

Petition Glenfields Att 3 Negotiated Decision

Maroochy Cares, Maroochy Dares...

"Because we care about the lifestyle of the residents of Maroochy Shire, we must dare to do things differently - by protecting our environment, seeking out opportunity, promoting our diversity, developing our economic future and enhancing our sense of community."



ABN 60 983 072 606

Your Reference:

Our Reference:

Enquiries:

Direct Telephone:

Direct Fax No.:

Email:

GCS:PPE:REC02/0099

Greg Smith

(07) 5475 8574

(07) 5479 5389

20 March 2003

Australand Holdings Pty Ltd
PO Box 1365
COORPAROO QLD 4151

03/11107

45

**COMPUTER
PROCESSED**

Dear Sir/Madam

INTEGRATED PLANNING ACT, 1997 – NEGOTIATED DECISION NOTICE

DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (MODERATE URBAN SUBDIVISION) APPLICATION NO. REC02/0099 – PROPERTY NO. 107164 – LOT 999 SP 141236 & LOT 2 SP107434 – GLENFIELDS BOULEVARD, MOUNTAIN CREEK FOR AUSTRALAND HOLDINGS LIMITED

We have finalised the assessment of your request for a negotiated decision notice in accordance with Chapter 3 of the Integrated Planning Act, 1997.

The attached Negotiated Decision Notice confirms Council's approval of your request.

The Negotiated Decision Notice includes all necessary information relevant to the approval and we suggest that you read the document carefully to be clear about its contents and obligations.

We have made every effort to ensure that the Notice is self explanatory, however if you need to clarify or discuss any aspect of the Notice, please do so by contacting Greg Smith on the above telephone number.

Yours faithfully

GLEN WRIGHT
ACTING UNIT CO-ORDINATOR, DEVELOPMENT ASSESSMENT
(MAROOCHYDORE)

Enc.

Please quote our file reference number on your reply for fast tracking within Council

Address: Maroochy Shire Council
Cnr Currie & Bury Streets Nambour Qld Australia
Telephone: (07) 5475 8501
Facsimile: (07) 5441 8338
Email: maroochy@maroochy.qld.gov.au
EPD-DA-FM152/1-27/03/2002

Postal: The Chief Executive Officer
Maroochy Shire Council
PO Box 76
Nambour Qld Australia 4560
Website: www.maroochy.qld.gov.au

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Decision Notice Negotiated Decision Notice

INTEGRATED PLANNING ACT 1997, S.3.5.17

DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (MODERATE URBAN SUBDIVISION) APPLICATION NO. REC02/0099 – PROPERTY NO. 107164 – LOT 999 SP 141236 & LOT 2 SP107434 – GLENFIELDS BOULEVARD, MOUNTAIN CREEK FOR AUSTRALAND HOLDINGS LIMITED

The abovementioned application for a Development Permit for Reconfiguration of a Lot (Moderate Urban Subdivision) was assessed and was **APPROVED WITH CONDITIONS**. The decision was made by Maroochy Shire Council as Assessment Manager on 14 February, 2003. The following schedule provides all the relevant details:

SITE DESCRIPTION

Real Property Description: Lot 999 SP 1412 & Lot 2 SP 107434

Street Address: Glenfields Boulevard, Mountain Creek

NAMES OF ALL OWNERS OF LAND SUBJECT OF THE APPLICATION

Australand Holdings Limited & Maroochy Shire Council

NAME OF PLANNING SCHEME THE APPLICATION WAS ASSESSED UNDER

Superseded 1985 Planning Scheme for the Whole of the Shire of Maroochy

DEVELOPMENT APPROVAL

Class	Type	Extent of Approval S3.1.5(3) IPA	Currency Period
Reconfiguration of a Lot (Moderate Urban Subdivision)	Development Permit	Approved with Conditions	4 Years
Operational Works (Engineering Works)	Preliminary Approval	Approved with Conditions	4 Years
Operational Works (Landscaping)	Preliminary Approval	Approved with Conditions	4 Years

APPROVED PLANS

Plan No	Description	Amendments
B2180-151A	Australand Holdings Limited – Waterbury Park Estate – Stage 10, drawn by Jones Flint & Pike and dated 21 February, 2002	Outlet Channel to be in accordance with Cardno MBK Drawing No. 2992/10-A, B & C. The proposed bioretention basin is to be relocated to be positioned between the proposed park dedication and the likely future road reserve

