venue at the top of the hill. Overall, it is proposed that vehicle trips for each event would be limited to 15 private guest cars, 8 buses and 13 cars for staff, catering and deliveries.

Carparking for all vehicles is proposed to be in grassed areas adjacent to the existing detached house and internal access tracks. It is proposed that parking areas will be utilised on a rotational basis to avoid any degradation of the surfaces.

SITE DETAILS

Background/Site History

A Development Permit for Building Works for the purpose of a studio was issued on 14 July 2005. The structure was approved as an annexure to the existing dwelling under the now superseded 1997 Planning Scheme for the Shire of Noosa.

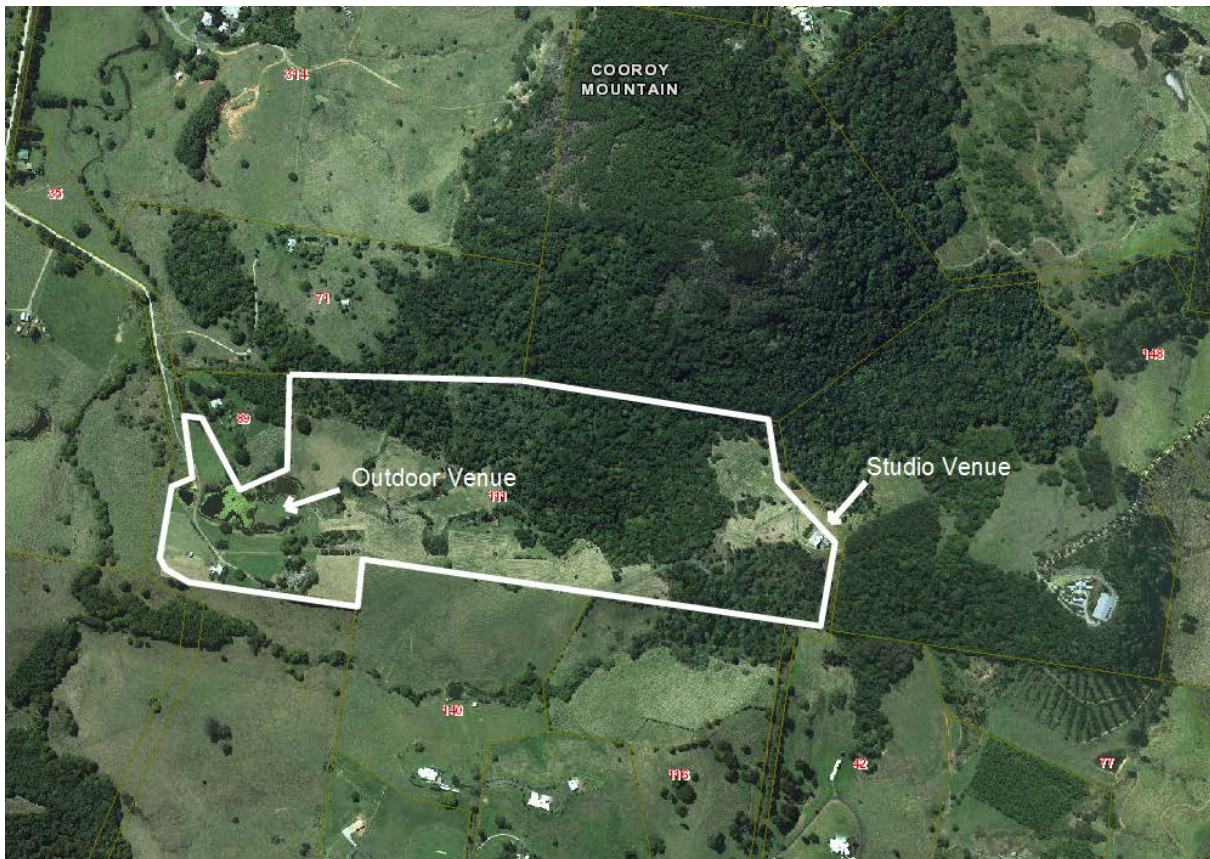
Since its construction, there has been significant public interest in relation to the development and use of the structure. The previous owner of the property was advised that should the studio be used for a commercial activity, a development application for a material change of use would be required.

The current owners of the land have owned the property since May 2011.

Site Description

The site is located adjacent to the southern slopes of Cooroy Mountain, approximately 3.7km southeast of Cooroy's town centre. The location of the subject site in relation to its surrounds is shown on the images below:





The topography of the site is heavily undulating, ranging from flat areas located in its western parts to steeply sloping land in the east, on the southern flank for Cooroy Mountain.

A large portion of the site adjacent to the northern boundary and extending through the centre is densely vegetated with vegetation identified to be an 'of concern' regional ecosystem (*Araucarian complex microphyll vine forest on Cainozoic igneous rocks*). The remainder of the site is pastured land used for the purpose of grazing cattle. A watercourse, stemming from Cooroy Mountain, meanders through the centre of the site into a dam in the western corner.

The land is improved by a detached house and associated structures located in the southwest corner of the site and an annexed studio situated on the knoll adjacent to the eastern boundary. A gravel access track, with sealed sections on the steeper grades, extends from the house to the studio. Photos of the studio and proposed outdoor venue are shown below:



Access to the site is gained via Lukes Road that is a single lane gravel formed no-through road. Five other rural properties gain access from Lukes Road.

Surrounding Land Uses

The surrounding uses are generally typical of a semi-rural area with lot sizes ranging from 2.85ha to 42.3ha. Cooroy Mountain Conservation Park is located to the north and is identified by the planning scheme to be important for its open space network values.

The nearest residence to the proposed outdoor grassed venue area is situated 200 metres to the northwest. There are 6 other nearby residences which are between 445 – 730 metres away.

The nearest residence to the existing studio building is located 445 metres to the east, down a steep embankment. The next nearest residences are located to the south of the studio, with five dwellings located between 510 - 770 metres away.

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:

- SPP1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

State Planning Policy SPP1/03 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 Regional Landscape & Rural Production Area of the South East Queensland Regional Plan. The proposed use falls within the definition of 'indoor recreation' under the Regional Plan, which is defined as:

'...an activity limited to indoor sport, recreation and entertainment purposes. It includes an indoor sport and function centre facility, wedding chapel, restaurant, tavern with associated short-term accommodation and an incidental commercial and retail activity.'

The proposed development, being less than 3,000m² in GFA, and catering for no more than 250 persons, meets the Regulatory Provisions outlined in the Regional Plan. Subsequently, the application does not require a referral assessment by the Department of State Development, Infrastructure and Planning.

Despite a department referral not being required, the policy aspects of the Regional Plan are still applicable to the development proposal. An assessment against the most relevant parts is detailed below, noting that the policy aspirations of the Regional Plan closely resemble the aspirations and provisions of the planning scheme, for which a detailed assessment is provided later in this report.

Part C – Regional land use pattern

The intent of the Regional Landscape & Rural Production Area is to support rural production, protect the land from urban development, and support the lifestyle and wellbeing of the regional population. However, the provisions of the Regional Landscape & Rural Production Area also state that it supports:

'...diversification of rural economies by allowing a range of developments, including:

- *small- to medium-scale tourist activities*
- *small-scale industry and business activities*

- *sport and recreation facilities.*

The tourism potential of the development derived from the site's unique picturesque hinterland setting, together with its associated economic benefits, is sufficient to justify the proposed urban type use in an otherwise rural location (subject to the mitigating potential impacts on the surrounding area). The tourism nature of the proposed use is specifically mentioned in the above referenced provisions as a type of use that is in keeping with the principles of the Regional Plan.

Part D – Regional Policies

2.3 - Air & Noise

Part 2.3 recognises that acoustic environments play a vital role in ensuring the health of the community, protecting the environment and fostering economic development. It outlines that development must be designed and operated to minimise the impacts of the emissions on sensitive land uses.

A detailed assessment of the potential noise and dust impacts associated with the proposal are discussed in detail later in this report.

5 – Rural Futures

Much of the rural futures provisions of the Regional Plan contain broad outcomes that have a greater utility for guiding the plan making process (such as new planning schemes) than the assessment of individual development applications.

In general, the proposal would satisfy the Desired Regional Outcomes for rural futures by contributing to a more robust and diversified economy in the rural community, providing that it does not cause adverse environmental or amenity impacts.

State Planning Regulatory Provisions

The South East Queensland Regional Plan is the only State Planning Regulatory Provision that is applicable to this application. An assessment of the proposal against the Regional Plan is discussed above.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is The Noosa Plan. The subject site is located in the Cooroy & Lake Macdonald Locality Plan and is zoned Rural.

In accordance with Section 6.36 and Table 6.8 of the Locality Plan, the proposed use is identified to be 'inconsistent' in the Rural zone, and is therefore considered to have a degree of conflict with the planning scheme.

The *Sustainable Planning Act 2009* requires that there must be sufficient grounds in the public interest to approve development where it is in conflict with the planning scheme. In this case, there are considered to be sufficient grounds on the basis of tourism potential and associated economic benefits, which are articulated in letters of support from both Tourism Noosa and Sunshine Coast Destination Ltd and also in advice obtained from Council's Economic Development Branch.

The existing studio building on the southern flank of Cooroy Mountain is unique in that it enjoys close to 360 degree panoramic views of the Sunshine Coast hinterland. This

picturesque rural setting of Cooroy's hinterland complements and is vital to the success of the proposed use. The venue is dependent on the locality's scenic vistas and environmental values. Approval of the venue would enable the site to host high-end events, and highlight the locality's natural assets to a far-reaching market. Not only would the use promote the local area but events held at the venue would have considerable flow on effects to local businesses in Cooroy such as accommodation providers, equipment hiring, restaurants, caterers, florists, photographers, hairdressers and makeup artists.

Since the commencement of The Noosa Plan, council has prepared a number of policy documents to outline council's vision and intent for rural economies. Council's Economic Development Branch was consulted to provide advice on the proposed use in relation to these policies. Its response is as follows:

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

The subject site in Cooroy falls within the general Noosa Hinterland Statistical Local Area. According to the Small Area Labour Market Series produced by the Commonwealth Department of Education, Employment and Workplace Relations (DEEWR), the smoothed unemployment rate for this area for the September 2012 quarter is 7.5%. This compares unfavourably to the 6.6% for the overall Sunshine Coast Local Government Area generally and the unemployment rate of 5.6% for Queensland for the same period. Given these statistics there is hence a clear desire for augmented employment generating activities within the Noosa Hinterland Statistical Local Area catchment.

In terms of Councils Corporate Plan (2009-2014), the proposed development aligns with the Corporate Plan objective of creating a more robust economy. Similarly, 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 pillars of the regional economy (including tourism) continue to grow. The Strategy specifically identifies the need to create a sustainable tourism industry which is the primary economic focal point of this development.

In this context it is envisaged that the Cooroy function venue proposal has or will have the potential to provide newly utilised infrastructure and tourism product adding to the range of products that our intenders and visitors have to choose from. This form of development will potentially add to the tourism offering both domestically and more broadly and reinforces the regions tourism image, point of difference and visitor attractiveness. The proposed business offers a genuine opportunity to parallel the aforementioned objectives of the economic development strategy by delivering a unique facility that is a business solution to the active utilisation of an existing built asset. As well as a general function facility that will potentially attract tourism business activity it also has the parallel capacity to meet more local needs and generate employment and income generation benefits. This development also naturally has the potential to deliver a flow on effect to other Sunshine Coast businesses such as accommodation providers, retailers and other indirect business activities capable of meeting the needs of the facility itself and potential attendees or customers. The proposed development therefore has the potential to deliver economic benefits via its ongoing operational activities and in terms of land use evolution offers a new and active use for a rural property. Any such facility in such a context must of course show itself to be appropriate in terms of its capacity to accommodate the scale and type of use proposed whilst not excessively ameliorating

the amenity and characteristics of the area in which it is located and which contribute to the locality product point of difference. Nevertheless, assuming operational aspects are appropriate, it is believed that the proposed facility has clear potential to deliver an economic benefit to the region and contribute to the attainment of economic development sector and employment generation objectives.'

In response to the question about whether there is a need for the proposed venue based on the current availability of existing venues, Council's Economic Development Branch responded:

Absolutely, there is an ever increasing market demand for distinctive venues such as the one proposed across the region. The proposal to operate as a venue that caters for small conferences and weddings adds an unique element and competitive edge to the regions function venue offerings in a highly competitive tourism market. The venue will also add to the economic health of the Hinterland in and around Cooroy.

Overall, the tourism and economic potential of the development, which is directly linked to the site's unique picturesque hinterland setting, provides sufficient grounds to approve the development despite conflict with the planning scheme's identification of the use as 'inconsistent' in the Rural zone. The compatibility of the use with the amenity of nearby properties is discussed in the sections that follow.

Local Area Provisions

The Overall Outcomes for the Cooroy & Lake Macdonald Locality Code include:

- a) *New uses and works are located, designed and managed to—*
 - i *be compatible with other uses and works;*
 - ii *maintain the safety of works;*
 - iii *avoid significant adverse impacts on the amenity enjoyed by users of other premises, including acoustic and visual qualities; and*
 - iv *avoid significant adverse effects on the natural environment, including native habitat removal, fragmentation and attrition;*

The principal concerns in relation to the proposed use are the potential impacts it may have on the amenity of nearby residents by way of noise, dust and traffic. This is reflected by the planning scheme in the Overall Outcome described above. A detailed assessment of each issue is provided below:

Noise – Technical Assessment

A noise report was submitted to accompany the application when it was originally lodged and was then amended in response to council's Information Request.

The applicant seeks permission to hold events in both the 'Studio' building at the eastern end of the site and the outdoor area near the front (western) part of the site on an open lawn beside a lake. While the applicant states that the demand for events would 'highly unlikely' exceed 3 times per week, permission is sought to allow flexibility for use of the venue for up to 7 days per week, but no later than 8pm on any given day.

For assistance with the acoustic considerations, staff engaged an outside consulting specialist experienced in providing expert opinion to the Planning & Environment Court

(MWA Environmental). Council's expert was asked to review the submitted noise report and provide an opinion about:

- whether the submitted report makes appropriate assumptions about the likely operation of the use, and whether it correctly identifies all likely sources of noise from the development;
- whether an appropriate level of background noise had been assumed, and whether appropriate noise limits have been set; and
- whether all calculations and modelling are correct.

Council's expert agreed with the list of potential noise sources submitted by the applicant, which is summarised as:

- general clapping, laughing, cheering and other celebratory behaviour from wedding ceremonies, receptions and other events
- amplified voice and amplified music
- a bus driving past and
- car movement, doors closing, engines starting, etc.

Council's expert also generally agreed with the assumed level of noise that would be generated by each of the different noise categories.

In summary, council's expert generally agreed with the calculations, methodology, predictions and assumptions made by the applicant's acoustic consultant, stating specifically that: *'the noise predictions and overall conclusion that noise from the development can comply with the nominated noise criteria at surrounding residences is verified'*. Where there were minor inconsistencies between the 2 consultants' assessments, council's expert adopted the more conservative approach and was still satisfied that compliance would be achieved. In coming to a conclusion, council's expert independently obtained their own ambient (background) noise data to verify the data obtained by the applicant's consultant, particularly in relation to the proposed western outdoor venue location. The background noise levels obtained by council's expert correlated 'reasonably well' with the data obtained by the applicant.

On this basis, the development is determined to comply with the technical requirements of Australian Standard AS1055.1 and the *Environmental Protection (Noise) Policy 2008*. This is particularly the case for noise associated with the Studio building which complied with the nominated limits with relative ease (noting the nearest residence is 445 metres away). On the other hand, the proposed outdoor venue at the western end of the site would be close to the limit in the categories of amplified voice and loud clapping/laughter/cheering, and would exceed the limit for amplified music if not controlled by a noise limiter set at 85 dB (A).

Noise – Planning Context

While it is accepted the development could meet the numerical limits for satisfying statutory requirements in relation to noise impacts, the following context for the noise assessment must be considered that goes to the planning merit of the application:

- the statutory noise requirements do not mandate that noise produced by new development is inaudible; only that it does not exceed a certain accepted level above background ambient levels (3 – 5dB(A) for most noise types, where a 3 dB(A) increase in noise is considered 'just perceptible'). As such, even for a complying use of the venue, surrounding residents would likely detect noise emanating from it, depending on the wind direction and other background factors

- ambient background noise data used for noise assessments do not account for the type of noise produced. In a rural setting, background noise levels are created by wind, insects and the like, whereas the proposed function venue would introduce noise of a level and character that is uncommon to the immediate surrounding area. For example, a loud noise caused by insects may be tolerable to a resident, whereas the same level/volume of noise caused by a commercial use in a rural area may be perceived as a nuisance
- the assumed noise levels for general clapping, laughing, cheering and other celebratory behaviour are based on the average noise produced by such activity over a sample period of time. It is very difficult to control the behaviour of individuals in an outdoor setting, and it is possible that a single yell or scream (for example) could exceed the levels that were assumed for the assessment and
- ambient background noise levels are determined by noise loggers placed on the site for a short period of time within the year (generally 7 days). While council's expert undertook their own monitoring in December 2012 which correlated 'reasonably well' with the data obtained by the applicant, earlier monitoring conducted by the same consultant in the winter of 2010 at Lukes Road/Cooroy Mountain Road (in relation to a different project) yielded background noise levels approximately 5 db (A) lower. This highlights the potential variance in background levels that can occur on a seasonal basis.

Considering the above planning context, it would be appropriate to take a conservative approach to assessment of the application despite the technical compliance against noise criteria that has been demonstrated. Council's expert agrees that the above points accurately portray the limitations of a technical acoustical assessment in this location and that a planning decision is required about the acceptability of subjecting residents to any form or level of non-rural type noise, even if the volume and average duration of such noise emitted is within industry standards.

The proposed western outdoor area is the most likely to cause noise impacts because the modelling demonstrates that noise levels would be close to the limits in the categories of amplified voice and loud clapping/laughter/cheering. Further, the behaviour of individuals cannot be easily controlled, and the baseline assumptions about behavioural noise is taken as an average not a maximum. To address this, council could limit the number of events per week at the western outdoor venue to reduce the duration and frequency of impacts. Such limitations might include, for example:

- 1 event per day, 2 days per week, and 2 hours per day, with a curfew of 6pm and
- no amplification of voice or music is permitted at all.

However, even with these restrictions, the neighbour on Lukes Road would not be protected from ongoing weekly exposure to a source of noise that is uncommon and unanticipated in a rural setting. For this reason, it is recommended that council not approve any use of the outdoor western venue.

On the other hand, the studio building venue easily complies with limits with respect to patron behavioural noise given the substantial distance to the nearest dwelling (445 metres), and is only close to the limit in the category of amplified music type noise. Unlike behavioural noise, limiting the use of amplified music is controllable by provision of an in-house amplification system fitted with noise limiters that do not permit amplification levels exceeding a set amount. In this case, the modelling demonstrates that 85 db (A) would be a sufficiently conservative limit for amplified music. It is, therefore, recommended the studio building be allowed to operate one function per day for up to 4 days per week (to marry with the design standard limitations on Lukes Road, as discussed later), subject to conditions that include:

- limiting hours to 7am to 7pm (with the allowance of an additional hour to 8pm for guest and staff departures)
- restricting amplified music to an in-house system only that is fitted with a noise limiter set at 85 db (A)
- locating of speakers inside the building only (noting that the building could still leave its doors open during use)
- preparation of a noise management plan and
- no fireworks, light displays, helicopter arrivals or other similar intrusive activities.

Noise – Lukes Road

The application complies with the noise limit criteria applicable to vehicles on a public road, even for the dwelling at 35 Lukes Road which is positioned very close to the road itself (approximately 22 metres). However, similar to the venue noise assessment, consideration must be given to the fact that Lukes Road is currently a rural no-through road that experiences very small volumes of traffic. If left unrestricted, a function venue at the end of the road has the potential to dramatically increase traffic volumes that is out of character with the current use of the road. The increased traffic volumes could potentially cause a perceived noise nuisance for existing residents, even if individual cars do not exceed the applicable noise limits. For this reason, both staff and council's noise expert are of the view that vehicle trips to the venue should be restricted by means of bussing guests to the site. The merit and practicality of bussing patrons to the site is discussed later.

Dust

Traffic movements along Lukes Road (an unsealed road) must be considered for the likelihood of causing dust impacts to surrounding dwellings. Four other residences gain access via Lukes Road and are in proximity to the road. Of these, the dwellings at 42, 71 and 81 Lukes Road are located between 70 – 270 metres from the road and would not be significantly impacted upon by way of dust. However, the dwelling at 35 Lukes Road is only located 22 metres from the road and it is considered that the proposed use would create significant dust impact to that residence. It is recommended that any approval of the development be subject to conditions that require sealing of Lukes Road for a minimum distance of 50 metres either side of the dwelling.

Traffic Impacts to Amenity

The impacts of increased traffic movements must be considered in terms of the likely effect on resident amenity and expectations of rural character. Increased traffic volumes associated with an unexpected commercial use could potentially cause a perceived nuisance for surrounding residents, even if individual cars do not exceed the applicable noise limits or create a significant dust problem.

Lukes Road is currently a rural no-through road that experiences approximately 50 trips per day (10 trips for each of the 5 rural properties on Lukes Road). A function involving 100 guests has the potential to increase traffic volumes to an extent that is out of character with the current use of the road. The applicant proposes to address this issue by bussing the majority of guests to functions.

Specifically, it is proposed that, for a maximum 100 guest function, no more than 15 private guest vehicles would be permitted to enter the site, with the balance of guests arriving by bus. The allowance for up to 15 private vehicles is proposed to cater for the arrival of bridal parties and one-off contingencies such as guests that are delayed or have special needs that prevent arrival by bus. In addition to the 15 private guest vehicles, the number of bus trips

per event would be limited to 8 by using buses that have a minimum of 15 seats. There is also expected to be 13 vehicles accessing the site for staff, catering and deliveries.

The proposal to transport patrons by bus raises questions about the practicality of such a solution, particularly for weddings where up to 100 guests would receive an invitation and ordinarily expect to make their own way to the venue. The applicant submitted a revised Traffic Management Plan after the public notification period that addresses this issue in much more detail than the originally submitted application materials. The later Traffic Management Plan demonstrates to staff satisfaction that it is feasible for a function venue to operate in this manner, even for weddings. The key points of the revised Traffic Management Plan are as follows:

- for each function, a legally binding venue hire contract would be entered into between the site owner and the venue hirer that, among other things, would stipulate the requirements of the Traffic Management Plan. The site owner may be required to approve the logistics of a function to ensure compliance with the Plan
- the venue hire contract would require the hirer to provide a guest list along with details of the method of travel for each guest (e.g. bus, or bridal party car)
- invitations would be required not to disclose the address of the venue, but instead nominate the bus departure and pick-up times as well as the pick-up and drop-off locations
- the operator would approve the bus pick-up and drop-off points through the venue hire contract. For events such as local staff Christmas parties, the pick-up location might be the normal workplace of the staff. For interstate business or tourist related functions, it might be the hotel where guests are accommodated. For a local wedding, it might be a designated 'bulk' pick-up point in Cooroy or Noosa Heads. For a bulk pick-up, the site owner would approve only those designated locations that are suitable to cater for the congregation of large numbers of people and the parking of their cars. The applicant has identified three such suitable locations (although there may be others): Noosa Junction Station, the Elm Street bus stop in Cooroy, and the road reserve in front of Cooroy State Primary School on non-school days. Either the bus contractor or another designated person would be responsible for marshalling passengers and
- the venue hire contract would stipulate that buses must travel via the sealed Miva St/Cooroy Mountain Road route to get to Lukes Road, and not the unsealed Dath Henderson Road/Cooroy Mountain Road route.

While it is foreseeable that a function conducted strictly in accordance with Traffic Management Plan as summarised above could successfully limit vehicle trips along Lukes Road to 15 private vehicles and 8 buses, it is heavily reliant on the conduct of the applicant and the particular venue hirer for each event. However, because council can condition and enforce a maximum limit on the number of vehicle trips for any event, there would be sufficient incentive for the site owner to negotiate and then enforce its venue hire contracts to ensure compliance. It would be relatively easy for other residents of Lukes Road to monitor compliance with the vehicle trip limit by a simple count on a function-by-function basis, and it would be in the interest of the site owner to avoid compliance action from council generated by a resident complaint. For this reason, it is recommended that council agree to the proposed traffic management strategy and impose conditions that require:

- a limit on the number of vehicles that may access any event on the site as proposed by the applicant (15 guest cars, 8 buses and 13 cars for staff movements, catering and deliveries, making a total of 36 vehicles)
- all buses travelling to the site use the sealed route from Cooroy township along Miva Street and Cooroy Mountain Road
- bulk pick-up of guests to be located and marshalled so as not to cause a nuisance to any property owner or the general public by way of people congregating or car parking and

- a traffic management plan to be included in all venue hire contracts for the site that ensures compliance with the above requirements on a function-by-function basis.

Land Use and Works Provisions

The following development codes are applicable to the assessment of the application:

- Cooroy & Lake Macdonald Locality Code
- Business Uses Code
- Landscaping Code and
- Engineering Works Codes.

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
Cooroy & Lake Macdonald Locality Code	<p><u>O1 – Amenity</u> Specific Outcome O1 seeks to ensure that uses are located, designed and operated to avoid significant adverse changes to the light, air quality, noise, accessibility or other conditions enjoyed by users of associated, adjoining or nearby uses. The rural character and amenity impacts related to the proposed use are discussed earlier in this report.</p> <p><u>O2 – Scenic amenity</u> Specific Outcome O2 of the code seeks to ensure that the scenic vistas including those to and from Cooroy Mountain are protected and uninterrupted to maintain aesthetic and cultural values of the natural landscape. The proposal meets this outcome as the use would be located within an existing approved structure and it is not proposed that there would be any additional works that would detract from scenic views of the mountain.</p> <p><u>O18 – Environment and cultural heritage values</u> Specific Outcome O18 seeks to ensure that there are no adverse impacts on the biodiversity, natural vegetation, native fauna habitat, landscape quality, or water quality caused by the use. The use would not require any vegetation to be cleared or fauna habitat areas to be disturbed.</p> <p><u>O24 & O27 – Protection of Lake Macdonald water supply</u> Specific Outcome O24 requires development not to adversely impact on the Lake Macdonald water supply. The existing effluent disposal would require upgrading to cater for the proposed use. This matter is discussed under the assessment against the Natural Resources Overlay Code.</p> <p><u>O80 – Inconsistent Uses</u> The proposed use is identified in O80 as an inconsistent use for the Rural zone. As such, the proposal is in conflict with the planning scheme and requires sufficient grounds for approval despite the conflict (<i>Sustainable Planning Act 2009</i>). As explained earlier, there are considered sufficient grounds based on tourism potential and associated economic benefits.</p>

Code	Discussion
	<p><u>O81 & O82 - Sloping sites & ridgelines</u> These outcomes reinforce the scenic amenity outcome through ensuring developments are responsive to the natural topography and do not visually dominate hillslopes or interrupt the skyline. As mentioned, because the use would be sited within an existing approved building, it meets this Specific Outcome.</p>
Business Uses Code	<p><u>O20 & O35 – Noise</u> Specific Outcomes O20 & O35 reiterate the requirements of the Cooroy and Lake Macdonald Locality Code that development must be designed and sited to avoid noise emissions that unreasonably diminish the amenity of the area or surrounding uses. The acceptability of the noise emissions from the development are discussed earlier in this report.</p>
Transport Roads & Drainage Code	<p><u>O1 – Traffic generation</u> Specific Outcome O1 requires that development provides measures and upgrades to the transport network, where necessary, to meet the imposed demands. However, the ability to make development provide road upgrades is also constrained by the legal requirement under the <i>Sustainable Planning Act 2009</i> that conditions must not be an unreasonable imposition on the development.</p> <p>Lukes Road is classified as a Rural Access Road (catering for up to 100 vehicles per day), which has a minimum design standard of a 6m seal on a 6m wide formation. Instead, the current construction of the road is single lane gravel formation of 3m-3.5m wide with slightly wider sections on the bends. There is also a single lane timber bridge crossing over a watercourse that was recently inspected by maintenance staff and reported to be in satisfactory condition with a weight rating to 42 tonnes. The bridge is reported to become flooded in most major rain events, but only for a short duration due to the small size of the water catchment in that location.</p> <p>Council's Engineering Specialist advises that the additional 72 vehicles per day caused by the development (which is proposed to occur on a possible 7 days per week) triggers the planning scheme requirement to upgrade the full length of Lukes Road to a 6 metre sealed standard. However, the Specialist advises that, should the development be limited to 4 events per week, it would be reasonable to allow Lukes Road to remain unsealed and instead require basic safety and functionality improvements, such as the provision of passing bays and road widening at the bends and approaches to the creek crossing. Given the potential dust nuisance to the existing dwelling at 35 Lukes Road, it would also be reasonable to require sealing a 50 metre section of the road either side of that dwelling.</p> <p>It is recommended that council limit the total number of events at the site to 4 per week, and impose conditions for road upgrades to Lukes Road as described above.</p>
Driveways &	<p><u>S7.1 – Carparking</u> Probable Solution S7.1 requires 1 parking space per 10m² of use</p>

Code	Discussion
Carparking Code	<p>area (excluding kitchen and food storage areas). The use area associated with the proposed studio is approximately 286m², therefore requiring 29 vehicle spaces. Under the proposed Traffic Management Plan, the number of vehicles entering the site would be 36 (comprised of 15 guest cars, 8 buses and 13 cars for staff, caterers and deliveries).</p> <p>The applicant has proposed that parking would occur informally alongside the internal vehicle access tracks on the property.</p> <p>Given the site is a large rural property, and given the nature of the use where it is proposed that most people would arrive by bus, it is considered that sufficient parking can easily be provided in accordance with the Specific Outcome of the Code.</p> <p>It would be acceptable to allow parking to occur informally in this instance given the character of the area and the large land area to accommodate vehicles. Degradation and erosion is proposed to be avoided by rotating the areas used for parking. Conditions are recommended to ensure this occurs.</p>

Overlay Provisions

The following Overlays are applicable to this application:

- Biodiversity (Environmental Protection, Riparian Buffer Area)
- Natural Resources (Water Supply Catchment) and
- Natural Hazards (Medium Bushfire Hazard Area)

The application has been assessed against each of the applicable Overlay 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
Biodiversity (Environmental Protection, Riparian Buffer Area)	<p>The proposed development meets the provisions of the Code as the vegetation mapped as Environmental Protection Areas would be retained and conserved. No new building or works would be required within the Riparian Buffer Areas or Environmental Protection Areas.</p>
Natural Resources (Water Supply Catchment)	<p><u><i>O11 – Water Quality and Quantity</i></u> Specific Outcome 11 requires that development does not have adverse impacts on the quality or quantity of the water entering Lake Macdonald, including effects on nutrient and other chemical levels, sediment loads, and turbidity.</p> <p>In terms of water quantity, the proposal will have no additional impact as it is located within an existing building and no further hardstand areas are proposed.</p> <p>In terms of water quality, the applicant has submitted advice from Unearthed Geotechnical commenting on the sufficiency of the</p>

Code	Discussion
	<p>existing effluent disposal system. Unearthed Geotechnical states that the existing system is in good working order and can cater for up to 70 persons.</p> <p>However, both council's Plumbing Services Branch and Seqwater have concerns about the adequacy of the existing system. Plumbing Services Branch advises that the system hasn't been serviced, and has primarily been used only for domestic scale purposes as per its intended design. It is considered unlikely the system would now be fit for the purpose of a much greater commercial capacity.</p> <p>The existing effluent treatment system is also a secondary system, not an 'advanced secondary system' which is the current standard for any new system, and the type that would provide maximum protection to water quality entering the Lake Macdonald catchment. Further, Seqwater advises the existing system 'may be generally non-compliant' with the <i>Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2012</i>.</p> <p>For these reasons, it is recommended the applicant be required to install a new advanced secondary treatment system designed for the full capacity of the development. The new system should be required prior to commencement of any functions, and not prior to use for functions exceeding 70 people as proposed by the applicant.</p>
<p>Natural Hazards (Bushfire Hazard Area)</p>	<p><u>O4 – New Uses</u> Specific Outcome O4 requires that new uses do not compromise the safety of people in the event of a bushfire.</p> <p>A portion of the site in the vicinity of the existing studio building is mapped as being a Medium Bushfire Hazard Area. However, it is noted that the draft planning scheme no longer identifies the site to be affected by a bushfire hazard area.</p> <p>Council's Environment Specialist has determined that the development could be conditioned to mitigate the risk of bushfire to property and people. To this end, it is recommended that a Bushfire Management Plan be prepared and submitted for approval in conjunction with an Operational Works application. The matters addressed in the Bushfire Management Plan would include:</p> <ul style="list-style-type: none"> • An evacuation plan for the evacuation of guests and other persons on the property; • Accessibility for fire fighting purposes (such as satisfactory access by a Queensland Fire & Rescue Service vehicle); and • Access to a sufficient water supply for fire fighting purposes (such as an onsite dam).

