

Minutes

Ordinary Meeting

Thursday, 28 February 2013

Council Chambers, Corner Currie and Bury Streets, Nambour

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7.2.3 DELEGATIONS OF AUTHORITY - COUNCIL'S REPRESENTATIVE ON COUNCIL COMPANIES DELEGATION AND UNITYWATER DELEGATION – APPENDIX B 81

7.2.5 AMENDED DELEGATION - ROAD CLOSURES – APPENDIX A 81

Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Council.



1 DECLARATION OF OPENING

The Chair declared the meeting open at 9:05am.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**COUNCILLORS**

Councillor M Jamieson	Mayor
Councillor R Baberowski	Division 1
Councillor T Dwyer	Division 2
Councillor P Cox	Division 3
Councillor C Thompson	Division 4 (Item 7.1.1 only)
Councillor J McKay	Division 5
Councillor C Dickson	Division 6
Councillor E Hungerford	Division 7 (Item 7.1.1 – 7.2.2 only)
Councillor J O'Pray	Division 8
Councillor S Robinson	Division 9
Councillor G Rogerson	Division 10
Councillor R Green	Division 11
Councillor T Wellington	Division 12

EXECUTIVE LEADERSHIP TEAM

Chief Executive Officer
Executive Director Finance and Business
Executive Director Infrastructure Services
Executive Director Community Services
Executive Director Regional Strategy and Planning
Executive Director Executive Office

APOLOGIES

Nil

COUNCIL OFFICERS

Principal Development Planner
Coordinator Planning Applications North
Principal Development Planner South
Manager Social Policy
Manager Infrastructure Policy
Coordinator Priority Infrastructure Policy and Infrastructure Charges
Financial Services Manager
Coordinator Transport Network Analysis
Manager Property and Business
Principal Development Planner North
Manager Major Urban Development



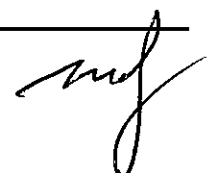
3 RECEIPT AND CONFIRMATION OF MINUTES

Council Resolution

Moved: Councillor T Dwyer
Seconded: Councillor J McKay

That the Minutes of the Ordinary Meeting held on 31 January 2013 and Special Meeting (Commercial Use of Council Controlled Land) held on 5 February 2013 be received and confirmed.

Carried unanimously.



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*, no declarations of material personal interest were made during this meeting.

4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Councillor R Green declared a perceived conflict of interest in regard to item 7.1.3 (as defined in section 173 of the *Local Government Act 2009*) as a director on the board of Noosa Biosphere Ltd.

Councillor G Rogerson declared a conflict of interest in regard to item 10.1.2 (as defined in section 173 of the *Local Government Act 2009*) due to his association with the property owner.

5 MAYORAL MINUTE

Nil

6 PRESENTATIONS**6.1 SUNSHINE COAST SPORTS AWARD - RECOGNITION**

Council Resolution (OM13/18)

Moved: Councillor R Baberowski

Seconded: Councillor T Dwyer

That Council receive the Sunshine Coast Sports Award - Plaque of Recognition from the Sunshine Coast Sports Federation with gratitude.

Carried unanimously.



7 REPORTS DIRECT TO COUNCIL**7.1 REGIONAL STRATEGY AND PLANNING****7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR HOTEL AND SHOPPING COMPLEX - DAVID LOW WAY, MARGARET STREET AND BIRTWILL STREET, COOLUM BEACH**

File No: MCU10/2001
Author/Presenter: Principal Development Planner
Regional Strategy & Planning Department
Appendices: App A - Conditions of Approval
Attachments: Att 1 - Proposal Plans

MOTION

Moved: Councillor S Robinson
Seconded: Councillor T Dwyer

That Council:

- (a) APPROVE WITH CONDITIONS Application No. MCU10/2001 and grant a Development Permit for Material Change of Use of Premises (Hotel and Shopping Complex) for the land situated at 1 & 3 Margaret Street and 2 Birtwill Street, Coolum Beach, subject to the conditions of approval as outlined in Appendix A, as amended namely

Amend Condition 3

Nature and Extent of Approved Use

3. The approved hotel use must not operate outside the hours of:

- (a) 7am to 2:30am Monday to Saturday
(b) 7am to 12am Sunday

Delete Condition 4

~~4. All outdoor use areas associated with the approved hotel with the exception of the Designated Outdoor Smoking Areas (DOSAs) must not be used after 10pm on any day (except on New Years Eve).~~

- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
1. the development would revitalise the streetscape of a prominent site in the Coolum village centre
 2. the development would enable the continuation of a tavern on an appropriately located site to serve the lifestyle needs of residents and tourists
 3. the development would provide additional civic space to the public realm, and incorporate a "kiosk" adjacent to it for potential use by not-for-profit groups for fundraising and other civic purposes and
 4. the development would benefit the local community by significantly improving the range of choice, convenience and price competition for a basic consumer good (liquor).

Councillor T Dwyer raised a point of order in relation to questions raised by Councillor J O'Pray not being related to the item being discussed. The mayor ruled the point out of order.

Councillor T Dwyer raised a point of order in relation to Councillor T Wellington already speaking to the motion. The mayor ruled against the point of order.

Procedural Motion

Moved: Councillor T Dwyer
Seconded: Councillor R Baberowski

That council dissent from the ruling of the chair.

For: Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor J McKay, Councillor C Dickson, Councillor S Robinson, Councillor G Rogerson and Councillor R Green.

Against: Councillor C Thompson, Councillor E Hungerford, Councillor J O'Pray, Councillor T Wellington and Councillor M Jamieson.

Carried.

Councillor G Rogerson raised a point of order in relation to Councillor T Wellington speaking to the motion. The Mayor upheld the point of order.



AMENDMENT

Moved: Councillor R Green
Seconded: Councillor T Wellington

That Council:

- (a) APPROVE WITH CONDITIONS Application No. MCU10/2001 and grant a Development Permit for Material Change of Use of Premises (Hotel and Shopping Complex) for the land situated at 1 & 3 Margaret Street and 2 Birtwill Street, Coolum Beach, subject to the conditions of approval as outlined in Appendix A, as amended namely

Amend Condition 3

Nature and Extent of Approved Use

3. The approved hotel use must not operate outside the hours of:

- (a) 7am to 2:30am Monday to Saturday
(b) 7am to 12am Sunday

Delete Condition 4

~~4. All outdoor use areas associated with the approved hotel with the exception of the Designated Outdoor Smoking Areas (DOSAs) must not be used after 10pm on any day (except on New Years Eve).~~

Amend Condition 5

The approved shopping complex use (Dan Murphy's store) must not operate outside the hours of 9am – 9pm on any day

- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
1. the development would revitalise the streetscape of a prominent site in the Coolum village centre
 2. the development would enable the continuation of a tavern on an appropriately located site to serve the lifestyle needs of residents and tourists
 3. the development would provide additional civic space to the public realm, and incorporate a "kiosk" adjacent to it for potential use by not-for-profit groups for fundraising and other civic purposes and
 4. the development would benefit the local community by significantly improving the range of choice, convenience and price competition for a basic consumer good (liquor).

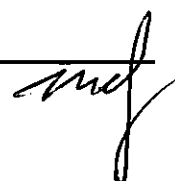
For: Councillor T Dwyer, Councillor P Cox, Councillor C Thompson,
Councillor J McKay, Councillor S Robinson, Councillor G Rogerson,
Councillor R Green and Councillor T Wellington.

Against: Councillor R Baberowski, Councillor C Dickson, Councillor E
Hungerford, Councillor J O'Pray and Councillor M Jamieson.

Carried.

The amendment became the motion.

Councillor R Green raised a point of order in relation to Councillor G Rogerson speaking to the amendment. The Mayor upheld the point of order.



AMENDMENT

Moved: Councillor J O'Pray
Seconded: Councillor G Rogerson

That Council:

- (a) APPROVE WITH CONDITIONS Application No. MCU10/2001 and grant a Development Permit for Material Change of Use of Premises (Hotel and Shopping Complex) for the land situated at 1 & 3 Margaret Street and 2 Birtwill Street, Coolum Beach, subject to the conditions of approval as outlined in Appendix A, as amended namely

Amend Condition 3

Nature and Extent of Approved Use

3. The approved hotel use must not operate outside the hours of:

- (a) 7am to 2:30am Monday to Saturday
- (b) 7am to 12am Sunday

Delete Condition 4

4. ~~All outdoor use areas associated with the approved hotel with the exception of the Designated Outdoor Smoking Areas (DOSAs) must not be used after 10pm on any day (except on New Years Eve).~~

Amend Condition 5

The approved shopping complex use (Dan Murphy's store) must not operate outside the hours of 9am – 9pm on any day

Amend Condition 2

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice with the shopping complex to not exceed 500sqm gross floor area.

- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
- 1. the development would revitalise the streetscape of a prominent site in the Coolum village centre
 - 2. the development would enable the continuation of a tavern on an appropriately located site to serve the lifestyle needs of residents and tourists
 - 3. the development would provide additional civic space to the public realm, and incorporate a "kiosk" adjacent to it for potential use by not-for-profit groups for fundraising and other civic purposes and
 - 4. the development would benefit the local community by significantly improving the range of choice, convenience and price competition for a basic consumer good (liquor).



Procedural Motion

Moved: Councillor R Green
Seconded: Councillor T Wellington

That the item lay on the table until 11am.

For: Councillor T Dwyer, Councillor P Cox, Councillor C Thompson,
Councillor J McKay, Councillor J O'Pray, Councillor G Rogerson,
Councillor R Green and Councillor T Wellington.

Against: Councillor R Baberowski, Councillor C Dickson, Councillor E
Hungerford, Councillor S Robinson and Councillor M Jamieson.

Carried.

The amendment moved by Councillor J O'Pray and seconded by Councillor G Rogerson was withdrawn with the approval of the council.