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CONDITIONS OF DEVELOPMENT APPROVAL

RECONFIGURATION OF A LOT (MODERATE URBAN SUBDIVISION)

FEES AND CONTRIBUTIONS

- 1 All fees, rates, interest and other charges levied on the property, shall be paid in accordance with the rate at the time of payment prior to release of Plan of Subdivision. Current checking fees relating to this subdivision include the following and shall be paid at lodgement of the plans/drawings:
 - (a) Endorsement Fee for Survey Plan (based on actual number of lots on plan)
 - i) \$54 per lot up to 20 lots
 - ii) \$28 per lot for each lot in excess of 20
 - (b) Easement Document Sealing Fee
 - i) \$105 per document
 - ii) \$54 per document for 2 to 20 documents lodged simultaneously
 - iii) \$28 per set in excess of 20 documents lodged simultaneously
 - (c) Bank Guarantee/Bond Administration Fee
 - i) \$393 per Bond
 - (d) Engineering Drawings and Specification Examination and Site Inspections Fee - Roadworks, Stormwater Drainage and Allotment Works
 - i) \$162 per lot up to 5 lots
 - ii) \$821 plus \$99 per lot over 5 lots up to 20 lots
 - iii) \$2,274 plus \$65 per lot over 20 lots
 - (e) Water Supply and Sewerage (incl Prep of As Constructed Drawings):
 - i) Water Supply Per Lot - \$116
 - ii) Sewerage Per Lot - \$156
- 2 The applicant shall lodge a levy for road network analysis at the rate of \$324 per created lot
- 3 The whole of the development site (including the balance area) shall be cleared of noxious weeds. The noxious weeds inspection fees for the 2000/2001 financial year are:
 - (a) \$87 for total area less than 25 ha
A reinspection fee of \$172.70 is applicable for any further inspections (at discretion of inspecting officer)
- 4 A contribution shall be made for the placement by Council of two (2) trees per allotment along the estate roads at a time when the development of the estate is well advanced with home construction. The rate for the 2000/2001 financial year is \$70 per lot. Should the applicant desire to place well-advanced trees along the road for the presentation of the estate, rather than lodge a contribution, then this may be approved by Council following lodgement of planting and maintenance details. Root intrusive trees are not to be planted in the road reserve unless specifically approved by Council. In this respect, the applicant or his agent should liaise with Council's Parks and Recreation Section prior to any planting for determination of species selection
- 5 Contribution shall be made towards water supply headworks in accordance with Council's Policy at the time of payment. Payment shall be made prior to the sealing of the plan of survey for the proposed subdivision. The rate per additional allotment for the 2000/2001 financial year has determined as follows:

Water Supply Zone - 19		Rate Per Additional Allotment		
Component	Lot Type	Amount	EP Rate	Sub Total
Regional	Res A	\$944.99 /EP	3.2 EP	\$3023.97
Zonal	Res A	\$185.09 /EP	3.2 EP	\$ 592.29
Total Cost per additional allotment				\$3616.26

EP = Equivalent Person

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- 6 Contribution shall be made towards sewerage headworks in accordance with Council's Policy at the time of payment. Payment shall be made prior to the sealing of the plan of survey for the proposed subdivision. The rate per additional allotment for the 2000/2001 financial year has determined as follows:

Sewerage Catchment Zone – MO7		Rate Per Additional Allotment		
Component	Lot Type	Amount	EP Rate	Sub Total
Catchment	Res A	\$856 50 /EP	3.2 EP	\$2740.80
Sub-Catchment	Res A	\$148.06 /EP	3.2 EP	\$ 473.79
Total Cost per additional allotment				\$3214.59

EP = Equivalent Person

- 7 The applicant shall pay electricity charges to street lighting for a period of two (2) years. Payment shall be a lump sum made prior to sealing the Plan of Survey at the Energex Tariff 2 rate per streetlight

SERVICES

- 8 The applicant shall:
- Provide a copy of the approved plan to Energex for its records and obtain a Certificate of Electricity Supply to Subdividers for the proposed lots for Council records
 - Obtain clearance from Energex that it has no requirements with respect to power affecting the subject land
- 9 The applicant shall:
- Provide one additional copy of the approved Plan of Survey to the Council for issue to Telstra for its records
 - Obtain Telstra clearance for the subdivisions subject to any requirement of such clearance being reasonable having regard to the nature of the subdivision being undertaken. This condition will not extend to requiring the relocation of any Telstra Service passing through the site where no compensation has been paid for the placement of the service on the land, other than a service to a house on the property