CONSULTATION

IDAS Referral Agencies

The application did not trigger referral to any statutory referral agencies. However, the application was referred to Seqwater for third party comment about effluent treatment and disposal within the catchment for Lake Macdonald.

Lake Macdonald is a major Seqwater-owned and managed drinking water storage supplying drinking water to the northern region of South East Queensland. Seqwater responded by letter dated 6 December 2012 expressing concerns about:

- the adequacy of the existing system for the intended commercial capacity
- the fact that the existing system is generally non-compliant with the *Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2012*
- the difficulty to monitor compliance with the proposal to delay the upgrade of the system until events exceeding 70 persons are held and
- the apparent lack of emergency storage/backup capacity in the event of overloading, failure or downtime (for example, due to weather or an inability to irrigate).

Despite these concerns, Seqwater has indicated it would be prepared to accept the above risks posed by the existing system. However, for the reasons explained earlier, staff recommend that a new system be required that meets current standards (including those relevant to Seqwater) and that has sufficient capacity for the use including emergency backup storage. It is recommended this be required prior to commencement of any functions, and not prior to use for functions exceeding 70 people as proposed by the applicant.

Other Referrals

The application was forwarded to the following internal council specialists:

- Development Engineer, Engineering and Environment Assessment Branch
- Traffic Engineer, Engineering and Environment Assessment Branch
- Landscape Officer, Engineering and Environment Assessment Branch
- Environment Officer, Engineering and Environment Assessment Branch
- Hydraulics & Water Quality Specialist, Engineering and Environment Assessment Branch
- Regional Services Manager, Economic Development Branch
- Senior Strategic Planner, Strategic Planning Branch and
- Senior Plumbing Inspector, Plumbing Services 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*. 162 properly made submissions and 13 not properly made submissions were received. Of the properly made submissions, 41 were in support of the development and the balance objected to the development.

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

Objections	Comments
<p>The proposed use is inconsistent with the Noosa Plan requirement to avoid significant adverse impacts, including acoustic and visual, and air quality on the amenity enjoyed by users of other premises.</p>	<p>Potential noise, dust and traffic impacts are considered the issues of most concern and a detailed assessment in relation to each is provided in this report.</p> <p>It has been determined that use of the studio building (only) for functions up to 4 days per week with a curfew of 8pm would not cause significant adverse impacts, subject to conditions that include:</p> <ul style="list-style-type: none"> • restrictions on vehicle numbers to the site (requiring bus travel for guests); • limiting amplified music to 85db(A); • sealing works in the vicinity of 35 Lukes Road to prevent dust nuisance; and • other upgrade works to Lukes Road for traffic safety improvement.
<p>The proposed use is out of character with the surrounding rural area.</p>	<p>The proposed use would be located within an existing built structure and not require any new works. The development would, therefore, not have an impact on the visual character of the area.</p> <p>Impacts to rural character resulting from potential noise and traffic have been considered, as discussed at length in this report.</p>
<p>Neighbouring properties have already been subject to unwelcome loud music, fireworks and laser lights from the so-called 'studio'.</p>	<p>The studio building was lawfully established as an ancillary component to the dwelling on the property. As such, there is nothing to stop domestic use of the building. However, a planning approval is required for any use of the building for commercial functions or events.</p> <p>It is recommended that a condition be imposed to prohibit the use of fireworks, laser lights or other intrusive activities from occurring at events. Conditions are also recommended for the use to cease by 8pm on any night.</p>
<p>Council could not enforce any conditions that it might require of the operators because of its remoteness and difficulty to access.</p>	<p>The assessment of the application included consideration of the enforceability of conditions. All recommended conditions are considered to be sufficiently enforceable. For example, it would not be difficult to monitor the ceasing time of events and the numbers of vehicles attending events.</p>

Objections	Comments
The proposed use is not consistent with the Noosa plan.	The identification of the use as an 'inconsistent use' for the Rural zone is acknowledged and addressed in this report. There are considered to be sufficient grounds to approve aspects of the development in this case (as required by the <i>Sustainable Planning Act 2009</i>).
There would be a lack of toilet facilities for guests.	The development can be conditioned to require an effluent treatment and disposal system with a capacity sufficient for the use. An effluent system already exists on the site and is recommended to be upgraded to an advanced secondary treatment system as discussed in this report.
The effluent disposal system is inadequate and there will subsequently be adverse impacts to the Lake Macdonald Water Supply Catchment.	An advanced secondary treatment system would ensure there are no impacts to the Lake Macdonald water supply catchment and conditions are recommended to achieve this. The application was also reviewed by Seqwater, the owners and managers of the Lake Macdonald drinking storage, with their recommendations incorporated into the assessment.
An insufficient parking area has been proposed given that there will be more traffic movements than the report suggests.	As discussed throughout this report, vehicle trips would be limited by the travelling of most guests to the site by bus. There is considered ample space on the site for informal parking of the number of vehicles expected to the site.
The proposed transport to the studio, using 1 mini bus, is not feasible.	The applicant has stated that it intends to use multiple buses to collect guests from various pickup points. The revised Traffic Management Plan submitted by the applicant is considered to adequately cover all anticipated scenarios relating to transport to the site.
Safety concerns in relation to the buses using the internal road to the studio, especially when wet.	The applicant has provided engineering advice from Empire Engineering confirming that the existing driveway grades are generally compliant with a domestic driveway access. A condition is recommended for a RPEQ to certify that the driveway is suitable for the proposed use.
Lukes Road is unsuitable for regular bus use as it is a narrow lane with no passing opportunities.	Conditions have been recommended to upgrade Lukes Road to a safe and functional standard sufficient for the use. The upgrade works would include new passing bays and widening at the road bends and bridge approaches.
The lakeside venue is unsuitable for children given there is no fencing.	This is not a matter that is regulated through a local planning scheme.

Objections	Comments
The safety railings at the studio are deficient.	This is not a matter that is regulated through a local planning scheme.
In the event of a natural disaster, guests cannot be evacuated quickly.	A Bushfire Management Plan is recommended to be provided prior to commencement of the use. Among other things, the Bushfire Management Plan would include an evacuation plan.
The original structure was illegally built and as such should not be allowed to proceed for commercial purposes.	The studio building was lawfully established as an ancillary component to the dwelling on the property (a Building Approval was issued on 14 July 2005). As such, there is nothing to stop domestic use of the building. However, a planning approval is required for any use of the building for commercial functions or events.
The use will impact on the resources of the local police, fire and ambulance due to the serving of alcohol and the remote location.	This is not a matter that is regulated through a local planning scheme.
The development would reduce re-sale value of nearby properties, and would increase difficulty selling them.	Whether or not property values would go up or down is not a relevant matter under the planning scheme. However, as discussed throughout this report, the development has been assessed as not causing significant adverse impacts (subject to the conditions recommended herein).
Approval of this application would lead to further applications to intensify the use at some time in the future.	The planning merits of any future application would be assessed against the provisions of the relevant planning scheme at the time of lodgement.
Approval of this application would create a precedent for further commercial activities in the country environment.	Approval of the subject application would not automatically create a precedent for other development proposals. The specifics of the proposed use at the subject site have been assessed and found to be acceptable in this instance. The planning merits of any future application would be assessed against the provisions of the relevant planning scheme at the time of lodgement.
Lukes Road is subject to flooding, making it extremely dangerous.	<p>As discussed in this report, council's hydrology specialist has confirmed that the waterway that crosses Lukes Road is not part of a big catchment and the bridge would not be flooded for extended periods, other than in extreme events.</p> <p>A condition requiring flood depth indicators to be installed at the bridge is recommended as part of the upgrade works to Lukes Road.</p>

Objections	Comments
Impacts of the noise on adjacent wildlife	The potential noise impacts of the development, as measured against Australian Standard AS1055.1 and the <i>Environmental Protection (Noise) Policy 2008</i> , have been assessed and found acceptable subject to the conditions recommended within this report.
Increased traffic on Cooroy Mountain Road and that the route via Dath Henderson Road is unsealed.	<p>The recommendation is for vehicle numbers accessing the site to be capped and that conditions are included that require buses to use the sealed route via Cooroy township.</p> <p>Further, it is considered the sealed route via Cooroy would be the most convenient and quickest route for most vehicles accessing the site, which reduces the likelihood vehicles using the Dath Henderson Road route.</p> <p>Subject to conditions, the development is unlikely to have significant impacts along Cooroy Mountain Road and Dath Henderson Road.</p>
The extent of operating hours 7am – 8pm (7 days per week) is excessive for the development.	It is recommended the function venue is limited to 4 days per week due to the unsealed and narrow construction of Lukes Road. The minimum road upgrade requirements are considered sufficient for the use, which would be constrained to 4 days per week and a cap on vehicle numbers.
Concern for the safety of children from wild dog attacks and that it would impact on the potential for nearby farmers to bait for dogs.	This is not a matter that is regulated through a local planning scheme.
The ambient noise level is low and the mountain creates a natural amphitheatre.	The ambient and topographic aspects of the site were factored into the noise assessment completed by both council's expert and the applicant.
There is a possibility of guest arriving by helicopter, which would cause significant disturbance.	It is recommended that a condition be imposed prohibiting helicopter use associated with the venue.
Empire Engineering has only stated that the driveway is 'generally' compliant with a residential driveway.	To deal with this issue, it is recommended a condition be imposed that requires a Registered Professional Engineer of Queensland (RPEQ) to certify the suitability of the driveway prior to its use for commercial functions.
The acoustic modelling is flawed – because ambient noise levels in neighbouring locations is low, making the noise more audible.	While it is preferable for ambient noise readings to be taken close to receiving sites, it is not always possible to do so. Council's expert states there would unlikely be significant variation in ambient

Objections	Comments
	noise levels in the general locality. This is evidenced by the fact that council's expert undertook ambient noise readings at a different location on the site to the applicant's consultant, and the results of the two readings correlated 'reasonably well'. The locations of the two monitoring stations were separated by a distance of over 1km and were substantially different in elevation (one at the bottom of the site near Lukes Road and the other at the top of the property near the studio building).
The proposed use of road reserve near to the studio building for a bus turnaround is a potential liability for council.	The proposed use of the road reserve for vehicle manoeuvring is within the reasonable expectations of land dedicated for road purposes. In this case, the topography of the land would prevent a road ever being constructed along the reserve corridor. Further, the use of the road reserve land would minimise the extent of earthworks required for safe vehicle turning, thereby eliminating the need for further visual scarring.

CONCLUSION

As detailed throughout this report, the proposed development can be justified against the Noosa Plan 2006 local area provisions and relevant development codes.

While the proposed use is identified as an inconsistent use in the Rural zone, there are sufficient grounds for the development based on tourism potential and other economic benefits. Further the potential impacts of the proposal (including noise, dust and traffic) can be overcome through reasonable and relevant conditions.

The proposal is recommended for approval subject to conditions, including conditions that would limit the number of functions per week to 4, the operating hours from 7am – 8pm and the maximum number of vehicles for any function to 36.

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7.1.3 REQUEST A CHANGE TO EXISTING APPROVAL FOR EXTENSION TO SHOPPING COMPLEX (BEERWAH MARKETPLACE) - PEACHESTER ROAD AND SIMPSON STREET, BEERWAH

File No:	2008/500078.01
Author/Presenter:	Principal Development Planner Regional Strategy & Planning Department
Appendices:	App A - Proposed Schedule 2 in Infrastructure Agreement App B - Conditions of Approval
Attachments:	Att 1 - Proposal Plans (<i>Under Separate Cover</i>) Att 2 - Concurrence Agency Conditions (<i>Under Separate Cover</i>) Att 3 - Map BTP3 - Beerwah Township Structure Planning Elements and Urban Design (<i>Under Separate Cover</i>) Att 4 - Negotiated Decision Notice as issued (<i>Under Separate Cover</i>) Att 5 - Negotiated Decision Notice Plans (<i>Under Separate Cover</i>) Att 6 - Previous Infrastructure Agreement (<i>Under Separate Cover</i>)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1067827>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Village Fair Properties Pty Ltd
Proposal:	Change to Development Approval
Request Made Date:	19 August 2011
Application Changed Date:	19 October 2012
Decision Due Date:	30 November 2012
Number of Submissions:	Not Applicable – original application was Code Assessable
PROPERTY DETAILS	
Division:	1
Property Address:	Peachester Road and Simpson Street, Beerwah
RP Description:	Lot 271 SP126351, Lot 1 RP176802, Lot 1 and Lot 2 RP906174, Lot 5 RP55629 and Lot 206 B4412
Land Area:	3.96 ha
Existing Use of Land:	Shopping Complex

STATUTORY DETAILS	
SEQRP Designation:	Urban Footprint
Planning Scheme:	Caloundra City Plan 2004 (8 August 2011)
Strategic Plan Designation:	Not Applicable
Planning Area:	Beerwah Township
Planning Precinct	District Business Centre
Assessment Type:	Code

PURPOSE

The purpose of this report is to seek council's determination of an application to change the existing approval for the expansion of the Beerwah Shopping Complex.

The application is before council as the application involves council owned land.

EXECUTIVE SUMMARY

The application seeks a change to the approval for the expansion of the Beerwah Marketplace on the corner of Peachester Road and Simpson Street in the town centre of Beerwah.

The proposed changes include:

- a reduction in overall gross floor area from 14,756m² to 11,241m²
- modification to the built form along Peachester Road and Simpson Street and
- the removal of rooftop car parking and overall reduction in car parking of 195 spaces.

The proposed changes accord with section 367 of the *Sustainable Planning Act 2009* given:

- the development/built form is not substantially different to that previously approved
- there are no new concurrence agencies applicable to the application
- the development remains Code Assessable as the development does not exceed the height nominated in Caloundra City Plan 2004 and
- the proposed use is not prohibited by either the relevant planning legislation or the Caloundra City Plan 2004.

The proposed modifications have been assessed against the Caloundra City Plan 2004 provisions, with further consideration given to urban design matters and car parking.

The development provides a suitable urban design outcome for the following reasons:

- the development adequately activates the corner of Peachester Road and Simpson Street
- conditions have been imposed to address the “blank wall” effect along Simpson Street to create a pedestrian friendly environment with a bus stop, continuous awning and landscaping
- the development promotes pedestrian connections from Pine Camp Road to the Beerwah Train Station and Beerwah Town Centre and
- a number of streetscape improvements that result in a better pedestrian environment along Simpson Street. These are to be undertaken in accordance with the Beerwah Place Making project.

The calculation of car parking for the site results in a perceived shortfall of 35 parking bays, which is to be addressed by a cash in lieu contribution consistent with the approach taken with the current approval for the site.

Council's Infrastructure Services Department has advised of an intention to provide a vehicular access way to connect the development to Pine Camp Road. A vehicular access to Pine Camp Road did not form part of the previous approval, and as such, could not be imposed as part of this application. However, the development has been designed to accommodate future construction of access to Pine Camp Road.

As part of the previous approval, an Infrastructure Agreement was entered into to accommodate a pedestrian mall and other infrastructure items within Lodge Lane and the land parcel to the north (owned by council). Due to the modifications in the design, this Infrastructure Agreement requires modification.

Until such time as the Infrastructure Agreement is signed by the applicant, no formal approval should be given. However, officers recommend delegating to the Chief Executive Officer to decide the change, based on the conditions contained within this report, and execute the Infrastructure Agreement as per council's direction.

OFFICER RECOMMENDATION

That Council:

- (a) authorise delegation to the Chief Executive Officer to approve a change to development approval, Application No. 2008/500078.01, generally in accordance with the conditions in Appendix A and
- (b) authorise delegation to the Chief Executive Officer to execute an infrastructure agreement with Village Fair Pty Ltd in accordance with the following Special Conditions:

1. prior to the commencement of the use, the Owner shall design and construct a bicycle and pedestrian path extending from Pine Camp Road to Peachester Road traversing Lot 1 RP64563 and Lodge Lane. The path shall be constructed as a 2.5 metre wide concrete path in accordance with requirements of the Caloundra City Plan Development Design Planning Scheme Policy, IPWEAQ Standard-Drawing R-065 and Condition 47 of the Development Approval located generally in accordance with the areas described as "A & B" on the attached Schedule 2
2. the Owner shall at all times provide free and available vehicular access through Lot 271 SP126351, Lot 1 RP176802, Lot 1 and Lot 2 RP906174, Lot 5 RP55629 and Lot 206 B4412 (as amalgamated) located generally in accordance with the area described as "C & D" on the attached Schedule 2. The Owner shall ensure that all parking spaces shall be available for use between Lot 271 SP126351, Lot 1 RP176802, Lot 1 and Lot 2 RP906174, Lot 5 RP55629 and Lot 206 B4412 (as amalgamated) for users of the development
3. the Owner shall construct and maintain all landscape works, car parking areas and pedestrian footpath within Lot 1 RP64563 and Lodge Lane for the duration of this agreement, located generally in accordance with the area described as "A & B" on the attached Schedule 2
4. if Council elects to provide vehicular access from Pine Camp Road to the subject site through Lot 1 RP64563, the obligation for the applicant to maintain the above infrastructure within this lot will cease and
5. in the Special Conditions:

"Planning Scheme Policies" means the Caloundra City Plan 2004 Planning Scheme Policies including those in respect of Development Design, Landscaping, Parking and Access (or equivalent) applying generally in the Sunshine Coast Regional Council Local Government Area.

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay contributions for trunk infrastructure in accordance with the Planning Scheme Policies under the Caloundra City Plan.

Council's Infrastructure Policy Branch has provided the following estimate of the contributions required by this development (which excludes infrastructure charges to Unitywater):

Network	2004 Base (as per policies)	Amount as at 01 July 2012
Biting Insects	\$293.00	\$370.00
Off-Site Car Parking	\$315,000.00	\$400,995.00
Public Transport	\$126.46	\$174.00
Stormwater & Flooding	\$5,811.00	\$7,333.00
TOTAL	\$321,230.46	\$408,872.00

It is noted that the above calculation includes cash in lieu of a car parking payment, based on a shortfall of 35 parking bays as discussed further in this report.

PROPOSAL

The application seeks approval to change the existing approval for a shopping complex in the following manner:

- a reduction in overall gross floor area from 14,756m² to 11,241m²;
- modification to the built form along Peachester Road and Simpson Street; and
- the removal of roof top car parking and overall reduction in car parking of 195 spaces.

The proposed development retains the inclusion of a Discount Department Store (Target Country), Supermarket (IGA) and other specialty stores, with a total of 450 parking bays, including 416 on site car parking spaces, 29 staff car parking bays and 5 motorcycle bays. An additional 20 bays are shown within the Lodge Lane road reserve.

SITE DETAILS

Background/Site History

The Beerwah Shopping Centre (on Lot 271 SP126351) was first established following approval on 25 January 2002 of a Material Change of Use to Establish a Shopping Centre and Preliminary Approval for Building Works, which included a supermarket and specialty shops totalling 3,607 m² with a requirement for 232 car parking spaces. An expansion of the shopping complex (Stage 2) accommodating 1,200m² in 2 retail tenancies and a further 80 car parking spaces was approved on 30 September 2002.

On 1 March 2007, council issued a combined planning, operational works and preliminary building works approval to extend the existing Beerwah Marketplace shopping complex by an additional 1,250m². The application proposed a Target Country store, which was a detached, single storey structure to be located on the northern part of Lot 1 RP176802. A Negotiated Decision Notice was issued by council on 6 December 2007. The 1,250m² Target Country building has not been constructed.

In early 2008, the applicant applied to the Department of Environment and Resource Management to close Lodge Lane and applied to council to purchase Lot 1 RP64563 (which is the narrow strip of land known as Lodge Lane Extension and is owned by council). Council resolved that:

- (a) *advice be forwarded to PMM (and its client, Village Fair Properties Pty Ltd) that Council does not support the disposal of its land described as Lot 1 RP64563 Parish Bribie;*
- (b) *a reply be forwarded to the Department of Natural Resources and Water that Council objects to the proposed road closure of Lodge Lane, Beerwah because it provides present and future service vehicle access to the businesses in Simpson Street; and*
- (c) *Council considers the proposals to be premature at this stage and that the issue should be subject to a Structure Planning Process proposed to be commenced within the next 12 months for further consideration.*

There are no planning approvals on record for the remainder of the sites included as part of this application (such as the Mitre 10 and IGA buildings). However, these uses are acknowledged with building applications being issued on the site since 1997.

Over the 6 sites for which the development is proposed, 335 parking spaces are currently provided for the 9,055 m² of retail floor space.

In December 2009, council approved an extension to the existing Beerwah Shopping Complex (Council Ref 2008/500078.01) to increase the gross floor area from 9,055 m² to 14,756 m². The development comprised new anchor tenancies including Target Country and a major grocery chain, IGA. Smaller specialty shops were also included, together with 645 car parking spaces.

Lodge Lane was proposed to be closed to traffic at the Peachester Road intersection, providing the opportunity to create a pedestrianised mall flanked by restaurants featuring outdoor dining in a small restaurant precinct. This mall area provided strong pedestrian linkages along Lodge Lane, strengthening the link between Turner Street and Pine Camp Road. To formalise these arrangements, the applicant entered into an Infrastructure Agreement regarding the following matters:

- construction of access to the roof top car park through Lot 1 RP64563 to the shopping complex;
- construction of a 2.5 metre wide pedestrian and bicycle path from Pine Camp Road to Peachester Road;
- construction of a pedestrian mall in the southern section of Lodge Lane;
- provision of free vehicular access through the shopping complex site at all times;
- council to provide legal right of way over Lot 1 RP64563 for the development; and
- the applicant to maintain all landscape and driveway works listed above.

Site Description

The subject site includes 6 separate lots with a total land area of 3.96 ha and is located in close proximity to the Beerwah Train Station in Simpson Street. The subject site currently includes 2 distinctly separate portions that are separated by Lodge Lane.

The portion to the west of Lodge Lane is known as the Beerwah Marketplace and includes the existing shopping complex comprising specialty shops, a service station and supermarket. Access to Beerwah Marketplace is off Peachester Road where an at-grade car park provides for 266 spaces. Overland flow from the site is directed to a detention basin, which runs parallel to Peachester Road from Lodge Lane to the site entry. The south-western corner of the Beerwah Marketplace development site includes an area of dense vegetation.

Extending into adjoining land, this vegetated area is included on the Beerwah Township Planning Area Overlay Map and identified as “land subject to bushfire hazard management overlay and habitat and biodiversity overlay” under the Caloundra City Plan 2004. The vegetated area, which features a wetland, also provides a stormwater conveyance function.

The portion of the site to the east of Lodge Lane is located on the corner of Peachester Road and Simpson Street. This portion comprises a range of small and medium businesses including a Mitre 10 hardware store, IGA supermarket, various small shops as well as a vacant site most recently used for residential purposes. Vehicular access to these businesses is mostly off Lodge Lane to the rear, except for the IGA supermarket, which has a car parking area that extends to Simpson Street. A 2 metre wide access easement in favour of Energex encumbers the south-western part of Lot 271. Two reciprocal access easements encumber the eastern part of the site, which also serve as pedestrian access connection between Simpson Street and Lodge Lane.

Lodge Lane extends only as far as the rear boundary of the Beerwah Marketplace site where it meets a council-owned parcel of land (“Lodge Lane Extension”). An informal pedestrian pathway leading to Pine Camp Road currently traverses this council owned land.

The subject site generally slopes southwest towards the Peachester Road frontage. The total road frontage to Peachester Road is 278 metres and 148 metres to Simpson Street. A further 104 metres of road frontage is located on each side of Lodge Lane.

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



Surrounding Land Uses

The subject site is located within the heart of the core activity area of Beerwah township and is surrounded by the following development.

North – old nursery site, multiple dwelling development and residential dwellings on large lots that front Pine Camp Road and Simpson Street, 3 small commercial sites with existing shopfronts to Simpson Street.

South – the length of Peachester Road has a mix of various building forms and open car parking areas with a mix of older style traditional buildings and more recent buildings for small shop businesses.

East – across the opposite side of Simpson Street is the Beerwah train station, a service station and a fruit growers' cooperative within a large warehouse building.

West – adjoining the Beerwah Marketplace site is a significant area of remnant vegetation, which covers the south western corner of the site.

ASSESSMENT

The development is located within the Beerwah Town Centre and provides a focal point for those travelling to Beerwah for goods and services. This has been supported by an independent Economic Impact Assessment undertaken as part of the approved development, which found that:

- the expanded stock of specialty stores would provide greater convenience, thereby reducing the number of trips generated, as well as maintaining a greater proportion of local spending;
- there is a sufficient and increasing population in Beerwah to support the proposed facility; and
- the proposal would significantly improve accessibility between the existing Beerwah Marketplace and the IGA supermarket by extending retailing to the east.

While the floor area of the specialty shops has been reduced, the development will still:

- provide the necessary anchor tenancies (IGA and Target Country) to serve the intended catchment of Beerwah, Landsborough and surrounding area; and
- provide the strong focal point needed for the development of the Beerwah Town Centre.

Sustainable Planning Act 2009

When considering a Request to Change a Development Approval, council is required to have regard to Section 367 of the *Sustainable Planning Act 2009* (SPA) which states:-

367 What is a permissible change for a development approval

(1) A permissible change, for a development approval, is a change to the approval that would not—

(a) result in a substantially different development; or

(b) if the application for the approval were remade including the change—

(i) require referral to additional concurrence agencies; or

(ii) for an approval for assessable development that previously did not require impact assessment—require impact assessment; or

- (c) *for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity’s opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or*
- (d) *cause development to which the approval relates to include any prohibited development.*
- (2) *For deciding whether a change is a permissible change under subsection (1)(b) or (d), the planning instruments or law in force at the time the request for the change was made apply (the applicable law).*
- (3) *Application of the applicable law does not stop a change mentioned in subsection (1)(b) from being a permissible change only because the applicable law, if applied to the application as originally made, would require referral to any additional referral agencies or involve impact assessment.*

Assessment of the requested changes against the above requirements indicates the following:

- there are no new concurrence agencies applicable to the application;
- the development remains Code Assessable. The trigger for Impact Assessment under the relevant Table of Development Assessment of Caloundra City Plan 2004 is the height of the building which prescribes an 11 metre maximum. The proposal does not exceed 8.5 metres; and
- the proposed use is not prohibited by either the relevant planning legislation or the Caloundra City Plan 2004.

Although the *Sustainable Planning Act 2009* does not define what constitutes a “substantially different development”, the Department of State Development, Infrastructure and Planning has produced a Statutory Guideline to assist council. The Statutory Guideline states that:

Although it will depend on the individual circumstances of the development, the following list identifies changes that may result in a substantially different development and would therefore not be a minor change or a permissible change under the Sustainable Planning Act 2009. This list is intended as a guide to assist assessment managers and applicants determine whether a change would result in a substantially different development and is not intended to be exhaustive.

A change may result in a substantially different development if the proposed change:

- *involves a new use with different or additional impacts*
- *results in the application applying to a new parcel of land*
- *dramatically changes the built form in terms of scale, bulk and appearance*
- *changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment*
- *removes a component that is integral to the operation of the development*
- *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site*
- *introduces new impacts or increases the severity of known impacts*
- *removes an incentive or offset component that would have balanced a negative impact of the development*
- *impacts on infrastructure provision, location or demand.*

Given the above criteria, the proposed changes are not considered to trigger a “substantially different development” for the following reasons:

- the application does not propose any additional land use beyond a Shopping Complex;
- the application does not include any additional parcel of land;
- the proposed height of the development remains below the 11 metre height limit which would trigger impact assessment;
- the bulk and scale of the building would be reduced from that of the existing approved building. Furthermore, the proposal does not seek to reduce any of the currently approved building setbacks;
- the shopping complex would still serve the intended catchment with an IGA and Target Country store as per the original approval;
- the likely traffic generated by the development is lessened given the reduction in gross floor area; and
- contributions can be addressed as part of any approval.

As such, the proposal can be considered as a Permissible Change.

Planning Considerations

The following discussion assesses the issues for consideration as part of the changed application.

Urban Design

The main issues from an urban design perspective are as follows:

- “main street” design along Simpson Street and Peachester Road;
- active street frontages/articulated building facades vs. blank walls/service areas;
- important location, corner site, emphasise location through architecture; and
- safe and attractive pedestrian linkages

“Main Street” Design

The planning scheme requires that any new development in the area respects and enhances the traditional architecture of the area and the intent for “main street” style commercial development. The traditional main street is a focus for commercial and social opportunity and is the most attractive place to shop, meet and relax in the public realm. “Main street” design is generally comprised of minimal or zero setbacks, awnings to provide comfort for pedestrians and a mix of retail uses at ground level, providing pedestrian circulation drawing customers via the easy and attractive street access off the public realm. The shopfronts are directed towards the internal car park, which contradicts the planning scheme’s intent for “main street” design.

Notwithstanding this, Simpson Street does not currently work successfully as a “main street” north of Peachester Road. It is evident that the majority of pedestrians bypass this section of Simpson Street when walking to the town centre. This may be caused by any number of the following:

- the streetscape in Simpson Street is not inviting;
- convenience and shorter walking distance using the Lodge Lane extension from the adjacent residential area;
- the location and patronage of the existing Woolworths complex and other smaller shopping centres to the west and south of Lodge Lane;
- the fact that there are few retail tenancies at this end of Simpson Street to which they desire to travel; and
- the existing IGA can be accessed from Lodge Lane and there is no need to walk to Simpson Street.

This situation is unlikely to change until an attractor use is located at the northern end of Simpson Street, which will give people a reason to pass by and use the smaller tenancies on the “main street”. At present, maintaining tenancies along this stretch of road would seem to be financially unviable.

With the body of work undertaken as part of the Beerwah Place Making process, a Main Street design can be achieved without the introduction of potentially unviable additional tenancies through street trees, public art and other such mechanisms.

The proposed design offers a number of streetscape improvements that contribute to a better pedestrian environment and mitigate the negative impacts posed by back-of-house operations located along Simpson Street including:

- detailed design of streetscape improvements;
- wide street awnings; and
- integrated public art along Simpson Street.

The frontage works will be designed to tie in with the place-making works being undertaken south of Peachester Road.

Active Street Frontages

Main street presence is closely tied to active street frontage. Map BTP3 (Attachment 3) identifies the basic structure of the Beerwah Township, including pedestrian linkages, active street frontages, ecological linkages and constrained land. The limited amount of active street frontage proposed along Simpson Street and the southern part of Lodge Lane is contrary to the requirements of the Beerwah Township Planning Area Code and the Business Code.

According to these Codes, active street frontages are required along Simpson Street, Peachester Road and both sides of Lodge Lane for the subject site. This means that all street frontages to this site are required to be activated by having shopfronts and pedestrian access points to the development site fronting Simpson Street.

The active frontage proposed by the applicant extends only part way along Simpson Street for approximately 40 metres. The remaining 110 metres of frontage to the proposed shopping complex presents an inactive, “back-of-house” image to the Simpson Street frontage, being dominated by loading bay entry, long expanses of solid wall and car park entry at street level.

The applicant has attempted to address this inactive facade by proposing variation and articulation by way of sculptural elements and variation in texture along its length. These treatments could be strengthened by ensuring the streetscape design adheres with council’s Master Plan for Simpson Street, which includes street trees in garden beds (as opposed to

full-width pavement) as part of the verge treatment. Textural treatment of the eastern wall of the IGA back-of-house (facing the staff car park and Simpson Street) to deter graffiti and add visual interest could be undertaken.

The eastern part of the Peachester Road frontage is activated through small shops opening onto the street. The remainder of this street frontage is car parking. However, Map BTP3 does not indicate that active street frontage is required along the entire length of this frontage.

The northern end of Lodge Lane is currently poorly activated. This section of the site fronts the council owned Lodge Lane extension, which is a freehold parcel of land stretching between Lodge Lane and Pine Camp Road with no legal access rights to use the land.

Together with the legal access issue, the inactive presence at the northern end of Lodge Lane is primarily due to the topography of the land presenting real design impracticalities to activate this extension. Provided the pedestrian environment along the extension of Lodge Lane is inviting (by including lighting, a shared pathway, etc.), activation of this section is not recommended.