AMENDMENT

Moved: Councillor J O'Pray
Seconded: Councillor E Hungerford

That Council:

- (a) APPROVE WITH CONDITIONS Application No. MCU10/2001 and grant a Development Permit for Material Change of Use of Premises (Hotel and Shopping Complex) for the land situated at 1 & 3 Margaret Street and 2 Birtwill Street, Coolum Beach, subject to the conditions of approval as outlined in Appendix A, as amended namely

Amend Condition 3

Nature and Extent of Approved Use

3. The approved hotel use must not operate outside the hours of:

- (a) 7am to 2:30am Monday to Saturday
(b) 7am to 12am Sunday

Delete Condition 4

~~4. All outdoor use areas associated with the approved hotel with the exception of the Designated Outdoor Smoking Areas (DOSAs) must not be used after 10pm on any day (except on New Years Eve).~~

Amend Condition 5

The approved shopping complex use (Dan Murphy's store) must not operate outside the hours of 9am – 9pm on any day

Amend Condition 2

Approved Plans


2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice and the bottle shop within the shopping complex building must not exceed a maximum of 500sqm gross floor area.

Amend Condition 8

8. The area marked "kiosk" on the Approved Plans, and/or the adjacent open space (where within the site boundaries), must be made available for use by not-for-profit and other community groups for fundraising and other civic purposes. The kiosk must not be used for the purpose of a Designated Outdoor Smoking Area for the hotel.

- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:

1. the development would revitalise the streetscape of a prominent site in the Coolum village centre
2. the development would enable the continuation of a tavern on an appropriately located site to serve the lifestyle needs of residents and tourists
3. the development would provide additional civic space to the public realm, and incorporate a "kiosk" adjacent to it for potential use by not-for-profit groups for fundraising and other civic purposes and

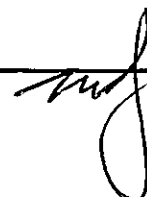


4. the development would benefit the local community by significantly improving the range of choice, convenience and price competition for a basic consumer good (liquor).

For: Councillor E Hungerford, Councillor J O'Pray, Councillor R Green and Councillor T Wellington.

Against: Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor J McKay, Councillor C Dickson, Councillor S Robinson, Councillor G Rogerson and Councillor M Jamieson.

Lost.



AMENDMENT**Council Resolution** (OM13/19)

Moved: Councillor J O'Pray
Seconded: Councillor G Rogerson

That Council:

- (a) *APPROVE WITH CONDITIONS Application No. MCU10/2001 and grant a Development Permit for Material Change of Use of Premises (Hotel and Shopping Complex) for the land situated at 1 & 3 Margaret Street and 2 Birtwill Street, Coolum Beach, subject to the conditions of approval as outlined in Appendix A, as amended namely*

Amend Condition 3

Nature and Extent of Approved Use

3. *The approved hotel use must not operate outside the hours of:*
- (a) *7am to 2:30am Monday to Saturday*
 - (b) *7am to 12am Sunday*

Delete Condition 4

4. *All outdoor use areas associated with the approved hotel with the exception of the Designated Outdoor Smoking Areas (DOSAs) must not be used after 10pm on any day (except on New Years Eve).*

Amend Condition 5

The approved shopping complex use (Dan Murphy's store) must not operate outside the hours of 9am – 9pm on any day

Amend Condition 8

8. *The area marked "kiosk" on the Approved Plans, and/or the adjacent open space (where within the site boundaries), must be made available for use by not-for-profit and other community groups for fundraising and other civic purposes. The kiosk must not be used for the purpose of a Designated Outdoor Smoking Area for the hotel.*
- (b) *find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:*
- 1. *the development would revitalise the streetscape of a prominent site in the Coolum village centre*
 - 2. *the development would enable the continuation of a tavern on an appropriately located site to serve the lifestyle needs of residents and tourists*
 - 3. *the development would provide additional civic space to the public realm, and incorporate a "kiosk" adjacent to it for potential use by not-for-profit groups for fundraising and other civic purposes and*
 - 4. *the development would benefit the local community by significantly improving the range of choice, convenience and price competition for a basic consumer good (liquor).*

Carried unanimously.



The amendment moved by Councillor J O'Pray and seconded by Councillor G Rogerson became the motion.

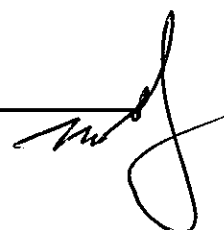
The motion was put.

For: Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor J McKay, Councillor C Dickson, Councillor S Robinson, Councillor G Rogerson and Councillor M Jamieson.

Against: Councillor E Hungerford, Councillor J O'Pray, Councillor R Green and Councillor T Wellington.

Carried.

Councillor C Thompson was absent for the vote on this motion.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a cursive name.

7.1.2 DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT (1 INTO 5 LOTS) AND PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME TO VARY THE LEVEL OF ASSESSMENT FOR DUAL OCCUPANCY - 30 -32 TORAL DRIVE, BUDERIM

File No: REC12/0044
Author/Presenter: Senior Development Planner
Regional Strategy & Planning Department
Appendices: App A - Conditions of Approval
Attachments: Att 1 - Proposal Plan

Council Resolution (OM13/20)

Moved: Councillor C Dickson
Seconded: Councillor E Hungerford

That Council:

- (a) *APPROVE WITH CONDITIONS Application No. REC12/0044 a Development Permit to Reconfigure a Lot (1 lot into 5) situated at 30-32 Toral Drive, Buderim, in accordance with Appendix A and*
- (b) *APPROVE WITH CONDITIONS Application No. MCU12/0044 for a Preliminary Approval Overriding the Planning Scheme for Material Change of Use of Premises (Dual Occupancy) to change the level of assessment from impact to self-assessable situated at 30-32 Toral Drive, Buderim, in accordance with Appendix A.*

Carried unanimously.



7.1.3 ENDORSEMENT OF NOOSA BIOSPHERE GOVERNANCE DIRECTOR

File No: Environmental management programs - Noosa Biosphere Reserve

Author: Research and Project Officer
Regional Strategy & Planning Department

Council Resolution (OM13/21)

Moved: Councillor J McKay

Seconded: Councillor P Cox

That Council:

- (a) receive and note the report titled "***Endorsement of Noosa Biosphere Governance Director***" and
- (b) endorse the appointment of Dr. Kate Crawford (Social Sector Board representative) as a Category 3 Director.

For: Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor S Robinson, Councillor G Rogerson, Councillor R Green and Councillor M Jamieson.

Against: Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox and Councillor T Wellington.

Carried.

Councillor R Green declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) as a director on the board of Noosa Biosphere Ltd. Councillor R Green remained in the meeting room for the debate and decision on this matter.

7.1.4 AMENDMENT TO ADOPTED INFRASTRUCTURE CHARGES RESOLUTION

File No: ECM

Author: Manager Infrastructure Policy
Regional Strategy & Planning Department

Appendices: App A - SCRC Adopted Infrastructure Charges Resolution (No 3) 2011 (*Under Separate Cover*)

Attachments: Att 1 - Summary of Proposed Amendments to Adopted Infrastructure Charges Resolution (No 2) 2011 (Rev.1) (*Under Separate Cover*)
Att 2 - Amendments to current Adopted Infrastructure Charges Resolution (*Under Separate Cover*)

MOTION

Moved: Councillor S Robinson
Seconded: Councillor R Baberowski

That Council

- (a) receive and note the report titled "Amendment to Adopted Infrastructure Charges Resolution"
- (b) adopt the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" Appendix A, to replace the previous "Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1)"
- (c) in addition to recommendation (b) above:-
 - (i) remove all references to "defined areas" and "master planning unit areas" from the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" to reflect current legislation
 - (ii) include additional clauses:
 - (1) 8.4 (1) (b) (iv) for non-residential development that replaces "external use area" that was existing lawful development at 1st July 2011, a discount will be applied that is equivalent to the GFA adopted charge from Table 13.1 for the same external use area that is to be replaced by GFA and for the defined use class associated with the existing lawful use, limited to Council networks only, based on a case by case demonstration and to be determined by the Chief Executive Officer pending the establishment of decision guidelines for future consideration by council
 - (2) 8.4 (1) (b) (v) where a subsequent development permit for "Building Works" relates directly to a development that is the subject of an earlier and current Development Permit for a Material Change of Use, allow a discount being for that development approved under the earlier Material Change of Use permit, applicable to Council networks only, based on a case by case demonstration and to be determined by the Chief Executive Officer
 - (iii) in section 1.6 Interpretation, add the following definition for "external use area": "external use area means the sum of the areas of a premises that are external to the gross floor areas and used for purposes associated with the lawful



development on the premises but excludes areas of landscaping and areas designated for car parking and the access and manoeuvring of motor vehicles.”

(d) authorise the Chief Executive Officer to:

- (i) forward the “Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011” Appendix A (as amended by (c) above), to the Chief Executive, Department of State Development, Infrastructure and Planning, advising replacement of the “Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1)” in accordance with Section 648D of the Sustainable Planning Act
 - (ii) approve applications for Extensions to Currency Periods from the date of this meeting as follows:
 - (1) cease application of Council's previous resolution dated 7 December 2011 and
 - (2) approve extensions:
 - (a) to allow the contributions applied by the earlier approval for Council networks to remain on a case by case basis as determined by the Chief Executive Officer pending the establishment of decision guidelines for future consideration by council
 - (b) where the adopted charge for Unitywater networks is greater than the previous contributions, refer the matter to Unitywater
 - (c) notwithstanding (d) (ii) (2) (b) above there will only be one charging regime applied
 - (iii) to re-negotiate existing Infrastructure Agreements entered into for Extension to Currency Periods under Council's previous resolution dated 7 December 2011 to apply the current resolution (d) (ii) (2) if requested by the applicant
- (e) progress the development of a development incentive scheme to encourage employment generating development activity to occur over the next two to three years for consideration during the 2013/14 Budget process and further that councillors provide any examples or case studies that might assist in the design of the scheme.