WATER SUPPLY AND SEWERAGE

- 10 Reticulated water supply and sewerage services shall be provided to each allotment within the proposed development in accordance with Council's Operational Works Code requirements

SURVEY

- 11 The applicant shall arrange certification by a Licensed Surveyor that:
- The constructed access is fully contained within the dedicated reserve/registered easement
 - All utility services are wholly located within the allotment they serve or alternatively included in an easement

PRELIMINARY APPROVAL FOR OPERATIONAL WORKS

WORKS GENERAL

- 12 A total of 2 Permanent Survey Marks shall be installed in each stage and connected to Australian Height Datum
- 13 All development works shall be constructed in accordance with Council's guidelines and specifications for procedures, materials, construction standards and tolerances and standard drawings
- 14 All development works shall be supervised by a registered professional engineer
- 15 No work shall be commenced until:
- Design of the works has been approved by Council as required of other conditions of this Permit
 - The name of the responsible contractor has been advised to Council
 - That contractor has been duly appointed principal contractor under the provisions of the Workplace Health and Safety Act and

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- (d) The developer or his agent has in the prescribed form, notified adjoining and affected landowners/residents of the proposed works
- 16 The applicant shall be responsible for the alteration, relocation or re-installment of public utility services, stormwater drainage structures, driveways and other features affected by the development works
- 17 Where attributable to the development, any damage to existing road construction shall be immediately repaired, any material deposited on existing roads shall be immediately removed and any watering for dust control shall be maintained. Where delays in repair or removal or watering result in Council undertaking the necessary work, the developer shall be required to arrange for the payment of the cost of such work before release of survey plan for the subdivision
- 18 No soil or fill shall be removed from the site in excess of 50m³ unless approved otherwise by Council in writing
- 19 The development site and other affected lands shall be protected/reinstated with provision of satisfactory erosion and sediment control, and revegetation to avoid/remove visual degradation of the land and shall include:
- (a) Construction of cut-off drains and silt traps
 - (b) Intense replanting of cut and fill batters
 - (c) Re-grassing of all areas affected by the development works
 - (d) Reinstatement of all affected adjoining lots where necessary
 - (e) Sediment fencing of all downstream limits of earthworks areas
 - (f) Dust control screening to the perimeter of all earthworks areas where necessary
 - (g) Maintenance of the works in (a) - (e)
 - (h) Other works as required by site conditions
- 20 The applicant shall arrange lodgement with Council of a geotechnical engineers certification that minimum Level II supervision in terms of AS3798 has been undertaken on all allotments and other areas subject of fill. The Certificate shall also confirm:
- (a) The original ground surface is clear of all vegetable matter prior to the start of the filling operation
 - (b) Fill is of good quality and free of unsuitable material, and
 - (c) Fill compaction has been achieved in accordance with Council's Inspection and Testing Plan

DESIGN

- 21 All development works shall be designed and constructed in accordance with the Planning Scheme Codes.
- 22 The engineering design shall include full details of proposed earthworks; quantities of cut and fill on site, intended importation of fill material, and/or intended removal of spoil from the site, including the quantity and spoil site. Where such spoil site cannot be confirmed at engineering drawing stage, full details are to be supplied for approval before the start of any site works
- 23 An erosion/sediment control plan shall be prepared in accordance with "Soil Erosion and Sediment Control" by The Institution of Engineers Australia and lodged as part of the engineering drawings for the development site and shall include the following:
- (a) Full contours of the site
 - (b) Location and details of all erosion control and sediment control devices
 - (c) Location and details of sediment fencing of all downstream limits of earthworks areas
 - (d) Programming/staging of the construction of the erosion/sediment control devices
 - (e) Requirements for the maintenance of the erosion/sediment control devices
- 24 Electricity reticulation including street lighting shall be designed by a suitably qualified consultant and details lodged with Council for checking. Underground power will be required on all urban subdivisions unless otherwise approved by Council. Reticulation lines will not be permitted on private property, park areas, drainage reserves. Reticulated power will be permitted within pathways where it is demonstrated it is necessary for the efficient servicing of the estate. Installation shall be provided in accordance with Council's Standards and the Electricity Act