Important Corner Location

This site is in an important location within Beerwah Township as it is on the corner of Peachester Road and Simpson Street. Specific Outcome O6 of the Business Code states that:

'Where located on a corner site on a principal street ... building design expresses and emphasises the importance of its location through architectural expression and landscape treatments (such as roof form, reduced building setbacks, entrance location, orientation, decorative treatments, detailing and the like).'

The proposed design has successfully responded to this outcome by providing a generous entry that addresses this significant corner and an expressive roof form that welcomes pedestrians and emphasises the importance of the location.

Pedestrian Linkages

At present, there are full width pedestrian paths along Simpson Street up to the existing IGA, narrowing to the corner of Pine Camp Road. A pedestrian path of variable width runs along the northern side of Peachester Road for the full length of the site.

Anecdotal evidence and observations by council officers identify that a number of locals utilise the Lodge Lane extension (Lot 1 RP64563) in preference to Simpson Street to access the town centre. Lot 1 RP64563 also features a temporary looking, run-down pathway which joins onto the pedestrian path that runs along the eastern side of Lodge Lane to Peachester Road.

In contrast to the current pedestrian usage of the area, Map BTP3 attached to the Beerwah Township Planning Area Code identifies 2 pedestrian linkages through the site from Simpson Street to Lodge Lane. While the proposal does not include these 2 linkages, the pedestrian entry on the corner of Simpson Street and Peachester Road provides clear and safe pedestrian access to the site, satisfying the cross-block connectivity requirements.

Car Parking

The current development located over the 6 sites provides car parking at a rate of 1 space per 24.8m² (based on 9,055m² of gross floor area and 337 spaces provided).

Of the current 9,055m² gross floor area, only 5,165m² is proposed to be retained. The remaining 3,785m² is to be demolished and replaced with an additional 6,076m² gross floor area.

If assessed as a new development, the proposed development would require 716 bays based on the Caloundra City Plan 2004 requirement of 1 space per 20m² for the first 2,000m², and 1 space per 15m² for any additional gross floor area. A perceived shortfall of 266 parking bays would result.

However, the previous parking requirement was reviewed as part of the current approval, and the independent traffic consultant (Cardno Eppel Olsen) supports some reduction in car parking and asserts that the parking rate specified in the Caloundra City Plan:

“...may be excessive and lead to construction of car parks that are not required and lead to an expanse of pavement which is not conducive to pedestrian connectivity and visual amenity.”

As a result, council's independent traffic consultant has recommended that a rate of 4.9 spaces per 100m² (i.e. 1 space/20.4m²) be adopted, which is very similar to that adopted in the previous planning approvals for the site and the draft Sunshine Coast Planning Scheme (1 per 20m²).

As such, this rate should apply when considering the parking requirement for the proposed development (6,076m²), and the existing rate of 1 bay per 24.8m² be maintained for the existing development (5,165m²) being retained.

This recognises that the existing buildings being retained are operating at a lower rate, but gives no credit for the IGA and Mitre 10 buildings being removed. This approach is reasonable given these buildings are to be demolished and the proposal will materially change the site's use, and a significant increase in overall floor area to the existing development is proposed.

If this method were to be used, a total of 505 parking bays would be required, resulting in a shortfall of 55 bays.

The development is also proposing 20 additional parking bays within the Lodge Lane road reserve. While these would not normally be accredited to one development, it is reasonable to assume that these bays could be utilised by the shopping complex and the remainder of the Beerwah Town Centre. These bays are an appropriate use of the land in the interim for the following reasons:

- the land would otherwise remain vacant and underutilised;
- these bays would assist the integration of both the existing and proposed development providing an appropriate link;
- the proposed development has a perceived shortfall, which can be reduced if these bays are provided in Lodge Lane;
- this approach is similar in nature to providing on street parking bays, which are typically used by customers of the businesses they front; and
- the bays can be removed if council wish to construct access to Pine Camp Road for the development.

As such, these parking spaces may be attributed to the development, reducing the overall perceived shortfall to 35 bays.

As part of the previous approval, council agreed to accept cash in lieu of the perceived shortfall in parking, with a deferred payment to ensure that the perceived shortfall in parking bays matched the actual shortfall found on site when the Shopping Centre was operational. This was to be achieved by an additional parking study to be provided within 18 months of commencement of the use. This approach is similarly recommended for this changed application for the following reasons:

- anecdotal evidence, including inspection by council officers over time suggests there is no existing shortfall of parking bays for the existing development and is operating at the lower rate of 1 space per 24.8m². This is supported by no complaints being received for the Beerwah locality; and
- this approach was applied to the previous approval and should be retained in its current format.

If cash in lieu of parking is provided by the applicant after the parking study, this money can be used to provide additional public transport facilities or provide a public car parking station within the Beerwah Town Centre area.

Should access be provided from Pine Camp Road to the development, a minimum of 5 parking bays (1 row of parking along the northern section of Lodge Lane) would be deleted to gain access to the site. However, such a connection is not expected to occur in the near future. As such, the recommendation remains that the shortfall be 35 bays.

Access and Mobility Considerations

Lodge Lane

Discussions with officers from council's Infrastructure Services Department have identified a long-term preference for a vehicle driveway connection between the site and Pine Camp Road via the council owned lot to the north (Lot 1 RP64563). This is to provide an additional access into the shopping centre.

However, it would not be reasonable to request the applicant to now construct this access as the previously approved (and larger) shopping centre expansion did not require a vehicle driveway link to the north.

Discussions were held with the applicant on this matter, where the applicant advised a preference for a shared pathway (2.5 metres in width) to Pine Camp Road for improved local access to the site by pedestrians and cyclists. Provision of such a pathway will not compromise the ability to provide a vehicle driveway link in this corridor in future, should it be required as part of further expansion of the shopping centre or future development of adjacent lots to the north.

This approach would also be consistent with council's Sustainable Transport Strategy, which identifies pedestrians as having priority over vehicles.

The construction and maintenance of the pathway in Lot 1 RP64563 is required to be included in the Infrastructure Agreement documentation.

Pedestrian Connectivity

The Department of Transport and Main Roads has provided an amended concurrence agency response for the development. The applicant is required to provide improvements to Peachester Road at the intersection with Simpson Street, including a right-turn lane and bicycle lane on the Peachester Road intersection approach. To ensure safe and efficient operation along Peachester Road, a raised median island is required opposite the proposed left-in/left-out mid-block site access and a right-turn lane is required at the Turner Street intersection. The widening of Peachester Road to accommodate the road works provides opportunities for pedestrian refuge crossing treatments to be incorporated to assist pedestrian movement across Peachester Road (primarily at the Turner Street intersection). Such refuges have been included in the proposed conditions of approval.

Previous Infrastructure Agreement

As part of the previous application, council entered into an Infrastructure Agreement titled External Construction Work (Pedestrian Mall and Driveway Access) and Maintenance for Lodge Lane. The Infrastructure Agreement was entered into as works were proposed on both road reserve and land owned by council. The clauses within this Infrastructure Agreement and required changes are noted in the table below.

Original Infrastructure Agreement	Proposed Modification	Reason for Modification
<i>Prior to the commencement of the use, the Owner shall design and construct a vehicle access driveway within Lot 1 RP64563 to an access street standard in accordance with Queensland Streets for the purposes of providing a vehicular access from Pine Camp Road to Lodge Lane and between adjacent Lot 206 B4412 and Lot 1 RP64563 located generally in accordance with the area described as "A" on the attached Schedule 2.</i>	Delete.	The development does not propose any vehicular access through Lot 1 RP64563 to Pine Camp Road.
<i>Prior to the commencement of the use, the Owner shall design and construct a bicycle and pedestrian path extending from Pine Camp Road to Peachester Road traversing Lot 1 RP64563 and Lodge Lane. The path shall be constructed as a 2.5 metre wide concrete path in accordance with requirements of the Caloundra City Plan Development Design Planning Scheme Policy and IPWEAQ Standard-Drawing R-065, located generally in</i>	Retain with modification as follows: Prior to the commencement of the use, the Owner shall design and construct a bicycle and pedestrian path extending from Pine Camp Road to Peachester Road traversing Lot 1 RP64563 and Lodge Lane. The path shall be constructed as a 2.5 metre wide concrete path in accordance with requirements of the Caloundra City Plan Development Design Planning Scheme Policy, and IPWEAQ	The wording of this clause is still required, but with modification to show the new pathway alignment and include the design specifications required by council. The applicant has requested that council agree to provide infrastructure credits for the construction of this pathway at a value of \$35,000. No infrastructure charges are

Original Infrastructure Agreement	Proposed Modification	Reason for Modification
<i>accordance with the areas described as "A, B & C" on the attached Schedule 2.</i>	Standard-Drawing R-065 and Condition 47 of the Development Approval located generally in accordance with the areas described as " A & B & C " on the attached Schedule 2.	applicable that would be payable to offset the construction of the shared path. As such, no credit is able to be given.
<i>Prior to the commencement of the use, the Owner shall design and construct the pedestrian mall in Lodge Lane to the standards required by the Planning Scheme Policies and in accordance with approved operational works design drawings, located generally in accordance with the area described as "C" on the attached Schedule 2.</i>	Delete.	The development no longer includes a pedestrian mall in Lodge Lane.
<i>The Owner shall at all times provide free and available vehicular access through Lot 271 SP126351 and Lot 1 RP176802 between Peachester Road and Lodge Lane located generally in accordance with the area described as "D" on the attached Schedule 2</i>	Retain with modification as below: The Owner shall at all times provide free and available vehicular access through Lot 271 SP126351 and Lot 1 RP176802 between Peachester Road and Lodge Lane through Lot 271 SP126351, Lot 1 RP176802, Lot 1 and Lot 2 RP906174, Lot 5 RP55629 and Lot 206 B4412 (as amalgamated) located generally in accordance with the area described as " C & D " on the attached Schedule 2. The Owner shall ensure that all parking spaces shall be available for use between Lot 271 SP126351, Lot 1 RP176802, Lot 1 and Lot 2 RP906174, Lot 5 RP55629 and Lot 206 B4412 (as amalgamated) for users of the development.	This access easement was required under the previous approval because there were previously two sections of the shopping complex where parking was available. The easement allowed for a situation where no car parking was available in one section of the centre (i.e. roof top or existing shopping complex), and ensured that vehicles would not need to exit the site to find a parking space. As the current approval requires amalgamation of lots on either side of Lodge Lane (i.e. two lots to be created), easements are required to ensure that parking and access is available for all patrons across both sites.
<i>Prior to commencement of works, Council shall execute a legal easement for right of way across Lot 1 RP64563 extending from Lodge Lane to Pine Camp Road in favour of</i>	Delete.	A legal easement is not required as this land parcel formed part of the subject application. The details of the infrastructure agreement

Original Infrastructure Agreement	Proposed Modification	Reason for Modification
<i>Lots 1 & 2 RP906174, Lot 5 RP55629 & Lot 206 B4412 located generally in accordance with the area described as "A" on the attached Schedule 2</i>		address this aspect.
<i>The Owner shall maintain all landscape works and driveway access works within Lot 1 RP64563 and Lodge Lane for the duration of this agreement, located generally in accordance with the area described as "A, B & C" on the attached Schedule 2</i>	Modify to read: The Owner shall construct and maintain all landscape works, car parking areas and driveway access works pedestrian footpath within Lot 1 RP64563 and Lodge Lane for the duration of this agreement, located generally in accordance with the area described as " A & B & C " on the attached Schedule 2	Council seek the applicant to construct and maintain the footpath and associated infrastructure.
<i>In the Special Conditions: "Planning Scheme Policies" means the Caloundra City Plan 2004 Planning Scheme Policies including those in respect of Development Design, Landscaping, Parking and Access (or equivalent) applying generally in the Sunshine Coast Regional Council Local Government Area</i>	Retain.	The applicant has not requested council use the Adopted Infrastructure Charges Regime. As such, this statement reflects the current and proposed conditions.

Council should retain ownership over Lot 1 RP64563 to provide the opportunity to construct vehicular access in the future if the road network is not able to function. As such, council should request the applicant to retain the maintenance costs in the event that council elects to construct vehicular access in Lot 1 RP64563 and Lodge Lane.

As such, additional wording should be placed in any Infrastructure Agreement to read as follows:

If Council elects to provide vehicular access from Pine Camp Road to the subject site through Lot 1 RP64563, the obligation for the applicant to maintain this infrastructure will cease.

It is noted that the applicant has advised that they seek a 20 year "guarantee" that vehicular access through Lot 1 RP64563 and Lodge Lane, to connect Pine Camp Road and Peachester Road, would not occur to provide tenants with the surety that they would have access across Lodge Lane as generally depicted on the proposed plans.

It is not reasonable to provide such guarantees as the land is intended as a future road reserve. If the road network surrounding the site no longer functions, council should have the ability to provide relief to these intersections by constructing vehicular access through the site.

Should this clause not be inserted into the agreement, the applicant may retain the obligation to maintain this section of land for pedestrian access.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport and Main Roads

The department is a concurrence agency for State Controlled Road Matters. The department responded by letter dated 19 February 2013 requiring the following conditions:

- access points to Peachester Road may only occur as shown on the approved plans;
- upgrade the intersection of Peachester Road and Simpson Street;
- dedication of land for road widening purposes along Peachester Road;
- management of stormwater;
- all works being carried out without any cost to the Department; and
- provision of a taxi rank within the development site.

These conditions will form part of any 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:

- Beerwah Place Making Team, Infrastructure Services;
- Development Engineer, Engineering and Environment Assessment Branch;
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Branch;
- Landscape Officer, Engineering and Environment Assessment Branch;
- Urban Designer, Planning Assessment Branch; and
- Traffic Engineering, Engineering and Environment Assessment Branch.

Public Notification

No public notification is required for this application as the original application was Code Assessable.

DRAFT SUNSHINE COAST PLANNING SCHEME

The subject site is zoned Major Centre Zone and is located within the Beerwah Local Plan of the draft Sunshine Coast Planning Scheme.

The application would trigger impact assessment under the draft planning scheme (as the proposal includes a Discount Department Store), and would be affected by the following Overlays:

- Biodiversity, Waterways and Wetlands;
- Biting Midges and Mosquitoes;
- Bushfire Hazard;
- Height of Structures; and
- Regional Infrastructure.

The development is generally consistent with the draft planning scheme. The commentary in the Beerwah Local Plan Code identifies that the Major Centre:

“is the major business centre for nearby towns and surrounding rural and rural residential communities, providing a range of community facilities and services and offering large retail outlets as well as a variety of shops, cafes and other local businesses.”

Given this intent statement, and the previous economic impact assessments undertaken, the proposal is consistent with the draft Sunshine Coast Planning Scheme.

CONCLUSION

The application seeks a change to the development approval issued for the Beerwah Marketplace for:

- a reduction in overall gross floor area from 14,756m² to 11,241m²;
- modification to the built form along Peachester Road and Simpson Street; and
- the removal of roof top car parking and overall reduction in car parking of 195 spaces.

The proposed modifications are able to be considered as a permissible change for the following reasons:

- the application does not propose any additional land use beyond a Shopping Complex;
- the application does not include any additional parcel of land;
- the proposed height of the development remains below the 11 metre height limit which would trigger impact assessment;
- the bulk and scale of the building would be reduced from that of the existing approved building. Furthermore, the proposal does not seek to reduce any of the currently approved building setbacks;
- the shopping complex would still serve the intended catchment with an IGA and Target Country store as per the original approval;
- the likely traffic generated by the development is lessened given the reduction in gross floor area; and
- contributions can be addressed as part of any approval.

The modification to the design requires variations to the acceptable measures of the Caloundra City Plan 2004 in the following areas:

- urban design; and
- car parking.

The built form has been reduced and results in a loss of activation of the street frontages of Simpson Street and Peachester Road. However, the proposed design is able to create a

suitable main street environment with some additional treatment to the blank walls, and landscaping to provide beautification of the street consistent with the Beerwah Place-Making project. As such, the development can be supported with those provisions in place.

The proposed development may result in a shortfall of 35 parking bays and, while this is significant, the applicant is agreeable to provide a contribution in lieu of the shortfall, consistent with council's Planning Scheme Policies. However, the applicant continues to seek that the payment is deferred to allow review of the centre when operational. The approach is reflective of the current approval conditions and satisfactorily addresses the proposal's car parking.

Council's Infrastructure Services Department has advised that the long term intention is to provide a vehicular access way to connect the development to Pine Camp Road. The applicant does not wish for this to occur (given their leasing arrangements with the anchor tenants), and in its place, proposes a 2.5 metre wide pathway in a section of council land known as the Lodge Lane extension. A vehicular access to Pine Camp Road did not form part of the previous approval and as such, could not be imposed as part of this application. However, if council wish to construct this connection at a later time, the development has been designed to accommodate this.

As part of the previous approval, council entered into an Infrastructure Agreement to address the applicant undertaking works on council land. This Infrastructure Agreement requires modification. Until such time as the Infrastructure Agreement is signed by the applicant, no formal approval should be given by council. However, officers recommend delegating to the Chief Executive Officer to decide the change based on the conditions contained within this report and execute the Infrastructure Agreement as per council's direction.

7.1.4 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE, SUNSHINE PLAZA, HORTON PARADE, MAROOCHYDORE

File No: MCU07/0097
 Author/Presenter: Principal Development Planner
 Regional Strategy & Planning Department
 Appendices: App A - Conditions of Approval
 Attachments: Att 1 - Proposal Plans
 Att 2 - Elevation Plans
 Att 3 - Concept Master Plan

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=438376>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Gpt Re Limited, Lend Lease Real Estate Inv Ltd, Lend Lease Funds Management Limited
Proposal:	Development Permit for Material Change of Use of Premises - Shopping Complex, Educational Establishment, Local Utility & Community Meeting Hall
Properly Made Date:	30 September 2010 (changed application)
Information Request Date:	2 November 2010
Information Response Received Date:	28 March 2012
Decision Due Date:	14 September 2012
Number of Submissions:	15
PROPERTY DETAILS	
Division:	8
Property Address:	Sunshine Plaza 154-164 Horton Parade MAROOCHYDORE
RP Description:	Lot 63 RP 866871, Lot 65 SP 113361, Lot 38 RP 854195, Lot 2 RP 895067, Lot 68 SP 146004, Lot 64 CP 906065, Lot 60 RP 862779, Lot 61 CP 816941, Lot 69 SP 155129, Lot 8 RP 181890
Land Area:	22.51 hectares
Existing Use of Land:	Shopping Complex
STATUTORY DETAILS	
SEQR Designation:	Urban – Principal Activity Centre
Planning Scheme:	Maroochy Plan 2000 (1 December 2006)
Strategic Plan Designation:	Urban/Principal Activity Centre

SUMMARY SHEET	
Planning Area / Locality:	Maroochydore
Planning Precinct / Zone:	Sunshine Plaza
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for Material Change of Use for a Shopping Complex, Educational Establishment, Local Utility and Community Meeting Hall. The application is before council due to the significant public interest in the development and construction cost of approximately \$350 million.

EXECUTIVE SUMMARY

The application seeks approval for a Material Change of Use to establish a Shopping Complex, Educational Establishment, Local Utility and Community Meeting Hall. The proposal will result in a 37,394m² expansion to the existing Sunshine Plaza shopping complex and includes additional land use options should a government or educational use wish to operate within a tenancy.

While the Shopping Complex use is a preferred and acceptable use within the planning area, the proposed development exceeds the nominated floor space allocation by 9,934m² (which is currently 28,000m² for a period up to 2016). Although the application is being assessed under an earlier version of Maroochy Plan 2000, the same floor space allocation applies under the current Maroochydore Principal Activity Centre Structure Plan.

Both the earlier and current scheme provisions place a significant emphasis on minimising the potential for economic and infrastructure delivery/capacity impacts on Maroochydore and the wider region. In addition, retail floor space must also avoid delaying or compromising the development of the remaining planning area, including the new Maroochydore Central Precinct (Horton Park).

As part of the application, an Economic Impact Assessment was submitted by the applicant. This was independently reviewed by an external consultant who agreed with the recommendations. Council's external economic consultant confirmed that the development satisfies economic and community needs and the additional floor space will not pose an unacceptable economic impact upon the surrounding and associated retail network. The additional floor space over the cap represents only a small proportion of the retail market share in the primary trade area, involving Horton Park and other nearby centres.

As a consequence of the development, an internal through connection of Southern Drive to Amaroo Street and a number of external road upgrades are proposed to address impacts on the surrounding road network. Sewerage infrastructure will be delivered to resolve a current servicing and capacity issue affecting the wider catchment. In addition to road and sewerage infrastructure matters, a number of pedestrian connections are either proposed or will be conditioned. These are necessary to create a high level of integration and connectivity with the remaining town centre.

Two other important outcomes for Maroochydore Principal Activity Centre are street activation and local waterways (Cornmeal Creek and Maud Canal) functioning as pedestrian promenades and structural elements. The development is orientated towards Cornmeal Creek and provides an opportunity for promenading and activation along the entire length of the northern Cornmeal Creek. Further opportunities to achieve active sleeving uses along

Maroochydore Road, Southern Drive and Plaza Parade have been demonstrated as part of future development scenarios and will not be compromised by this proposed development.

If approved, the applicant has stated that the expansion is expected to open by 2016.

Although the development application precedes the Maroochydore Principal Activity Centre Structure Plan, it is consistent with, and will assist in, the achievement of the intent of the Structure Plan and supporting Maroochydore's role as the Principal Regional Activity Centre for the Sunshine Coast.

OFFICER RECOMMENDATION

That Council:

- (a) **APPROVE WITH CONDITIONS Application No. MCU07/0097 and grant a Development Permit for a Material Change of Use for a Shopping Complex, Educational Establishment, Local Utility & Community Meeting Hall situated at Sunshine Plaza 154-164 Horton Parade Maroochydore, in accordance with Appendix A and**
- (b) **find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:**
1. **the proposed development will enable Maroochydore Principal Activity Centre to strengthen its longer term position in the retail hierarchy**
 2. **the proposed development satisfies economic and community needs, provides more retail choice and will assist to retain some escape expenditure leaving the Sunshine Coast**
 3. **the additional 9,394m² of floor space over the nominated cap represents a small market share in the primary trade area and will not delay or compromise the development of the Maroochydore Central Precinct and**
 4. **the development will deliver a number of infrastructure upgrades as a consequence of the development and will not adversely impact on the efficient provision of infrastructure to service Maroochydore.**

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay contributions towards trunk infrastructure. The development will trigger an "Adopted Infrastructure Charge Notice" 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*.

Under the earlier Adopted Infrastructure Charges Resolution, adopted charges did not apply for development within a master planning unit (i.e. the Sunshine Plaza and Horton Park) and were subject to the preparation of an Infrastructure Agreement and funding arrangements under the relevant legislation. This requirement for an Infrastructure Agreement aligned with the master planning provisions of the Maroochydore Principal Activity Centre Structure Plan.

The applicant had been working with council and Unitywater in an attempt to finalise the preparation of separate Infrastructure Agreements with both parties, prior to a decision being made by council.

On 14 December 2012, the *Sustainable Planning Amendment Regulation (No. 8) 2012* amended the *Sustainable Planning Regulation 2009* to repeal Statutory Guideline 03/09 - Declared Master Planned Area Structure Plans. The amendment resulted in the Structure Plan and Master Plan provisions no longer being included within the *Sustainable Planning Act 2009* (amended on 1 February 2013). The new requirement was that these be transitioned into local government planning schemes. The relevant provisions within the Maroochydore Principal Activity Structure Plan regarding the preparation of a master plan for either the Sunshine Plaza or Horton Park no longer apply.

In response to these changes, the Adopted Infrastructure Charges Resolution was recently amended to reflect these legislative changes and now included this site within the Adopted Charges Resolution.

As the Adopted Charges Resolution now reflects the removal of the master planning requirements of the *Sustainable Planning Act 2009*, council no longer relies on the need for an Infrastructure Agreement prior to the determination of the application. On this basis, council can now proceed to determine the application and apply infrastructure charges. Such charges are consistently applied to all other developments of this types within the Sunshine Coast region.

Council's Infrastructure Policy Branch has provided the following estimate of the contributions required by this development (which excludes contributions to Unitywater):

Allocation of adopted infrastructure charge to trunk infrastructure networks	Payable
Transport	\$5,321,489
Public Parks & Land for Community Facilities	\$939,086
Stormwater (applicable to non-residential development)	\$125,515
TOTAL	\$6,386,090

PROPOSAL

The application seeks approval for a 37,394m² expansion to the existing shopping complex, and will result in a total gross lettable area of 109,416m² for the entire complex. The expansion will be over 2 storeys and includes a new 14,000m² department store (David Jones), an expansion of 2,500m² to Myer and 20,894m² of specialty retail and restaurants.

The application also includes an Educational Establishment, Local Utility and Community Meeting Hall. These are included to allow flexibility for these uses to establish within a tenancy of the development and are sometimes found in larger retail centres. Such uses may include a council customer service counter, a library, youth space or an educational outlet.

The main focus of the proposed expansion is to the west of the existing centre (Myer end) and along the northern bank of Cornmeal Creek, providing separated pedestrian and cycle linkages along the northern and southern bank of Cornmeal Creek from the west to connect with the existing centre. In addition to the water focus, a new entry plaza will be provided at Amaroo Street to the north of the complex.

The northern embankment of Cornmeal Creek will be developed in 3 levels that transition from the retail level down to Cornmeal Creek. A café/restaurant terrace, including dining courtyards, shops, outdoor seating and a playground for 2-5 year olds will be on the upper level. A mid-level boardwalk will provide 24/7 through connections for pedestrians and cyclists, with a number of timber jetties extending partly into the creek to offer water views and access.

The existing open space area and pathway connections on the southern side of Cornmeal Creek will be retained and enhanced.

An additional 1,501 car parks will be provided, resulting in a total of 5,036 bays for the entire complex. There are currently no plans to introduce paid parking. The existing Myer/specialty dock that currently adjoins Cornmeal Creek will be relocated to the north of Myer and will be screened from view by landscaping and architectural treatments. The relocated dock is intended to serve the existing tenancies it already services. A new loading dock is proposed to the west of the site, within close proximity to Millwell Road and will serve the new tenancies.

Temporary parking is proposed on Lot 38 (west of Southern Drive/Officeworks) for parking lost while the existing north-east and north-west car parks are being re-developed. Some spaces will remain after the completion of the construction and this will operate as overflow parking during peak periods.

The proposal will be developed in one stage, although construction will be staged to ensure there is no net loss in existing car parking to service the existing centre.

SITE DETAILS

Background/Site History

The Application

The application was first made to council on 25 June 2007. Although the shopping complex application has remained current since 2007, the layout and scale of the proposal have been amended on 3 occasions by the applicant. These changes occurred through either a formal change to an application, or as part of the applicant's information response. In addition to the changes, 2 different proposed development layouts have been publicly advertised, being the 2007 proposal and the current proposal. The 2 earlier proposed development layouts are summarised below.

Original 2007 Proposal

The proposal was for a shopping complex with a total floor space of 23,027m². The expansion included 18,127m² of retail and 4,900m² of office located wholly within the Plaza Parade and Southern Drive portion of the existing complex and linked by 2 2-storey bridges. The proposal included the demolition of the existing showrooms (including Officeworks) and inclusion of a new Big W, specialty shops and multi-deck parking. An office fronting Plaza Parade was also proposed to sleeve a portion of the multi-deck car park.

2010 Changed Application Proposal

On 30 September 2010, during the decision stage of the 2007 proposal, a formal change to the application was made in accordance with section 3.2.9 of the *Integrated Planning Act 1997*. This resulted in a change to the shopping complex layout and a new increase in floor area of 59,543m² (total complex floor area of 133,228m²).

The application included additional development at the Maroochydore Road frontage of the complex in the location of the existing Kmart car park. The proposal included the existing 2007 concept and added a David Jones department store, more specialist shops, multi-deck car parking and involved the relocation of Kmart to the corner of Amaroo Street and Maroochydore Road.

During the assessment of the 2010 changed application, council and many of the concurrence agencies raised a number of significant issues. The core issues related to:

- **SEQ Regional Plan** – inconsistencies with the intent of the Maroochydore Principal Activity Structure Plan;
- **Economic Impacts/Centres Hierarchy** – insufficient economic justification to support the proposal and likelihood of economic impacts restricting the ongoing development of Maroochydore to achieve the regional centre objectives
- **Infrastructure Impacts** – additional trunk infrastructure would be required by the proposed development, not anticipated by the Planning Scheme, and would prejudice the delivery of identified trunk infrastructure
- **Transport and Traffic Impacts** – a number of significant external traffic impacts, with possible solutions that could not be practically implemented
- **Active Frontages** – an inward-focused built form with limited activation of surrounding streets and waterways. Extensive back-of-house service areas and multi-deck car parks within close proximity to many significant road frontages
- **Strong Connection and Urban Design** – no strong linkages or integration with surrounding areas and
- **Permeability, Accessibility and a Walkable Waterfront** – limited 24/7 pedestrian connectivity through and to all existing and proposed public transport facilities, the future town centre core, surrounding commercial, retail, residential and community uses. No provision of a public pedestrian waterside promenade along Cornmeal Creek and the Maud Canal.

Current Proposal

As a result of council's last information request for the 2010 changed application, the applicant responded to the above core issues by again amending the proposal to the current layout and form. The application was again advertised for 30 business days and the decision period was stopped by the applicant in accordance with section 3.5.9 of the *Integrated Planning Act 1997*, to make representations to the Department of Transport and Main Roads. An amended referral agency response was provided on 13 September 2012 and the decision stage commenced on 14 September 2012.

Sunshine Plaza Development Approval History

Sunshine Plaza has a long and complex history spanning the last 30 years. It was originally known as The Sands and had a gross lettable area of 15,000m². Since then, there have been numerous re-zonings and development applications including:

- 20 February 1992 – rezoning to Central Business (File Reference 22787) – included a number of requirements limiting the total floor space to 54,500m² gross lettable area, requiring the upgrading of various intersections, landscaping and identified a parking rate of 5.3 spaces per 100m² gross lettable area, minimum floor levels of 3.00 Australian Height Datum. The rezoning allowed the Sunshine Plaza to be developed 'As of Right'
- 11 June 1998 – rezoning to Central Business Zone and Town Planning Consent for Indoor Entertainment (File reference R967393) – 7,140m² retail and 3,739m² non-retail accommodating a cinema complex and family entertainment venue

- 23 December 1999 – MCU99/8021 under the 1985 Planning Scheme – Material Change of Use (extension of Shopping Complex – Retail Shops and Catering Shops, Indoor Entertainment (Cinemas and Tavern))

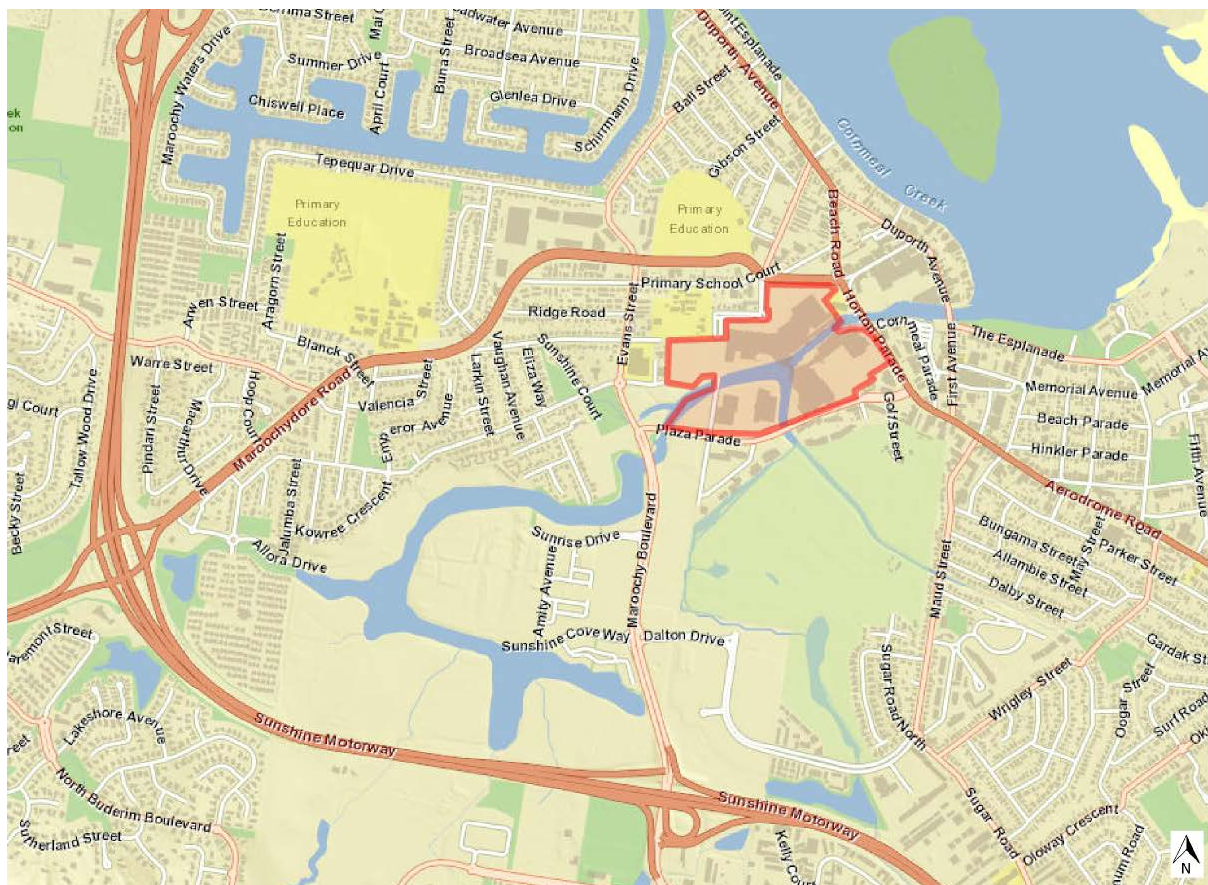
The application amended the earlier rezoning approvals by moving 4,899m² gross lettable area from the Plaza Parade site to the riverwalk increasing the total gross lettable area from 54,500m² to 59,399m²

Council refused the proposal on grounds including parking, economic impacts, inward focus, pedestrian accessibility, urban design issues and road connectivity. The applicant appealed the refusal and the Court approved the development on 6 February 2001 subject to a number of conditions; and

- 27 January 2009 - MCU07/0118 (Lot 38 west of Southern Drive from the existing Officeworks) – 3,380m² Showroom - the application was submitted with the intention of temporarily accommodating Officeworks and other showrooms from the existing Sunshine Plaza site to accommodate the 2010 proposal. The application was refused on grounds including, insufficient parking, lack of pedestrian connectivity, lack of street activation, and inappropriate land use. An appeal was lodged and later withdrawn by the applicant.