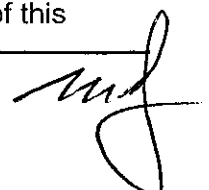
AMENDMENT

Moved: Councillor R Green
Seconded: Councillor T Wellington

That Council

- (a) receive and note the report titled "Amendment to Adopted Infrastructure Charges Resolution"
- (b) adopt the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" Appendix A, to replace the previous "Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1)"
- (c) in addition to recommendation (b) above:-
- (i) remove all references to "defined areas" and "master planning unit areas" from the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" to reflect current legislation
 - (ii) include additional clauses:
 - (1) 8.4 (1) (b) (iv) for non-residential development that replaces "external use area" that was existing lawful development at 1st July 2011, a discount will be applied that is equivalent to the GFA adopted charge from Table 13.1 for the same external use area that is to be replaced by GFA and for the defined use class associated with the existing lawful use, limited to Council networks only, based on a case by case demonstration and to be determined by the Chief Executive Officer pending the establishment of decision guidelines for future consideration by council
 - (2) 8.4 (1) (b) (v) where a subsequent development permit for "Building Works" relates directly to a development that is the subject of an earlier and current Development Permit for a Material Change of Use, allow a discount being for that development approved under the earlier Material Change of Use permit, applicable to Council networks only, based on a case by case demonstration and to be determined by the Chief Executive Officer
 - (iii) in section 1.6 Interpretation, add the following definition for "external use area":

"external use area means the sum of the areas of a premises that are external to the gross floor areas and used for purposes associated with the lawful development on the premises but excludes areas of landscaping and areas designated for car parking and the access and manoeuvring of motor vehicles."
- (d) authorise the Chief Executive Officer to:
- (i) forward the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" Appendix A (as amended by (c) above), to the Chief Executive, Department of State Development, Infrastructure and Planning, advising replacement of the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1)" in accordance with Section 648D of the Sustainable Planning Act
 - (ii) approve applications for Extensions to Currency Periods from the date of this



meeting as follows:

- (1) cease application of Council's previous resolution dated 7 December 2011 and
- (2) approve extensions:
 - (a) to allow the contributions applied by the earlier approval for Council networks to remain on a case by case basis as determined by the Chief Executive Officer pending the establishment of decision guidelines for future consideration by council
 - (b) where the adopted charge for Unitywater networks is greater than the previous contributions, refer the matter to Unitywater
 - (c) notwithstanding (d) (ii) (2) (b) above there will only be one charging regime applied
- (iii) to re-negotiate existing Infrastructure Agreements entered into for Extension to Currency Periods under Council's previous resolution dated 7 December 2011 to apply the current resolution (d) (ii) (2) if requested by the applicant.

Carried unanimously.

The amendment became the motion.



AMENDMENT**Council Resolution** (OM13/22)**Moved:** Councillor R Green**Seconded:** Councillor J McKay*That Council*

- (a) *receive and note the report titled "Amendment to Adopted Infrastructure Charges Resolution"*
- (b) *adopt the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" Appendix A, to replace the previous "Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1)"*
- (c) *in addition to recommendation (b) above*
 - (i) *remove all references to "defined areas" and "master planning unit areas" from the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" to reflect current legislation*
- (d) *authorise the Chief Executive Officer to:*
 - (i) *forward the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" Appendix A (as amended by (c) above), to the Chief Executive, Department of State Development, Infrastructure and Planning, advising replacement of the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1)" in accordance with Section 648D of the Sustainable Planning Act and*
- (e) *request the Chief Executive Officer to bring a further report to a Special Meeting 15 March 2013 which details further consideration of councils adopted infrastructure charges.*

For: Councillor T Dwyer, Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor S Robinson, Councillor R Green and Councillor T Wellington.

Against: Councillor R Baberowski, Councillor P Cox, Councillor G Rogerson and Councillor M Jamieson.

Carried.


The amendment became the motion.

The motion moved by Councillor R Green and seconded by Councillor J McKay was put.

For: Councillor R Baberowski, Councillor T Dwyer, Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor S Robinson, Councillor G Rogerson, Councillor R Green, Councillor T Wellington and Councillor M Jamieson.

Against: Councillor P Cox.

Carried.



Council Resolution (OM13/23)**Moved:** Councillor R Green**Seconded:** Councillor G Rogerson

That council, in relation to Infrastructure Charges Agreements, progress the development of a development incentive scheme to encourage employment generating development activity to occur over the next two to three years for consideration during the 2013/14 Budget process and further that councillors provide any examples or case studies that might assist in the design of the scheme.

Carried unanimously.

Councillor S Robinson was absent for the vote on this resolution.



7.2 FINANCE AND BUSINESS**7.2.1 DECEMBER 2012 FINANCIAL PERFORMANCE REPORT**

File No: Financial Reports
Author: Acting Financial Services Manager
Finance & Business Department
Appendices: App A - Financial Performance Reports - December 2012

Council Resolution (OM13/24)

Moved: Councillor M Jamieson
Seconded: Councillor E Hungerford

That Council:

- (a) *receive and note the report titled "**December 2012 Financial Performance Report**" and*
- (b) *approve the budget amendments for operating and associated reserve transfers as outlined in the December 2012 Financial Performance Reports (Appendix A).*

Carried unanimously.

Councillor T Wellington and Councillor S Robinson were absent for the vote on this item.



7.2.2 QUARTERLY PROGRESS REPORT - QUARTER 2, 2012-2013

File No: 4.16.4
Author: Corporate Planning & Reporting Manager
Finance & Business Department
Appendices: App A - Quarterly Progress Report Quarter 2 2012-2013 (*Under Separate Cover*)
App B - Operational Plan Activities Report (*Under Separate Cover*)

Council Resolution (OM13/25)

Moved: Councillor C Dickson
Seconded: Councillor J McKay

That Council:

- (a) *receive and note the report titled “Quarterly Progress Report - Quarter 2, 2012-2013”*
- (b) *note the Chief Executive Officer’s Quarterly Progress Report – Quarter 2, 1 October to 31 December 2012 (Appendix A) and*
- (c) *note the Operational Plan Activities Report – Quarter ended December 2012 (Appendix B) reporting on the implementation of the Corporate and Operational Plans.*

Carried unanimously.



**7.2.3 DELEGATIONS OF AUTHORITY - COUNCIL'S REPRESENTATIVE ON
COUNCIL COMPANIES DELEGATION AND UNITYWATER DELEGATION**

File No: Council Meetings
Author: Governance Strategy & Policy Coordinator
Finance & Business Department
Appendices: App A - Council's Representative on Council Companies 2013-53
App B - Unitywater 2013-54

Council Resolution (OM13/26)

Moved: Councillor R Green
Seconded: Councillor G Rogerson

That Council:

- (a) *receive and note the report titled "**Delegations of Authority - Council's Representative on Council Companies Delegation and Unitywater Delegation**"*
- (b) *make the delegation titled "Delegations of Authority – Council's Representative on Council Companies Delegation" (Appendix A)*
- (c) *make the delegation titled "Delegations of Authority – Unitywater Delegation" (Appendix B) and*
- (d) *delete former Caloundra City Council delegation 2005-07.*

Carried unanimously..



7.2.4 ITEM WITHDRAWN



7.2.5 AMENDED DELEGATION - ROAD CLOSURES

File No: 14.7.1
Author: Manager Corporate Governance
Finance & Business Department
Appendices: App A - Delegation - Road Closures 2009-32 v2
Attachments: Att 1 - Delegation - Road Closures 2009-32 v1

Council Resolution (OM13/27)

Moved: Councillor R Green
Seconded: Councillor T Dwyer

That Council:

- (a) receive and note the report titled "***Amended Delegation - Road Closures***"
- (b) make the delegation titled "Road Closure 2009-32 v2" Appendix A and
- (c) delete former delegation 2009-32.

Carried unanimously.



7.3 EXECUTIVE OFFICE

7.3.1 QUEENSLAND FLOOD APPEAL 2013 DONATION

File No: ECM
Author: Manager Executive Office
Executive Office

Council Resolution (OM13/28)

Moved: Councillor M Jamieson
Seconded: Councillor T Wellington

That Council:

- (a) *receive and note the report titled "Queensland Flood Appeal 2013 Donation" and*
- (b) *authorise the donation of \$40,000 to the Queensland Flood Appeal 2013.*

For: Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox,
Councillor J McKay, Councillor C Dickson, Councillor J O'Pray,
Councillor S Robinson, Councillor R Green, Councillor T Wellington and
Councillor M Jamieson.

Against: Councillor G Rogerson.

Carried.



8 NOTIFIED MOTIONS**8.1 NOTICES OF MOTION****8.1.1 NOTICE OF MOTION - DISASTER RELIEF**

File No: Statutory Meetings
Author: Councillor Jenny McKay
Notice of Motion

Council Resolution (OM13/29)

Moved: Councillor J McKay
Seconded: Councillor R Baberowski

That Council request the Chief Executive Officer to review the circumstances associated with Council's efforts to secure disaster relief funding for the Sunshine Coast region after recent weather events, with a view of advising Council and relevant Government agencies of any steps to improve funding application processes, speed of assessment and communications to affected individuals and report back to council.

Carried unanimously.



8.1.2 NOTICE OF MOTION - TRAFFIC CONTROL DEVICES

File No: Statutory Meetings
Author: Councillor Jenny McKay
Notice of Motion

Council Resolution (OM13/30)

Moved: Councillor J McKay
Seconded: Councillor C Dickson

That Council authorise the Chief Executive Officer to write to the appropriate authority to instigate a review of "The Manual of Uniform Traffic Control Devices" in relation to the setting of speed limits on all Queensland roads in both rural and urban settings.

Carried unanimously.



9 TABLING OF PETITIONS

9.1 PETITION – ROAD RESURFACING – COLLWOOD ROAD

Council Resolution (OM13/31)

Moved: Councillor T Wellington

Seconded: Councillor M Jamieson

That Council resolve the petition tabled by Councillor T Wellington in relation to Collwood Road Tinbeerwah resurfacing to bitumen be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.



A handwritten signature in black ink, located in the bottom right corner of the page.