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ROADWORKS

- 25 The subdivisional roads shall be classified as Residential Access Streets or Places in accordance with Queensland Streets and have a minimum average width of 14 metres with the exception of:
The extension of Glenfields Boulevard which is to have a width of 16m from the boundary with Stage 7 to the western boundary of the estate.
All new roads shall be constructed and joined smoothly to existing work and shall include the following:
The extension to Glenfields Boulevard carriageway through to the western boundary of Stage 10 shall be constructed in accordance with the requirements as set out in Queensland Streets including semi-mountable kerb and channel and AC sealed pavement
All other streets including semi-mountable kerb and channel and AC sealed pavement shall be a minimum of 5.5 metres wide
The carriageway widths above shall be varied for the turning circles/areas in blind roads
Provision of landscaped parking areas for 2 cars in each T-head cul-de sac
- 26 Each access strip serving the allotments shall be not less than 5.0 metres wide with a constructed 3.0 metres wide driveway minimum 200mm thick AC sealed pavement or minimum 125mm thick concrete with F82 mesh and shall include the following:
- (a) Connection to the road carriageway with 3.0 metres wide reinforced concrete crossing in accordance with Cement and Concrete Association Standards
 - (b) Extension of stormwater drainage for the full length of the access strip/easement

STORMWATER MANAGEMENT

- 27 (a) Design, construct, manage and maintain all components necessary to implement:
- (i) the previously agreed stormwater drainage strategy/plan for all areas draining to the northern end of the estate ensure adequate treatment of stormwater before it discharges from the site.
 - (b) The agreed strategy for the drainage systems shall include, but shall not be limited to the following:
 - (i) ~~Optional use of rainwater harvesting and reuse strategy based on a cumulative allowance of 1 KL of roof water storage for every 20m² of roof area. Or~~
 - (ii) ~~An alternative harvesting and reuse strategy that satisfies the desired environmental outcomes and results in no adverse changes to the long term water balance of sensitive receiving environments.~~
 - (iii) ~~the construction of pumping facilities and ancillary works to implement any approved harvesting and reuse strategy. Harvested water is to be used for non-potable uses such as irrigation of landscaped areas, sports grounds or for toilet flushing. Ensure that all plumbing satisfies the requirements of Maroochy Water to prevent contamination of the potable water supply.~~
 - (iv) ~~all necessary pits, pipes, swales, wetlands, biological filters, conveyance structures and all necessary associated infrastructure to convey the runoff from the site to appropriate discharge points.~~
 - (v) ~~filtration and infiltration devices sufficient to achieve the desired water balance requirements for the site. Wherever possible, infiltration devices are to be incorporated into landscaping areas.~~
 - (c) All bio-filtration, filtration and infiltration facilities shall be designed, constructed and maintained in accordance with the provisions outlined in Council's Flooding & Stormwater Guideline No 12. The design shall specifically allow for the following:
 - (i) ~~Filtration devices shall have sufficient capacity to capture, and treat the runoff from the first 30mm of rainfall over the impervious areas of the site and flow rates up to and including the peak flows expected from a 2 year ARI runoff event~~
 - (ii) ~~During peak flow conditions, the average detention time of any runoff captured and stored within any infiltration, filtration or bio-filtration device shall be not less than 10 minutes~~

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- (iii) ~~Any purpose built stormwater filter shall be constructed such that the filter medium is fully contained within a suitable a rigid impermeable structure such that the integrity of the structure and the integrity of the filter medium will not be compromised during any maintenance activity necessary to replace the filter medium during the design life of the structure~~
 - (iv) mitigate the potential water quality impacts of runoff from the site in compliance with Council's water quality requirements (EPP Water 1997), ANZECC 1992/2000.
 - (d) Provide drainage easements dedicated in favour of Council over all infrastructure necessary for the long term satisfactory performance of the stormwater management strategy wherever such infrastructure is located on private land. Provide such other easements for access and maintenance as necessary to allow unimpeded access to infrastructure from public land.
- 28 Submit a detailed Stormwater Infrastructure Maintenance and Management Report incorporating a separable report for each separate constructed wetland or stormwater filter, including a single consolidated report for all other soft assets (those that rely on vegetative elements for their satisfactory long term performance) that form part of the overall stormwater drainage infrastructure for the site. The report shall incorporate full design details of any elements additional to or different from the approved strategy including any additional requirements of these conditions. The report shall be prepared in accordance with the reporting provisions set out in Maroochy Plan 2000, Policy No 11 and should include any planned or scheduled maintenance requirements of any proposed:
- (a) Grassed swales, bio-filters, filters and infiltration areas
 - (b) Underground piped drainage system
 - (c) GPT's, Oil and Grit Separators
 - (d) Stabilisation for any outlet structures discharging into watercourses, buffer areas or conservation areas
 - (e) Maintenance of lake water levels and wetland water quality;
 - (f) Contingency plans for algal outbreaks and excessive aquatic growth, wetland/lake siltation and fish kills;
 - (g) Maintenance of aquatic vegetation;
 - (h) Fertiliser, pesticide and herbicide usage and control; and
 - (i) Monitoring, trigger levels and corrective action requirements and responsibilities.
 - (j) Water quality monitoring program, including actions, locations, frequency, responsibilities, reporting and duration;
 - (k) Lifecycle cost assessment for any components to be handed over to Council;
 - (l) Asset handover timetable including process and timing of asset handover.
- Advisory note. Planning Scheme Policy No. 11 requires that each Wetland Management Report be provided in two distinct and separable parts: The first, as a summary design, preliminary maintenance report at the time of the OPW application. The second, as a summary management report prior to acceptance or transfer of the asset to Council).*
- 29 The Stormwater Infrastructure Maintenance and Management Report shall include a detailed monitoring program which shall include the following:

Surface Water Monitoring

- 3 per year event monitoring exercises where the rainfall in the preceding 24 hours exceeds 30 mm. Monitoring is to be at the agreed point of discharge and a suitable baseline site adjacent to the site. At a minimum the parameters to be monitored include, but shall not be limited to:
- (a) pH,
 - (b) alkalinity,
 - (c) total nitrogen,
 - (d) nitrates,
 - (e) total phosphorous,
 - (f) bio-available phosphorous,
 - (g) aluminium (filtered and unfiltered) and
 - (h) iron

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Soils Testing

~~Where applicable, conduct soils testing at any overflow or concentrated discharge points into conservation or buffer areas and at the baseline site. Monitor at least once per year. At a minimum the parameters to be monitored include, but shall not be limited to:~~

- ~~(a) oils,~~
- ~~(b) metals,~~
- ~~(c) toxicants,~~
- ~~(d) total nitrogen,~~
- ~~(e) nitrates,~~
- ~~(f) total phosphorous,~~
- ~~(g) bio-available phosphorous~~
- ~~(h) once per year permeability testing of all infiltration areas at a rate of one test for every two hundred m² of infiltration area~~

Constructed Wetlands Water Quality Testing

~~Where applicable, conduct routine monthly monitoring of any lakes or constructed waterbodies receiving runoff from the development site. At a minimum the parameters to be monitored include:~~

- ~~(a) pH~~
- ~~(b) alkalinity~~
- ~~(c) total nitrogen~~
- ~~(d) nitrates~~
- ~~(f) total phosphorous~~
- ~~(g) bio-available phosphorous~~
- ~~(h) algal identification and count (during the period September to March)~~
- ~~(i) aluminium (filtered and unfiltered) and~~
- ~~(j) iron~~

Groundwater Monitoring

~~Where discharge of filtered stormwater is into the groundwater system and where the maintenance of the existing groundwater regime has been identified as necessary for the long term viability of sensitive flora and fauna, groundwater monitoring shall be conducted in accordance with this condition. Monitoring sites for groundwater are required at a minimum of 2 sites within any conservation or buffer area located immediately downstream of any discharge point from the development site. At a minimum monitoring is to be quarterly for the following parameters:~~

- ~~(a) Aluminium (filtered)~~
- ~~(b) PH~~
- ~~(c) Total nitrogen~~
- ~~(d) Nitrates~~
- ~~(e) Total phosphorous~~
- ~~(f) Bio-available phosphorous~~
- ~~(g) Iron~~
- ~~(h) Surveyed water level to AHD~~

- 30 Fill the site in accordance with the approved studies, plans and drawings to ensure that the development site is flood free in accordance with the provisions of Maroochy Plan 2000 Codes and Policies.
- 31 Provide a suitable plan of the entire development area prepared and certified by a Registered Surveyor showing:
 - (a) Design and As-constructed fill levels for each block,
 - (b) Design flood levels at the corners of all allotments adjoining a natural or constructed watercourse or trunk drainage line (pipe, culvert or channel with a conveyance greater than or equal to that of a 525 diameter pipe.);
 - (c) Minimum floor levels of all lots
 - (d) The plan location of all surveyed cross sections, culverts and bridge structures used in the evaluation of or the preparation of the approved Flooding and Stormwater Management Report for the site.

