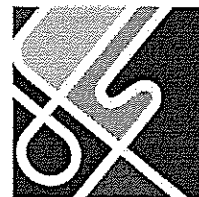


Your Ref: 2008/50-00027  
Our Ref: SP5054 / 13906jm,jm

**DILLON  
FOLKER  
STEPHENS**  
TOWN PLANNERS



INTEGRITY-EXCELLENCE-SUCCESS

COMMUNITY PLANNING

16 December 2011

The Chief Executive Officer  
Sunshine Coast Regional Council  
Locked Bag 72  
Sunshine Coast Mail Centre Qld 4560

Attention: Mr Marc Cornell

Dear Sir,

**Representations on Conditions – Decision Notice (Approval) for Development Permit for Material Change of Use to Extend an Existing Shopping Complex located at 119 Point Cartwright Drive, Buddina, Tumut Street, Buddina, 10 & 12 Tumut Street, Buddina and 2, 4, 6, 8, 10, 12, 14, 16 & 18 Bermagui Crescent, Buddina (Council reference: 2008/50-00027)**

We refer to Council's Decision Notice for the abovementioned development, dated 22 November 2011 (and received in full on 24 November 2011). Your records will reflect that we suspended the applicant's appeal period by letter dated 2 December 2011 in accordance with section 366 of the *Sustainable Planning Act 2009*.

Our client has now instructed us to make representations on the conditions contained within the Decision Notice. The wording of each condition subject to representation/negotiation has been provided below, along with our client's representation, and a recommended action. In each instance, proposed changes to the condition have been provided. Any new words proposed to be included are **highlighted in bold**, while any words to be deleted are shown as ~~struck out~~.

The Site Plan has also now been amended to show the proposed staging for the approved extensions and is included here as **Attachment A** (by Mirvac Design, drawing no. RFI CC 1 D). The plan illustrates that the extensions will be completed in two (2) stages, with the small, north-western "Point Cartwright" extensions to be undertaken first, together with other minor extensions as shown. 1,697 parking spaces will be provided with Stage 1 and the balance of the proposed parking spaces (1939 in total) will be provided with Stage 2, including the podium car park.

Staging the extensions in this way will enable the sequencing of the site works in the most efficient and orderly fashion. To avoid a complete re-organisation of the decision notice, we request that Council formally endorses the attached Site Plan, showing staging, and confirms the conditions that are applicable to each stage by way of a new condition. The condition could include a table such as that set out below, with all conditions not listed in the table being applicable to both stages of the development. The new condition could read:

**STAGING**

*The approved extensions may be staged in accordance with the approved plans. If staged, the development must occur sequentially in the stage order indicated on the approved plans. The table below lists specific*

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conditions that are applicable to each stage. Prior to the commencement of use of any stage, all associated works relevant to that stage must be completed unless otherwise stated. All conditions not listed in the table are applicable to both stages of the development

Stage 1	Stage 2
Condition 27(b),(c),(d),(e)(iv),(v) Condition 41	Condition 7 Condition 8 Condition 24 Condition 25 Condition 27(a),(e)(i),(ii),(iii),(iv),(f),(g),(h),(i),(j) Condition 31 Condition 36A Condition 38 Condition 39 Condition 40 Condition 42 Condition 42A Condition 42B Condition 43 Condition 55

## Condition 30

Council's original condition reads:

*The premises must be provided with a minimum of 1827 on-site car parking spaces, together with standing and manoeuvring for service vehicles including 9 Vans, 3 SRV's, 4 MRV's, 3 HRV's and 2 AV's. Car parking and manoeuvring areas must:*

- (a) be provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the relevant Planning Scheme and AS2890 - Parking Facilities;*
- (b) achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that complies with the requirements of AS2890.1;*
- (c) be designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of outlined in AS2890.1 Clause 2.4.5 and AS1428.1 Clause 1.7.2;*
- (d) be provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;*
- (e) be designed to enable all vehicles to enter and leave the site in a forward gear;*
- (f) be kept and used exclusively for vehicle parking and manoeuvring; and*
- (g) be accessible to the general public and/or staff during approved hours of operation.*

It is requested that the condition be amended to reflect the revised staging plan as follows:

**At the completion of this development the premises must be provided with a minimum of 1827 on-site car parking spaces, together with standing and manoeuvring for service vehicles including 9 Vans, 3 SRV's, 4 MRV's, 3 HRV's and 2 AV's. Staging of the provision of on-site car parking spaces and service vehicle bays must occur generally in accordance with the approved plans. Car parking and manoeuvring areas must:**

- (a) be provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the relevant Planning Scheme and AS2890 - Parking Facilities;
- (b) achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that complies with the requirements of AS2890.1;
- (c) be designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of outlined in AS2890.1 Clause 2.4.5 and AS1428.1 Clause 1.7.2;
- (d) be provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
- (e) be designed to enable all vehicles to enter and leave the site in a forward gear;
- (f) be kept and used exclusively for vehicle parking and manoeuvring; and
- (g) be accessible to the general public and/or staff during approved hours of operation.

## Condition 32

Council's original condition reads:

*The premises must be provided with a minimum of 132 bicycle bays for employees and 77 bicycle bays for visitors. The premises must also provide for shower cubicles with ancillary change rooms provisions for both males and females. Details are to be provided prior to the approval of any Operational Works.*

It is requested that the condition be amended to reflect the revised staging plan as follows:

**At the completion of this development** the premises must be provided with a minimum of 132 bicycle bays for employees and 77 bicycle bays for visitors. **Staging of the provision of bicycle bays must occur generally in accordance with the approved plans.** The premises must also provide for shower cubicles with ancillary change rooms provisions for both males and females. Details are to be provided prior to the approval of any Operational Works.

## Condition 42B

Council's original condition reads:

*Prior to the commencement of the use, a Bus Interchange Facility is to be constructed on the western side of Nicklin Way to service north-bound bus services to the satisfaction of Council and the Department of Transport and Main Roads. Details are to be provided to Council prior to the approval of any application for Operational Works*

### Our Client's Representations

This is considered to be an invalid condition for the reasons set out in the accompanying advice by Minter Ellison - included as **Attachment B**. The applicant therefore requests that the condition be deleted.

## Conditions 66 & 68

Council's original conditions read:

*Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings. The existing sewer mains affected by the development must be relocated accordingly*

*A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater). Easements must be located centrally over the main. For sewers on side boundary alignments easements may be partially located within neighbouring properties*

### Our Client's Representations

It is imperative that the proposed extensions are able to be built over an existing sewer which follows the eastern boundary of the site. Section 5.2 of the submitted Engineering Report prepared by Bornhorst and Ward Consulting Engineers addressed this issue (extract below) in response to an earlier Council information request.

*There is an existing 450mm diameter trunk sewer line following the eastern boundary of the site. This provides service to the shopping centre as well as areas external to the development site. The location of this is indicated on the Bornhorst & Ward Drawing SKC040 attached in Appendix A.*

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

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

*To support this application, long sections and detailed plan views have been prepared of the proposed sewer build over, and realignment of the existing 150mm diameter sewer line. CCTV has also been undertaken of the existing 450mm diameter sewer line to allow Council to determine the extent of relining works. This information is attached in Appendix A and C.*

Subsequent to the Decision Notice being issued, Unity Water's Sandya Handunnetti has confirmed that the sewer pipe is in good condition, having been relined by Council in 2005, and hence that Unity Water will not object to the previous in principle agreement by Caloundra Council to build over the existing sewer main. It is therefore requested that Council amend Conditions 66 & 68 as follows:

***Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings with the exception of the sewer main identified in Section 5.2 of the submitted Engineering Report prepared by Bornhorst and Ward Consulting***

## DA Mirvac - Att 2 Applicants Representation

~~Engineers where building over the sewer is permitted. The existing sewer mains affected by the development must be relocated accordingly~~

A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater). **Where building over sewer is permitted, a volumetric easement must be provided over the sewer main.** Easements must be located centrally over the main. For sewers on side boundary alignments easements may be partially located within neighbouring properties

We trust that Council gives due regard to the representations made above. Should you have any queries relating to this issue, please do not hesitate to contact the writer on 5443 5566.

Yours faithfully

**Dillon Folker Stephens Pty Ltd**



**Peter Folker**  
Director

cc: Mirvac Funds Ltd, Level 26, 60 Margaret Street, Sydney NSW 2000, attention Mr Robert Beck