Site Description

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





The subject site covers a significant area within the Maroochydore Principal Activity Centre and is bounded by Maroochydore Road, Horton Parade, Plaza Parade, Pikki Street and Amaroo Street. Sunseeker Parade, Mungar Street, Southern Drive and Amaroo Street provide direct access. Cornmeal Creek passes through the site east/west and Maud Canal north/south.

The site has over 3.3 kilometres of external frontage, including approximately 1.3 kilometres of active creek frontage and 1.4 kilometres of active road frontage. Non-active frontages total approximately 632 metres, including the Pikki Street and School Road car park area (217 metres), and 415 metres of other side boundaries. The development currently activates approximately 570 metres of Cornmeal Creek and provides some limited street activation towards Horton Parade.

Surrounding Land Uses

As the site is situated within the Maroochydore Principal Activity Centre, it is surrounded by a mix of uses, of varying scales and intensity. To the north of the site is smaller scale commercial, medium density residential and educational uses (Maroochydore Primary School). Medium to large scale commercial, retail and residential developments (including Big Top, Local and State Government facilities) are located to the east. Medium scale commercial, retail and residential uses, along with the Horton Park Golf Course (the new Maroochydore Central Precinct) are situated to the south. Directly to the west is a mix of smaller scale showroom, commercial and low/medium density residential premises beyond. To the southwest is the Sunshine Cove master planned community, including the Emporio and Harvey Norman developments. There are only 5 properties directly adjoining the development and these include a childcare, community centre and a council owned vacant allotment to the west. A small townhouse complex and a medical centre are directly to the southwest and a TAFE building to the east, with road frontage on all other extremities.

The current bus interchange within the Sunshine Plaza will soon be relocated to Horton Parade, near the intersection of Sunseeker Parade and Cornmeal Parade. Preliminary site works have commenced and construction is likely to occur shortly. This project is being coordinated by the State.

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. Further to the above, under section 3.5.6 of the *Integrated Planning Act 1997* the assessment manager may also give weight to codes, planning instruments, laws or policies that came into effect after the application was made and before the decision stage. This includes the following:

- Maroochydore Principal Activity Centre Structure Plan;
- Maroochy Plan 2000 (24 October 2011); and
- State Planning Policy 3/11 Coastal Protection.

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are applicable to this application:

- State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities;
- State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils;
- State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide; and
- State Planning Policy 3/11 Coastal Protection.

Of these, all except SPP 3/11 have been deemed by the Minister as being appropriately reflected in council's planning scheme and, therefore, do not warrant a separate assessment.

Draft Coastal Protection State Planning Regulatory Provision

The draft Coastal Protection State Planning Regulatory Provision took effect on 8 October 2012. This regulatory provision suspended the State Planning Policy 3/11:

Coastal Protection, while maintaining the associated State Policy for Coastal Management. The State Policy for Coastal Management provides policy direction for natural resource management decision makers, while the superseded State Planning Policy 3/11 had provided policy direction and assessment criteria to direct land use planning and development assessment decision making under the *Sustainable Planning Act 2009*.

Under the associated regulatory mapping, parts of the subject site are within the coastal management district and trigger an assessment against the draft Coastal Protection State Planning Regulatory Provision. In addition to this trigger, the low lying waterways through the site are also identified as an erosion prone area and within a medium coastal hazard area.

Coastal hazard areas are at risk from coastal erosion, permanent inundation due to projected sea-level rise, or storm-tide inundation. Coastal hazard areas are determined using a projected sea level rise factor of 0.8 metres by 2100. Medium hazard areas are depicted as areas anticipated to be inundated to a depth of less than 1 metre for a defined storm tide event in 2100.

Although parts of this site are vulnerable to sea level rise and storm tide inundation, the adverse coastal hazard impacts are avoided through the location and design of the proposed expansion. The new expansion will be elevated and ensure protection against likely coastal hazards. The proposed development will be conditioned to include minimum design floor level standards for the new expansion that reflect council's existing knowledge of flooding in this catchment.

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 proposal is for an urban use within the urban designation. The proposal has been supported by all State agencies and will not compromise the planning and delivery of any regional infrastructure or services. The use is appropriately situated within the identified Principal Activity Centre servicing the Sunshine Coast region and location of the most significant economic and employment growth.

At the time the application was first properly made, the subject site was located within a Major Development Area under the SEQ Regional Plan 2005 and associated State Planning Regulatory Provisions. Under these provisions, council's decision had to avoid establishing an approval which would conflict with and compromise the implementation of the Structure Plan.

These provisions were amended with the commencement of the SEQ Regional Plan 2009 and associated State Planning Regulatory Provisions in July 2009. Under these provisions, Maroochydore is designated a Development Area and requires that any application must be consistent with the future planning intent of the area.

The application was referred to the Department of State Development, Infrastructure and Planning (formerly Department of Local Government and Planning) under the State Planning Regulatory Provisions, and supported the proposal. The proposed development is consistent with the regional land use intent, regional policies and desired regional outcomes for the SEQ Regional Plan 2009 for the Urban designation.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is the Maroochy Plan 2000 (1 December 2006), but weight may also been applied to the latest version, Maroochy Plan 2000 (24 October 2011), having commenced prior to the applications decision period. The following sections relate to the provisions of the Planning Scheme.

Strategic Provisions

Being an impact assessable application, the proposal triggers an assessment against the whole planning scheme, including the Strategic Plan and the Desired Environmental Outcomes. The Strategic Plan identifies the site's Preferred Dominant Land Use as Urban and as being within the Principal Activity Centre.

The Principal Activity Centre is the highest order centre within the commercial hierarchy of the Strategic Plan. The Principal Activity Centre at Maroochydore is nominated "*as the predominant retail and commercial centre serving the Sunshine Coast region, so identified because of its centrality to all of the coastal centre, the existence of many regional public sector offices, the fact that it includes Sunshine Plaza, which at present houses the only large national department store on the coast, and its capability to be developed further as a multi-function centre with a distinct, attractive character and identity.*"

The objectives and implementation measures of the strategic plan includes numerous criteria for consideration when assessing applications. Of particular relevance are the following:

- consolidation of commercial and retail development in the Town Centre Core, with development to contribute towards a continuous retail shop-front at street level
- all developments to be designed to maximise pedestrian accessibility and connect to regularly patronised retail and commercial facilities and with parking areas, public transport terminals, parks, government and cultural facilities and places of natural interest
- development in the vicinity of Cornmeal Creek to have regard to the visual amenity and public access opportunities which they provide. The development should relate to the waterways and respond to the opportunities they offer. Public access to and along the waterways should be sought
- appropriate attention given to issues such as building scale, shared parking, streetscape and traffic management, and the integration of public transport, walking and cycling and
- vehicular manoeuvring areas and accesses are to be shared wherever possible and landscaped to minimise their visual impact on surrounding areas.

The development is consistent with the site's preferred dominant land use and also generally satisfies the relevant objectives and implementation measures. While the development provides limited retail shop front to Amaroo Street and part of Southern Drive, it continues to provide for future opportunities on remaining street frontages.

Local Area Provisions (Maroochy Plan 2000 (1 December 2006))

The subject site is located in Planning Area 1 (Maroochydore) with its precinct class being Town Centre Core. The stated intent for this precinct (Precinct 3 Sunshine Plaza) is primarily to accommodate the Sunshine Plaza Shopping Centre. The use of a shopping complex is identified as a preferred and acceptable use within the precinct provisions. The intent also identifies that the role of this precinct will be enhanced over time and will continue to accommodate primarily shops, including department stores. However, it will also accommodate other uses which are traditionally located in the town centre core, including:

- fast food stores
- restaurants
- offices
- medical centres
- educational establishments and
- compatible entertainment facilities.

Although a shopping complex is a preferred use, the Precinct Intent includes a 28,000m² floor space allocation for a period up to 2016. The floor space allocation applies to shops, shopping complexes and arts and craft centres, and excludes the following uses - Fast Food Store, Restaurant, Medical Centre, Hotel and Office. These caps were established when Maroochy Plan 2000 was first adopted and have remained, even though there has been significant land use and economic change in recent years. The current application exceeds this cap by 9,394m².

Notwithstanding this, the economic statements in the Maroochyore Planning Area provisions nominate the following future floor space estimates for the Planning Area as a whole:

- 60,000m² Retail
- 40,000m² Retail Showroom and
- 200,000m² Office.

The recent Maroochyore Principal Activity Centre Structure Plan also extends this allocation to 65,000m² for Retail and 150,000m² of commercial uses within the Maroochyore Central Precinct (Horton Park). It is clear from this recent planning that the original estimates and caps imposed in the year 2000 are less relevant, with a greater emphasis on the economic and infrastructure delivery/capacity impacts on Maroochyore and the wider region.

In addition to the floor space allocation, both the Planning Area and Precinct provisions include a number of other important design outcomes for the subject site. These include:

- new development is compact and well-ordered and transit orientated, with activation along core frontages to provide attractive and vibrant streetscapes, while avoiding blank walls
- new development provides promenading along Cornmeal Creek, which includes active uses, such as cafes and restaurants
- a network of roads, car parks, and pathways will provide close, direct walkable linkages between housing, public transit nodes, workplaces, shopping and other destinations and encourages pedestrian movement
- accessible 24/7 public access points strategically positioned in the town centre to improve the movement of pedestrians. Cornmeal Creek and other waterways will serve as a major spine for pedestrian and cyclist movement throughout the town centre, including promenading opportunities and continuous open space linkages
- landscaped and usable parks, plazas and public spaces will be provided in accessible and prominent locations
- building height is not to exceed 12 metres or 3 storeys;
- buildings include promotion of sub-tropical climate, energy efficiency, useable outdoor/open spaces, and articulation of facades;
- new car parking is excluded from frontages and does not dominate the streetscape or is focused towards Cornmeal Creek; and
- premises are designed to manage conflicts with neighbouring properties including, noise attenuation, limiting trading hours, security and surveillance and appropriately located late night activities.

The proposal is considered to satisfy the strategic long term vision, character elements and design intent for the Planning Area and Precinct:

- while the proposal varies in height from approximately 11.5 metres to 20 metres (exceeding the maximum height identified for the precinct), the proposal is consistent with the Structure Plan's maximum height of 6 storeys/25 metres;
- the proposal will provide 24/7 pedestrian connections along Cornmeal Creek (including promenading) and linkages to the surrounding town centre and residential areas to the west;
- a road extension of the Southern Drive to Amaroo Street will provide a missing connection through the development site and include 24/7 pedestrian, cyclist and vehicle access;
- the development will open towards 278 metres of the Cornmeal Creek frontage and provide for continuous public access and active uses. An entry plaza will be located at the frontage of Amaroo Street and will be a key entry focal point to the north, with another entry node to the south from Southern Drive at the intersection of Cornmeal Creek;
- car parking and loading areas are orientated away from core frontages and Cornmeal Creek. Although a new multi-deck car park is proposed at the Maroochydore Road frontage, the nearest section of this structure is setback a minimum of 25 metres (up to 50 metres in places). This area is suitable for future sleeving development to complement existing mixed use approvals (of a similar lot shape) on the north of Maroochydore Road;
- the new loading dock in the south western corner of the site will be 25 metres from Cornmeal Creek and separated by a Council owned allotment. The nearest land use is the Millwell Road Community Centre and a Childcare Centre on School Road. The loading dock is 13 metres from the property boundary and is fully enclosed in this location, with service vehicle manoeuvring further to the south and east. The childcare centre is more than 50 metres to the northwest; and
- overshadowing impacts are minimised with the building setback 13 metres to the property boundary and approximately 10 to 12 metres above natural ground adjoining the childcare centre lot. This setback exceeds the scheme requirement of 5 metres and includes a pedestrian pathway to the school, with established landscaping. There is no residential development within close proximity to the new development.

Structure Plan

On 15 December 2010, council adopted the Maroochydore Principal Activity Centre Structure Plan and an associated Planning Scheme Policy, together with consequential amendments to the Maroochy Plan 2000.

While the application was lodged prior to the adoption of the Structure Plan, the assessment manager may give weight to the Structure Plan under section 3.5.6 of the *Integrated Planning Act 1997*.

The Structure Plan nominates the majority of the site within the Sunshine Plaza Precinct as a Mixed Use Retail Core Area. The precinct is part of the mixed use retail core area and contains the highest order retail uses within the Master Planned Area. A small portion of the development site, west of the Southern Drive through block connection, is within the southwest corner of the Maroochydore North Precinct. This precinct is intended to provide predominantly low-medium intensity commercial and residential development including offices, small scale shops and residential uses. No overall retail cap is included within this mixed use precinct and the height provisions reflect those within the Sunshine Plaza Precinct.

This portion of the subject site was back-zoned from the higher order town centre core precinct under the earlier version of the Maroochy Plan 2000, which permitted the expansion of the big box retail. Although the proposed development within the Maroochy North Precinct is not low-medium scale commercial, it is removed from the key frontages and existing residential development. Within this precinct and directly adjoining the development is a school and child care centre. A retail showroom of approximately 5,000m² spans the entire block's frontage to Evans Street and strongly influences the existing character of the south-western portion of this precinct, with the site already forming part of Sunshine Plaza, albeit as a large car park.

The proposal also includes passive frontages that may be considered a more appropriate interface with the adjoining sensitive land uses and reflects the character of the bulky showroom tenancies to the west. The separation, building layout and adjoining uses will ensure the remainder of the Maroochy North Precinct can develop in accordance with the overall outcomes of the Structure Plan.

A key emphasis on the economic development of this precinct is to provide for the higher order comparison shopping, which integrates with the broader Maroochy Principal Activity Centre. While additional retail is encouraged, the earlier Maroochy Plan 2000 floor space allocations of 28,000m² are also included in the code provisions. These entitlements are nominated to avoid delaying or compromising the development of Maroochy and the Maroochy Central Precinct (Horton Park) or adversely impacting on the efficient provision of infrastructure, including road and transport infrastructure to service the Maroochy Principal Activity Centre.

To review the potential economic impacts, the application was referred to an independent economic expert (Jebb Consultants Pty Ltd) to undertake a peer review of the submitted economic impact assessment. The peer review found that, if the Sunshine Plaza development was to proceed by 2016 (at approximately the same time as the first available retail offerings within the Central Precinct), the overall floor space will have a market share in the main trade area of approximately 17% (up from 12%). The market share within the primary trade area of Maroochy will be up from approximately 17% to 22%. This equates to a 5% increase and the additional 9,394m² over the nominated cap represents approximately 1.2% of the market share. The review concluded the economic impact of the Sunshine Plaza expansion would be minimal and would, in any event, be offset by 1-2 years' growth in the market in real terms. The review also provided the following conclusions:

- by 2016, total retail sales recorded on the Sunshine Coast are estimated to be around \$5.6 billion. If the now reduced Sunshine Plaza expansion proposal of 37,394m² achieves the additional \$200 million in sales forecast, this figure would represent only 3.6% of the total Sunshine Coast retail sales market in 2016. The additional 9,394m² over the nominated cap (set in 2000) represents 0.9% (28,000m² identified under the scheme equates to 2.69%);
- the cross-market share analysis suggests that the impact of the Sunshine Plaza expansion on nearby centres (Kawana Shopping World, Sippy Downs Town Centre) would be around 3% of expected 2016 sales (11% total share). Again, the additional 9,394m² over the nominated cap (set in 2000) represents 0.75%;
- the proposal will provide more retail choice and assist to retain some escape expenditure leaving the sunshine coast (escape retail spending is estimated at approximately 12-15% (\$600-800 million per year);
- in the case of Maroochy, it is considered that current retailing outside Sunshine Plaza does not compete directly with Sunshine Plaza and serves a niche market. Spin off from additional customer numbers drawn to Maroochy by the expansion of Sunshine Plaza could be expected to offset likely increases in competition;

- the Economic Impact Assessments provided in support of the proposal are considered to have some deficiencies. Nevertheless, it is considered to overstate the impacts of the proposed Sunshine Plaza expansion and such impacts may be further reduced; and
- the growth of the Sunshine Coast is such that the proposed expansion of Sunshine Plaza is supportable. It is also important to note that without retail expansion within Maroochydore Principal Activity Centre (including Sunshine Plaza) it may not keep up with demand and in time may not be able compete with other centres on the Sunshine Coast.

In terms of potential transport infrastructure impacts, the traffic generation of the development will increase by 50%, from 3,000 to 4,500 vehicles per peak hour. There will be a 60% increase in traffic at both Southern Drive and Millwell Road. A through-road connection will be provided between Southern Drive and Amaroo Street and additional road and intersection upgrade works are proposed where directly attributable to the impacts of the development. These works will help minimise direct traffic impacts on road hierarchy and transport infrastructure necessary to service Maroochydore. Development contributions will be payable towards the local and wider regional trunk network impacts.

Where development is proposed, it generally aligns with the Structure Plan requirements and does not compromise the remaining undeveloped areas to be developed in accordance with the intent of the Structure Plan.

Land Use, Works and Overlay Provisions

The following Overlays are applicable to this application:

- Waterways, Wetlands and Fish Habitat Areas;
- Acid Sulphate Soil Areas; and
- Sunshine Coast Airport.

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

- Code for Landscaping Design;
- Code for Transport, Traffic and Parking;
- Operational Works Code;
- Code for Integrated Water Management;
- Code for Town and Village Centres;
- Code for Outdoor Dining Areas;
- Code for Waste Management in Commercial and Community Uses;
- Code for Community Safety and Security;
- Code for Siting and Design of Advertisements;
- Code for Waterways and Wetlands;
- Code for Assessment and Management of Acid Sulphate Soils; and
- Code for the Development in the Vicinity of the Airport.

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 discussion cited above in the assessment of the Planning Area and Precinct summarises many of the requirements of the particular codes. Any other pertinent issues arising out of assessment against the codes are discussed in more detail below.

Other Matters for Consideration

ENERGY EFFICIENCY IN BUILDING DESIGN

The application has demonstrated that the development will attempt to minimise its ecological footprint and reflect the principles of ecologically sustainable development.

The applicant has indicated that the design and development of the proposal will aim to deliver a 4 Star Green Star rating, which represents best practice in sustainable design. A centralised water-cooled air conditioning plant will deliver energy savings and where possible tenants can also be supplied chilled water to minimise air cooled condenser energy. Car parks will be naturally ventilated and lighting controls will reduce wasted energy outside trading hours. Extensive sub metering will be provided to closely monitor energy and water use.

WASTE MINIMISATION

The applicant provided a Waste Minimisation and Management Plan (WMMP) for implementation. This plan aims to divert the majority of waste generated as a result of the demolition, construction and operational phases of the development to a reuse alternative, other than landfill disposal at Council Waste Facilities.

Prior to the commencement of the demolition and constructions activities on site, the developer will complete a project specific "Project Environmental Health and Safety Plan". This plan includes a Waste Management Plan associated with aspects of the demolition and construction work.

The objectives of the plan are to re-use and/or recycle a minimum of 75% of all Hard Waste Material, and Soft Waste Material generated on the construction site, thus achieving up to 75% reduction/avoidance in waste to landfill. Key target areas within the Waste Management Plan are:

- Demolition Materials;
- Construction Materials;
- Excavated Fill Materials;
- Domestic & Human Waste;
- Wastewater; and
- Litter generation due to construction activities.

Once the development becomes operational, waste collection and minimisation will be incorporated into the current waste management system which involves the recycling of paper, cardboard, steel, timber, plastic bags, and oil. All recyclable materials are removed on a regular basis from the site by private recycling contractors.

WATER CONSERVATION/MINIMISATION

The development proposes to reduce the historical demand on water supply by 33% through the implementation of best practice water saving technology and low flow fixtures. This anticipated reduction is quoted as being based upon the existing centre performance and experience with new centres throughout Australia. No further evidence is provided to support this figure. The redevelopment proposal also includes provisions for harvesting, storage and treatment of rainwater (surface water from roof top car park) for supplementing non-potable water demands for the centre.

STORMWATER MANAGEMENT

There is only a small increase in impervious area, given the current at grade car park in the location of the majority of the proposed expansion. All runoff will be treated via a series of proprietary systems, rather than the traditional bio swales.

The flood impact assessment presented as part of the Integrated Water Management Plan presented results that are generally consistent with the levels and parameters currently applicable to this site. Having said this, the minimum floor level of the lowest section of the proposed redevelopment is 3.05 metres Australian Height Datum. This is inconsistent with the current minimum floor levels for this location based upon 100 year ARI storm tide and climate change factor for mean sea level rise as required by the draft *Coastal Protection State Planning Regulatory Provision*. The current minimum floor levels should be 3.3 metres Australian Height Datum. This difference relates to a small section of the expansion connecting to the existing centre. The remainder of the expansion will transition from the original centre level to an ultimate level of 5.25 metres at the western end and be in excess of this minimum floor level.

The assessment has considered the potential impact that the redevelopment may have on flood events larger than the 1 in 100 year Average Recurrence Interval. However, the proposal does not consider the potential impact on the centre itself for flood events greater than the 1 in 100 year ARI flood event and up to the probable maximum flood level. A risk assessment was not provided, although the operation procedures of the centre could be amended in an attempt to minimise possible consequences of such events. A condition may address this requirement.

A peer review was commissioned to assess the proposal against the applicable SEQ Regional Plan policies, the Queensland Coastal Plan (SPP 3/11) (now replaced by draft *Coastal Protection State Planning Regulatory Provision*), Maroochy Plan 2000 (2006) and current Maroochy Plan 2000 provisions including the Maroochy Principal Activity Centre Structure Plan, Local Area Code and Planning Scheme Policy 15 (Maroochy Principal Activity Structure Plan). This review by Hydralogic recommended approval, subject to a number of reasonable and relevant conditions.

ECONOMIC IMPLICATIONS

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 Maroochy Principal Activity Centre has been specifically identified as a key catalyst for economic development and employment growth within the region. The possession of an additional key anchor tenant (David Jones), supplementary associated retail choice and an improved shopping environment will enable Sunshine Plaza to strengthen its longer term position in the retail hierarchy in a challenging period of change for the retail sector generally.

The applicant has indicated that the proposed development represents a capital investment of approximately **\$350 million** and will deliver 1,650 direct and 2,600 multiplier full-time equivalent jobs during construction, as well as an additional 1,350 direct and 1,300 multiplier ongoing positions once operational. The development will deliver an outcome which provides expansion and diversification within the retail sector of the designated market catchment, significant capital investment as well as associated employment opportunities over its construction and operational phases.

TRAFFIC AND TRANSPORT

The new Maroochydore bus interchange is currently being built as an on-road interchange on Horton Parade, south of Cornmeal Creek. Some enhancement of the existing pedestrian access is proposed as part of this separate redevelopment to ensure adequate, efficient and safe access is provided.

The proposed development will not impede the delivery of a rapid transit system being investigated by the Sunshine Coast Light Rail Project or CoastConnect. The development, which is a destination for residents and tourists using the public transport networks, will provide pedestrian connections to existing and proposed public transport stations.

Two additional on-site taxi facilities are proposed, with a 3 bay rank identified at the main entrance in the northeast sub-precinct (near the new entry plaza), and a 3 bay rank in the northwest sub-precinct on the Southern Drive extension through the site (near David Jones).

A new bicycle storage facility and amenity centre for staff is proposed in the northeast sub-precinct car park. Additional secure end-of-trip bicycle storage will be provided on the western side of the site adjoining the proposed Cornmeal Creek walkway and at the Amaroo Street entrance to the shopping centre. A total of 142 bicycle parking spaces are proposed on the subject site. 72 spaces will be provided with locker facilities for employees, with a further 72 bicycle parking spaces allocated for customers.

The extension of Southern Drive to Amaroo Street will complete an important north/south vehicle, cyclist and pedestrian link allowing greater permeability through the site. This vehicular connection is located in accordance with the Structure Plan and passes beneath the proposed retail expansion, designed to maintain an open feel with sufficient light and visibility for vehicles and pedestrians (refer to Attachment 2). The overall length of building over the road is approximately 34 metres long, with a width at its narrowest point of over 18 metres and a design clearance height of 3.4 metres. Although this connection is shown as a collector street in the Structure Plan, this standard is not physically possible due to existing buildings/structures and retaining walls associated with the road reserve for Pikki Street. The conditioned standard will deliver a similar functioning corridor accommodating vehicles, cyclists and pedestrians. This connection will be conditioned to provide 24/7 public access for vehicles, pedestrians and cyclists. Additional conditions will be included to ensure the pedestrian pathways are provided (at least 2.5 metres in width, along with adequate landscaping) to operate in a safe and effective manner, given the frequent use by school children.

The proposal will incorporate an additional 1,501 (total of 5,036) car parking spaces at a rate of 4.2 spaces per 100m². This rate is in accordance with the Code requirements and consistent with current parking rates provided for the centre. There are currently no plans to introduce paid parking at Sunshine Plaza. However, the entry/exit points of all car parks have been designed to enable controlled parking facilities to be installed should they be required in the future.

Subject to ongoing applicant negotiations with the Department of Transport and Main Roads, the existing Sunshine Plaza parking guidance system on the external roads will be updated to remove the outdated system and only include directional signage.

The proposed development will increase overall traffic generated by Sunshine Plaza by approximately 50%, from around 3,000 vehicle movements in and out of the site during the afternoon peak hour to around 4,500. However, since all of the additional floor space and car parking is proposed at the northern and western ends of the site, the vast majority of the

additional traffic is expected to be generated at these locations. Traffic volumes on the access driveways to Sunshine Plaza via Amaroo Street and Millwell Road are expected to approximately double from current levels. Traffic on the site access via Southern Drive is expected to increase by around 60%. Traffic volumes on other existing access driveways around the site are not expected to change significantly, since there is no increase in development or car parking proposed on the site in their vicinity.

Frontage Works

As mentioned above, the proposed development will increase traffic volumes in a number of locations around the local road network, particularly near the western and southern parts of the site. The applicant proposes or will be conditioned (by council or the Department of Transport and Main Roads) to provide numerous road upgrades including:

- road widening along Southern Drive and extension to Amaroo Street;
- the installation of traffic signals at the intersection of Southern Drive and Plaza Parade and 4 traffic lanes being provided along Plaza Parade between Maroochy Boulevard and Carnaby Street;
- Amaroo Street intersection works and road widening leading into the site, including on-street bike lanes and improved pedestrian connections;
- road widening and the installation of traffic signals at the intersection of Evans Street and Millwell Road. This will result in 4 traffic lanes being provided along Evans Street to Maroochy Boulevard;
- minor road works along Plaza Parade towards Mungar Street intersection to improve intersection functioning; and
- upgrading the intersection of Maroochy Road, Evans Street and Broadmeadows Road to include additional and increased turning lanes.

Although the Evans Street and Millwell Road intersection and road widening works are proposed by the applicant and will be conditioned, it is the preferred option of Infrastructure Policy Branch and Infrastructure Services that these works be undertaken by council. The reasons for this position are as follows:

- the works required as a direct result of the proposal are substantially less than the ultimate scope of works planned for Evans Street;
- Evans Street upgrade from Maroochy Boulevard to Maroochy Road is currently in the detailed design stage by Infrastructure Services. Land resumptions are almost complete and there is funding in the next 3 years of the capital program for the same works as those to be undertaken by the applicant;
- the applicant is completing a small section of these works in isolation. If council were to undertake the Evans Street trunk works, each stage would be undertaken in a coordinated manner. This coordination would ensure additional costs associated with the future integration of later stages are minimised. In addition, the road upgrade requires the relocation of major telecommunications infrastructure that should be undertaken in a single stage to further minimise costs; and
- even if approved, there is no commitment that the applicant will proceed with the proposed development and deliver the road upgrades within council's current planning.

As these works are nominated as trunk infrastructure works and attract full offsets if undertaken by the applicant, there is no benefit for the works to be undertaken by the developer. These works are likely to be completed by council before the development proceeds. Should the applicant choose to proceed before council begins these upgrade works, negotiations can occur as part of the determination of trunk offset requirements.

URBAN DESIGN

The Maroochydore Principal Activity Centre is intended as the principal hub for public transport infrastructure and services within the Sunshine Coast sub-region. Development of the Sunshine Plaza is to provide strong linkages with other precincts and be integrated with and connected to the transit station and interchange (CAMCOS) and the Maroochydore Central Precinct (Horton Park). A pedestrian promenade is required along the full length of Cornmeal Creek and Maud Canal. These waterways are intended to function as the primary open space link and one of the major movement networks.

The key Urban Design requirements articulated in the Maroochydore Principal Activity Centre Structure Plan may be summarised as:

- high quality building design, subtropical and sustainable;
- active street frontages and promenade opportunities along Cornmeal Creek and Maud Canal;
- car parking/loading does not dominate the street frontage; and
- permeable built form and integration with broader area (especially towards Horton Park site).

The revised proposal is considered to generally meet the above provisions based on the following:

High Quality Architecture – Subtropical and Sustainable

Compared to the earlier development layouts for this expansion, the current proposal offers a relatively compact, connected and legible shopping environment. The proposal integrates the built form with substantial landscaping along Cornmeal Creek and contributes positively to the waterside setting. In this context, the architecture proposes an articulated form consisting of a series of pavilion-like structures which create a number of dining courtyards. These areas of outdoor dining, circulation and social space reflect the lifestyle, respond to the climate and are consistent with the character of the Sunshine Coast's architecture.

The roof profile provides diversity in its skyline treatment through varying roof heights and form. The result is to create visual interest and reduce perceived bulk through the use of finer grain elements set against the mass of the retail mall structure. The proposal will contribute towards delivering a distinctive character and expresses contemporary architectural practice.

The proposal includes other design measures to reduce the apparent bulk of the building and enhance the amenity when viewed from neighbouring properties and surrounding streets. In addressing this requirement the proposal has been designed to create a sense of "stepping" or "vertical layering" from the upper level of the façade, down to the pedestrian realm, and thereby reducing the overall mass of the built form.

A series of vertical blade-like markers add visual interest and highlight the prominence at each of the retail precinct entries and provide an effective way-finding and legibility element for pedestrians.

There are a number of areas where blank walls, at times up to 16 metres high, present to adjoining properties (to the northwest). While this outcome is not ideal, it is acknowledged that the development must have a "back" and such passive frontages can provide an appropriate interface with adjoining sensitive land uses. The western elevation of the proposed extension is setback approximately 13 metres from the property boundary, with

significant vegetation generally ranging from 7 to 15 metres high retained between the existing buildings and the proposed shopping centre.