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- (e) An electronic data file in space or comma separated ASCII format suitable to be read into an EXCEL spreadsheet. The file shall listing the XYZ coordinates compatible with Councils adopted mapping standard of all surveyed cross section data points and all cross sections referred to above.
 - (f) An electronic data file with a summary flood level table listing the existing and ultimate design flood levels for each surveyed cross-section referred to in the Flooding and Stormwater Management Report.
Advisory Note: The reason for this condition is to allow Council to incorporate all digital cross-sectional and flood level data relevant to the site into the GIS data-base mapping system.
- 32 Maintain and monitor all components of the stormwater infrastructure in accordance with Council's Planning Scheme Codes and Policies, and the approved monitoring program incorporated into the Stormwater Infrastructure Maintenance and Management Report, or as set out in any approved EMP. Monitoring shall be sufficient to demonstrate compliance with EPP Water (1997) and ANZECC 1992/2000 and Council's planning scheme and policies.
 - 33 Maintain and monitor swales, vegetation filtration strips, infiltration and bio-filtration devices and constructed wetlands, (or any other purpose built stormwater infrastructure assets that rely on vegetated elements for their satisfactory performance), including any "experimental" or "one-off" works that form part of the approved stormwater management or treatment facilities. The maintenance and monitoring period shall be a minimum period of ~~three~~ **two** years after the completion of the final stage of works draining to the facility. The acceptance of such facilities shall be subject to demonstrated evidence of two consecutive years of satisfactory performance in accordance with the provisions set out in an agreed Stormwater Infrastructure Maintenance and Management Strategy. This provision shall apply to the acceptance of all catchment based stormwater treatment facilities including any bio-filtration or filtration facilities constructed within easements within private property.
 - 34 Monitoring is to be on the basis of twelve calendar months from the ~~1 August to 31 July~~ **date of acceptance of the works on maintenance** in the subsequent calendar year.
 - 35 Maintain all records in accordance with record keeping and reporting requirements detailed in the approved Stormwater Management Plan/EMP.
 - 36 Submit all reports required to demonstrate compliance with the approved Stormwater Management Plan to Councils Environmental Officer in accordance with the approved reporting timetable. The report shall include summary and detailed results of any monitoring, including management options for the correction of any observed deficiencies, in accordance with industry best management practices.
 - 37 All results shall be submitted to the nominated Environmental Officer, ~~within six weeks of 1 August of each calendar year~~ **as soon as possible after completion of the tests.**
 - 38 The proposed bioretention basin is to be fenced to prohibit public access and to be screen planted with vegetation. A landscape plan is to be submitted to Council as part of the Operation Works approval.

STORMWATER DRAINAGE

- 39 The development site shall be adequately drained, and stormwater shall be intercepted and lawfully discharged in accordance with the requirements of QUDM without causing an annoyance or nuisance to any person or property, and shall include the following:
 - (a) Construction of underground drainage through the development site and along all frontage roads
 - (b) Extension of the drainage system through the development site to all external catchments including cut off drains where necessary to protect the development site
 - (c) Registration of easements over all drainage structures and concentrated flow paths located in the allotments
 - (d) Provision of Gross Pollution Traps in all necessary locations to be detailed with the works application
- 40 The development site/allotments shall be filled where necessary for flooding and drainage purposes, and plans shall be provided indicating the extent and depth of fill on all affected areas/lots. Filling must not cause an annoyance or nuisance to any person or property or interfere with the natural flow of water