10 CONFIDENTIAL SESSION**CLOSURE OF THE MEETING TO THE PUBLIC****Council Resolution**

Moved: Councillor G Rogerson
Seconded: Councillor R Baberowski

That the meeting be closed to the public pursuant to section 275 (h) of the Local Government Regulation 2012 to consider the following items:

- 10.1.1 *Confidential - Not for Public Release - Maroochydore Transport Network Planning*
- 10.1.2 *Confidential - Not for Public Release - Nambour Road Network Upgrading*
- 10.1.3 *Confidential - Not for Public Release - Meridan Plains Corridor Acquisition*
- 10.1.4 *Confidential - Not for Public Release - Development Proposal Maroochydore*
- 10.1.5 *Confidential - Not for Public Release - Funding for Infrastructure at Caloundra South*
- 10.2.1 *Confidential - Not for Public Release - Quarterly Progress Report - Quarter 2, 2012-2013*
- 10.2.2 *Confidential - Not for Public Release - Property Lease - Cotton Tree*
- 10.2.3 *Confidential - Not for Public Release - Compulsory Acquisition of land at Beerwah*

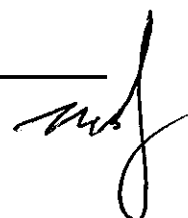
Carried unanimously.

RE-OPENING OF THE MEETING TO THE PUBLIC**Council Resolution**

Moved: Councillor T Wellington
Seconded: Councillor P Cox

That the meeting be re-opened to the public.

Carried unanimously.



10.1 REGIONAL STRATEGY AND PLANNING

**10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MAROOCHYDORE
TRANSPORT NETWORK PLANNING**

File No: ECM
Author: Transport Corridor Specialist
Regional Strategy & Planning Department

This item 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.

Council Resolution (OM13/32)

Moved: Councillor C Dickson
Seconded: Councillor J O'Pray

That Council authorise the Chief Executive Officer to negotiate and finalise a purchase contract in relation to the subject properties in accordance with discussions held in confidential session.

Carried unanimously.



**10.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - NAMBOUR ROAD
NETWORK UPGRADING**

File No: ECM
Author: Transport Network Specialist
Regional Strategy & Planning Department

This item 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.

Council Resolution (OM13/33)

Moved: Councillor J McKay
Seconded: Councillor R Baberowski

That Council authorise the Chief Executive Officer to negotiate and finalise land dedication and acquisition requirements in relation to the subject road and property in accordance with discussions held in confidential session.

Carried unanimously.

Councillor G Rogerson declared a conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to his association with the property owner. Councillor G Rogerson left the meeting room for the debate and decision on this matter.

Councillor G Rogerson was absent for the vote on this item.



**10.1.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MERIDAN PLAINS
CORRIDOR ACQUISITION**

File No: ECM
Author: Principal Policy Officer
Regional Strategy & Planning Department

This item 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.

Council Resolution (OM13/34)

Moved: Councillor S Robinson
Seconded: Councillor C Dickson

That Council authorise the Chief Executive Officer to implement the actions as discussed in confidential session.

For: Councillor T Dwyer, Councillor P Cox, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson, Councillor R Green, Councillor T Wellington and Councillor M Jamieson.

Against: Councillor R Baberowski.

Carried.

Councillor G Rogerson was absent for the vote on this item.



**10.1.4 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - DEVELOPMENT
PROPOSAL MAROOCHYDORE**

File No: Statutory Meeting
Author: Executive Director
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.

Council Resolution (OM13/35)

Moved: Councillor R Baberowski
Seconded: Councillor T Dwyer

That council note this discussions held in confidential session.

Carried unanimously.

Councillor G Rogerson was absent for the vote on this item.



**10.1.5 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – FUNDING FOR
INFRASTRUCTURE AT CALOUNDRA SOUTH**

File No: LAP01
Author: Manager, Major Urban Developments
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.

Council Resolution (OM13/36)

Moved: Councillor R Baberowski
Seconded: Councillor T Dwyer

That Council note the discussions and authorise the Chief Executive Officer to proceed in accordance with discussions held in confidential session.

Carried unanimously.

Councillor G Rogerson was absent for the vote on this item.



10.2 FINANCE AND BUSINESS

**10.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - QUARTERLY
PROGRESS REPORT - QUARTER 2, 2012-2013**

File No: 4.16.4
Author: Corporate Planning & Reporting Manager
Finance & Business Department

This item 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.

Council Resolution (OM13/37)

Moved: Councillor T Dwyer
Seconded: Councillor G Rogerson

That Council note discussions held in regard to this item.

Carried unanimously.

Councillor G Rogerson was absent for the vote on this item.



**10.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROPERTY LEASE -
COTTON TREE**

File No: LEA0009
Author: Project Office
Finance & Business Department

This item 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.

Council Resolution (OM13/38)

Moved: Councillor J O'Pray
Seconded: Councillor R Green

That Council, in accordance with Section 236 of the Local Government Regulation 2012, exempt the leased site from public tender and authorise the Chief Executive Officer to provide Darling Point Marine Pty Ltd (Boat Shed Restaurant) with the 10 year lease and subject to appropriate terms and conditions.

Carried unanimously.

Councillor G Rogerson was absent for the vote on this item.



**10.2.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COMPULSORY
ACQUISITION OF LAND AT BEERWAH**

File No: ECM PropertyLandCommercial
Author: Paul Brockwell, Manager Property
Finance & Business Department

This item 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.

Council Resolution (OM13/39)

Moved: Councillor R Baberowski
Seconded: Councillor G Rogerson

That Council:

- (a) resolve to compulsorily acquire any and all native title rights and interests over its proposed works depot and / or community recreation site at Roys Road, Beerwah being land described as Lot 100 on unregistered plan SP235756 and currently part of Lot 561 on FTY1884, County of Canning, Parish of Bribie (the Land) in accordance with the requirements of the Native Title (Queensland) Act 1993 and the Acquisition of Land Act 1967*
- (b) serve a Notice of Intention to Compulsorily Acquire Native Title Rights and Interests and a Background Information Statement on the Queensland South Native Title Services Limited as the Representative Aboriginal body and native title party for the Land to commence the compulsory acquisition process and*
- (c) delegate authority to the Chief Executive Officer to undertake and finalise the compulsory acquisition process and the purchase of the site.*

Carried unanimously.

Councillor G Rogerson was absent for the vote on this item.



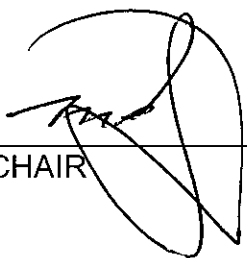
11 NEXT MEETING

The next Ordinary Meeting will be held on 28 March 2013 in the Council Chambers, 9 Pelican Street, Tewantin.

12 MEETING CLOSURE

The meeting closed at 4:10pm.

Confirmed 28 March 2013.


CHAIR



13 APPENDICES**7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR HOTEL AND SHOPPING COMPLEX - DAVID LOW WAY, MARGARET STREET AND BIRTWILL STREET, COOLUM BEACH – APPENDIX A****APPENDIX A - CONDITIONS OF APPROVAL****APPLICATION DETAILS**

Application No:	MCU10/2001
Street Address:	1 & 3 Margaret Street and 2 Birtwill Street, COOLUM BEACH
Real Property Description:	Lots 1, 2 & 3 SP107662
Planning Scheme:	Maroochy Plan 2000 (11 November 2009)

DECISION DETAILS

The following type of approval has been issued:
Development Permit for Material Change of Use (Hotel and Shopping Complex)

RELEVANT PERIOD OF APPROVAL

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

ASSESSMENT MANAGER CONDITIONS**PLANNING****When Conditions must be Complied With**

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

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

Nature and Extent of Approved Use

3. Except on New Years Eve, the approved hotel use must not operate outside the hours of:
 - (a) 7am to 12am Sunday to Thursday
 - (b) 7am to 2am Friday and Saturday.

4. All outdoor use areas associated with the approved hotel with the exception of the Designated Outdoor Smoking Areas (DOSAs) must not be used after 10pm on any day (except on New Years Eve).
5. The approved shopping complex use (Dan Murphy's store) must not operate outside the hours of 7am to 9pm on any day.
6. Service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Saturday and not at all on Sundays or public holidays.
7. The approved shopping complex use (Dan Murphy's store) must not be used for any purpose other than a shop as defined in the planning scheme.
8. The area marked "kiosk" on the Approved Plans, and/or the adjacent open space (where within the site boundaries), must be made available for use by not-for-profit and other community groups for fundraising and other civic purposes.

Patron Dispersal

9. A courtesy bus service must be provided by the approved hotel to assist with the dispersal of patrons leaving the venue.

Building Height

10. The height of the development must not exceed that shown on the Approved Plans, with the two tower structures not exceeding 12 metres above ground level.

Staging of Construction

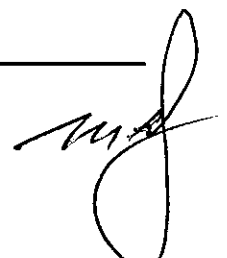
11. Construction of the development may be staged in accordance with the approved staging plan to allow partial operation of the use while later construction stages continue. If staged, the construction of the premises must occur in a single, continuous construction program until the entire development approved by this Development Permit is complete.

Land Amalgamation

12. All properties the subject of the development must be amalgamated, or alternatively retained within reciprocal access easements*.
**(Refer to Advisory Note)*

Sunset Clause for Completion of Approved Development

13. Pursuant to s342 of the *Sustainable Planning Act 2009*, any uncompleted aspects of this development approval lapses if the whole of the approved use has not happened by 28 February 2019.



URBAN DESIGN**Building Appearance**

14. The applicant must construct the approved buildings such that their external appearance to the David Low Way, Margaret Street and Birtwill Street frontages is generally in accordance with the Approved Plans. The buildings must be constructed to include all awnings, clear glazing, openings, cladding, materials and façade work as per the Approved Plans.
15. Shopfront glazing on the David Low Way frontage of the Dan Murphy's building must be fully transparent and provided to a minimum of 65% of that portion of the wall not covered by the "Green Wall" planting. Internal walls and shelving must not be erected within 1 metre of the glazing so views are retained from the street into the retail space, unless otherwise agreed to in writing by council.
16. All finishes and materials on the street frontage must be in accordance with Council's Coolum Masterplan and must compliment the works completed to the south of the development.
17. Any rooftop mechanical equipment and other service infrastructure located on the proposed buildings must be fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.