Active Street Frontages and Promenade Opportunities along Cornmeal Creek and Maud Canal

By locating the entire expanded building footprint to the north edge of Cornmeal Creek, the building edge of the centre provides an opportunity for a linear public garden, promenade and restaurant activity/recreation zone along the entire length of the northern Cornmeal Creek edge. The length of this active primary frontage of 287 metres exceeds what is envisaged in the Maroochydore PAC Structure Plan.

The pedestrian promenade along the western portion of the site meets or exceeds council's 8 metre wide minimum requirement for accessible public walkways that are safe and active for extended periods of the day. Awning cover is provided for rain and sun protection along the length of this active edge, which terminates to the west at the children's supervised play area. A café overlooking this play space is provided to ensure a safe and active play environment. Complementing the pedestrian promenade is a new pedestrian bridge across Cornmeal Creek that will link the centre to the existing Plaza Parade retail precinct, open space and beyond.

Contrary to the Maroochydore Structure Plan, the current proposed development does not include Maud Canal as the main pedestrian connection to the Horton Park site and the future Transit Centre. Rather, the applicant has highlighted the case for developing the main north-south pedestrian connection along a retail dominated spine connecting from the pedestrian bridge over Cornmeal Creek to the existing signalised intersection on Plaza Parade. The importance of the Waterways as a strong place-making and navigational device is well articulated in the Structure Plan. An appropriate condition has been included to ensure this important connection is upgraded.

Opportunities to achieve meaningful commercial and/or residential sleeving between the proposed multi-level car park and Maroochydore Road and to provide active frontages to Southern Drive and Plaza Parade have been demonstrated as part of future development scenarios.

Car Parking / Service Areas do not Dominate the Street Frontage

Although identified as potential future stages, the current design does not include "Secondary Active Frontages" along Maroochydore Road as required by the Maroochydore Structure Plan. Similarly, the proposed development does not facilitate active frontage along Plaza Parade and Southern Drive. The Urban Design response to council's Information Request includes a Future Staging Concept Plan which demonstrates commercial, retail and/or residential uses directly fronting major perimeter streets. The proposed development will not compromise the future activation of the remaining areas. The estimated requirement for additional at-ground active retail or other commercial uses (based on other sites within close proximity) would be approximately:

- Maroochydore Road – 1,600m²;
- Plaza Parade, Southern Drive and Cornmeal Creek (location of Office Works/Woolworths) – 4,100m²; and
- Vacant Lot 38 (containing the temporary car park) - Cornmeal Creek, Southern Drive and Plaza Parade – 2,100m².

As previously mentioned, the site has an extensive active road and creek frontage of over 2.6 kilometres (excluding Pikki and School Road) and the proposal will deliver activation to over 300 metres of nominated active frontages. In addition to this, the development will complete approximately 1 kilometre of the overall site frontage (1.57 kilometres if including the existing active frontages). The proposal is considered to deliver a significant proportion of required active frontage requirements of the scheme and will also locate back-of-house activities in the most appropriate locations to minimise amenity impacts.

With the exception of the proposed temporary at-grade car park on the western side of Southern Drive, the areas south of Cornmeal Creek are generally unchanged by the proposed development. Landscaping and the provision of pedestrian and cycle paths around the proposed temporary car park are considered adequate measures to mitigate any adverse visual or functional impacts during this interim usage.

The loading dock adjacent to the south vehicle link road (an extension of Amaroo Street) has been relocated from the creek side location so that the area presently occupied by those loading areas can be activated. The location and screening of these service areas is such that their visual impacts from the public realm has been minimised. Landscaping and architectural screens are provided between the Myer loading dock and the adjacent pedestrian path and street.

Concern has been raised regarding the visual impact of the proposed new multi-level parking structure on the north side of the existing shopping centre and new loading docks on the north side of Myer at Amaroo Street and the west side of the site near Millwell Road.

Although it will be screened by other uses at a later date, a condition requiring architectural treatment will apply to the main elevation of the new multi-deck car park where visible from Maroochy Road. Detail relating to the façade treatment is to be provided prior to operational works and incorporated into the building design/approval.

Permeable Built Form and Integration with Broader Area

The Scheme encourages a built form that will provide Gateways and Activity Nodes in order to provide the pedestrian with visual marks to orientate their way. The specific locations requiring design attention are the junction of Maroochy Road and Horton Parade as an "Activity Node" and Amaroo Street and Maroochy Road as a "Gateway".

The current development proposes an Amaroo entry plaza. The view from the Maroochy intersection will terminate at this Plaza, which includes landscaping features and landmark built form providing a visual marker for the centre from this key northern entry. This Entry Plaza is proposed to be an attractive, public space that serves as an important pedestrian entry to the centre.

The proposal will maintain existing waterway and street footpath linkages to the future town centre core (Horton Park) and the proposed Horton Parade bus interchange. A number of other pathway connections will be enhanced to the surrounding Maroochy Principal Activity Centre, and surrounding commercial, retail, residential and community uses (including improvements to Amaroo Street, Millwell Road, Southern Drive and Evans Street).

The Urban Design Response includes a future staging concept which demonstrates further integration of the Sunshine Plaza with surrounding areas including the future transit stations on Horton Parade and in the Maroochy Central Precinct.

In addition to the central spine connections, a north/south connection between Cornmeal Creek and the Amaroo entry plaza through the new and existing centre interior will provide a 12-16 hour, 7 days a week access way. This access way will provide an alternative connection to the street or creek networks.

All pathways and access pathways within the site will be well lit and provided with CCTV operated by centre management for additional security. The Southern Drive connection under the centre will include features such as a light wells at the retail level to provide views into the space. The extent of development over this road section has been reduced to provide more natural light, improve overlooking and ensure users of the connection maintain their view lines through the site.

Open Space

The development provides a number of open space areas for all users (public and employees), including the following:

- **playgrounds** - 2 play areas are proposed. A playground for young children (toddlers to age 5) will be built in close proximity to the new cafes and retail areas on the northern side of Cornmeal Creek. The existing playground on the southern side of Cornmeal Creek will be upgraded and designed for ages 2 to 12 years;
- **informal spaces** - a formal garden is proposed in a sheltered position adjoining the existing Woolworths building. This garden area is intended to provide an intimate space for relaxation and seating;
- **open green spaces** – a large open green space has been incorporated into the design and called “Cornmeal Green.” This space will allow for informal gathering for staff and the public; and
- **interactive water edges** – a number of timber jetties and decks are proposed along the edge of Cornmeal Creek.

LANDSCAPING

The proposal includes screening and buffer planting areas to adjoining properties and around the new loading dock near Millwell Road. The widths of these areas satisfy the relevant code requirements.

The landscape proposal includes a selection of furniture, artistic elements and large shade trees throughout the site. Enhancement of existing landscape areas is also proposed on both sides of Cornmeal Creek, extending from the creek side and will be integrated with the new built form. The landscaping will complement the retained mangroves and native vegetation. Some limited vertical landscape elements in the form of green walls/trellis structures are proposed for the multi-level buildings on the northern façade of the development, to assist in softening the façade and complementing the architectural treatment.

ECOLOGY

Cornmeal Creek and Maud Canal represent highly modified environments that retain little of their original characteristics. Dredging, channel widening and flood mitigation works within these creeks have been undertaken as part of previous development in the area, all of which have altered the natural characteristics of the creek system.

The vegetation within the creek system, although relatively young (due to past development), plays an important localised ecological role in the stabilisation of creek banks (binding the sediments with root mass), as well as providing a buffer between the waterway and the adjacent urban development. However, the applicant has submitted that these marine plant communities have a limited ecological and fisheries value due to their isolation, limited extent, lack of organic matter and limited structural form.

The development will result in the removal of approximately 380m² of in-stream marine vegetation, as well as the disturbance of un-vegetated substrate. It is compulsory for marine fish habitat losses of this size to also be compensated, or offset, to ensure "no net loss" in accordance with the Department of Agriculture, Fisheries and Forestry's Fish Habitat Management Operational Policy 005 regarding *Mitigation and Compensation for Works or Activities Causing Marine Fish Habitat Loss (2002)*.

On the recommendations/conditions of the Department of Agriculture, Fisheries and Forestry, marine fish habitat loss will be offset by means of a monetary contribution in the order of \$28,441 to in-stream improvement works within the Maroochy River by either Fisheries or Council. Discussions are ongoing between the applicant and the State with regard to the specific details of the project.

During construction, mitigation measures will be incorporated to minimise potential impacts on the fisheries habitat. These measures will include:

- procedures for the removal of mangroves that do not cause adverse impacts to the environment such as bank instability, decreased water quality and increased sedimentation;
- all in-stream works will be undertaken from the banks in order to minimise disturbance to in-stream substrates and vegetation;
- standard measures will be utilised during piling and bank works to minimise the dispersal of disturbed sediments that become suspended in the water column; and
- best practice procedures will be used to ensure no land-based materials will enter adjacent waterways as a result of construction, with further water quality monitoring undertaken prior to and during construction.

In addition to the removal of marine vegetation, revegetation and bank stability works will be undertaken and conditioned along Cornmeal Creek. This revegetation will improve bank stability and provide further ecological habitat along this important corridor, complementing the improved pedestrian connections.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport and Main Roads

The department is a concurrence agency for State controlled roads, public passenger transport and railways. The department responded by letter dated 13 September 2012 supporting the proposal subject to 13 conditions relating to taxi facilities, bicycle parking and end of trip facilities, external state road/intersection upgrades along Maroochy Road

(Evans Street and Amaroo Street intersections), and upgrade works to the Plaza Parade/Mungar Street intersection.

Department of Environment and Resource Management (now Department of Environment and Heritage Protection)

The department is a concurrence agency for coastal management. The department did not respond within their statutory timeframes and did not provide a concurrence agency response. Ecological and coastal management matters were assessed by internal council specialists.

Department of Local Government and Planning (now Department of State Development, Infrastructure and Planning)

The department is a concurrence agency for SEQ Regional Plan matters. The department responded by letter dated 26 April 2012 stating the department supported the proposal and had no requirements. The department included some advice, requesting council include the following requirements:

- 24/7 vehicle, pedestrian and cycle connection from Southern Drive to Amaroo Street;
- publicly accessible pedestrian promenade on the western side of Maud Canal; and
- opportunity for a pedestrian promenade on the east side of Maud Canal to be constructed at a time triggered by development of the Maroochydore PAC.

The first 2 requirements are included in proposal. With regard to the third item, pedestrian access is available in a number of locations on the western side of Maud Canal, which can accommodate pedestrian demands from the proposed development. Further development may occur within the eastern sub-precinct of the centre and is considered a more appropriate trigger for such works.

Department of Agriculture, Fisheries and Forestry

The department is a concurrence agency for marine plants. The department responded by letter dated 29 May 2012 supporting the proposal to remove marine plants subject to conditions relating to removal and construction procedures, and requiring provision of an offset.

Advice

Department of Environment and Resource Management (now Department of Environment and Heritage Protection)

The department is an advice agency for acid sulphate soils. The department did not respond within their statutory timeframes and did not provide any third party advice. Acid sulphate soil matters were assessed by internal council specialists.

Third Party Advice

Queensland Police

The application was referred to the Queensland Police on 23 April 2012 for comment about the layout of the expansion, and any particular locational needs/facilities or services that they may require. No response was received to the development.

Department of Community Safety - Emergency Services

The application was referred to the department on 23 April 2012 for comment about the layout of the expansion, and any particular locational needs/facilities or services that they may require. No response was received to the development.

Other ReferralsUnitywater

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:

- Environment and Landscape Unit, Engineering and Environment Assessment Branch;
- Civil Engineering Unit, Engineering and Environment Assessment Branch;
- Urban Design Unit, Planning Assessment Branch;
- Strategic Planning Branch;
- Economic Development Branch;
- Transport Strategy Branch;
- Infrastructure Policy Branch;
- Transport and Engineering Services Branch;
- Social Policy Branch (Open Space & Recreation & Social Policy); and
- Property and Business Branch.

External Referrals

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

- Hydraulics & Water Quality Expert (Hydralogic)
- Economic Expert (Jebb Consultants Pty Ltd).

Public Notification

The application was publicly notified for 30 days in accordance with the requirements of the *Integrated Planning Act 1997* on 2 occasions during the assessment process (28/11/07 – 26/01/08 and 02/04/12 – 23/05/12).

During the first advertising period for the original application (the 23,027m² expansion proposal), there were 13 properly made submissions received. 12 submissions were against the proposal, with 1 in support subject to a number of matters being adequately addressed.

During the second advertising period for the current proposal, there were 2 properly made submissions received. Both submissions were against the proposal.

The following table provides a summary and assessment of the issues raised by submitters. Although the proposal has changed since the original application, each of the original properly made submissions are taken to be a properly made submission for the later notification period in accordance with section 3.4.9A of the *Integrated Planning Act 1997*.

Summary of submission received during the second notification period - 02/04/12 – 23/05/12

Issues	Comments
<p><u>Documentation in Support of Proposal</u> The applicant has provided incomplete information regarding the proposed changes in relation to impacts on adjoining owners to the southeast.</p>	<p>The information provided is of sufficient detail for the assessment manager to determine the application. The proposal will have no direct impacts on neighbouring properties to the east, as no development is proposed in this location.</p>
<p><u>SEQ Regional Plan</u> The development will compromise the intent of the Maroochydoore PAC:</p> <p>1. The retail sub-precinct of the Maroochydoore Central Precinct is intended to accommodate the highest concentration of future gross floor area for retail uses.</p> <p>2. The proposed development will delay and compromise the capacity of planned infrastructure networks in the Structure Plan Area.</p>	<p>1. The Central Precinct (Horton Park) is intended to accommodate the widest range and highest order of future retail, commercial, administrative, community, cultural and entertainment activities. However, the Sunshine Plaza Precinct is intended to provide for predominately higher order comparison shopping and to operate as one part of a mixed use retail core area of Maroochydoore Principal Activity Centre. An independent economic review was undertaken and concluded that the development will not have an unacceptable economic impact.</p> <p>2. The applicant will provide road and sewerage upgrades to address direct traffic and sewerage infrastructure impacts. In addition, the applicant will also provide infrastructure contributions to address the wider trunk infrastructure impacts. The proposal will not compromise the future development of the Structure Plan Area.</p>
<p><u>Economic Impacts</u> Insufficient economic justification has been provided in support of the proposal. There will be a significant impact on the ongoing development of Maroochydoore to achieve the regional centre objectives.</p>	<p>An independent economic review was undertaken and concluded that the development will not have an unacceptable economic impact on the future development of Maroochydoore.</p>
<p><u>Infrastructure Impacts</u> 1. Additional infrastructure will be required by the proposed development, which is not anticipated by the planning scheme.</p> <p>2. The proposal does not accommodate the identified 9,800m² shire wide recreation park under the Planning Scheme Policy DC5.</p>	<p>1. The applicant will provide road and sewerage upgrades to address direct traffic and sewerage infrastructure impacts. Infrastructure contributions will be paid to address the wider trunk infrastructure impacts.</p> <p>2. The proposed development does not extend within the identified park location (to the north of Woolworths adjacent Cornmeal Creek) and will preserve this for future resumption if open space planning determines it is required.</p>
<p><u>Transport and Traffic Impacts</u> The development will have significant external traffic impacts.</p>	<p>The proposal has been supported by the Department of Transport and Main Roads with a number of state road and intersection upgrades conditioned. The development will also upgrade a number of local roads and intersections to address direct local traffic impacts. Infrastructure contributions will be paid to address the wider trunk infrastructure impacts.</p>

Issues	Comments
<p><u>Active Frontages</u> The built form is inwards focused and does not provide active and functioning frontages to streets, waterways, pathways and activity nodes.</p>	<p>The development is orientated towards Cornmeal Creek, with retail and restaurant outlets that will activate this frontage in accordance with the planning scheme. In addition, a 4m wide pedestrian promenade will be provided for the full creek frontage. An entry plaza will be provided to the Amaroo Street frontage and building entry points to the Southern Drive road reserve frontage. Opportunities for the provision of future active street frontages are maintained.</p>
<p><u>Strong Connection and Urban Design</u> The development does not provide strong linkages or integrate with the surrounding town centre.</p>	<p>The proposal will provide pedestrian promenades and connections along all waterways within the site and connecting to the surrounding town centre through a series of other pathways.</p>
<p><u>Permeability, Accessibility and a Walkable Waterfront</u> The proposal turns its back on Cornmeal Creek and Maud Canal. A high level of 24/7 accessibility is required through and connecting to adjoining uses and transport facilities.</p>	<p>The proposal activates Cornmeal Creek and will provide 24/7 pedestrian promenades and connections along all waterways within the site and connecting to the surrounding town centre.</p>

Summary of submission received during first notification period - 28/11/07 – 26/01/08

Note: These submissions relate to the earlier 23,027m² development proposal on the southern portion of the site fronting Plaza Parade and Southern Drive. This earlier proposal turned its back on Maud Canal and Cornmeal Creek and provided limited street activation. Many of these issues are no longer relevant to the current proposal.

Issues	Comments
<p><u>SEQ Regional Plan</u> The applicant has failed to demonstrate that the proposed development complies with the South East Queensland Regional Plan with respect to: Climate Change Provision of regional parks and waterway and trail networks Providing design excellence and incorporating sub tropical design principles Connections to transit nodes Would compromise the implementation of the Structure Plan</p>	<p>The proposal satisfies the regional plan requirements and issues identified. The proposal will:</p> <p>Accommodate increases in sea level rise and associated flooding impacts. Activate Cornmeal Creek and will provide pedestrian promenades and connections along all waterways within the site and connecting to the surrounding town centre. Be designed to achieve many principles of sustainable design.</p>
<p><u>Structure Planning</u> Approval of the development application would compromise the implementation of a Structure Plan for the Maroochydore Major Development Area. The proposal fails to appropriately</p>	<p>An independent economic review and traffic assessment has concluded that the development will not delay or compromise the development of remaining Maroochydore planning area (including the new Central Precinct).</p> <p>Where development is proposed, it will deliver a built form consistent with the key built form outcomes</p>

Issues	Comments
address the urban form principles envisaged for the Maroochy City Centre.	envisaged by the Structure Plan. The development will not compromise the future development of the site to activate the remaining core frontages on Maroochy Road and Plaza Parade.
<p><u>DEOs</u> The proposed development would compromise the achievement of Desired Environmental Outcome No.3 (Economic Sustainability), No.4 (Transport and Accessibility), No.6 (Urban Design, Heritage and Character), and No.7 (Physical Infrastructure).</p> <p>The development has not provided a shopping complex master plan.</p>	<p>The proposed use is a preferred and acceptable use within the specific precinct. The floor space will not have an unacceptable economic impact on the future development of Maroochy.</p> <p>Under Maroochy Plan 2000 (1 December 2006), a master plan was identified as an option to enable future development applications as code assessable (if submitted as part of a preliminary approval under the provisions of the <i>Integrated Planning Act 1997</i>).</p> <p>The application has submitted a concept master plan indicating how the remaining sections of the site can develop (refer to attachment).</p>
<p><u>Traffic</u> The development has failed to demonstrate that the proposed development will not have an adverse impact upon the road network and does not account for the future road network planning or regional transport initiatives.</p>	The proposal has been supported by the Department of Transport and Main Roads with a number of state road and intersection upgrades conditioned. The development will also upgrade a number of local roads and intersections to address direct local traffic impacts. Infrastructure contributions will be paid to address the wider trunk infrastructure impacts.
<p><u>Strategic Plan</u> The proposed development is inconsistent with a number of the Strategies contained in the Strategic Plan and does not strengthen the town centre core, provide pedestrian connectivity, activate and have regard for the visual amenity and environmental values of the waterways.</p>	The proposal satisfies the strategic provisions of the scheme and will not have an unacceptable economic or transport infrastructure impact. The development will activate a number of frontages and provide pedestrian connections in the locations identified by the planning scheme.
<p><u>Planning Area and Precinct</u> The proposed development is inconsistent with the Vision Statement and Key Character Elements for the Maroochy Planning Area and Sunshine Plaza Precinct.</p> <p>The proposed development does not constitute a Preferred and Acceptable Use and does not achieve the desired Landscape and Built Form provisions.</p>	<p>The proposal is identified as a preferred and acceptable use within the precinct. Although exceeding the nominated retail cap, there is sufficient economic justification for the additional 9,394m² which represents 1.2% for total estimated retail expenditure in 2016 for the main trade area of Maroochy.</p> <p>The development activates Cornmeal Creek and Amaroo Street frontages and has demonstrated that the remaining undeveloped areas of the site can be further developed and provide activation as required by the scheme.</p>
<p><u>Public Open Space</u> The proposed development does not make any provision for public dedication of land for public open</p>	As mentioned previously, the proposed extension does not extend into the area nominated for future park purposes.

Issues	Comments
space.	
<p><u>Connectivity</u> The proposal compromises critical linkages along the waterway spines and between open space, public transport, residential and commercial/retail uses.</p>	<p>The proposal will activate Cornmeal Creek and will provide pedestrian promenades and connections along all waterways within the site and connecting to the surrounding town centre.</p>
<p><u>Community Facilities</u> The applicant has not made any provision for community facilities.</p>	<p>The proposal will pay relevant headworks contributions towards the provision of community facilities.</p>
<p><u>Community Need</u> The applicant has failed to demonstrate that there is a genuine community need which warrants approval of the proposed development.</p>	<p>The proposed land use is a preferred and acceptable use within the precinct. The scale of the development has been supported with regards to the potential for economic impact.</p>
<p><u>Amenity</u> The likely adverse impacts on the amenity of the surrounding area have not been adequately addressed. The proposed development will result in a visual blight on the Maroochydore CBD area.</p>	<p>The development will activate Cornmeal Creek and Southern Drive and will be screened from adjoining properties by vegetated buffers in accordance with the Planning Scheme. The applicant has demonstrated that future development within the undeveloped areas of the site can occur and are of sufficient depth to allow uses which would activate the frontages (as required by the planning scheme).</p>
<p><u>Public Transport</u> Approval of the proposed development would be premature until the location of the future Maroochydore CAMCOS rail station is determined.</p>	<p>This has now been confirmed within the Maroochydore Principal Activity Centre Structure Plan.</p>
<p>The proposed development does not adequately address the provision of, and access to public transport.</p>	<p>Improved access connections to the bus interchange on Horton Parade and the new transit station in the central precinct have been conditioned.</p>
<p><u>Economic Impacts</u> The proposal exceeds the 28,000m² cap. The proposal will compromise development of other areas within Maroochydore and the wider Sunshine Coast region in accordance with the identified retail hierarchy.</p>	<p>An independent economic review was undertaken and concluded that the development will not have an unacceptable economic impact on the future development of Maroochydore.</p>
<p><u>Land Use</u> The development application fails to deliver optimum yield and diversity and therefore reduces the opportunity for future development and integration with the city centre and the proposed CAMCOS Rail Station.</p>	<p>The proposal provides a preferred and acceptable land use and will activate Cornmeal Creek in accordance with the Planning Scheme. The applicant has demonstrated that future development within the undeveloped areas of the site can occur and are of sufficient depth to allow a mix of uses which would activate the frontages (as required by the planning scheme).</p>
<p><u>Bridges</u> The proposed 3 new bridges in the application are enclosed, include commercial uses above the</p>	<p>All previously proposed enclosed bridges have been removed. Only one open pedestrian bridge is now proposed and will complement the pedestrian promenade and provide better integration of</p>

Issues	Comments
waterways, will further privatise the critical connections and would restrict the open views that currently exist along Cornmeal Creek and Maud Canal.	pedestrian and bikeway connections.
<u>Environmental</u> Management of Acid Sulphate Soils and Water Quality matters should consider and respond to the required standards.	No substantial excavations are proposed and all relevant soil investigations will be conditioned to be provided at the time of Operational Works and Building applications.

DRAFT SUNSHINE COAST PLANNING SCHEME

The subject site is within a declared master planned area and is covered within the Part 10 (Planning Partnerships) of the Draft Planning Scheme. Planning partnerships provide the planning framework for declared master planned areas and other major greenfield areas for which a structure plan has been prepared.

The Maroochydore Principal Regional Activity Centre (PRAC) Structure Plan operates for the most part as a separate planning framework with only limited references to and interaction with the balance of the planning scheme, with reference to some other development codes (such as the Transport and Parking Code for some parking numbers).

There are no specific changes to the provisions of the current Structure Plan within the Draft Sunshine Coast Planning Scheme as it relates to this particular site.

CONCLUSION

Although the above assessment identifies an inconsistency with the planning scheme regarding the quantum of retail gross floor area, the increase can be offset by 1-2 years' growth and will not pose an unacceptable economic impact upon the surrounding and associated retail network. The proposed development will also strengthen Maroochydore's role as the region's principal activity centre and assists in retaining some escape expenditure from the Sunshine Coast.

The development will activate or provide future opportunities for activation along the majority of identified core frontages. Pedestrian/cyclist networks through and surrounding the development will be improved, providing improved integration and connections to housing, public transit nodes, workplaces, shopping and other destinations.

Transport infrastructure will be upgraded where directly attributable to the impacts of the development and contributions will be payable towards the local and wider regional trunk network impacts.

With the large expanse of road and creek frontages, the proposal delivers on a number of key design elements and will minimise the potential edge effects (lack of potential activation) typically associated with a large shopping complex. Provided the development delivers on the recommended conditions relating to the connectivity and infrastructure upgrades, the development is considered to deliver on the built form, structural and infrastructure elements/requirements of the planning scheme.

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

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7.2 COMMUNITY SERVICES

7.2.1 PEST SURVEY PROGRAMS

File No: ECM
Author: Healthy Places Manager
Community Services Department

PURPOSE

To gain approval by Council resolution for four pest survey programs to control declared pests (which includes both plants and animals) within the boundaries of the Sunshine Coast region in accordance with the *Land Protection (Pest and Stock Route) Management Act 2002* (the Act). Council's endorsement of these programs is required in order to meet our legislative responsibilities under the Act.

EXECUTIVE SUMMARY

Sunshine Coast Council has been undertaking approved pest survey programs for a number of years under the Act. These programs involve investigating declared pest plants and animals on private property in accordance with the Act and the objectives of the Sunshine Coast Local Government Area Pest Management Plan 2012-2016.

An approved pest survey program enables Council officers to enter private property to facilitate the control of declared pests and monitor compliance under the Act. Section 241 of the Act provides for the development of an approved pest survey program as follows:

The chief executive of a pest operational board, or a local government by resolution, may approve a program (a "pest survey program") under which authorised persons appointed by the chief executive, pest operational board or the chief executive officer of the local government may enter places to monitor compliance with the Act.

Under Section 241 (4) (f) of the Act, a pest survey program must be no longer than three months duration. The series of pest survey programs are described below.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Pest Survey Programs" and
- (b) approve the following pest survey programs for the Sunshine Coast Regional Council in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*, Section 241:
 - (i) Survey Program 1: 14/04/13 to 30/06/13 for the localities of Maleny, Witta, Meridan Plains, Yandina, Yandina Creek, Ninderry, Pacific Paradise, Coolum, Mt Coolum, Valdora, Maroochy River, Twin Waters, Mudjimba and Marcoola
 - (ii) Survey Program 2: 01/07/13 to 30/09/13 for the localities of Maleny, Witta, Meridan Plains, Yandina, Yandina Creek, Ninderry, Pacific Paradise, Coolum, Mt Coolum, Valdora, Maroochy River, Twin Waters, Mudjimba and Marcoola

- (iii) **Survey Program 3: 01/10/13 to 31/12/13 for the localities of Maleny, Witta, Meridan Plains, Yandina, Yandina Creek, Ninderry, Pacific Paradise, Coolum, Mt Coolum, Valdora, Maroochy River, Twin Waters, Mudjimba, Marcoola, Kin Kin, Cootharaba and Pinbarren and**
- (iv) **Survey Program 4: 01/01/14 to 31/03/14 for the localities of Kin Kin, Cootharaba and Pinbarren.**

FINANCE AND RESOURCING

The proportion of the Land Protection budget estimated specifically for pest survey programs is \$440,000 which consists of:

Salaries	\$302 191
Materials and internal costs	\$ 81 440
Vehicles and plant	\$ 56 640

Sufficient funds remain in the 2012/2013 budget to support survey program one from 14 April 2013 to 30 June 2013.

CORPORATE PLAN

Corporate Plan Theme: *Ecological Sustainability*

Emerging Priority: 2.2 - Our natural environment preserved for the future

Strategy: 2.2.4 - Take a proactive approach to the protection of our natural environment including the use of statutory powers

Corporate Plan Theme: *Health & Wellbeing*

Emerging Priority: 4.1 - Safe and healthy communities

Strategy: 4.1.1 - Manage community health risks and improve community health standards

Corporate Plan Theme: *Ecological Sustainability*

Emerging Priority: 2.4 - Healthy waterways and foreshores

Strategy: 2.4.2 - Maintain and improve the quality of beaches, waterways, lakes, rivers, canals and wetlands

CONSULTATION

Internal Consultation

The following parties contributed to the development of this report:

- Coordinator – Environmental Operations

External Consultation

There are no external consultation implications associated with the report.

Community Engagement

There are no community engagement implications associated with the report.

PROPOSAL

A Council resolution is required to approve pest survey programs for the coming 12 months to ensure that relevant officers act in accordance with legislation, particularly with regard to powers of entry. This will facilitate a coordinated approach to land protection across the region, with a regional survey schedule commencing on 14 April 2013.

Legal

The approval of the proposed pest survey programs is in accordance with the requirements of the *Land Protection (Pest and Stock Route Management) Act 2002*.

Due to the impact of declared pests upon the environment and potentially public health, the Act provides considerable powers to authorised persons to require compliance. An approved pest survey program enables authorised Council officers to enter property at a reasonable time of the day or night to monitor the control of declared pest plants and animals within the property.

Policy

Local governments in Queensland have a responsibility to control declared pests within their boundaries in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*.

The nominated pest survey programs contribute to the outcomes of the Sunshine Coast Local Government Area Pest Management Plan 2012-2016.

Risk

With increasing numbers of residents moving to the Sunshine Coast hinterland (sometimes with limited understanding of rural lifestyles), declared pests can present a problem on large and small acreage as well as urban fringe areas.

Failure to deliver the nominated pest survey programs will put at risk the control of declared pests throughout the region, causing environmental damage, loss of biodiversity, threat to stock and domestic animals, loss of agricultural productivity and loss of community amenity.

Previous Council Resolution

Ordinary Meeting 16 November 2011 - Council Resolution OM11/282

That Council:

- (a) receive and note the report titled "Pest Survey Programs"; and
- (b) approve the following pest survey programs for the Sunshine Coast Regional Council in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*, Section 241:
 - (i) Survey Program 1: 12/03/12 to 10/06/12 for the localities of Maleny, Meridan Plains, Yandina, Yandina Creek, Ninderry, Pacific Paradise, Coolum, Mt Coolum, Valdora, Maroochy River, Twin Waters, Mudjimba and Marcoola;
 - (ii) Survey Program 2: 11/06/12 to 9/09/12 for the localities of Maleny, Meridan Plains, Yandina, Yandina Creek, Ninderry, Pacific Paradise, Coolum, Mt Coolum, Valdora, Maroochy River, Twin Waters, Mudjimba and Marcoola;
 - (iii) Survey Program 3: 10/09/12 to 9/12/12 for the localities of Meridan Plains, Yandina, Yandina Creek, Ninderry, Coolum, Mt Coolum, Maroochy River, Twin Waters, Mudjimba, Marcoola, Kin Kin, Cootharaba and Pinbarren; and

(iv) *Survey Program 4: 10/12/12 to 10/03/13 for the localities of Kin Kin and Pinbarren.*

Related Documentation

- *Land Protection (Pest and Stock Route Management) Act 2002*
- Sunshine Coast Local Government Area Pest Management Plan 2012-2016

Critical Dates

The pest survey programs have been scheduled from 14 April 2013 to 31 March 2014.

Implementation

A copy of the Pest Survey Program will be available at all Customer Service Centres and each program will be advertised in the Sunshine Coast Daily prior to its implementation.

The survey will be undertaken in partnership with Council's Healthy Places Unit and Environmental Operations Branch to maximise the benefits to the community and Council's assets.

Council's Pest and Vector Control Officers will seek voluntary compliance and collaborate with landholders wherever possible to facilitate the control of declared pests.

A number of resources including booklets, fact sheets and public notices will be provided to rural and peri-urban landholders via mail outs, public notices and surveys. Information is also available online at Council's website.