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WATER SUPPLY AND SEWERAGE

- 41 Town Water shall be supplied to the development site and shall include:
- (a) Extension of water mains to the extremity of all estate roads and frontage roads
 - (b) Connection to the parent scheme
 - (c) Provision of water services for the full length of access strips and access easements serving allotments (25mm NB min)
 - (d) Construction of water service conduits under roads where necessary at alternate locations to power and telecommunications services
 - (e) Construction of works in accordance with the approved findings of the Water Supply Network Analysis prepared by Cardno MBK dated January, 2000
 - (f) All estate footpaths shall be located to provide 0.5 metre horizontal clearance from Council's watermains
 - (g) A minimum horizontal clearance of 1.0 metre shall be maintained between Council's watermains and any future landscaping works involving tree and shrub plantings
- 42 The development site shall be sewered and shall include:
- (a) Construction of sewage reticulation lines throughout the site
 - (b) Provision of a sewerage connection within the boundaries of each allotment
 - (c) Connection to the parent sewerage scheme by gravity
 - (d) Provision of 3.0 metres wide easements over all sewers in allotments not constructed within Council's preferred alignment. The easement is to be located centrally over the main
 - (e) Construction of works generally in accordance with Option 2 of the approved findings of the Sewerage Network Analysis prepared by Cardno MBK dated January, 2000
 - (f) Written approval required from all property owners where sewers traverse property external to this approval
 - (g) A minimum horizontal clearance of 1.0m shall be maintained between Council's sewerage mains and any landscaping works involving tree and shrub plantings
 - (h) Where approved, sewers in excess of 3m deep, located adjacent to side and rear lot boundaries, shall be contained within a minimum 4m wide easement. The easement is to be located centrally over the main
 - (i) Sewerage mains shall be located a minimum 1.5m clear of all structures

ENVIRONMENTAL MANAGEMENT PLAN

- 43 All works, corrective actions, reporting, monitoring, testing and control measures on site shall be in accordance with *Environmental Management Plan (EMP) Waterbury Park Estate Reference number 2992/1.1 dated 10 January, 2001* prepared by Cardno MBK for Australand Holdings Ltd
- 44 Batters and/or retaining walls for filling operations for the residential allotments and roads shall not encroach upon Lot 2 SP 107434 boundary and shall be wholly within the estate boundary

LANDSCAPING

- 45 (a) A landscaping plan for the estate shall be submitted with the engineering drawings. Such plan shall address landscaping of the park areas, drainage reserve and road reserves including street tree planting, park/drainage reserve restoration and removal of undesirable species
- (b) A vegetation retention plan shall be submitted with the engineering drawings indicating road carriageway and service location, vegetation to be retained, measures to be employed to ensure vegetation retention and details of suitable size and species to be retained
- (c) The landscaping and vegetation retention plans shall be subject of assessment and approval by Council prior to the commencement of work on the site

OPEN SPACE

- 46 Land shall be dedicated for park purposes as per Plan No. B2180-151A dated 21 February, 2002. The 1.68ha of parkland shall be classified as Conservation & Habitat Park. The remaining parkland shall be classified as Linear Linkage Reserve

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- 47 Planting for the Linear Linkage Reserve shall provide 1 small tree (200ml pot) of endemic species (fire resistant) every 10.0 metres, with mulch collars around the base of the trees. Projected planting heights shall be of an appropriate scale, ie: ranging from 4.0 to 7.0 metres in height
- 48 Land to be dedicated for park purposes shall be upgraded to the following standard:
- (a) Do not cut or fill around trees
 - (b) Trees to be protected from any damage during the development period
 - (c) Any *Lantana*, *Groundsel*, *Tobacco plants* and *Weed grasses* and other environmental weeds to be selectively removed
 - (d) Selective pruning if dead and diseased wood and removal of any dead trees within a ten (10.0) metre distance of potential residential housing (ie this condition mainly pertains to a linear linkage park that borders residential allotments to ensure public safety and protection of residents infrastructure facilities)
 - (e) Disturbed areas to be revegetated using locally endemic plant species
 - (f) All non vegetative debris to be removed from parkland
 - (g) No resident plant species to be removed from proposed parkland unless prior approval has been authorised by the Manager, IDAS or delegated officer
 - (h) Developer to comply with:
 - "On Maintenance Inspection" - Once the designated parkland is developed and inspected by Manager, IDAS or delegated officer, the developer regularly maintains the designated parkland for a period of twelve months.
Open areas to be grassed and left in a mowable condition, free of weeds, debris and rubbish. At "On" Maintenance stage, grass coverage to be 75% for seeded and hydroseeded areas and 100% for turf and be maintained at a frequency level in accordance with Council's practices i.e. maximum maintenance cycle of every 16 - 18 working days.
 - "Off Maintenance Inspection" - Once the designated parkland has been regularly maintained by the developer for the period of twelve months, the park is then taken off the developer maintenance and placed on Council Parks & Recreation maintenance cycle, after inspection and approval by the Manager, IDAS or delegated officer.
Open areas to be grassed and left in a mowable condition, free of weeds, debris and rubbish and that "Off" Maintenance stage grass coverage to be 95% for seeded and hydroseeded areas and 100% for turf
 - (i) No overburden or spoil shall be pushed or deposited into parkland
 - (j) Consult Landscape Assessment Officer and Environment Officer for directive of Street Tree placement and species selection
 - (k) Vehicle barriers and access gate shall be installed on all new parkland, or as defined by the Manager, IDAS or Delegated Officer. Examples where this condition would be requested are:
 - i) For the protection of areas of significant vegetation in Conservation parks against vehicle damage
 - ii) Or for the prevention of vehicular access to walking tracks
- 49 Provide to the Landscape Assessment Officer, a Landscape Design Plan prepared by a suitably qualified person and Environment Officer, to be approved by the Manager, IDAS or Delegated Officer in accordance with Maroochy Shire Council Policies & Guidelines