Weather Protection

18. Street awnings and shade structures must be constructed as shown on the Approved Plans to create a weather proof walkway for pedestrians. All awnings and shade structures must be cantilevered to either the building or to support posts located on the building side of the footpath, and must have dimensions that are no less than that shown on the Approved Plans. Awnings to the western elevation of the Dan Murphy's building must extend to cover the width of the footpath below.

Public Art

19. Public art must be established on the premises in accordance with a Public Art Master Plan* for the development prepared by a qualified person* and referenced in a Development Permit for Operational Works. All public artwork must reflect the Coolum Village location of the site and respect the heritage of the area.
**(Refer to Advisory Note)*

Street Furniture

20. Street furniture must be provided generally as shown on the approved landscape concept plans and in accordance with an Operational Works approval.
21. A minimum of 1 drinking fountain must be provided for public use.



Public Safety

22. All ground floor shopfront glazing must be protected against vandalism by the use of a form of safety glass such as toughened or laminated glass.
23. During operating hours, all parking areas, pedestrian areas and entrances/exits to all buildings and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS1158 "*Public Lighting Code*". Lighting must be designed to reduce the contrast between shadows and well lit areas.
24. After hours access to loading docks, plant rooms and storage areas must be restricted by a security gate, lockable doors and/or other suitably appropriate means.

ENGINEERING**External Works**

25. David Low Way must be upgraded for the length of its frontage to the subject site as part of Stage 1 and Stage 3 of the development respectively. The works must be undertaken in accordance with an Operational Works approval and must be generally in accordance with the Coolum Village Master Plan current at the time of the relevant Operational Works application. The works must include in particular:
 - (a) construction of kerb and channelling on an appropriate vertical and horizontal alignment, including build outs into the parking lane, and underground stormwater drainage to the development side only
 - (b) construction of a fully paved and landscaped verge in accordance with the conditions of this Decision Notice
 - (c) construction of a parking lane and indented bus bay. Marked parking bays should be 6.3 metres long. The indented bus bay must be designed in accordance with Austroads requirements. A bus shelter and bus stop must be provided in accordance with *Translink* and *Disability Discrimination Act* requirements
 - (d) removal of the existing property accesses and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage
 - (e) provision of a bicycle lane on the development side
 - (f) raised concrete pedestrian refuge islands and associated kerb ramps, designed in accordance with the requirements of the Queensland Department of Transport and Main Roads, on David Low Way at the following locations:
 - (i) at the southern side of the Margaret Street intersection. A concrete pathway, at least 2.5 metres wide, must be constructed from the eastern side of the pedestrian refuge crossing to connect with the existing north-south pathway through the adjacent park
 - (ii) at the southern end of the indented bus stops in front of the subject site. A concrete pathway, at least 1.8 metres wide, must be constructed along the eastern side of David Low Way between the pedestrian refuge crossing and the eastern bus stop
 - (g) installation of street lighting to the requirements of the Queensland Department of Transport and Main Roads
 - (h) relocation of the existing overhead electricity to an underground alignment.

26. Birtwill Street must be upgraded for the length of its frontage to the subject site as part of Stage 1 of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) construction of a fully paved and landscaped verge in accordance with the conditions of this Decision Notice. A retaining wall and/or batter behind the property boundary must be provided as necessary such that the verge area is level with the top of the existing kerb
 - (b) installation of street lighting.
27. Margaret Street must be upgraded for the length of its frontage to the subject site as part of Stage 3 of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) construction of kerb and channelling on an appropriate vertical and horizontal alignment, including indented parking bays and underground stormwater drainage to the development side only. At least five indented parking bays, in a group of two and a group of three, must be provided. Parking bays should be 6.2 metres along, with 1 in 1 kerb tapers at the ends of each group. At the location of the indented parking bays and the proposed driveway, the alignment of the face of kerb should be 4.3 metres from the property boundary. Elsewhere the alignment of the face of kerb should be 6.8 metres from the property boundary
 - (b) construction of a fully paved and landscaped verge in accordance with the conditions of this Decision Notice
 - (c) installation of street lighting.

Site Access and Driveways

28. A temporary access driveway must be provided from Margaret Street to the temporary tavern parking area prior to commencement of construction of Stage 1 of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a driveway crossover in accordance with standard drawing R-051
 - (b) a driveway width of 5.0 metres.
29. A sealed access driveway must be provided from Birtwill Street to the parking and manoeuvring areas of the development as part of Stage 1 of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a driveway crossover in accordance with standard drawing R-051
 - (b) a driveway width of 7.2 metres
 - (c) removal of up to 5 car parking spaces in Birtwill Street, generally in accordance with the Traffic Impact Assessment listed in this Decision Notice.
30. A sealed access driveway must be provided from Margaret Street to all parking and manoeuvring areas of the development as part of Stage 2 of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a driveway crossover in accordance with standard drawing R-051
 - (b) a driveway width of 10.0 metres
31. The existing access driveways from David Low Way must be removed as part of Stage 3 of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:

- (a) reinstatement of the footpath in accordance with conditions of this approval
- (b) reinstatement of the kerb and channel along David Low Way.

Car Parking

32. A minimum of 161 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a temporary car park containing a minimum of 76 car parking spaces for the existing tavern to be constructed prior to commencement of construction of Stage 1 of the development. The temporary car park is to remain available for patrons of the tavern until such time as Stage 1 is complete and the existing tavern building is demolished.
 - (b) a minimum of 95 car parking spaces (including at least 1 disabled parking space) to be constructed as part of Stage 1 of the development and available to customers prior to opening of the new tavern building.
 - (c) the balance 66 car parking spaces (including at least 1 disabled parking space) to be constructed as part of Stages 2 and 3 of the development and available to customers prior to opening of the Dan Murphy's store.
 - (d) a temporary turning area must be maintained at the northern end of the Stage 1 car park for the duration of construction activity associated with the Stage 2 car park.
 - (e) pedestrian routes in accordance with the conditions of this Decision Notice
 - (f) a minimum of 2 disabled parking spaces within the total to be located close to the tavern and the Dan Murphy's store.
33. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.
34. Parking must be provided on site for all construction workers and vehicles prior to commencement of construction. Construction parking must be clearly signed and located clear of customer parking and pedestrian accesses. All vehicles associated with the construction must be parked within the construction site and/or the construction parking.

Service Vehicles

35. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) 1 minibus space
 - (b) 1 taxi space
 - (c) regular access to the tavern loading dock for an LRV
 - (d) regular access to the bottle shop loading dock for an AV

Pedestrian and Bicycle Facilities

36. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a concrete footpath within the road verge for the entire length of the site's frontage to Birtwill Street as part of Stage 1 of the development, having a

- design generally as shown on the Approved Plans and a minimum dimension of no less than 2 metres at any point.
- (b) a concrete footpath within the road verge for the entire length of the site's frontage to Margaret Street as part of Stage 3 of the development, having a design generally as shown on the Approved Plans and a minimum dimension of no less than 2 metres at any point.
 - (c) a fully paved and landscaped verge within the road verge for the entire length of the Stage 1 frontage to David Low Way generally in accordance with the Coolum Village Master Plan current at the time of the relevant Operational Works application as part of Stage 1 of the development.
 - (d) a fully paved and landscaped verge within the road verge for the remaining length of the site's frontage to David Low Way generally in accordance with the Coolum Village Master Plan current at the time of the relevant Operational Works application as part of Stage 3 of the development.
 - (e) a minimum 1.5 metre wide concrete footpath from Margaret Street along the western and southern sides of the Dan Murphy's store to the building entrance as part of Stage 3 of the development.
 - (f) a minimum 1.5 metre wide concrete footpath from David Low Way to the entry of the Dan Murphy's store as part of Stage 3 of the development.
 - (g) a minimum 2.0 metre wide concrete footpath from David Low Way through the car park to the existing pedestrian path on Lot 1 on SP246931 as part of Stage 3 of the development.
 - (h) pedestrian pathways between the proposed car parking area and the buildings (including the temporary car park).
 - (i) adequate separation of all specific pedestrian routes from vehicle access and manoeuvring areas, and clear demarcation by pavement marking, signposts or changes in surface materials or levels
 - (j) signage and lighting at strategic locations to direct people to building entries and public toilet facilities
 - (k) pedestrian refuge areas at strategic locations within the carpark to ensure safe and convenient congregating of pedestrians waiting to cross major access driveways
 - (l) a total of 22 class 1 bicycle parking spaces
 - (m) a total of 17 class 3 bicycle parking spaces

Pedestrian Connection to Adjoining Property

37. A physical opening must be provided in the existing fence separating the site from Lot 1 SP246931 to provide for pedestrian through-movement between the two properties. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a clear opening width of at least 3 metres wide for the entire height of the fence
 - (b) an appropriate location to join the footpaths on both properties.

Land Dedication

38. Prior to the commencement of use of the first stage of the proposed development, the applicant must dedicate land as road reserve from the south-east corner of the site at the intersection of Birtwill Street and David Low Way, as shown on Approved Plan 9286 SK01.

Electricity and Telecommunication Services

39. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
40. Certification must be submitted to Council from all relevant service providers which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

Easements

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

Damage to Services and Assets

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

HYDRAULICS & WATER QUALITY**Stormwater Drainage**

44. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge.