Where declared pests are located on a property and a pest control notice is served, an attached fact sheet will be sent to the owner outlining the requirements of the legislation and advising of the option to develop a pest management plan for the property.

A property owner/occupier electing to develop such a plan will be provided with Council assistance.

If a property owner fails to comply, (or the occupier fails to allow the owner to comply) the Act provides for the property to be entered by a Council contractor to undertake the work required.

Costs can be recovered from the person that has failed to comply with the notice. If the owner is responsible for the failure to comply, the debt can be recovered via Council rates if necessary as per the *Local Government Act 2009*, section 142 - *Entry by a local government worker, with reasonable written notice, under a remedial notice.*

7.2.2 UNIVERSITY OF THE SUNSHINE COAST'S PAID PARKING

File No:	ECM
Author:	Response Services Manager Community Services Department
Appendices:	App A - Draft Regulated Parking Agreement App B - Amendment Subordinate Local Law No.1 (Parking) 2013
Attachments:	Att 1 - University of the Sunshine Coast Act 1998 extract Att 2 - SPER Schedule for fines

PURPOSE

The purpose of this report is to seek Council's consideration of a proposal to regulate paid parking at the University of the Sunshine Coast campus.

EXECUTIVE SUMMARY

On 25 February, 2013 the University of the Sunshine Coast implemented a paid parking system at their Sippy Downs campus. The University are able to implement a paid parking system on the campus by way of the *University of the Sunshine Coast Act 1998*.

In the development of a paid parking system, the University has taken into account Council's Regional Transport Strategy. The University worked with Council's Integrated Transport Strategy Working Party and the previous Transport Portfolio Councillor to inform the implementation of paid parking at the given site.

The University has requested Council to consider regulating the paid parking within the University campus. If this was to be agreed by Council, there would need to be an amendment to Council's Local Laws to identify the University land as an "Off Street Regulated Parking Area" and an agreement signed by both parties to allow the parking regulation to occur on private land.

It is an existing practice for Council to regulate parking through an agreement over private land. However, currently Council only regulates timed parking on private property whereas the University's request is to regulate paid parking.

The University has advised that they have worked with the community and local schools around the commencement of paid parking on University grounds.

Since the commencement of paid parking, both Response Service parking officers and Infrastructure Services have been monitoring the surrounding streets and schools to assess any impacts as a result of the University's new paid parking arrangement. Parking officers have been conducting regular patrols at peak school times and have found that there is a marked increase in traffic congestion and increased usage of school car parks. Infrastructure Services have also identified that there are some streets that will need to be monitored over the next month to ascertain the need for additional timed parking signage.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "University of the Sunshine Coast's Paid Parking";
- (b) authorise the Chief Executive Officer to enter into a six (6) month trial agreement between the University of the Sunshine Coast and Sunshine Coast Council to provide a regulated parking service at the University campus, as outlined in Appendix A (Proposed Regulated Parking Agreement);
- (c) subject to (b) above, authorise the Chief Executive Officer, in consultation with the Divisional Councillor, to evaluate Council's involvement in the regulation of the University of the Sunshine Coast paid parking system, and should the evaluation show a continuing benefit relating to Council's involvement in regulation that the Agreement then continue subject to the provisions in the Agreement, as outlined in Appendix A (Proposed Regulated Parking Agreement);
- (d) subject to (b) above, resolve:
 - (i) to propose to make *Amendment Subordinate Local Law No. 1 (Parking) 2013* (Appendix B)
 - (ii) in relation to *Amendment Subordinate Local Law No. 1 (Parking) 2013*, to adjust its process for making local laws resolved on 1 June 2010 pursuant to section 29(1) of the *Local Government Act 2009*, by not conducting community consultation for the following reason:

The University of the Sunshine Coast, as owners of the land affected, has requested and is in agreement with the proposal;
 - (iii) that proposed *Amendment Subordinate Local Law No. 1 (Parking) 2013* has been reviewed in accordance with section 38 of the *Local Government Act 2009* and that, taking into consideration the identification guidelines mentioned in section 15 of the *Local Government Regulation 2012*, the amendment does not contain any anti-competitive provisions; the subordinate local law relates to the regulation of parking and does not relate to a commercial activity; and
 - (iv) accordingly, resolve to make *Amendment Subordinate Local Law No. 1 (Parking) 2013*.

FINANCE AND RESOURCING

Table 1 below provides staffing levels and costs associated with the provision of regulatory services in the Sippy Downs precinct (note: University campus is not included):

- prior to the paid parking system being introduced, and
- post the introduction of paid parking by the University.

TABLE 1 – STAFFING LEVELS AND COSTS

Location	Service level University pre-paid parking	Total cost to patrol (1 officer)	Service level University post-paid parking	Total cost to patrol (one officer)
Sippy Downs	Reactive response to CRT – 30 minutes per quarter	\$17.45	Proactive patrols – 1 hour per day	\$1,745.50
Chancellor State College	Reactive response to CRT – 30 minutes per quarter	\$17.45	Proactive patrols – 1 hour per day	\$1,745.50
Siena College	Reactive response to CRT – 30 minutes per quarter	\$17.45	Proactive patrols – 0.5 hour per day	\$872.75
Total Hours	1.5 hours per quarter	\$52.35	2.5 hours per day or 125 hours per quarter	\$4,363.75

It is clear from Table 1 that there has been an increase in the cost to Council to provide regulatory services in the vicinity of the University campus at Sippy Downs due to the paid parking system.

In order to provide a business case for Council to make a decision whether to enter into an agreement with the University regarding the regulation of paid parking, Table 2 has been prepared to estimate the number of infringements that may be issued on the University campus. Infringements would be issued for breaches of non-payment for parking and also breaches for restricted parking. To enable the flexibility required to understand and manage new regulated parking areas, Response Services engage agency casual staff. In areas where the service level and income can fluctuate, the use of casual labour allows greater flexibility to meet the changing needs and demands of the area. Once a usage pattern has been established and the area has settled, the staffing levels are adjusted to fit within the regulated parking roster.

Importantly, Table 2 allows the examination of the cost benefit analysis for utilising agency casual staff for the involvement of Council in the regulation of paid parking on the given site. Should Council determine that it is appropriate to assist in the regulation of the University's paid parking system, it is proposed that any fines collected from infringement notices issued by an authorised Council employee and/or contractor will be payable to Council. Therefore, should Council regulate paid parking at the University, the revenue derived by Council would assist in meeting the costs of regulating the impact of paid parking on the University campus and on the surrounding streets. This approach also means that there is no pressure placed on Response Services staff to decrease regulatory patrols across the Region as agency casual staff are being utilised and paid for by the proposal. Other patrol areas across the region will be able to continue as they currently exist.

TABLE 2 – ESTIMATED INCOME AND EXPENDITURE TO REGULATE PAID PARKING

Description	Estimated Expenditure (\$) 3 Months	Estimated Income (\$) 3 Months	Estimated 3 Month Balance	Estimated Expenditure (\$) 1 year	Estimated Expected Income	Estimated 1 Year Balance
<u>Employee costs to regulate parking:</u> <ul style="list-style-type: none"> • Parking officer *- L2 (casual - \$34.91 per hr) – (50hr per quarter), (200 hrs per annum) • Reviewable Decisions officer[◇] – L4 officer (FTE - \$36.44 per hr) x 3hr quarter 12 hr per year 	\$3,491	300 parking tickets issued per quarter (6 tickets per day) @ \$33.0 = \$9,900.00		\$13,964.00	1,200 parking tickets issued per annum (6 tickets per day) at \$33.00 = \$39,600.00	
<u>Materials and equipment:</u> <ul style="list-style-type: none"> • Parking tickets purchased per annum –at \$0.16 each • Hyundai i30 - Council leased motor vehicle costs – (\$3.96 per hr) – (50 hr per quarter), (200 hr per annum) 	\$48.00 (300 tickets)			\$192.00 (1,200 tickets)		
<u>Services:</u> <ul style="list-style-type: none"> • Motor vehicle searches for overdue unpaid parking fines - \$8.75 each (135 per quarter), (540 per annum) • State Penalties Enforcement Register (SPER) lodgement at court of unpaid fines post reminder notice – \$56.90 each (11) 	\$1,181.25	\$1,181.25 cost recovered when fine paid		\$4,725.00 cost recovered when fine paid	\$4,725.00	
	\$625.90	\$625.90 cost recovered in court outcome		\$2,503.60 cost recovered in court outcome	\$2,503.60	
Total	\$5,653.47	\$11,707.15	\$6,053.68	\$22,613.88	\$46,828.60	\$24,214.72

*This formula is informed by a requirement of a Council parking officer to regulate the University for approximately 2 hours per day (1 hour, twice a day) for 5 working days per week (during school terms).

◇ The review of a single infringement takes Council officers approximately 10 minutes. It is assumed in this business case that Council can expect 6 requests for reviews in a monthly period equal to one hours work for the month by the Reviewable Decisions officer.

The infringement numbers are of a conservative estimation based on the numbers issued in comparable locations in the region. As the students and staff of the University are a relatively static population, it is expected that the rate of infringements will decrease over time as students and staff adjust their behavior in relation to the paid parking system.

Should Council proceed with this proposal, and once the trial period has been completed, it is noted that Council may elect to terminate the proposed arrangement with the University to regulate paid parking at any time should the cost to Council of delivering the paid parking regulation not be self-funding. At the time of any such proposed termination, it is feasible that the agreement could be renegotiated by both parties such that fees are payable to the Council by the University which effectively offset any cost to Council associated with the regulation of the University paid parking scheme.

CORPORATE PLAN

Corporate Plan Theme: *Health & Wellbeing*

Emerging Priority: 4.1 - Safe and healthy communities

Strategy: 4.1.2 - Provide community safety and regulatory programs that ensure the well-being of residents and visitors

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: 8.1 - Ethical, accountable and transparent decision-making

Strategy: 8.1.3 - Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice

CONSULTATION

Internal Consultation

Consultation with respect to the development of the draft agreement (Appendix A) and proposed subordinate local law amendment (Appendix B) occurred with:

- Division 6 Councillor
- Response Services Manager
- Geospatial Information Officer
- Infrastructure Services – Traffic section
- Manager Transport and Engineering Services
- Manager Corporate Governance
- Legal Services

External Consultation

External consultation took place with the following stakeholders:

- Barrister, Dr Michael Limerick (was engaged to draft *Amendment Subordinate Local Law No. 1 (Parking) 2013*)
- University of the Sunshine Coast
- Sienna Catholic College
- Chancellor State College

Community Engagement

The making of a subordinate local law requires only:

- a resolution of Council
- notification in the Government Gazette
- the community be advised by placing a public notice on Council's website.

The process for making a local law is a matter for Council to decide and there are no mandatory public consultation periods required (section 29(1) *Local Government Act 2009*). Council decided its general local law-making process on 10 June 2010, which stated that community consultation will ordinarily occur prior to making or amending a local law or subordinate local law. However, it is Council's option to modify the process if it decides that consultation is not required. As the proposed amendment subordinate local law has been requested by the owner of private land (the University) and relates purely to activity on that land, public consultation by Council is not considered necessary.

Further it is noted that the University of the Sunshine Coast have conducted a community consultation process regarding the introduction of paid parking at the Sippy Downs campus.

PROPOSAL

On 25 February 2013 the University of the Sunshine Coast implemented a paid parking system at their Sippy Downs campus. The University are able to implement a paid parking system on the campus by way of the *University of the Sunshine Coast Act 1998*.

In the development of a paid parking system, the University has taken into account Council's Regional Transport Strategy. The University worked with Councils' Integrated Transport Strategy Working Party and the previous Transport Portfolio Councillor to inform the implementation of their paid parking system at the Sippy Downs campus.

In August 2012 representatives from the University of the Sunshine Coast met with Council staff to discuss the planned introduction of paid parking on campus. At a follow-up meeting in November 2012, the University advised that the paid parking system was to commence on 25 February 2013 and sought Council assistance to provide support by way of regulating the parking on campus.

It is noted that the University will incur all costs (including both establishment and maintenance costs) of all the equipment and technology required to support the University's paid parking system. These costs extend to meters used to collect parking fees, all programs and systems required to support the paid parking system, the Licence Plate Recognition camera system and programs that support the identification of non-compliant vehicles through the use of the camera.

The University has advised that all revenue raised from daily fees derived from the paid parking (including interest) will be invested in improving parking facilities on the campus (e.g. multi decks). They also advised that free shuttle buses are offered to transport students from outside the region to classes.

Should Council determine that it is appropriate to assist in the regulation of the University's paid parking system, it is proposed that any fines collected from infringement notices issued by an authorised Council employee and/or contractor will be payable to Council. Therefore, should Council determine to regulate paid parking at the University, the revenue derived by Council would assist in meeting the costs of regulating the impact of paid parking on the University campus and on the surrounding streets. This approach also means that there is no pressure placed on Response Services staff to decrease regulatory patrols across the region as agency casual staff will be utilised and paid for by the proposal.

The University have invested in "state-of-the-art" parking technology and are confident the parking management system they have introduced will make both the collection of parking fees and the enforcement of illegal parking effective and efficient. The technology functions by using a number plate recognition camera linked to the parking software to detect parking offences.

Should Council determine it appropriate to assist the University to regulate the paid parking on campus, a benefit for Council arises via the ability to use and evaluate the advanced technology at no cost to Council to determine whether such technological advances would create a more efficient future direction for Council's regulated parking.

The service that the University has requested of Council would be to provide the provision of parking enforcement which includes identifying the breach, issuing the infringement (under Council branding), undertaking vehicle registration searches, dealing with reviewable decisions and lodging details with the State Penalties Enforcement Register (SPER).

The University has existing powers to regulate parking under the *University of the Sunshine Coast Act 1998*, Part 2, Section 6 Traffic Control (Attachment 1) by using the relevant provision under the *State Penalties Enforcement Regulation 2000* (Attachment 2). The fees that would be applicable under these legislative instruments are:

- Failing to display a permit: ½ penalty unit (\$55.00)
- Parking in a marked space with any part of the vehicle outside the boundary of the space: ½ penalty unit (\$55.00)
- Parking in a metered space in contravention of the conditions applying to parking at the metered space: ½ penalty unit (\$55.00)
- Driving on a road contrary to the permitted direction: ½ penalty unit (\$55.00)
- Any other driving, parking or standing: ½ penalty unit (\$55.00)

Whilst the University has the ability to regulate under the *University of the Sunshine Coast Act 1998*, they recognise the need for strong processes, systems and the ability to process unpaid parking fines, hence the request for Council to regulate.

The offences enforced by Council's authorised officers are in accordance with the *Transport Operations (Road Use Management) Act 1995*. The current Sunshine Coast Council infringement notice penalty offences are:

- Paid parking offences: 3/10 penalty unit (\$33.00)
- Parking longer than indicated: ½ penalty unit (\$55.00)
- Parking in a disabled bay: 2 penalty units (\$220.00)
- Other parking or stopping offences: ¾ penalty unit (\$82.80)

In consideration of the request by the University for Council to regulate paid parking, the planned approach to deliver this service if approved by Council is that parking officers would undertake two drive throughs each weekday, as the University offers morning and afternoon lectures. The licence plate recognition camera provided by the University is linked to the fixed technology via software to identify vehicles that have not paid. The prompts from the software advise the officer when to issue an infringement. Officers would also observe vehicles that park illegally in restricted places, also resulting in the issuing of an infringement.

Since the implementation of the University's paid parking system there has been an increase in all day parking at local school car parks, which has caused concern to be expressed by the community, media and local schools. Response Services parking officers have been patrolling the precinct morning and afternoon at peak school times and have identified a marked increase in the number of cars parked in the streets and surrounding areas. Officers have been speaking with drivers and have provided advice to Siena Catholic College and Chancellor State College on approaches to managing their respective car parks to reduce the impact caused by drivers who appear to be avoiding parking fees at the University.

Council's Traffic and Engineering Services conducted an inspection of the surrounding streets during the week prior to the introduction of the University paid parking system. Subsequently, three inspections have been undertaken following commencement of the system. There appears to be little change to the numbers of vehicles parked within the University grounds over the last few years, with only a slight increase of cars parking within the site due to a growth in student numbers. This may alter to some degree once enforcement takes place. It is considered that the impact upon the parking within the surrounding streets may be only minimal in the first year of operation. To date there have been complaints about students parking on Sippy Downs Drive which reduces the available parking for parents taking school children to the Siena Primary School.

It is inevitable that as the University grows with student intakes, the demand for parking will increase. The impact upon the local area will also increase if the University does not provide additional parking facilities. The University has indicated that the paid parking system is a way of raising revenue specifically for this purpose.

There are some specific areas that Council's Traffic and Engineering Services have indicated will need to be monitored to confirm if the impact is minimal. Specifically the following locations were identified:

1. Chancellor Park School (Scholars Drive) has parking time restrictions for the school parking on the north side of the street. This location will need enforcement if illegal parking occurs. The southern side of this street is usually parked out due to the type of residential development and is unlikely to be impacted.
2. Varsityview Court is all University accommodation and the street is parked out even when University is on holiday, hence there is unlikely to be any impact.
3. Columbia Street and Parkville Street may become an issue. It is preferred to wait and see what happens here. There may be a need in the longer term to place timed parking signage.
4. Siena School parking is beyond Council control, however it is expected that illegal parking in the school grounds will be minor and could be managed by the school. Congestion at this school is similar to other regional private schools on the

Sunshine Coast due to the wide catchment of the school. Peak periods at the school are a problem, but this is unlikely to be changed by the University parking system.

5. Sippy Downs Drive in front of the University is to be left as is for the time being as there is currently no competing commercial parking needs. It is not desirable to have the parents dropping off or collecting children from Sippy Downs Drive and adequate facilities should be within the school grounds for this purpose.
6. High school parking off Sippy Downs Drive may not be a problem due to distance, some of the signage will be changed following discussions with the principal to ensure afternoon pick up parking is available. This area will need enforcement if problems occur.

The opportunity for Council to manage regulated parking at the University would complement the regulatory service currently being delivered in nearby streets and provide for a consistent approach to parking both in and adjacent to the University. This program could be extended to include the nearby schools and businesses to ensure all drivers using the precinct are aware of their responsibilities and understand the parking requirements in the precinct.

As there has been a request from the University to Council to conduct this service, a draft agreement has been prepared as Appendix A for Council consideration as part of this report. The draft agreement has identified the trial period as six months. At the end of the six month period it is proposed that the regulation component of the University's paid parking system be evaluated by the Chief Executive Officer in consultation with the Divisional Councillor. Should the evaluation show a continuing benefit relating to Council's involvement in regulation (at no cost to Council) it is proposed that the Agreement then continue subject to the provisions of the Agreement (Appendix A).

To enable Council to manage parking on the University campus *Subordinate Local Law No 5 (Parking) 2011*, must be amended by including a map of the university land and declaring the parcel of land an "Off Street Regulated Parking Area". *Amendment Subordinate Local Law No.1 (Parking) 2013* is provided at Appendix B.

Legal

The proposed Regulated Parking Agreement between the University of the Sunshine Coast and the Council has been reviewed by Council's Legal Services. The recommendation has been considered in accordance with the following legislation:

- *Local Government Act 2009 and Local Government Regulation 2012*
- *State Penalties Enforcement Act 1999 and State Penalties Enforcement Regulation 2000*
- *Transport Operations (Road Use Management) Act 1995, Chapter 5, Part 6 (Regulated Parking)*
- *Sunshine Coast Council Local Law No. 5 (Parking) 2011 and Sunshine Coast Council Subordinate Local Law No. 5 (Parking) 2011*
- *University of the Sunshine Coast Act 1998*

Policy

There are no policy implications in adopting the recommendation.

Risk

Possible risks associated with a new off street regulated parking area include:

- the new off-street regulated parking area may see a number of drivers seek alternative parking arrangements in nearby streets, schools and business car parks that are not regulated, causing difficulties for residents, schools and businesses. This risk can be mitigated by effective parking management by either the Council or the University;
- if the University is not included as an “Off Street Regulated Parking Area” the paid parking system may fail to deliver the desired outcome resulting in added pressure on public car parks and on street parking in the vicinity. This risk can be mitigated by effective parking management by either the Council or the University;
- that Council will be seen as the lead agent in the provision of paid parking at the University of the Sunshine Coast, as opposed to the regulatory authority. This will be mitigated by an effective communications plan, to be finalised with the Divisional Councillor, in addition to the Agreement (Appendix A) identifying the University as the lead media and public marketing contact;
- technology failure - should this occur the Agreement (Appendix A) requires the Owner to take responsibility for remedying the failure and dealing with any media that arises from such a situation.

Previous Council Resolution

Council Resolution (OM11/294) 7 December 2011 – Adoption of SCRC Local Laws and Subordinate Local Laws.

Related Documentation

State Government Guidelines for Making Local Laws and Subordinate Local Laws.
Local Government Act 2009.

Critical Dates

The University has requested that the regulation of parking within the University grounds commence as soon as possible after the introduction of paid parking on 25 February 2013. The subordinate local law amendment is required for the regulation of parking to proceed.

Implementation

To date, full implementation of the paid parking has been borne by the University, including the procurement and placement of regulatory and advisory signage, technology (fitting the camera to the Council vehicle) and marking of designated bays and prohibited areas.

The implementation of regulated parking on the University grounds is subject to Council approval and to trial for six months to ensure that Council is covering all costs associated with enforcing the condition to park at the University. Following consideration of this report, actions relevant to the recommendation will be implemented and include:

- Notification in the Government Gazette
- Placing a notice on Council's website
- Signing a Regulated Parking Agreement
- Council vehicle to be fitted with camera that interacts with parking machines on the University grounds.

Copies of the amendment subordinate local law and consolidated *Subordinate Local Law No. 5 (Parking) 2011* will be forwarded to the Minister for Local Government.

7.3 INFRASTRUCTURE SERVICES

7.3.1 MARY CAIRNCROSS SCENIC RESERVE BUILDING RENEWAL PROJECT - BUSINESS CASE

File No:	Environmental Management
Author:	Manager Environmental Operations Infrastructure Services Department
Attachments:	Att 1 - Mary Cairncross Scenic Reserve Business Case Assessment (<i>Under Separate Cover</i>) Att 2 - Mary Cairncross Scenic Reserve Business Case Assessment Financial Addendum (<i>Under Separate Cover</i>) Att 3 - Mary Cairncross Scenic Reserve Building Renewal Project Community Consultation Report (<i>Under Separate Cover</i>) Att 4 - Mary Cairncross Scenic Reserve Renewal - Design Inspiration (<i>Under Separate Cover</i>)

PURPOSE

The purpose of this report is to present for Council's consideration and endorsement the Mary Cairncross Scenic Reserve building renewal options, associated consultation feedback and preferred building renewal recommendation to progress to design and further stakeholder consultation.

EXECUTIVE SUMMARY

The Mary Cairncross Scenic Reserve (the Reserve) is highly recognised for its significant conservation values and has been a popular destination for local residents and visitors alike for over fifty years. It is estimated to attract around 190,000 visitors annually.

Council manages the Reserve in close association with a range of partners including the community based Management Committee and over 80 volunteers.

It has been identified by Council and its community partners that the on-site facilities are not adequate to meet operational needs, visitor expectations and modern standards. Specifically, the cafe is accommodated in a 50 year old residence with rudimentary arrangements to facilitate the operation of a commercial kitchen.

Council engaged a consultant to undertake an independent, comparative assessment of a number of building renewal options, based on environmental, financial, economic and social considerations. Council's project team then reviewed the business case report and developed recommendations going forward.

The business case assessment outcomes were the subject of an eight week consultation program that engaged with internal and external stakeholders as well as the wider Maleny and Sunshine Coast community. The program included presentations to target groups, public drop in sessions, media releases and the use of the internet and social media. The feedback received represented 1% to 4% of the community. A summary of the consultation findings is noted below in the Community Engagement section of this report.

The purpose of this report is to present to Council the recommendations resulting from the business case assessment, along with the outcomes of the associated community consultation.

The option identified as (most) optimal by the business case assessment proposes a new integrated facility with a café ('tea house') operating at the current size and scale, a new education centre ('discovery centre'), a gift shop, a custom designed meeting theatre, an outdoor classroom and a multilevel viewing platform. This functionality could be housed either in a one or two storey building form.

It is believed that this form and scale of renewal is the most beneficial way to educate and inform visitors about the significant conservation values of the Reserve. It will also allow for better appreciation of the exceptional vistas and will optimise revenue streams for reinvestment into Reserve management programs.

The capital cost for the proposed form of renewal is estimated at \$3.3-\$3.5 million. As Council's forward program budget total is \$2.45 million, attracting grant funding from other levels of government is critical to the development of the project.

This report seeks Council's endorsement of the recommended option to proceed to design stage along with further consultation.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Mary Cairncross Scenic Reserve Building Renewal Project - Business Case"
- (b) endorse for further analysis, design and consultation the preferred building renewal option (2a/2b)
- (c) note that a further report will be presented to Council addressing detailed design, funding options and grant availability and
- (d) authorise the Chief Executive Officer to commence actions to secure arrangement for the protection of the view corridor to the Glass House Mountains vistas.

FINANCE AND RESOURCING

The Stafford Group report (**Attachment 1**) includes a detailed financial analysis of the redevelopment options considered. The assumptions feeding into the capital and life cycle cost analysis were rationalised and amended based on internal Council expertise. The revised financial analysis is provided in **Attachment 2**.

Operational costs and revenue

Council currently dedicates about \$430,000 of funds annually to support the ongoing operation of the Reserve. Of this, about \$227,200 is committed to the operation of the built precinct. The remainder is spent on the management of the rainforest walks, the picnic areas and public toilets which are outside of the scope of the building renewal project.

Table 1 provides a comparison of current operating cost and revenue with that estimated for the recommended redevelopment option (Option 2a/2b).

It is estimated that 1.2 FTE is required currently to manage the built precinct; this would need to be increased to 2.2 FTE as a result of the proposed upgrade. This is required to allow for the management of educational programs and the operation of the gift shop. The Stafford Group report recommends that, for most benefit, the management of the retail function be kept in house within Council.

In general most cost items will increase with the proposed redevelopment, however, as revenue will also increase, it is anticipated that the operating deficit will reduce from \$148,700 to \$27,400.

The proposed revenue increases provide the opportunity to bolster support for the Reserve's special values and partnerships, including the volunteer program, research activities, environmental learning and rainforest conservation.

Table 1 – Current and estimated future operating deficit

Cost / Revenue component	Current	Estimates for Option 2a
Employee costs (incl. vehicles)	-\$113,500	-\$185,000
Maintenance and utilities	-\$113,700	-\$110,300
Cost of goods for gift shop	N/A	-\$81,600
Total cost pa	-\$227,200	-\$376,900
Café lease	\$8,500	\$25,000
Café turnover	N/A	\$30,200
Gift shop revenue	N/A	\$181,400
Gold coin donations	\$70,000	\$112,900
Total revenue pa	\$78,500	\$349,500
Balance	-\$148,700	-\$27,400

Built precinct only; cost items for walks, picnic areas and public toilets are not relevant and are excluded from this analysis.

Life cycle costs

A summary of the main differences between the options and their life cycle costs is provided in **Table 2**.

Table 2 –Capital and life cycle costs

Options	Do nothing	Basic upgrade	Option 1	Option 2		Option 3	Option 4	
				2a	2b			
Levels	one level	one level	one level	one level	two level	two levels	two levels	
Food & beverage	kiosk (not fully commercial)	kiosk with new kitchen	new café	new café/tea house		new (enlarged) café	restaurant	
Viewing structure	none	none	elevated platform	multilevel platform		multilevel platform	canopy walk	
Gross floor area m ²	700 (incl. unutilised)	701 (incl. unutilised)	693	788		988	1,348	
Estimated capital cost \$ million	\$0.18	\$1.06	\$2.09	\$3.34	\$3.54	\$4.37	\$5.66	
Net Present Value \$m	-\$2.18	-\$2.62	-\$2.99	-\$2.75	-\$2.89	-\$3.54	-\$4.15	
Estimated visitor numbers	Year 1	150,000	150,000	160,000	174,000	176,000	178,000	186,000
	Year 25	172,441	172,441	202,616	278,148	280,148	282,148	292,488

While the capital and life cycle costs for the options of 'doing nothing' and 'basic upgrade' are the lowest, due to other limitations associated with these options, which are described later in this report, they are not optimal. It is also important to note that a recent condition survey identified an immediate expenditure of \$181,600 to address maintenance issues, effect disability access improvements and to bring the facility more into compliance with the Building Code of Australia.

Of Options 1 to 4, Option 2a represents the least negative Net Present Value (-\$2.75 million) followed by its two storey variant, Option 2b (-\$2.89 million).

The financial model shows a high degree of sensitivity to operating cost and revenue. This means that the life cycle cost can be best optimised by minimising operating costs and maximising revenue. For instance, increasing revenue by 20% could lead to a 42% reduction in life cycle costs over 25 years. Sensitivity to visitor numbers and capital expenditure was moderate and low respectively (refer **Attachment 2**). While visitor numbers are estimated at around 190,000 per annum, the financial model uses more conservative numbers in the interest of demonstrating financial viability.

The key assumptions relevant to revenue estimates for the recommended options (2a and 2b) are listed in **Table 3**. A more detailed account of all assumptions affecting the financial analysis is included in **Attachment 2**.

Table 3 – Assumptions affecting revenue

Parameter		Value used in financial analysis
Café penetration		40%
Average spend at café per person	Operating years 1-7	\$7.50
	Years 8-15	\$11.95
	Years 16-25	\$19.05
Lessee rent after 3 years		\$25,000 pa
Café turnover allocated to Council after 3 years		5%
Retail (gift shop) penetration		20%
Average spend at gift shop per person	Operating years 1-7	\$4.50
	Years 8-15	\$7.00
	Years 16-25	\$9.00
Cost of goods for gift shop		45%

Capital cost and project funding

The construction cost of Option 2a is estimated at \$3.34 million with the two storey variant, Option 2b costing \$3.54 million (**Table 2**).

The cost of design, approvals and consultation activities is estimated at \$360,000 bringing the total project cost to between \$3.70 and \$3.90 million, including 30% contingency and allowance for project management fees.

Table 4 below summarises Council funds that could be made available to support this project. The total funds come to \$2,450,000 which leaves a shortfall of between \$1.25 million and \$1.45 million. It is anticipated that the design would be completed by mid-2014, which means that funds currently earmarked for 2014/15 and 2015/16 would need to be increased by bringing forward 2016/17 and 2017/18 funds.

Attempts have already been made to obtain grant funding from other levels of government. While these have not been successful to date, it is anticipated that the likelihood of attracting grant funding will improve once the project is brought to a 'shovel ready' state.

Should grant funding not be able to be secured within a twelve month period Council will need to consider an alternative option within budget capacity.

Table 4 – Funds available for Mary Cairncross

Funding Source	Budget Description	ID	2012/13 Budget	2013/14 Program	2014/15 Program	2015/16 Program	2016/17 Program	2017/18 Program	Total funds available
Reserves	MC Master Planning	No 773	\$450,000						\$ 450,000
		No 633	\$ 35,000						\$ 35,000
	MC Hospitality	No 642	\$130,000						\$ 130,000
Capital Environmental Assets	MC Track Renewal	ID 15049				\$ 24,000			\$ 24,000
	MC design & upgrade	ID 15059				\$200,000			\$ 200,000
	Visitor & Education Facilities - WOR	ID 15061					\$312,000	\$350,000	\$ 662,000
Capital Parks & Gardens PIP Recreational Parks Program	MC Scenic Reserve	ID 15019		\$250,000	\$250,000	\$250,000			\$ 750,000
MCSR Gold Coin Donation			\$200,000						\$ 200,000
Total			\$815,000	\$250,000	\$250,000	\$474,000	\$312,000	\$350,000	\$2,451,000

'MC' stands for Mary Cairncross

CORPORATE PLAN

Corporate Plan Theme: *Robust Economy*

Emerging Priority: 1.3 - Infrastructure for economic growth

Strategy: 1.3.1 - Facilitate the delivery of key infrastructure projects for our preferred economic growth

Corporate Plan Theme: *Ecological Sustainability*

Emerging Priority: 2.2. - Our natural environment preserved for the future

Strategy: 2.2.2 - Develop and implement partnership programs to preserve and rehabilitate natural ecosystems

Corporate Plan Theme: *Managing growth*

Emerging Priority: 7.5 - Council's services and assets meet the needs of our growing community

Strategy: 7.5.3 - Maintain and renew council assets to agreed standards

CONSULTATION

Internal Consultation

- Councillor R Baberowski
- Councillor J McKay
- Councillor J O'Pray
- Councillor G Rogerson
- Councillor T Wellington
- Executive Director, Infrastructure Services
- Environmental Operations
- Business and Major Projects Services
- Commercial and Procurement
- Economic Development
- Place Design and Standards
- Funding Partnerships
- Community Development
- Building and Facility Services
- Property and Business
- Environment Policy
- Planning Assessment

- Health and Safety

External Consultation

- Mary Cairncross Scenic Reserve Management Committee
- Friends of the Mary Cairncross Association
- Mary Cairncross Scenic Reserve Volunteers
- Maleny Rotary
- Jinibara People
- Maleny Chamber of Commerce
- Tourism Queensland
- Sunshine Coast Destination Limited
- Hinterland Tourism Sunshine Coast
- Maleny Chamber of Commerce
- Barung Landcare
- Lake Baroon Catchment Care Group
- Richmond Birdwing Butterfly Recovery Network
- Apex
- Maleny Historical Society
- University of Sunshine Coast
- Schools (regularly visiting the Reserve)

Community Engagement

In addition to the targeted internal and external stakeholder engagement as listed above, a community consultation program was also implemented between 9 October and 2 December 2012. The consultation activities organised during this eight week period are detailed in the Consultation Report (**Attachment 3**) and included presentations to key stakeholder groups, public drop-in sessions, media releases, and the use of the internet and social media to reach the wider community.