STREET LIGHTING

- 50 Street lighting shall be installed to Maroochy Street Lighting Design Guidelines and in accordance with the AS1158.1.1-1997 and AS1158.1-1986 Code. Consultant shall confirm Lighting Category with Council's lighting designer, generally A2, A3, B1 or B2 based on the road classification
- 51 The developer shall supply a copy of the street lighting conditions and the street lighting design plans to Energex for approval

REASONS FOR REFUSAL

Not Applicable

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FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Works (Engineering Works)
Development Permit for Operational Works (Landscaping)

APPLICABLE SELF ASSESSABLE CODES

APPEAL RIGHTS

Rights of appeal conferred by Sections 3.5.16, 3.5.17, 3.5.18 & 4.1.27 of the Integrated Planning Act, 1997 as follows:

Division 4 – Representations about conditions and other matters

3.5.16. This division applies only during the applicant's appeal period.

3.5.17. Changing conditions and other matters during the applicant's appeal period.

- (1) This section applies if the applicant makes representations to the assessment manager about a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 3.3.18(1).
- (2) If the assessment manager agrees with the representations, the assessment manager must give a new decision notice (the "**negotiated decision notice**") to –
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area – the local government.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice –
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must be in the same form as the decision notice previously given; and
 - (c) must state the nature of the changes; and
 - (d) replaces the decision notice previously given.
- (5) If the assessment manager does not agree with the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with the representations, give a written notice to the applicant stating that the conditions have not been changed.
- (6) Before the assessment manager agrees to a change under this section, the assessment manager must reconsider the matters considered when the original decision was made, to the extent the matters are relevant.

3.5.18. Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the written representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the written representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.

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- (4) If the written representations are made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts –
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1) – the day after the as manager receives a further notice from the applicant withdrawing the earlier notice; or
 - (b) if the assessment manger gives the applicant a negotiated decision notice – the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a notice stating that the conditions have not been changed - the day after the applicant receives the notice.

Division 8 – Appeals to court relating to development applications

4.1.27. Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following –
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **“applicant's appeal period”**) after the day the decision notice or negotiated decision notice is given to the applicant,
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

WHEN THE APPROVAL TAKES EFFECT

This development approval takes effect -

- From the time the decision notice is given - if there is no submitter and the applicant does not appeal the decision to the court

OR

- When the submitter's appeal period ends - if there is a submitter and the applicant does not appeal the decision to the court

OR

- Subject to the decision of the court, when the appeal is finally decided - if an appeal is made to the court.

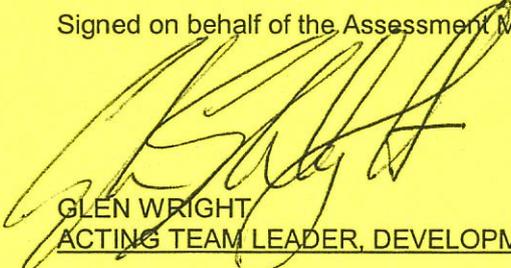
This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of the Integrated Planning Act for further details).

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ASSESSMENT MANAGER

Name: Maroochy Shire Council

Signed on behalf of the Assessment Manager:



GLEN WRIGHT
ACTING TEAM LEADER, DEVELOPMENT ASSESSMENT & FACILITATION

ADVICE NOTES

The following advice note does not constitute a condition for the purpose of this Development Permit. The note is provided to inform the applicant of other requirements of Council in relation to the proposal:

PROPERTY RECORDS NOTATION

Council will attach the following property record notation to all the proposed lots:

"This rate card notation is to inform purchasers of lots within this development, that Council may at some future time construct Glenfields Boulevard to connect with Mountain Creek Road to the west of the estate."