Stormwater Quality Management

45. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland*, and must include in particular:
- (a) stormwater quality treatment devices including rainwater storage tanks of a size and location in accordance with those shown on the Stormwater Drainage Layout and Details plans contained within the Stormwater Management Plan listed in this Decision Notice.
 - (b) bioretention devices which:



- (i) are designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001
 - (ii) incorporate a coarse sediment forebay (in addition to the required filter media surface area), which is sized in accordance with the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* and designed generally in accordance with IPWEQA Standard Drawing No. WSUD-005
 - (iii) are provided with a high flow bypass to ensure that flows which exceed the treatment capacity of the device are bypassed in order to avoid damaging of the filter media or subjecting the filter media to excessive sediment loads.
46. All stormwater quality treatment devices must be maintained in accordance with the *Water by Design (2009) Maintaining Vegetated Stormwater Assets (Version 1)*. The approved Operational Works drawings for the stormwater quality treatment system and detailed life cycle costing of the system must be attached as an addendum to this document. Records of all maintenance activities undertaken must be kept and made available to Council upon request.
47. Permanent educational signage* must be erected to educate the staff and visitors to the development about the function of the bioretention device(s). The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval.
*(Refer to Advisory Note)

Bioretention Basin Vegetation

48. Landscape plans to be provided with an operational works (landscaping) must include a mixture of at least five (5) of the following species for planting in the bioretention basins treatment surface at a minimum density of 8 plants/m² (higher density is preferred for faster establishment):
- Carex appressa*
 - Carex fascicularis*
 - Ficinia nodosa*
 - Juncus usitatis*
 - Lomandra longifolia*
 - Ghania sieberiana*
49. Landscape plans to be provided with an operational works (landscaping) must include a mixture of following species for planting in the bioretention basin batters at a suitable density and ensuring the species that are taller and/ or have longer denser leaf growth are planted towards the top of the batter (eg *Lomandra* and *Ghania*) to minimise shading to the treatment area.
- Carex appressa*
 - Carex fascicularis*
 - Ficinia nodosa*
 - Juncus usitatis*
 - Lomandra longifolia*
 - Ghania sieberiana*
 - Banksia robur*
 - Dianella brevipedunculata*
 - Themada triandra*
 - Cymbopogon refractus*



Melaleuca thymifolia

50. Where landscaping/garden beds are proposed adjacent to the bioretention basin, a 900 millimetre deep root barrier must be installed to the interface between the landscape/garden area and the bioretention basin.
51. Trees must not be planted in or on the batters of bioretention basins to prevent loss of treatment area, damage to related components such as subsurface drainage and ongoing maintenance issues unless otherwise directed by a representative of Council's Hydraulics and Water Quality Unit

LANDSCAPE & ECOLOGY**Landscaping Works**

52. The development site must be landscaped*. The works must be undertaken in accordance with an Operational Works approval, the Approved Plans and the Coolum Village Master Plan and must include in particular:
 - (a) the landscape notations/details from the approved landscape concept plans (as amended)
 - (b) landscaping to the area between the southern side of the proposed Dan Murphy's building and the car parking spaces
 - (c) landscape buffer planting along all western boundary frontages of the site having a width no less than that shown on the Approved Plans
 - (d) landscape buffer planting along the southern boundary of the site having a width no less than that shown on the Approved Plans
 - (e) growing area and volume to ensure establishment and ongoing viability of the selected vegetation on the site is achieved
53. All landscape works must be established and maintained in accordance with horticultural best practice with construction techniques and irrigation that allow for healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.
54. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

Treatment of Temporarily Vacant Land

55. Where some or all of the land remains vacant or undeveloped for more than 3 months, or buildings are demolished and redevelopment is delayed for more than 3 months, the following works must to be carried out:
 - (a) the site must be cleared of all rubble, debris and demolition materials
 - (b) the site must be graded (to the same level as the adjoining footpath wherever practicable), turfed and mown at a minimum 3 weekly intervals
 - (c) drainage must be provided to prevent ponding
 - (d) the site must be maintained so there is no sediment run-off onto adjacent premises, roads or footpaths
 - (e) the site must be maintained to ensure no nuisance to adjacent premises, roads or footpaths
 - (f) public access must be provided where public safety can be maintained
 - (g) where fencing is installed to secure boundaries:



- (i) the fencing must be durable and not capable of being pushed or blown over
- (ii) the fencing type must not detract from local amenity (barbed wire is not acceptable)
- (iii) vandalism must be promptly repaired and any graffiti removed.

Retention of Existing Trees

56. Existing trees on the site as nominated on the approved landscape concept plans (as amended) must be retained in accordance with an Arborist Report for the development prepared by a qualified person* and referenced in a Development Permit for Operational Works.
**(Refer to Advisory Note)*
57. Prior to the prestart meeting, a bank guarantee or a bond of \$10,000 must be lodged as security for the protection of the trees identified for retention in the conditions of this approval. The bond:
- (a) may be drawn upon by Council in its entirety if any one tree identified for retention is damaged to the point where the tree cannot be saved (as confirmed by the project arborist and agreed in writing by Council)
 - (b) will be returned upon successful off maintenance associated with the operational works relating to this development

Fauna Management

58. A Fauna Management Plan for the development must be prepared by a qualified person* and referenced in a Development Permit for Operational Works.
**(Refer to Advisory Note)*
59. Permanent artificial nesting boxes must be installed within the retained existing trees to provide compensatory habitat for arboreal mammals and hollow dependent avian species. The works must be undertaken in accordance with an Operational Works approval.

ENVIRONMENTAL HEALTH

Acoustic Amenity

60. An acoustic barrier must be constructed on the subject land in accordance with *Sketch 1: Site Layout and Recommended Acoustic Barrier / Absorptive Ceiling Treatments* of the Environmental Noise Impact Report listed in this Decision Notice. The barrier must be constructed in accordance with an Operational Works approval and must include in particular:
- (a) tapering from 3.6m to 1.8m in height to the frontage of Margaret Street to allow access to breezes for the adjoining residential property.
 - (b) use of transparent materials for a minimum of 50% of the portion above 1.8m in height.
61. A floor to ceiling high acoustic wing wall must be constructed as part of the loading dock in accordance with *Sketch 1: Site Layout and Recommended Acoustic Barrier / Absorptive Ceiling Treatments* and the specifications stated within Section 6.1.2

Loading Docks of the Environmental Noise Impact Report listed in this Decision Notice.

62. Acoustic treatments must be included within the ceiling of the loading dock in accordance with *Sketch 1: Site Layout and Recommended Acoustic Barrier / Absorptive Ceiling Treatments* and Section 6.1.2 *Loading Docks* of the Environmental Noise Impact Report listed in this Decision Notice.
63. The following general acoustic treatments and operations must be incorporated into the approved development in accordance with *Sections 6.1.1 and 6.1.2* of the Environmental Noise Impact Report listed in this Decision Notice.
- (a) the 7 car parking spaces to the west of the Dan Murphy's building (parking spaces 96-103) must be designated staff car spaces.
 - (b) delivery trucks must reverse into the loading dock areas for the Dan Murphy's building for unloading behind the floor to ceiling high acoustic wing wall.
 - (c) the loading docks at the Dan Murphy's building and the tavern must have a 'roller' door installed that is of the low noise type, chain operated doors are not acceptable.
 - (d) stormwater drainage covers within trafficable areas must be well secured to prevent noise rattling.
64. Any fixed plant and equipment that causes either tonal (L_{eq}) sound (e.g. from basement car-park exhaust, air conditioning unit or pool filtration unit), or impulse (L_{max}) sound, must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the following levels for habitable rooms within dwellings:
- (a) 45 dB(A) L_{eq} for living and work areas
 - (b) 40 dB(A) L_{eq} for sleeping areas
 - (c) 50 dB(A) L_{max} for all areas
- Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 "Acoustics – Description and measurement of environmental noise – General procedures".
- *(Refer to Advisory Note)
65. Certification must be submitted to Council from a qualified person* which certifies that the development complies with the Acoustic Amenity conditions of this Decision Notice.
- *(Refer to Advisory Note)

Waste Management

66. Refuse storage, removal and collection facilities must be provided within the loading dock area for the Dan Murphy's store in accordance with the Approved Plans, and the following:
- (a) Provision of separate bins for general and recyclable waste.
 - (b) General and recyclable waste collection by service vehicles from within the site only, and not from the kerbside.
 - (c) For wheelie bins: The provision of a hardstand impervious area for the permanent storage location of the bins, having minimum dimensions of 0.36 m² (600mm x 600mm) per bin
 - (d) For bulk bins: The provision of a communal hardstand impervious area for the permanent storage location and service collection of all bulk bins, having minimum dimensions of 1.5 m² (1100mm x 1300mm) per bin.



- (e) The provision of a minimum 1.5m high purpose built enclosure to the communal bin store, which is screened from the street and adjoining properties by landscaping.
- (f) The provision of a wash-down area in the vicinity of the permanent storage location fitted with a hose-cock and a drain connected to the sewer that has a stormwater catchment area of no more than 1m².

Outdoor Lighting Devices

67. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "*Control of the obtrusive effects of outdoor lighting*" using a control level of 1.

UNITYWATER

68. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (e.g. valves, fire hydrants and sewer access chambers).
69. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
70. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
71. Water meters must be located on alternative boundaries to electrical pillars.
72. Diversion of the existing 225mm diameter sewer located within the development site.
73. Removal of or grout filling of redundant sewers within the development site.
74. 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. Easements must be located centrally over the main.
75. 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.
76. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
77. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.

78. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department of Transport & Main Roads North Coast Region PO Box 1600 SUNSHINE PLAZA QLD 4558	State Controlled Road Matters	The agency provided its response on date (Reference No.). A copy of the response is attached.
Advice	Department of Environment & Heritage Protection GPO Box 2454 BRISBANE QLD 4001	Wetlands	The agency provided its response on 13 July 2012 (Reference No. 498427)
Advice	Department of Natural Resources & Mines PO Box 1167 BUNDABERG QLD 4670	Acid Sulfate Soils	The agency provided its response on 13 August 2012 (Reference No. IA0712NAM0009)



6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
1149-A00.01	P19	<i>Site Plan</i> , prepared by CAYAS Architects	16/01/13
1149-A00.02	P6	<i>Staging Plans</i> , prepared by CAYAS Architects	09/01/13
1149-A10.01	P9	<i>Ground Floor Plan – Hotel</i> , prepared by CAYAS Architects	09/01/13
1149-A10.02	P11	<i>Ground Floor Plan – Dan Murphy's</i> , prepared by CAYAS Architects	16/01/13
1149-A10.03	P8	<i>First Floor Plan and Roof Plan – Hotel</i> , prepared by CAYAS Architects	09/01/13
1149-A10.04	P10	<i>Roof Plan – Dan Murphy's</i> , prepared by CAYAS Architects	16/01/13
1149-A10.20	P5	<i>Roofs, Awnings and Shelters Floor Plan</i> , prepared by CAYAS Architects	16/01/13
1149-A20.01	P8	<i>Elevations and Sections</i> , prepared by CAYAS Architects	09/01/13
1149-A20.02	P10	<i>Elevations and Sections</i> , prepared by CAYAS Architects	16/01/13
9286 SK01		<i>David Low Way – Coolum – Birtwill Street Land Requirement</i> , prepared by Sunshine Coast Regional Council	May 2011

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

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
SK01	C	<i>Coolum Tavern – Landscape Concept</i> , prepared by Jeremy Ferrier Landscape Architect	August 2012
Amendments	1.	Amend to reflect the layout of the approved site plan prepared by CAYAS Architects and the conditions of this Decision Notice	
SK02	C	<i>Coolum Tavern – Landscape Concept</i> , prepared by Jeremy Ferrier Landscape Architect	August 2012
Amendments	1.	Amend to reflect the layout of the approved site plan prepared by CAYAS Architects and the conditions of this Decision Notice	

REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
09323a	2	<i>Environmental Noise Impact Report</i> , prepared by CRG Acoustical Consultants	20 June 2012
09312t	8	<i>Traffic Impact Assessment</i> , prepared by CRG Traffic and Transport Engineering Consultants	29 August 2012
8776.01	2	<i>Stormwater Management Plan</i> , prepared by Intelera Integrated Solutions	9 August 2012



ADVISORY NOTES

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

PLANNING**Development Compliance Inspection**

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

Resubmission of Amended Plans Required

2. The conditions of this Decision Notice require resubmission of plans to Council with amendments. Please address the amended plans to Council's Planning Assessment Branch with the Reference No. MCU10/2001, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plans be resubmitted prior to lodgement of any Operational Works application. However, should the plans not be submitted, the applicant is advised that a Preliminary Approval may be issued in lieu of a Development Permit.

Infrastructure Charges

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

Reciprocal Access Easements

4. In accordance with the *Sustainable Planning Act 2009*, any proposed registration of reciprocal access easements (as an alternative to land amalgamation) will first require a Development Permit for Reconfiguring a Lot be obtained from Council.

Equitable Access and Facilities

5. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:
 - (a) the *Disability Discrimination Act 1992* (Commonwealth); and
 - (b) *Anti-Discrimination Act 1991* (Queensland).

Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission "Advisory Notes on Access to Premises" and AS 1428.2;
- (b) applicants should be aware that a "Disability Standard on Access to premises" is currently being developed and most likely will impose changes on the Building Code of Australia; and
- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

Aboriginal Cultural Heritage Act 2003

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

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

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

URBAN DESIGN

Preparation of a Public Art Master Plan

7. The conditions of this Decision Notice require submission of a Public Art Master Plan (PAMP) to Council prior to the issue of a Development Permit for Operational Works. The PAMP submitted to Council must:
 - (a) document the conceptual framework and artistic vision (e.g. themes / image / identity aims)
 - (b) identify building structures and areas of the site suitable for artwork (eg. building faces, retaining walls, awnings, shelter structures, landscaped areas, and street furniture such as seating/benches)
 - (c) identify opportunities for art (e.g. entry statements, signature works, integrated art options or community art projects)
 - (d) identify integrated and sophisticated design methods
 - (e) identify and document varied and interesting materials and methodologies
 - (f) identify and document designs for longevity, low-maintenance and graffiti-proofing
 - (g) identify community engagement strategies.

Qualified Person

8. For the purpose of preparing a Public Art Master Plan, a qualified person is considered to be an arts consultant/artist with a minimum of 3 years current experience in the field of public art.

ENGINEERING**Building and Construction Industry (Portable Long Service Leave) Levy**

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

Preparation of Operational Works Application

10. The applicant is advised to refer to section 2.1.2 of Planning Scheme Policy No. 5 – *Operational Works* prior to preparation of any Operational Works application for the development.

Co-ordination of Operational Works Assessment

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

Preparation of a Preliminary Construction Management Plan

12. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
- (a) provisions that ensure the proposed construction does not unduly impact on the surrounding area and ensure the site is safe for members of the public, implementing appropriate traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and making provision for safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased.
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
 - (c) works programme identifying key components of the works and their respective durations

- (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues
- (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
- (f) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

Integrated Water Management Guidelines

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

External Works Design

14. The applicant should liaise with Council's Transport & Engineering Services Branch, Infrastructure Services Department during the design of the required external verge and road works along David Low Way to ensure consistency with the Coolum Streetscape Project, including required kerb levels.

HYDRAULICS AND WATER QUALITY

Bioretention Basin Educational Signage

15. Suggested wording for the permanent educational signage required by this Decision Notice is as follows:
"BIORETENTION BASIN - This bioretention basin reduces the pollution of our waterways by reducing the amount of heavy metals, litter, suspended solids, and nutrients discharged to (insert name of receiving waters)

Integrated Water Management Guidelines

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

Lawful Point of Discharge

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

LANDSCAPE & ECOLOGY**Preparation of a Landscape Plan**

18. All landscape works required by this approval must be demonstrated on a detailed Landscape Plan submitted to Council for Operational Works approval. The detailed Landscape Plan must:
- (a) be prepared by a qualified person and submitted in A3 size (3 x hardcopies)
 - (b) be of a scale suitable for clear interpretation at A3 size
 - (c) include accurate depiction of trees to be retained and protected in relation to the proposed development
 - (d) show all existing and proposed services including overhead power, drainage, water and sewerage
 - (e) include important spot levels and/or contours
 - (f) include contextual information of the site including adjoining roads, land uses and photographs of site
 - (g) show the extent and type of works, including hard surfaces, landscape structures, podium planters, signage, amenity lighting, fencing, edging, plantings and turf
 - (h) include a plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting
 - (i) show landscape works for the full frontage of the development site
 - (j) include a north point, scale and legend as well as the name, contact details and qualifications of the landscape consultant who prepared the plan.

Qualified Person

19. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 3 years current experience in the field of landscape design.
20. For the purpose of Fauna Management a qualified person is considered to be a certified Fauna Spotter Catcher.
21. For the purpose of preparing an Arborist Report, a qualified person is considered to be a person with either:
- (a) ISA certification; or
 - (b) a Diploma of Arboriculture in addition to a minimum of 3 years current experience in the field of arboriculture.

ENVIRONMENTAL HEALTH**Qualified Person**

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



UNITYWATER

23. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicant's cost.
24. A 100mm diameter AC watermain and 150mm PVC watermain are located within the road boundary fronting the development site in Margaret Street. Construction works, heavy traffic crossing the main, excessive vibration and excavation close to the main may cause damage to the pipe. Extreme care is required when working close to this infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.
25. A Trade Waste permit is required prior to any stormwater, groundwater or sump pump discharge into Unitywater's sewerage system.

PROPERTY NOTES

Not Applicable.

PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works (External Works, Water and Sewerage Works, Carparking, Driveways, Stormwater Drainage Works)
- Development Permit for Operational Works (Landscaping Works)

SELF ASSESSABLE CODES

For any self assessable advertising signage:

- Code for the Siting and Design of Advertisements

SUBMISSIONS

There were 100 properly made submissions about the application during the first notification period and 212 during the second notification period. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.



REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

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

1. the development would revitalise the streetscape of a prominent site in the Coolum village centre and improve the urban amenity of the immediate locality for public use;
2. the development would enable the continuation of a tavern on an appropriately located site to serve the lifestyle needs of residents and tourists;
3. the development would provide additional civic space to the public realm, and incorporate a "kiosk" adjacent to it for potential use by not-for-profit groups for fundraising and other civic purposes; and
4. the development would benefit the local community by significantly improving the range of choice, convenience and price competition for a basic consumer good (liquor).

RIGHTS OF APPEAL

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

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

OTHER DETAILS

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



7.1.2 DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT (1 INTO 5 LOTS) AND PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME TO VARY THE LEVEL OF ASSESSMENT FOR DUAL OCCUPANCY - 30 -32 TORAL DRIVE, BUDERIM – APPENDIX A CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	REC12/0044 & MCU12/0044
Street Address:	30-32 Toral Dr BUDERIM QLD 4556
Real Property Description:	Lot 8 RP 233840 Por 351
Planning Scheme:	Maroochy Plan 2000 (8 August 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit to Reconfigure a Lot (1 Lot into 5) & associated access easements
- Preliminary Approval Overriding the Planning Scheme for Material Change of Use of Premises (Dual Occupancy) to change the level of assessment from impact to self assessable

3. RELEVANT PERIOD OF APPROVAL

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

4. ASSESSMENT MANAGER CONDITIONS

DEVELOPMENT PERMIT TO RECONFIGURE A LOT (1 LOT INTO 5) & ASSOCIATED ACCESS EASEMENTS

PLANNING

When Conditions Must Be Complied With

1. Unless otherwise stated, all works required by the conditions of this Decision Notice must be completed prior to submission of the subdivision plan to Council for compliance assessment.

Approved Plans

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



*(Refer to Advisory Note)

3. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.

Boundary Encroachments

4. Certification must be submitted to Council from a Licensed Surveyor which certifies that:
 - (a) the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice
 - (b) all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement
 - (c) all utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve or alternatively included within an easement
 - (d) all retaining walls and structures are fully contained within the lot they retain
 - (e) any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

ENGINEERING

External Works

5. Toral Drive must be upgraded for the length of its frontage to the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) construction of a pedestrian footpath in accordance with the conditions of this Decision Notice
 - (b) removal of the existing property access and reinstatement of the kerb and verge area to match the balance of the site frontage, including the provision of topsoil and turf for the grassed verges
 - (c) installation of street lighting to P4 Standard.

Property Access and Driveways

6. A commercial grade driveway must be constructed to serve Lots 2, 3, 4 and 5. The works must be undertaken in accordance with an Operational Works approval.
7. The residential driveway to Lot 1 must be constructed to ensure that available on street parking is maximised. The works must be undertaken in accordance with an Operational Works approval and IPWEAQ standard drawing SEQ R-050. The location of the driveway must be as shown on the Approved Plans.
8. Vehicle access to Lot 1 is limited to the constructed driveway from Toral Drive only (required by the above condition). A clause must be included in the contract of sale for Lot 1 which requires vehicle access to be from the constructed driveway only, and which prohibits the driveway from being relocated to Easement A without Council agreement.