There were 62 direct responses provided in workshops/meetings and 89 submissions received. The rate of participation is estimated to be between 1% (Sunshine Coast scale) and 4% (Maleny-Montville-Witta population base).

Concerns were expressed over Council's intentions and ability to deliver a positive outcome. Some strongly felt that Council had repeatedly disappointed the Maleny community in the past and therefore this project was also destined to fail. This situation presents an opportunity for Council to use this project to build a more positive relationship and trust with the Maleny community.

A conscious decision was made to not prepare architectural concepts at this stage, but rather to focus on appropriate building functions and strategic considerations. Design options are proposed to be the subject of the next stage of consultation. Preferences expressed by the community in terms of building form, use of materials, and general 'look and feel' will be considered in the design. There was a 'loud and clear' message that the current character and ambiance of the place must be maintained.

Issues related to building form were passionately debated. There were just as many in favour of a one storey structure as a two level building. The concept of a viewing platform or potential canopy walk drew somewhat more support than objection.

Much of the community's attention was focused on changes to the café and the potential impact on the current lessee. In part this appeared to be a response to some 'campaigning' by a core group who have a strong affinity with the existing café.

Therefore, many people tended to focus their comments on the future of the café, rather than strategic issues concerning conservation, education, community partnerships and the local and regional economy.

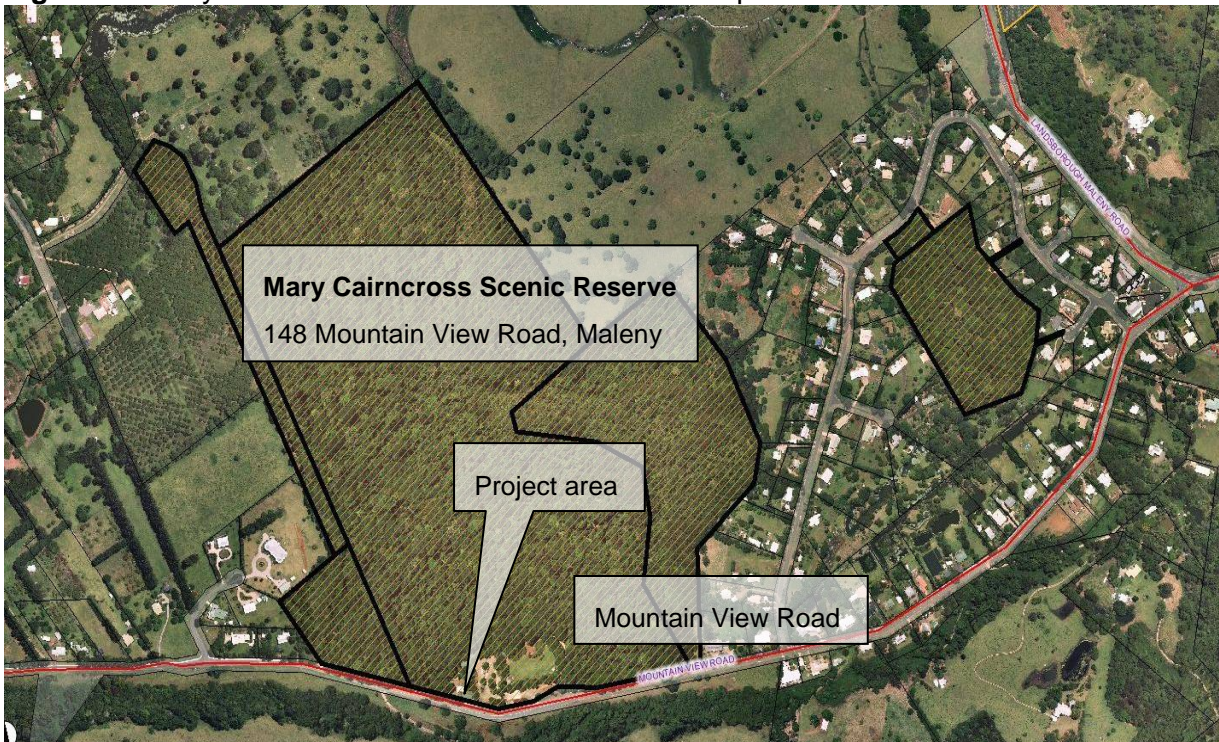
It is understood that the café lessee is presently running a petition soliciting support from visitors to leave the café un-touched to avoid impacting on the current charm of the café. To date, the café lessee has not formally communicated any information to Council about the petition.

PROPOSAL

Background and the need for renewal

The Reserve is located at 148 Mountain View Road, Maleny (**Figure 1**). The total area of the Reserve is about 55 ha, while the project site only covers the existing built precinct which is less than 3,000 square metres.

Figure 1 – Mary Cairncross Scenic Reserve location map



The Reserve is highly recognised for its significant conservation values and has been a popular destination for local residents and visitors for over fifty years. The easy accessibility of the Reserve, the exceptional vistas to the Glass House Mountains and the flat, safe walk through one of the last rainforest remnants provide a principal attraction able to be enjoyed by a wide range of visitor groups. It is estimated that the Reserve attracts around 190,000 visitors annually.

Council manages the Reserve in close association with a range of partners including the community based Management Committee, over 80 volunteers, the Friends of Mary Cairncross Association (the Friends) and other community groups.

The Reserve currently offers rainforest walks, an education centre, kiosk (café) with iconic view of the Glass House Mountains, temporary staff offices, recreation area, amenities and car/bus parking.

The strategic future of the Reserve and the day to day operation of the built precinct face a number of challenges as summarised below.

- The kiosk is approximately fifty years old, and the education centre and café seating area are twenty five years old. Issues include roof leaks, flooding of the Education Centre, vermin problems and the presence of asbestos (in safe condition as inspected in 2007).
- There is a need to upgrade, refresh and expand the interpretive, education and way-finding materials across the site to provide a more engaging and interactive visitor experience, particularly for younger generations.
- There is limited ability to provide educational, or hospitality services in a weather proof environment (i.e. no protection from wet, windy and cold conditions).
- Access to the exceptional and nationally listed vistas to the Glass House Mountains could be enhanced for the benefit of all visitors.
- Functional needs and current standards are not being met:
 - The kitchen and servery are accommodated in a domestic residence with rudimentary arrangements set up to facilitate the operation of a commercial kitchen (e.g. 'piggy backed' cold room and commercial food preparation partly in the old domestic kitchen).
 - Insufficient learning and meeting spaces: one wing of the Education Centre needs to be closed to the public when meetings are held by the Management Committee, volunteers or Friends.
 - Council staff had been working out of temporary offices for several years, such as demountables and an office created at the service entrance to the café.
 - There are no appropriate on-site amenities (toilets and tea room) for staff and volunteers.
 - There is no research space currently available.
- Availability of space at this site of high conservation value is at a premium; however, the design and layout of the current structures affords a highly inefficient utilisation of space.

Renewal options

It has been long recognised by Council and its community partners that some form of building renewal was required to meet the above challenges, and a range of proposals have been developed over the years about how the renewal might be done.

- The Sunshine Coast Hinterland Nature Based Tourism Plan (Tourism Qld, Sept 2009) identified the Reserve as significant on a national scale and a best prospect project for positioning the Hinterland as an iconic nature based tourism destination. The Plan proposed a two storey building with a canopy walk. Due to consultation shortfalls associated with the development and release of the Plan the merits of the proposal were not fully considered by stakeholders.
- Council commissioned the development of some concept plans in late 2009 (independently of the above Tourism Plan), including a two storey building with viewing facilities, however, it never progressed to consultation and design.
- A sub-committee of the Management Committee developed the Draft Buildings Development Prospectus in Jan 2011 that outlined and prioritised the immediate needs of the on-site stakeholders and proposed low key, pavilion style renewal.

To identify the (most) optimal development option a business case assessment was commissioned to independently review the various options and determine their comparative merits based on environmental, financial, economic and social considerations, and to demonstrate that the proposed renewal is a sound investment of public funds.

Table 5 includes a summary of the options considered as part of the assessment. It is important to note that Option 2, as originally assessed by the consultant team, was slightly different from Options 2a and 2b as presented in this report (and in the Financial Addendum, Appendix B). While Options 2 and 3 appeared to be most favourable from the consultant analysis they both suffered from particular weaknesses making them undesirable. Options 2a and 2b were designed combine the most optimal components of Options 2 and 3 thereby forming the recommended way forward. The originally contemplated Option 2 is not reflected in this report.

Table 5 – Building renewal options considered

Options	Do nothing	Basic upgrade	Option 1	Option 2		Option 3	Option 4
				2a	2b		
Levels	one level			two levels			
Building form	pavilion style			integrated spaces			
Education Centre	limited suitability	refurbish	refurbish	new			
Interpretation fitout	aged	modernise	modernise	high grade modern media			
Food & beverage	kiosk (not fully commercial)	kiosk with new kitchen	new café	new café/tea house	new enlarged café	restaurant	
Kitchen	40 m ²				60 m ²	120 m ²	
Seating	200 m ²				400 m ²		
Gift shop	no dedicated area		15 m ² limited scale	30 m ² optimised scale			
Viewing structure	none		elevated platform	multilevel platform		canopy walk	
Meeting room / learning theatrette	none	basic	new				
Outdoor classroom	none		new				
Research facility	none		new				
Offices, amenities (staff & volunteers)	none / not appropriate	basic	new				
Gross floor area m ²	700 (incl. unutilised)		693	788	988	1,348	

Assessment and outcomes

The business case methodology included the following steps:

- Development of a market sounding report covering visitor profiles, an analysis of the market demand and prevailing competitive environment for scenic drives, national parks and walks, education/interpretive centres, café/dining experiences and retail (gift shop). The market sounding report also looked into visitor expectations, emerging tourism and social trends, markets to be captured and supplier interest (**refer Attachment 1**).
- Quadruple bottom line assessment of comparative merits and risks of the various options. Even though it is generally difficult to quantify comparative merits based on environmental, social, financial and economic criteria, The Stafford Group did apply a rating system to facilitate a form of ranking.
- In assessing the various options the consultant was required to consider some constraints identified by the Council team, including the size of car parking and the need to encourage off-peak visitation, the need to remain within the existing disturbed footprint, height limitations and visual impact requirements, the desire to minimise increases to visitation to the rainforest walks and the necessity to avoid night time disturbances.

Table 6 provides a summary of the issues that were considered as part of the four key criteria and also shows which options were found to be least or most optimal against particular criteria.

Table 6 – Quadruple bottom line assessment of renewal options

Quadruple bottom line criteria	Least optimal option	Most optimal option
<p>Environmental considerations:</p> <ul style="list-style-type: none"> - potential impact on flora/fauna (clearing, introduction of weeds, ground disturbance); - size and compactness of building footprint and form (e.g. multiple pavilions v integrated structure); - potential disturbance to sensitive forest fauna from light or noise particularly at night; - ability to increase public awareness and interest in native flora and fauna without increasing visitation to the rainforest walk; - ability to maximise environmentally sustainable design principles (e.g. solar power, rainwater harvesting); 	Do nothing Basic upgrade	Options 2b and 3
<p>Social impact:</p> <ul style="list-style-type: none"> - lifestyle, amenity, recreational value; - community identity, engagement and sense of place; - educational value, including building lasting visitor connections with environment, heritage and culture; - secondary impacts of employment creation; - appreciation of Aboriginal cultural heritage; - equal access and opportunity - interest generated in the education market: university, school groups, fauna/flora and socio-cultural studies 	Do nothing Basic upgrade	Options 2b and 3
<p>Financial comparison:</p> <ul style="list-style-type: none"> - life cycle cost (Net Present Value 25 years); - financial sustainability of the Reserve; - viability of professional café leaseholder arrangement; 	Option 4	Do nothing Basic upgrade
<p>Economic benefits and risks:</p> <ul style="list-style-type: none"> - visitor numbers (visitor expenditure at Reserve and Hinterland, greater stay in Hinterland); - ability to adapt to changing market expectations now and in the future; - appeal to wider market segments than currently; - clear point of difference and price positioning to avoid introducing further competition into an already tough market; - creation of employment: design, construction works, supply of goods and services to café and gift shop; - greater advertorial coverage from media, Sunshine Coast Destination and Tourism Qld; - increase confidence in the hinterland business and tourism community; - stimulation of investment into other existing and potential future businesses and attractions; 	Do nothing Basic upgrade	Options 2a and 2b
Overall rating	Do nothing Basic upgrade	Options 2a and 2b

Recommended option

As highlighted in **Table 5**, the only difference between Options 2a and 2b is in their building form being one or two levels. While Option 2a represents a slightly more optimal option from a life cycle cost perspective, it might be best not to preclude the possibility of a two storey (or partially two storey) structure at this stage, as such a concept might yet emerge from design and associated consultation.

The recommended option, as envisaged by The Stafford Group and Council's project team is described below:

- fully integrated structure facilitating visitation and movement between functions in all weather conditions, as well as increased connectivity and legibility,
- interpretive and educational materials reaching a broader audience through penetration into all areas including the gift shop and the café,
- 'Tea-house' – relaxed atmosphere for daytime eating and beverages that interacts with the surrounding natural setting but is protected from the weather,
- menu of one course light meals, niche and local foods (e.g. bush food) range of tea/coffee, takeaway and snacks for picnickers,
- 'Discovery Centre' – enhanced primary point of environmental learning through interactive and innovative interpretive media and static displays,
- Discovery Centre and multi-level viewing platform to serve as stand-alone experience extending visitation in all-weather conditions and reducing visitor pressure on the rainforest,
- built precinct to encourage tour group and education based visitation, with the potential to host events and programs during traditionally low-visitor periods of the year,
- strengthening volunteer and visitor interactions as an authentic and essential part of visitor experience,
- gift shop – high quality goods with a nature based educational component, local and regional products, souvenirs, bush food, educational materials (DVDs, books and games), eco-friendly products, nature photography,
- meeting room / learning theatre fitted out with audio / video equipment to cater for presentations, learning activities, workshops and meetings,
- co-located staff and volunteer offices and appropriate amenities.

A representation of the 'look and feel' of the proposed redevelopment is included in **Attachment 4**. This collage reflects on how the consultant and the project team envisage the general feel of the redeveloped precinct, and also includes preferences expressed by members of the community during the recent consultation process.

Legal*Deed of Trust*

The land occupied by the Reserve was gifted to the then Landsborough Shire Council in 1941 by the Thynne sisters, daughters of Mary Cairncross. The transfer document states that the land be held "*as a Reserve and Sanctuary for the preservation, conservation and exhibition of Natural Flora and Fauna of the said land for Scenic purposes and no other purpose whatsoever*".

This wording has the potential to give rise to various ways of interpretation and some in the community appear to believe that it is meant to be fully restrictive of any development and on-site activity.

Council, being the custodian of the land, has been and remains to be committed to honouring the Deed of Trust. Recent legal advice indicates that the proposed facilities, designed sensitively, will help visitors appreciate the conservation values and 'take home' messages of the Reserve, and to enjoy the iconic views of the Glass House Mountains landscape thereby further enhancing the intent and purposes of the Trust.

Protection of the view

The Glass House Mountains Natural Landscape is registered on the Natural Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 and is identified as a "Scenic Viewpoint" to the Glass House Mountains by the Visual Management Code of the Caloundra Planning Scheme (Map 7.9).

Despite the above, the potential is present for vegetation planted along the Northern edge of Lot 63C311130 to adversely impact on the appreciation of the vista of the Glass House Mountains from the Reserve.

Council presently has a Memorandum of Understanding in place with the land owners of Lot 63C311130, however, it is intended for Council to enter into negotiations with the landholder to identify a more secure arrangement to afford protection of the immediate view corridor directly adjacent to the Reserve.

Policy

Sunshine Coast Access and Inclusion Policy 2011
 Sunshine Coast Asset Management Policy 2010
 Sunshine Coast Community Engagement Policy 2009
 Sunshine Coast Council Reconciliation Action Plan 2011
 Sunshine Coast Biodiversity Strategy 2010
 Sunshine Coast Economic Development Strategy 2010-2014
 Sunshine Coast Enterprise Risk Management Policy 2010
 Sunshine Coast Placemaking Policy 2012

Of particular relevance are the principles outlined in the Biodiversity Strategy, to ensure that a coordinated and focused approach is applied to the protection of biodiversity and to build collective knowledge of the region's biodiversity.

Further, it is pertinent to observe some of the economic development initiatives described in the Economic Development Strategy and Corporate Plan providing infrastructure for economic growth and a sustainable tourism industry.

Risk

Risk	Mitigation
Insufficient funds for construction	Actively seek grant funding to supplement Council's budget; consider Council commitment early, for the eventuality that grant funding cannot be secured
Creating expectations: with design and associated consultation progressing the expectation would be created that the project would proceed – stakeholder frustration with lack of progress	Ensure that budget limitations for construction and associated hold points are clearly communicated during consultation
Redevelopment seen as over-commercialisation of Reserve ('revenue grabbing')	Communicate clearly that all revenue has been and will be dedicated to the management of the Reserve

Risk	Mitigation
Significant increase to number of visitors to rainforest walks as a result of renewal	New facilities, interpretation strategy and operational strategy to ensure that visitors are educated and entertained as best as possible within built footprint.
Difficulty finding suitable partner for operation of café	Develop and negotiate an attractive lease (within constraints), peppercorn lease and revenue portion to Council during first 3 years
Overestimated visitor numbers affecting financial viability	Visitor numbers have been confirmed through traffic counting and previous site surveys; sensitivity of financial model to visitor numbers is low
Overestimated revenue affecting financial viability	Assumptions feeding into the analysis are highly conservative.
Lack of stakeholder support for proposed design	Ensure community / management committee representation on design advisory group and conduct peer review by local architect; appropriate consultation
Lack of resources for on-going operation	Ensure that forward operating budgets include resources as required
Vegetation growth limiting the Glass House Mountain views	Negotiate legally binding controls with the land owners to control vegetation
Lack of parking space affecting viability of commercial operations	Business model to maximise off-peak utilisation of facilities; all weather facilities encourage use at all times; review carparking along Mountain View Road
Undesirable environmental impact - construction	Contractor to prepare detailed environmental management plans, ongoing monitoring of contractor performance, ensure that the recommendations of the Species Managements Plans are implemented
Undesirable environmental impact - operation	Ensure that lease agreement with proprietor considers environmental constraints (e.g. no night time operation) and monitor performance

Previous Council Resolution

Meeting date 13 May 2004 (04/146)

That:

- (a) Report No. 20040429.1.ca from Environmental Operations Manager C Allan dated 29 April 2004, be received and noted;
- (b) The Master Plan shown as Attachment 1 to the report identified in (a) above, be endorsed;
- (c) The Master Plan be referred to the Recreation Infrastructure Program for consideration and budget discussions; and
- (d) The Master Plan and prioritised staged implementation be presented to the appropriate community managed committees to assist those organisations in identifying and seeking external funding opportunities to supplement Council's implementation costs.

Related Documentation

Deed of Trust 1941

Mary Cairncross Scenic Reserve Management Plan 2002 (under review)

Mary Cairncross Scenic Reserve Master Plan 2004

Sunshine Coast Hinterland Nature Based Tourism Plan 2009

Mary Cairncross Scenic Reserve Draft Building Prospectus 2011

Critical Dates

Following Council endorsement of the recommended renewal option and way forward, the development of design concepts would start in earnest, with the view of conducting consultation and developing the detailed design by mid-2014.

Implementation

It is proposed to establish a Project Reference Group to oversee the delivery of the Building Renewal project. The Project Reference Group will consist of:

- Cr Jenny McKay as chairperson,
- a representative from Environmental Operations,
- a representative from Economic Development,
- a representative from Regional Strategy and Planning (Social/Environment Policy) and
- a Project Manager.

This governance group will review and endorse the deliverables at various milestone stages, and approve potential scope changes as the project progresses. This group would also review recommendations about the composition of various working groups.

The most critical steps to take the project forward are as follows:

1. procurement of architect and design team through open tender,
2. establishment of a Design Advisory Group including stakeholder representation,
3. development of concept options and associated stakeholder consultation,
4. development of detailed design and construction tender package,
5. application for grant funding as opportunities emerge to secure funds required for construction and
6. report to Council about design and associated consultation outcomes, construction cost estimates and availability of grant funding.

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7.4 FINANCE AND BUSINESS**7.4.1 JANUARY 2013 FINANCIAL PERFORMANCE REPORT**

File No:	Financial Reports
Author:	Acting Financial Services Manager Finance & Business Department
Appendices:	App A - January 2013 Financial Performance Report

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.

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.

The operational results at 31 January 2013 show a positive variance of \$2.9 million compared to the forecast position. This operating result is a key financial performance measure and ongoing surpluses will be critical.

The 31 January 2013 operating surplus variation is made up of higher than expected revenue of \$1.7 million (0.5%) and lower than anticipated operating expenses of \$1.2 million (0.5%). Further detail is provided in the proposal section of this report.

As at 31 January 2013 \$76.8 million (39.0%) of council's \$197.1 million 2012/2013 Capital Works Program was financially expended.

During January 2013 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 "January 2013 Financial Performance Report" and**
- (b) approve the budget amendments for operating and associated reserve transfers as outlined in the January 2013 Financial Performance Report (Appendix A).**

FINANCE AND RESOURCING

This report incorporates reallocations within the 2012/2013 operating, capital and reserve budgets. There has been no change to the contribution to council as a result of these reallocations.

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: 8.3 - Strong financial management

Strategy: 8.3.1 - Develop long term financial plans and indicators to achieve optimum use of resources and alignment to strategic priorities

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 January 2013 show the organisation with a \$2.9 million higher than forecasted operating position against the full year budget.

The 31 January 2013 operating surplus variation is made up of higher than expected revenue of \$1.7 million and lower than anticipated operating expenses of \$1.2 million.

The operating revenue favourable variance of \$1.7 million (0.5%) is largely the result of a number of items being higher than profiled. These include Interest Received from Investments of \$822,000, Fees and Charges of \$530,000 and Net Rates and Utility Charges of \$232,000.

Interest Received from Investments is higher than budget partly due to slightly higher than forecast cash balances along with higher than forecast investment rates for the first half of the year. The average investment rate is expected to be lower in the second half of the year. This item will continue to be monitored but there is no change to the year end forecast at this point.

Within the Fees and Charges category, items running higher than forecast include Development Application, Material Change of Use and Search fees. Although these volumes are higher than last year, all other Development Services indicators remain below last year with no real indication of improvement. Other favourable variances exist in Aquatic and Leisure Centres, Cemeteries, Health Licensing and Response Services. These are offset by lower than forecast Airport Fees.

The January 2013 rate run had 153,443 rateable properties compared to 151,818 this time last year. Growth in that time was 1.1% which is less than the budgeted 1.5%. Although General Rates have an unfavourable variance of \$955,000, this is compensated by Prepaid Rates resulting in the favourable variance in Net Rates and Utility Charges of \$232,000.

The operating expense favourable variance of \$1.2 million (0.5%) largely relates to lower than budgeted expenditure on Materials & Services of \$1.2 million, Employee Costs of \$175,000 and Finance Costs of \$124,000. These favourable variances are offset by higher than profiled Other Expenses of \$292,000.

At 31 January 2013, \$76.8 million (39.0%) of council's \$197.1 million 2012/2013 Capital Works Program was financially expended. On a year to date basis, capital expenditure is \$943,000 (1.2%) behind budget. At a capital program level, there are no specific variances to highlight to council.

During January 2013, the 2012/2013 Operating, Capital and Reserve Transfer Budgets were adjusted to accommodate reallocations between budget categories or line items. Full details are set out in **Appendix A** with amendments greater than \$100,000 detailed below:-

Ref	Item Description	Decrease \$000	Increase \$000	Details	Reason
Other Revenue					
0731804	Claymore Road Upgrade		198	Increase income offset by increased expenditure for private works for Sunshine Coast University.	Variations were required to accommodate street lighting and design changes eg realignment of pathway and fencing. Final costs are now estimated at \$230,000.
Employee costs					
030701	Lifeguard Services – Employee Costs	2,352		Transfer to Lifeguard Services – Contract Services	Employee budget due to lifeguard transition to Surf Lifesaving Qld (SLSQ) reallocated to Contract Services to fund contract with SLSQ.
0731804	Parks & Gardens VAST (Savings Target)		136	Transfer from Contract Services	To achieve savings target.
000701	Community Services Dept VAST (Savings Target)		128	Transfer from Leases Office Equipment	To achieve savings target.
000701	Finance & Business Dept VAST (Savings Target)		223	Transfer from Leases Office Equipment	To achieve savings target.

Ref	Item Description	Decrease \$000	Increase \$000	Details	Reason
Materials & Services					
0731804	Parks & Gardens Contract Services	136		Transfer to VAST (Savings Target)	To achieve savings target.
0731804	Claymore Road Upgrade		198	Increase income offset by increased expenditure for private works for Sunshine Coast University.	Variations were required to accommodate street lighting and design changes eg realignment of pathway and fencing. Final costs are now estimated at \$230,000.
030701	Lifeguard Services – Contract Services		2,352	Transfer from Lifeguard Services Employee Costs.	Employee budget due to lifeguard transition to Surf Lifesaving Qld (SLSQ) reallocated to Contract Services to fund contract with SLSQ.

Other Expenses

000701	Leases Office Equipment (Community Services Dept)	116		Transfer to VAST (Savings Target) – savings identified by Information Communication Technology Services Branch.	To achieve savings target.
000701	Leases Office Equipment (Finance & Business Dept)	250		Transfer to VAST (Savings Target) – savings identified by Information Communication Technology Services Branch.	To achieve savings target.

Capital Expenditure

Sub-Program: Waste Disposal					
A9540	Noosa Landfill installation liner		555	Funds reallocated from B0899 & A9521	The additional funding for A9540 is due to a scope increase to the original budget. Additional and necessary (license compliance) sediment and erosion control works/infrastructure was required to be constructed/undertaken.
Sub-Program: Waste Avoidance and Minimisation					
B0899	Caloundra Resource Recovery Centre Construction	105		Job cancelled funds reallocated to A9540	The installation of a roof over the existing Construction & Demolition sorting pad at Caloundra Landfill has been reallocated after evaluation for operational works to continue.

Ref	Item Description	Decrease \$000	Increase \$000	Details	Reason
A9521	Sustainability Park – concept design	450		Job cancelled funds reallocated to A9540	Council will not be proceeding with the construction of Alternate Waste Technology this financial year. Accordingly the allocation has been redistributed.
Sub-Program: Strategic Land, Economic Development and Innovation					
B1296	Principal Activity Centre – Master Planning		448	Funds reallocated from B0746	To cover costs for contracts that have emerged/evolved since budget inception. Increase to Master Planning budget and reduction to Design budget.
B0746	Design Works – Maroochy Principal Activity Centre	448		Funds reallocated to B1296	To cover costs for contracts that have emerged/evolved since budget inception. Increase to Master Planning budget and reduction to Design budget.
B1532	Land Acquisition – Maleny Community Precinct/Maleny connection trail		100	Funds reallocated from Reserves 0000500	To fund the Maleny Community Precinct / Maleny Connection Trail (Riverside Centre & Katsaris land) and which includes the cost of land acquisition and associated costs e.g. valuations, planning advice, legal costs.

Reserve Transfers

0000500	Land Redevelopment	100		Funds drawn – reallocation to B1532	To fund the Maleny Community Precinct / Maleny Connection Trail (Riverside Centre & Katsaris land) and which includes the cost of land acquisition and associated costs e.g. valuations, planning advice, legal costs.
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Legal

On budget amendments, this report ensures that council complies with its legislative obligations under Section 169 and 170 of the *Local Government Regulation 2012*, along with council's legislative obligations to amend its budget in accordance with Section 173 of the *Local Government Regulation 2012*.

Policy

No policy implications are associated with this report.

Risk

There are seven risks identified to council which remain current:-

1. In June 2012 the Federal Government pre-paid over half of the 2012/2013 Financial Assistance Grant. In the past, one quarter of the grant has been pre-paid and the adopted budget anticipated this practice to continue. Advice has now been published and the shortfall is \$3.2 million in the current budget. The prepayment for 2012/2013 in June 2012 resulted in an operating surplus for the 2011/2012 period.

2. General Rates: The expected full year growth in rateable properties is less than forecast, being 1.1% against a forecast of 1.5%. This equates to lower revenue than budgeted of approximately \$1.5 million. This budget was reduced by \$1.0 million at Budget Review 2. Although General Rates are under budget by \$955,000 following the January 2013 rate run, there are no plans to further reduce this budget as this variance is being offset by Prepaid Rates.

3. The budget assumes the achievement of a \$4.46 million savings target. Currently, \$2.5 million or 57% of the target has been achieved leaving a balance to achieve of \$1.9 million. Of the \$2.5 million achieved to date, \$527,000 relates to employee costs. There are a number of reviews and initiatives underway to achieve the balance of this target.

4. Water and Sewerage Funding Program \$700,000

This one year program was funded by reducing the current Grants Program. At council's Special Meeting on 11 December 2012 it was requested that options be provided to investigate the opportunity through upcoming budget reviews to reinstate funds to the Grants Program. This has been noted for Budget Review 3.

5. Streetlighting - electricity \$500,000

This risk has been reported at \$500,000 for the last couple of months, however recent invoices indicate that the amount of risk may not be as high as initial estimates. This will continue to be monitored and the amount will be adjusted when appropriate.

6. Capital (Developer) Contributions - budget is \$12.9 million with actuals to January 2013 being \$4.6 million. This is due to the downturn in development.

7. Total repair costs in relation to extreme weather events are yet to be quantified.

Previous Council Resolution

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

On 20 September 2012, council amended the 2012/2013 budget as a result of July 2012 Financial Performance Report and Budget Review 1 relating to 2011/2012 carryover requests.

On 13 December 2012, council amended the 2012/13 budget as a result of October 2012 Financial Performance Report and Budget Review 2.

On 31 January 2013, council amended the 2012/2013 budget as a result of the November 2012 Financial Performance Report.

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates that relate to this report.

Implementation

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

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7.5 EXECUTIVE OFFICE

7.5.1 CALOUNDRA AERODROME MASTER PLAN

File No:	Statutory Meeting
Author:	Planning and Major Projects Manager - Airports Executive Office
Appendices:	App A - Caloundra Aerodrome Master Plan (<i>Under Separate Cover</i>)
Attachments:	Att 1 - Queensland Air Museum expansion - proposed layout (<i>Under Separate Cover</i>) Att 2 - Master Plan - written submissions (<i>Under Separate Cover</i>)

PURPOSE

The purpose of this report is to advise council in relation to the outcome following public exhibition of the draft Caloundra Aerodrome Master Plan and to recommend council adopt the Master Plan with the amendments as discussed in this report.

EXECUTIVE SUMMARY

The Master Plan was exhibited for 30 business days during the period 16 October 2012 to 26 November 2012. Thirty nine written submissions were received, and approximately 200 persons provided comment to council staff at three information displays.

As detailed in the 'proposal' section of this report, a number of changes were made to the draft Master Plan between council's resolution to exhibit the plan and the commencement of the exhibition:

- expansion of the size of the museum
- bringing forward of the development of the 'potential future aviation business area' as shown to the north of Pathfinder Drive into the 'Stage 1 proposed aviation business area'
- modification of the apron design to achieve 'drive through' aircraft parking spaces
- re-labelling the 'proposed runway extension' to 'runway reserve'.

Following the public exhibition process, the following amendments have been made to the exhibited plan:

- updated background air photography image
 - re-alignment of the boundary of the museum expansion
 - identification of a potential 'land swap' aerodrome boundary adjustment as part of the museum expansion
 - redesign of the aircraft apron, apron expansion and associated facilities
 - deletion of proposed development adjacent to the 12 runway end
 - re-alignment of the extent of the Stage 1 aviation business area north of Pathfinder Drive
 - deletion of reference to 'non-aviation commercial' development from Figure 10, referring instead to 'Future Development Area'
 - provision of a heavy helicopter landing pad, compass swing area and engine run-up bay
 - showing a left in, left out alternate access point to Caloundra Road
-

- amendments to the text to clarify, correct and make consistent with the changes discussed above.

As could be expected, aircraft noise remains a significant issue particularly for residents in close proximity to the aerodrome. In addition to the actions already undertaken since 2009 (fly neighbourly policy and redesign of circuits to avoid, where possible, existing residential development), further noise management initiatives could include:

- working with the State Government to establish a satellite helicopter training facility
- using the landing charges to create a disincentive for 'out of hours' landings
- using council's role in the leasing of aerodrome land to manage the activities of new lessees at Caloundra
- expanding the current community engagement on the aerodrome.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Caloundra Aerodrome Master Plan"**
- (b) adopt the "Caloundra Aerodrome Master Plan" (Appendix A) and note that funding of the master plan is contingent on the future endorsement of supporting business cases and annual budget consideration by Council**
- (c) seek the cooperation of the State Government in the establishment of a satellite helicopter training facility**
- (d) engage with the State Government to facilitate the expansion of the Queensland Air Museum**
- (e) request the Chief Executive Officer advise the Department of Transport and Main Roads that the alignment and design of the proposed 'East-West' link between Caloundra South and Pelican Waters:**
 - (i) must not be in conflict with the Obstacle Limitation Surface as depicted in the Caloundra Aerodrome Master Plan and**
 - (ii) consider the implications of the extent of wetlands that might give rise to an increase bird strike risk for aircraft using the aerodrome and**
- (f) request the Chief Executive Officer to develop a communication strategy in consultation with Division 1 and 2 Councillors and the Aviation Portfolio Councillor to provide an ongoing engagement with the communities surrounding the aerodrome, this is to include a set of measures to improve ongoing awareness of property owners and residents of the Caloundra Aerodrome operations.**

FINANCE AND RESOURCING

The implementation of Stage 1 of the Master Plan is estimated to have a total cost of \$6.065 million. A business case will be prepared for each element of Stage 1 prior to any work proceeding.

Council has currently set aside a reserve of \$292,000 for the purpose of development at Caloundra Aerodrome. It is proposed that these funds be utilised in the first instance to upgrade the existing aircraft parking apron and commence the design/business case analysis for the remaining actions identified in Stage 1.

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: 1.2 - Support for local businesses
Strategy: 1.2.3 - Ensure a council regulatory environment which is business friendly and considerate of business needs

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

Since the exhibition of the draft Master Plan, the following consultation has taken place.

Internal Consultation

- Councillor R Baberowski
- Councillor T Dwyer
- Councillor S Robinson
- Manager New Planning Scheme, Regional Strategy and Planning department
- Principal Strategic Planner, Strategic Land Use Planning branch, Regional Strategy and Planning department
- Project Coordinator, Major Urban Developments branch, Regional Strategy and Planning department
- Team Leader Natural Areas, Environmental Operations branch, Infrastructure Services department

External Consultation

- Department of Environment and Heritage Protection (DEHP)
- Department of Natural Resources and Mines (DNRM)
- Caloundra Aero Club

Community Engagement

The draft Master Plan was exhibited for 30 business days during the period 16 October 2012 to 26 November 2012. The community engagement activities conducted during the exhibition period are summarised below:

Activity	Details	Date if applicable
Briefings	Caloundra Community and Aviation Forum	16 October 2012
	Caloundra Aerodrome tenants and businesses	16 October 2012
	Bellvista Community Association	7 November 2012

Activity	Details	Date if applicable
	Residents Association South Sunshine Coast	9 November 2012
Media	Media conference and launch	16 October 2012
	Media release issued	16 October 2012
Advertising	Public notice published in <i>Sunshine Coast Daily</i>	16 October 2012 16 November 2012
	Public notice published in <i>Caloundra Weekly</i>	18 October 2012
Master Plan introduction letters	Sent with a copy of the draft Master Plan to elected representatives and government agencies.	
	Sent to aerodrome tenants and businesses.	
	Sent to industry, business and community groups offering a briefing.	
Master Plan displays	Copy of the draft Master Plan, submission forms and community newsletters displayed at Caloundra libraries and offices, and online.	
Staffed information displays	Information display at Stockland Caloundra	27 October 2012 10 November 2012
	Information display at Caloundra markets	4 November 2012
Community newsletter	Four page newsletter with reply paid submission form distributed to libraries, council offices and staffed information displays, and available online	
Fact sheets	<ul style="list-style-type: none"> About Caloundra Aerodrome – provided detailed information on the history of and plans for the aerodrome Questions and answers – provided detailed responses to anticipated questions about the future development 	
Project webpage	Featured page on council's <i>Have Your Say</i> section with newsletter, fact sheets and draft Master Plan document available for viewing	
Project 1800 phone line	Available to answer enquiries and provide information	
Project email address	Available to receive submissions and respond to enquiries	
Reply paid postal service	Available to receive submissions	

Activity	Details	Date if applicable
Council libraries newsletter	Information provided to Sunshine Coast Libraries and distributed via council libraries monthly newsletter	2 November 2012
Internal council communication	Information posted on council intranet	
Other	<ul style="list-style-type: none"> • Feedback/submission forms • Contact cards 	

PROPOSAL

Council considered a report on the proposal to exhibit the draft Master Plan for Caloundra Aerodrome at its meeting of 20 September 2012.

Between the agenda for the meeting being released and the meeting date, discussions were held with relevant divisional councilors which identified the following changes to the draft Master Plan:

- expansion of the size of the museum
- bringing forward of the development of the 'potential future aviation business area' as shown to the north of Pathfinder Drive into 'Stage 1 proposed aviation business area'
- modification of the apron design to achieve 'drive through' aircraft parking spaces
- re-labelling the proposed runway extension to 'runway reserve'.

These amendments were recommended for inclusion as it was considered highly probable that the changes would be carried through into the final Master Plan and therefore should be included in the public discussion/exhibition. During the discussion of the item at the Ordinary Meeting, the changes to the Master Plan were identified and agreed. However, it is noted that these amendments were not included in the Council resolution.

The Master Plan was exhibited for 30 business days during the period 16 October 2012 to 26 November 2012.

Thirty nine written submissions were received, and approximately 200 persons provided comment to council staff at three information displays.

The Master Plan has been further amended, where appropriate, to respond to the issues raised in submissions and at the staffed information displays. The amendments to the exhibited plan include:

- updated background air photograph image
- re-alignment of the boundary of the museum expansion
- identification of a potential 'land swap' aerodrome boundary adjustment as part of the museum expansion
- redesign of the aircraft apron, apron expansion and associated facilities
- deletion of proposed development adjacent to the 12 runway end
- re-alignment of the extent of the Stage 1 aviation business area to the north of Pathfinder Drive
- deletion of reference to 'non-aviation commercial development' from Figure 10, referring instead to 'Future Development Area'
- provision of a heavy helicopter landing pad, compass swing area and engine run-up bay

- showing a left in, left out alternate access point to Caloundra Road
- amendments to the text to clarify, correct and make consistent with the changes discussed above.

The concept of a satellite training facility for helicopters as put forward in the submissions is supported and it is recommended that this issue be pursued with the State Government.

A draft business strategy document which sets out the objectives and actions relating to the broader management of the aerodrome was previously circulated to Councillors. The strategy has not been publicly exhibited but was referred to in a number of submissions. The strategy has provided some guidance in the preparation of the Master Plan. Upon adoption of the Master Plan, the strategy will be updated.

The Master Plan will provide aerodrome operators, the community and council with some certainty on the future use of the aerodrome, which has been unclear for the past decade. The Master Plan will also give practical effect to council's decision in late 2010 to retain the aerodrome in its current location.

The key issues raised during the public exhibition period are discussed in detail below.

Key Issues – Public Exhibition

Aircraft Noise

As could be expected, a commonly expressed concern is aircraft noise – particularly helicopter noise.

Caloundra Aerodrome, like many aerodromes in Australia, has experienced the encroachment of noise sensitive land uses within its operational curtilage.

The Caloundra Aerodrome 'Fly Neighbourly Policy' and the design of aircraft circuit patterns to avoid established urban areas have been used in the past to reduce the impact of aircraft noise upon the surrounding communities.

The Master Plan identifies two potential additional measures:

- using council's role in the lease process to manage the activities of new lessees
- lobbying the State Government to provide a satellite facility for helicopter training circuits remote from the aerodrome.

The possibility also exists for council to formulate a landing fee structure that would seek to discourage aircraft landings outside of the hours specified in the 'Fly Neighbourly Policy'.

Suggestions have been made in a small number of submissions with respect to:

- limiting the age of aircraft using the aerodrome (the logic being that older aircraft are likely to be noisier)
- limiting the development of the aerodrome
- introducing curfews on operations.

These suggestions have been considered but are not supported. It is sometimes, but not always, true that older aircraft are noisier. To limit access to the aerodrome to newer aircraft would exclude the bulk of the general aviation fleet.

Curfews can only be regulated by the Commonwealth Government. At Caloundra Aerodrome, council uses a 'Fly Neighbourly Policy' to assist in managing noise in the vicinity of the aerodrome.

Beyond the aerodrome itself, it is recommended that council expand its ongoing engagement with the communities around the aerodrome to promote greater understanding of the future of the aerodrome and the roles and responsibilities of the various stakeholders. This would be a broadening of the current activities currently undertaken via the Caloundra Community and Aviation Forum.

Noise Modelling

Two aspects of the noise modelling attracted submissions:

- the use of 'N70' noise modelling in addition to the Australian Noise Exposure Forecast (ANEF)
- the projected increase in aircraft movements.

The Australian Noise Exposure Forecast is the standard means by which aircraft noise is described. The ANEF is relied upon to establish thresholds of 'noise values' used in land use planning to manage aircraft noise issues. The ANEF is used in both the Caloundra City Plan and the draft Sunshine Coast Planning Scheme.

The Australian Noise Exposure Forecast is included in the Master Plan (Figure 7) to indicate levels of noise impact. Land within the 25 or greater ANEF values is generally considered unsuitable for residential development; land between the 20-25 contours generally requires noise sensitive development to be noise attenuated. The principal concern with the ANEF as a guide to the likely impact of aircraft noise is that the ANEF was designed for use on major airports with large jet aircraft. General aviation aircraft and helicopters do not register strongly in the ANEF noise model. For this reason, an additional noise impact diagram showing N70 noise modelling was included in the Master Plan at Figure 8. The N70 modelling describes how often each day a particular location will experience noise events of 70 decibels or greater – 70 decibels is the chosen noise level as it equates to around 60 decibels inside a typical detached dwelling. The noise level at which normal conversation, phone calls, television viewing and the like would be interrupted is 60 decibels.

It is considered that the N70 modelling is a more useful tool to communicate to the existing community or future home buyers the likely impact of aircraft noise upon specific localities.

As demonstrated in Figure 7 of the Master Plan, the ANEF modelling suggests that the noise impact of the aerodrome is confined to a small area – clearly this is inconsistent with the real world experience of aircraft noise at Caloundra. The purpose of the N70 model is to make it as clear as possible the number of times each day a potentially 'disrupting' noise event might be experienced.

The other element of the noise equation is the amount of traffic forecast to be using the aerodrome by 2030. A number of submissions raised objections to the forecast expressing concern at the amount of traffic being 'proposed'.

Prior to commencing the master planning, there was limited data on aircraft movement for Caloundra. To prepare the forecast, two traffic counts were undertaken of actual aircraft movements over two seven-day summer and winter periods. GHD was commissioned to review industry trends and prepare a forecast. Consistent with the purpose of an aerodrome master plan, the forecasts have been used in the noise modelling so as to provide a guide to the community as to what could potentially be the traffic and noise levels for Caloundra.

The traffic forecast will be reviewed at each five-yearly review of the Master Plan, with flow on effects to the noise modelling. Future traffic forecasts will also be informed by the aircraft movements monitoring which is currently being undertaken at Caloundra via the parking/landing charges system.

Residential encroachment and development

One of the main areas of interest was in relation to residential development of land adjacent or close to the aerodrome. It was noted by respondents that residential development either recently completed or currently planned created a conflict with the use and future development of the aerodrome, particularly in relation to aircraft noise.

As discussed above, aircraft noise and its impact upon residential amenity is the key issue. It is not within the scope of the Master Plan to address the land use planning decisions that have led to the present situation. If the aerodrome is to remain a commercially viable facility for general aviation – consistent with council's stated objectives – it must be allowed to operate without unreasonable restrictions. It is incumbent upon those making the land use decisions around the aerodrome to ensure they have properly considered the impact of current and future operations at Caloundra.

Expansion of the Queensland Air Museum

The proposal to expand the Queensland Air Museum was met with numerous positive comments, with many stakeholders commenting on the benefit the museum provides for tourism in the Caloundra region.

Submissions were also received that raised the possible environmental issues associated with this expansion. An extract of the Queensland Air Museum's submission showing a possible site layout for the expanded museum is provided at Attachment 1.

The museum expansion is considered to be a key economic development opportunity for the Sunshine Coast.

Discussion with the Departments of Environment and Heritage Protection and of Natural Resources and Mines with respect to environmental and land tenure issues confirms that the proposal is worthy of more detailed investigations. Some preliminary flora and fauna work has been undertaken that indicates that it would be possible to develop the site for the museum.

A key element of the museum expansion proposal is a 'land swap' which would involve the amendment of the aerodrome reserve boundary to 'pull in' the museum expansion land (4.15 ha) and convert approximately 20 ha of aerodrome land into conservation reserve.

It is further noted that opportunities exist to retain elements of the existing vegetation on site to maintain the current treed views along Caloundra Road and corridor linkages between larger vegetated areas.

Should this element of the Master Plan be adopted, council and the museum will need to work with the Department of Environment and Heritage Protection, the Department of Natural Resources and Mines and the community to progress the proposal.

Safety

There were a number of submissions that raised the issue of safety for residents near the aerodrome. Specifically, these sought the provision of height restrictions and buffer zones to minimise the risk of collisions involving homes in the vicinity of the aerodrome. These submissions noted the use of the aerodrome as a training facility and the potential for this to increase the risk of collisions.

Aircraft operating in and out of Caloundra are regulated by CASA and Airservices Australia. The runway approaches and aircraft circuits are consistent with the requirements of these federal bodies.

It is acknowledged that a substantial number of aircraft movements at Caloundra are training circuits. The current circuit pattern, implemented in 2009, was designed to avoid – as far as possible – existing residential areas. This issue would be included in the considerations used to support the case for a satellite training facility.

Key Issues – Aviation Industry submissions

A number of submissions were received from the aviation industry, including submissions from current Caloundra lessees and business operators. These have been categorised for discussion purposes below.

Runway Extension

The exhibited Master Plan indicated a 'runway reserve' of 400 metres in length at the 05 end of the 05/23 runway. The submissions on this issue included the following:

- The runway extension should be deleted as it will encourage larger aircraft to visit Caloundra.
- The runway extension should occur sooner.
- The 23 end of the runway should be extended by 200 metres rather than adding 400 metres to the 05 end.

The runway extension to the 23 end has been explored however it is most probable that the future upgrading of Caloundra Road would mean that such an extension would create difficulties with respect to the Obstacle Limitation Surface (OLS), as it coincides with a widened and possibly grade separated Caloundra Road.

With respect to timing, and as stated in the Master Plan, it is not intended to extend the 05 runway end during the planning horizon of the Master Plan – that is, not before 2032.

The purpose of showing a runway reserve is to ensure that a possible future extension is not prejudiced by future urban development. A key role of the Master Plan is to protect future options. By including the runway reserve in the Master Plan, the resultant OLS and noise modelling can influence land use planning decisions by identifying the fullest possible extent of the aerodromes operational curtilage.

Land Development

The exhibited Master Plan identified an area of 9.5 hectares as being available for 'non-aviation commercial development'. The underlying logic of this element of the exhibited plan was to provide a buffer of non-noise sensitive development managed by the aerodrome management and to provide an additional source of revenue to support the development and running of the aerodrome.

Submissions on this issue were mixed. Council's Strategic Planning branch expressed concerns as to the impact of non-aviation commercial development upon council's centres hierarchy. From an aerodrome management perspective, the proposal remains attractive particularly in view of the capital works costs identified in the Master Plan. It is proposed therefore that, rather than identifying the subject area as 'non-aviation commercial buffer' as per the exhibited Master Plan, the area will be annotated 'future development area' – with a view to working further with council's Strategic Planning team to refine the specific nature of the development in the future.

Aerodrome Registration

A number of submissions from current aerodrome lessees and business operators objected to the proposed registration of the aerodrome on the grounds that the cost outweighed the benefits.

Registration is the process by which CASA reviews the aerodrome's physical characteristics and operational processes against all of the relevant legislative requirements.

Initial registration would involve an audit/inspection of the aerodrome by CASA and then the ongoing annual audit of the aerodrome manager's inspection reports by CASA.

Initial registration is expected to cost around \$15,000 once the aerodrome's facilities and practices are made to comply with CASA requirements for a registered aerodrome.

Caloundra is currently an 'Authorised Land Area' (ALA) and, while still required to comply with CASA standards, there is no formal reporting or audit process that would reduce council's risk as the operator of the aerodrome. Additionally, registration would provide access to the NOTAM system which provides pilots with up to date information about the condition or serviceability of the aerodrome.

Given that registration is not a land use/aerodrome planning issue, and that the aerodrome is not yet ready to be registered, this issue has been removed from the Master Plan.

Registration may be separately pursued in the future.

Aircraft Parking/Landing Charges

A number of submissions have objected to the introduction of these charges.

The issue of aircraft parking and landing charges was addressed in council's budget resolution of June 2012. While this is not strictly a Master Plan issue it is recommended that the charges be retained as a contribution towards the operating cost of the aerodrome.

Aerodrome Design/Facilities

A number for submissions raised issues with respect to elements of the design of the aerodrome and/or specific elements of the Master Plan such as:

- taxiway design
- apron design
- building alignment
- extensions to lease areas for aircraft parking
- emergency helicopter facilities
- heavy helicopter facilities
- the sealing of the extended apron
- the need for a compass swing area.

The submissions have resulted in the following changes to the aerodrome design/facilities:

- The existing apron has been redesigned and will be slightly widened to accommodate a circulation pattern similar to that which currently exists but which will now be compliant with CASA requirements.
- The proposed 'all weather' apron extension will be sealed rather than being a gravel surface.

- The proposal to extend lease area for 'exclusive use' aircraft parking has been removed.
- A combined heavy helicopter landing pad, compass swing area and engine run up bay has been located adjacent to the taxiway to the 23 end of the main runway. This facility was sought by business operators to support the growth of helicopter maintenance and modification at Caloundra.

Capital Works Program

The makeup and cost of the Capital Works Program identified in the Master Plan has been amended to reflect the issues raised in submissions and a more detailed consideration of cost.

The most significant change relates to the cost of developing the new aviation business area and extension of Pathfinder Drive to the south. This element, as with all elements of the Master Plan, will be subject to the preparation of a specific business case before proceeding to ensure an appropriate return on council's funds.

A more detailed summary of the submissions and comment on the submissions is provided in Attachment 2.

Feedback – Staffed Information Displays

In addition to the written submissions received, feedback was provided at staffed information displays conducted during the exhibition period as follows.

Stockland Caloundra – 27 October 2012

The team spoke to approximately 40 people, with the majority being positive about the project: approximately 35 were supportive of the plan and five had concerns.

Issues raised by attendees at the display included the following:

- Residents were interested in confirmation the aerodrome was staying.
- Interest was expressed in the type of development planned at the aerodrome.
- Questions were raised as to whether or not the alignment of the runways would change.
- Some local residents were concerned about aircraft noise, especially at night.

Caloundra Markets – 4 November 2012

The team spoke to more than 100 people during the day and provided a range of information about the aerodrome and the draft Master Plan. Of those spoken to:

- 77 were in favour of the Master Plan.
- 39 had a neutral opinion.
- 14 had a negative opinion about the aerodrome or the Master Plan.

Issues raised by attendees at the display included the following:

- Residential development, particularly Bellvista Stage 2. Fifteen people were opposed to this residential development and supported the aerodrome developing further.

- Aircraft noise, particularly helicopters. Thirteen people supported the aerodrome on this issue and noted residents had moved in after the aerodrome was operating. Fourteen people expressed negative opinions about the helicopter noise.
- 21 people supported expanding the Queensland Air Museum and noted it was an important tourist attraction for the area.

Stockland Caloundra – 12 November 2012

The team spoke to more than 50 people during the day and provided a range of information about the aerodrome and the draft Master Plan. Of those spoken to:

- 48 had a positive opinion of the Master Plan and the aerodrome continuing to operate.
- Seven had a negative opinion about the aerodrome or the Master Plan, in particular flight paths and circuits by helicopters.

Issues raised by attendees at the display included:

- residential development, particularly Bellvista Stage 2
- aircraft noise, particularly helicopters
- positive opinions about expanding the Queensland Air Museum.

Legal

Caloundra Aerodrome is governed in accordance with a Deed of Agreement executed between the then Caloundra City Council and the Commonwealth Government (dated 29 June 1992) whereby council is required to be solely responsible for developing, operating and maintaining the aerodrome in compliance with Civil Aviation Regulations and Standards under the Commonwealth *Civil Aviation Act 1988* and the *Air Navigation Act 1920*.

The land upon which Caloundra Aerodrome operates is under Queensland Government-controlled tenure (being a Reserve for Landing Ground for Aircraft Purposes, with council as trustee). As a consequence, dealings with interests in land are required to be undertaken in accordance with Queensland's *Land Act 1994*. Similarly, given the trusteeship of the reserve is with council, the requirements of Queensland's *Local Government Act 2009* and associated Regulations apply.

The land use planning framework for Caloundra Aerodrome is established by the *Sustainable Planning Act*, the *South East Queensland Regional Plan* and the *Caloundra City Plan*.

Under the *Caloundra City Plan*, development for aviation-related purposes on the aerodrome is 'exempt development' not requiring the approval of a development application. The development on the aerodrome does however need to have regard for State and Commonwealth legislation in relation to vegetation management and biodiversity conservation – dependent upon the nature, location and impact of the activities being carried out.

At the time of writing the draft Sunshine Coast Planning Scheme was still being finalised. As exhibited, the draft planning scheme proposed to require that development on the aerodrome be subject to development applications. There are ongoing discussions with council's Strategic Planning branch to progress this issue. It remains the objective of aerodrome management to achieve 'exempt' development status under the Sustainable Planning Act for aviation-related purposes that are consistent with the Master Plan.

Policy

The exhibition of the draft Master Plan has been consistent with council's community engagement policy.

Risk

Caloundra Aerodrome forms an important component of the south-east Queensland (SEQ) aviation infrastructure. The opportunity resulting from a well-planned future for the aerodrome is a valuable general aviation facility that provides recreational aviation facilities, pilot and engineering training, aircraft maintenance, and aviation services to the Sunshine Coast.

Urban development in south-east Queensland remains a significant threat to the long term viability of some aerodromes, placing increasing pressure on the capacity of the aerodromes to accommodate future growth. Council has consistently placed on the public record its concerns regarding government approval for urban development in close proximity to the Caloundra Aerodrome. This continues to be a concern.

The Master Plan identifies a number of elements of the aerodrome facilities that require upgrading to comply with CASA requirements. These issues relate primarily to the existing aircraft apron. The resolution of these issues has been estimated to cost \$155,000.

In addition to the specific funding issue identified above, obtaining funding for the implementation of the Master Plan will need to compete against a range of other priorities.

Previous Council Resolution

Council resolution (OM12/124)

That Council:

- a. *receive and note the report titled "Draft Caloundra Aerodrome Master Plan";*
- b. *resolve to place the Draft Caloundra Aerodrome Master Plan (Appendix A) on public exhibition for a period of 30 business days;*
- c. *note that a further report will be presented to council following the completion of the public exhibition period;*
- d. *note that Caloundra Aerodrome Management Plan (1997) is an endorsed document for the Caloundra Aerodrome; and*
- e. *the "Commonwealth Deed 1992", relating to the Caloundra Aerodrome, be formally recognised as related documentation.*

Related Documentation

29 June 1992	Caloundra Aerodrome Deed
November 1997	Caloundra Aerodrome Management Plan
30 June 1999	Caloundra Aerodrome Land Use study – prepared by GHD – Old Caloundra council file no 446 002 000
September 2000	SEQ General Aviation Needs & Opportunities Study Information paper – Qld Transport report prepared by Economic Associates & Aerodrome Operations Support
2001	Queensland Aviation Strategy 2001 and Queensland Aerospace

	Industry Development Plan 2001 – Queensland Government
2004	Caloundra City Plan 2004
April 2005	Caloundra Aerodrome Investigation – Background Report (Caloundra City Council)
2007	Review of the State of the GA Sector in SEQ – prepared by Rehbein AOS
November 2008	Department of Infrastructure and Planning -Replacement Aerodrome Study for Caloundra Aerodrome – Draft Report for Phases One – Stages 1 and 2 – draft prepared by GHD
2008	BTRE Report – General Aviation Activity 2008
2009	Sunshine Coast Council Corporate Plan 2009
2009	SEQ Regional Plan – Department Local Government & Planning 2009
December 2009	Commonwealth Government Aviation White Paper – Chapter 3 – General Aviation
2010	Sunshine Coast Council Economic Development Strategy 2010
2010-2012	Caloundra South Structure Plan/Master Plans and Development applications – Urban Land Development Authority and Stockland
April 2011	Caloundra Aerodrome – Threatened Flora and Fauna Assessment
June 2011	Caloundra Aerodrome Safety/Compliance Risk Assessment – Aviation Projects
July 2011	Environmental Assessment Report Caloundra Aerodrome, WSP
August 2011	Caloundra Aerodrome – Economic Contribution – PWC
December 2011	Environment – Flora Species Survey – Caloundra Aerodrome Biodiversity Assessment & Management
December 2011	Species Management Plan <i>Crinia Tinnula</i> – Caloundra Aerodrome - Biodiversity Assessment and Management
March 2012	Report for 2030 Aircraft Movement Forecast – Caloundra Aerodrome
2012	BTRE Report – General Aviation Activity 2011

Critical Dates

There are no specific critical dates related to the adoption of the Master Plan. It is noted however that the uncertainty over the future of Caloundra Aerodrome that has existed for the past decade should be resolved.

Implementation

The Master Plan identifies the actions proposed to be undertaken. As discussed in the 'Risk' section of this report, a priority action should be the upgrading of the existing apron to ensure compliance with CASA requirements. The remaining actions requiring capital outlay will be the subject of specific business case analysis before they proceed.

7.6 OFFICE OF THE MAYOR AND CHIEF EXECUTIVE OFFICER**7.6.1 AUDIT COMMITTEE REPORT 1 FEBRUARY 2013**

File No: Council Meetings
Author: Manager Audit and Assurance
Office of the Mayor and Chief Executive Officer
Appendices: App A - Audit Committee Minutes 1 February 2013

PURPOSE

To provide information to Council on the Audit Committee activities and outcomes.

EXECUTIVE SUMMARY

The Audit Committee is established in accordance with the *Local Government Regulation 2012* and is an Advisory Committee of Council with Minutes of each meeting presented to Council.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Audit Committee Report 1 February 2013 and
- (b) note and implement the recommendations from the Audit Committee Minutes 1 February 2013 (Appendix A).

FINANCE AND RESOURCING

There are no finance and resourcing in relation to this report.

CORPORATE PLAN

Corporate Plan Theme: *Innovation & Creativity*

Emerging Priority: 3.4 - Council's working culture is dynamic, flexible and entrepreneurial

Strategy: 3.4.2 - Implement ongoing improvement programs focused on the best way forward

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.1 - Ethical, accountable and transparent decision-making

Strategy: 8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation

Corporate Plan Theme: *Great governance***Emerging Priority:** 8.1 - Ethical, accountable and transparent decision-making**Strategy:** 8.1.3 - Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice**CONSULTATION****Internal Consultation**

- Chief Executive Officer
- Executive Directors

External Consultation

Independent members of the Audit Committee.

Community Engagement

There has been no community engagement undertaken in relation to this report.

PROPOSAL

The Audit Committee is an Advisory Committee established in accordance with the *Local Government Regulation 2012*. It has no delegated authority, does not replace the responsibilities of Executive Management and is a source of independent advice to Council and to the Chief Executive Officer.

The overall objective of the Audit Committee is to assist the Council and the Chief Executive to discharge their duties in particular:

- Corporate Governance and responsibilities in relation to the organisation's financial reporting, internal control structure, risk management systems and the external and internal audit functions;
- maintain an independent and objective forum promoting transparency, accountability and an ethical culture throughout council;
- maintain by scheduling regular meetings, open lines of communications with Council, Executive Management, External Audit and Internal Audit, to exchange information and views;
- oversee and appraise the quality and efficiency of audits conducted by both the Internal and External Audit functions; and
- ensure both the Internal and External Audit functions are independent and effective.

In accordance with Section 211(1)(c) of the *Local Government Regulation 2012*, the Audit Committee must give the local government a written report of its deliberations and its advice or recommendations.

The Agenda and attachments are distributed to Councillors, Audit Committee members and Executive Management prior to the meetings in accordance with Council's statutory meeting process.

The Minutes of the Audit Committee Meeting held on 1 February 2013 (Appendix A) are now presented to Council for its receipt.

Legal

There are no legal implications to this report.

Policy

Compliance with the *Local Government Regulation 2012*.

Risk

There are no risk implications for this issue.

Previous Council Resolution

There are no previous Council resolutions that relate to this report.

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates that relate to this report.

Implementation

Should Council agree to the recommendations, officers will proceed to implement the recommendations.

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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 the Chief Executive Officer for report and consideration of recommendation
 - Petition not be received

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10 CONFIDENTIAL SESSION**10.1 REGIONAL STRATEGY AND PLANNING****10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - LAND ACQUISITION - SPORTS GROUNDS****File No:** ECM**Authors:** Manager Social Policy
Regional Strategy & Planning Department
Acting Manager, Property and Business
Finance & Business Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business 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 - TEMPORARY LOCAL PLANNING INSTRUMENT FOR VEGETATION PROTECTION**File No:** ECM**Authors:** Planning Coordinator
Regional Strategy & Planning Department
Coordinator Biodiversity
Regional Strategy & Planning Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business 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.

10.1.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - HEALTH HUB - CAR PARKING MANAGEMENT STRATEGY**File No:** STRI15**Author:** Project Coordinator
Regional Strategy & Planning Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business 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 INFRASTRUCTURE SERVICES**10.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - YANDINA TOWNSHIP - LAND ACQUISITION**

File No: 21758
Author: Project Delivery and Design Manager
Infrastructure Services Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business 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 - ACQUISITION OF LAND - YANDINA

File No: Property File
Author: Asset and Investigations Manager
Infrastructure Services Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business 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 FINANCE AND BUSINESS**10.3.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - TRUSTEE LEASE ON RESERVE LAND - CALOUNDRA**

File No: P & C: LEA0014
Author: Acting Manager, Property and Business
Finance & Business Department

This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it. (This is a proposal for a commercial lease to an existing lessee.)

10.3.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MALENY COMMUNITY PRECINCT LEASES

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

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business 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.

10.3.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - POLICY DIRECTION ON PROVIDING LAND OWNERS CONSENT

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

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business 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.

10.4 OFFICE OF THE MAYOR AND CHIEF EXECUTIVE OFFICER**10.4.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL -
LITTLE MOUNTAIN****File No:** Council Meetings**Author:** Solicitor
Office of the Mayor and Chief Executive Officer

This report is confidential in accordance with section 275 (f) of the *Local Government Regulation 2012* as it contains information relating to starting or defending legal proceedings involving it.

11 NEXT MEETING

The next Ordinary Meeting will be held on 24 April 2013 in the Council Chambers, 1 Omrah Avenue, Caloundra.

12 MEETING CLOSURE