Visitor Car Parking

9. A minimum of 2 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (d) visitor parking spaces are to be clearly marked for that purpose and accessible at all times for visitor use
 - (e) compliant crossfall and longitudinal gradient for parking space located on the access driveway
 - (f) provision of lighting with intensities to satisfy the requirements of Australian Standard AS1158: *Public Lighting Code*.
10. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Electricity and Telecommunication Services

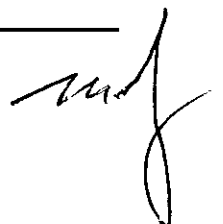
11. An underground connection to reticulated electricity and telecommunication services must be provided to each lot in accordance with an approval for Operational Works and the standards and requirements of the relevant service provider.
12. Unless otherwise stipulated by telecommunications legislation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

Easements

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

Earthworks and Retaining Walls

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



Damage to Services and Assets

18. Any damage caused to existing services and assets above or below the ground including vegetation and grass must be repaired:

- (a) where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
- (b) where otherwise, upon completion of the works associated with the development.

Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

HYDROLOGY**Flood Immunity**

19. The existing constructed channel which is located along the southern site boundary within easement is to be augmented as follows:

- (a) A 4.5m wide concrete maintenance access track is to be provided adjacent to the channel for the full length of the property and is to be located above the 1 in 1 yr ARI flood level and must not reduce the existing hydraulic capacity of the channel
- (b) A levee is to be provided on the development side of the channel which incorporates surface levels which are a minimum of 400mm above the predicted 1 in 100 year ARI flood level within the channel as predicted in the Drainage Assessment Report referenced in this decision notice. The design of the levee is to be certified by a geotechnical engineer.
- (c) The channel, maintenance access track and levee must be fully contained within an easement for drainage purposes in favour of Council and registered against the titles of the created lots. The easement must be granted at no cost to Council. The wording of the easement documentation must be in accordance with Council's standard easement document.
- (d) The works must be continued a sufficient distance upstream and downstream within the existing easement but external to the site to tie into the existing channel profile

20. A table listing the applicable 1 in 100 year ARI flood levels applicable to each lot must be provided for Council's records based on the Drainage Assessment Report referenced in this decision notice. The table must be accompanied by certification from a qualified person which certifies that the levels are based on the latest study referenced by Council's relevant Development Permits and incorporates all amendments.

Stormwater Management

21. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual, and must include in particular:

- (a) the works shown on the Approved Plans listed in this Decision Notice with the exception of the following:
 - (i) Provide an amended drainage design which incorporates underground detention storage as part of the inter-allotment roofwater drainage system. Provide supporting calculations demonstrating that the



proposed detention devices will achieve no increase in peak flowrates discharged to the existing drainage system in Toral Dve. The calculations are to be based on a specific stage-discharge relationship for the storage and outlet design.

- (b) collection and discharge of stormwater to Toral Drive including the provision of Level 2 interallotment drainage to each lot
 - (c) the use of gravity stormwater drainage and not surcharge pits.
 - (d) stormwater quality treatment devices of a size and location generally in accordance with those shown in the Approved Plans listed in this Decision Notice. However it is acknowledged that in providing underground stormwater detention, bypass of the bioretention system by some roofs may be necessary and this is accepted.
22. All stormwater quality treatment devices must be maintained in accordance with the Water by Design (2009) Maintaining Vegetated Stormwater Assets (Version 1).
23. Permanent educational signage must be erected to educate the residents of the development about the function of the bioretention device. The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval and the details shown in the Approved Plans listed in this decision notice.

LANDSCAPE

Stabilisation of the Drainage Channel

24. As part of the Operational Works for the development a stabilisation plan must be provided, for approval by Council, that covers the area of the drainage channel. The plan must be in accordance with Maroochy Plan Planning Scheme Policy No. 3 – Rehabilitation. Species utilised must not impede the conveyance capacity of the channel.

UNITYWATER

25. Reticulated water must be provided to each lot in the development. This must include:
- (a) Ensuring that existing internal water pipes are wholly contained within the lot they will serve.
 - (b) Construction of a 150mm diameter watermain on the northern side of Toral Drive from the existing 200mm diameter watermain on Stringybark Road to the development and for the full frontage of the development.
 - (c) An approved water meter for each lot in accordance with Unitywater Standard Drawings SCW 350,355 and 360.
 - (d) Provision of water services from the 100mm diameter water main within Toral Drive to service all lots in accordance with Unitywater Standard Drawings SCW 350, 355 and 360.
 - (e) The provision of water service pipework for the full length of the access easement serving lots 2 - 5 (25mm NB minimum).
 - (f) Water meters located on alternative boundaries to electrical pillars.
26. Reticulated sewerage must be provided to each lot in the development. This must include:



- (a) Ensuring existing sewer house drains are wholly contained within the Lot they will serve.
 - (b) Extension of the existing 225mm diameter Unitywater sewer main on the eastern side of Stringybark Road to the development site.
 - (c) Provision of sewerage infrastructure to upstream property boundaries to enable future mains extensions.
27. Written approval to enter and construct must be obtained from the owners of properties through which external sewers will traverse, and be submitted with lodgement of the associated development application for Operational Works.
 28. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater). Easements must be located centrally over the main. Sewers on side boundary alignments may require easements within adjacent properties.
 29. Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
 30. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable Unitywater approved varieties.
 31. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE OF PREMISES (DUAL OCCUPANCY) TO CHANGE THE LEVEL OF ASSESSMENT FROM IMACT TO SELF ASSESSABLE

PLANNING

Nature and Extent of Approved Use

32. Preliminary Approval (Overriding the Planning Scheme) is granted for a Material Change of Use for a Dual Occupancy on Lot 1 as identified on the approved plans (this approval can only proceed following the creation of the lots approved by the reconfiguration approval detailed above).
33. The maximum height of the development must not exceed 8.5 metres above natural ground level.
34. This approval overrides the planning scheme pursuant to s242 of the *Sustainable Planning Act 2009* for the life of the approval to the extent that the following Supplementary Table of Assessment replaces planning scheme in declaring the level of assessment for development to the extent stated within that document:



	Column 1	Column 2	Column 3
Purpose	Circumstances under which material change of use is self assessable	Circumstances under which material change of use is code assessable	Applicable Maroochy Plan 2000 Codes
Dual Occupancy	<p>Where on Lot 1 as identified on the approved plans:</p> <p>(i) building height is not more than 8.5 metres and not more than 2 storeys; and</p> <p>(ii) complying with all Acceptable Measures of the Code for Development and Use of Dual Occupancy, the Code for Transport, Traffic and Parking and Code for Landscaping Design (Element 9:A2.1 and A2.2)</p>	<p>Where on Lot 1 as identified on the approved plans:</p> <p>(i) building height is not more than 8.5 metres and not more than 2 storeys; and</p> <p>(ii) not complying with the Acceptable Measures of the Code for Development and Use of Dual Occupancy, the Code for Transport, Traffic and Parking and Code for Landscaping Design (Element 9:A2.1 and A2.2)</p>	<ul style="list-style-type: none"> • Development and Use of Dual Occupancy • Code for Transport, Traffic and Parking • Code for Landscaping Design (Element 9: A2.1 and A2.2)



4. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Type	Referral Agency	Referral Trigger	Response
Concurrence	Department Of Transport & Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558	State - controlled Road Matters	The agency provided its response on 2 May 2012 (Reference No. TMR12- 002519). A copy of the response is attached.
Concurrence	Department of Local Government and Planning PO Box 15009 CITY EAST QLD 4002	S242 Preliminary Approval	The agency provided its response on 24 April 2012 (Reference No. F11/10772/2). A copy of the response is attached.
Advice	Department Of Environment & Resource Management GPO Box 2454 BRISBANE QLD 4001	Wetlands	The agency provided its response on dated 20 April 2012 (Reference No. 371869)

5. APPROVED PLANS

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

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
9444-12131		Subdivision Proposal for Lot 8 on RP233840 prepared by Land Title Solutions	28/03/2011
Amendments	Widen existing Easement H to fully contain a 4.5m wide maintenance access track adjacent to the existing channel.		

Plan No.	Rev.	Plan Name	Date
2597-2	A	Subdivision on-site stormwater management prepared by Construction Hydraulic	26/04/12
2597-3	-	Subdivision stormwater details	20/03/12
Amendments	Provide an amended drainage design which incorporates underground detention storage as part of the inter-allotment roofwater drainage system. Provide supporting calculations demonstrating that the proposed detention devices will achieve no increase in peak flowrates discharged to the existing drainage system in Toral Dve. The calculations are to be based on a specific stage-discharge relationship for the storage and outlet design.		

6. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
CIV0864	-	Drainage Assessment Report prepared by Contour Consulting Group	November 2012

7. ADVISORY NOTES

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

PLANNING**Nature and Extent of Approved Development**

1. The applicant is advised that this development approval comprises:
 - (a) Development Permit to Reconfigure a Lot (1 Lot into 5) & associated access easements
 - (b) Preliminary Approval for Material Change of Use of Premises (Dual Occupancy) in accordance with section 242 of SPA

Resubmission of Amended Plans Required

2. The conditions of this Decision Notice require resubmission of plans to Council with amendments. Please address the amended plans to Council's Planning Assessment Branch with the Reference No. REC12/0044, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plan/s be resubmitted prior to lodgement of any Operational Works application. However, should the plan/s not be submitted, the applicant is advised that a Preliminary Approval may be issued in lieu of a Development Permit.

Infrastructure Charges

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



ENGINEERING**Building and Construction Industry (Portable Long Service Leave) Levy**

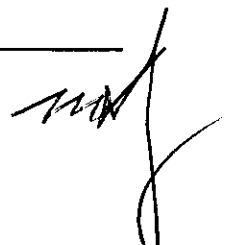
4. From 1 January 2000, the Building and Construction Industry (Portable Long Service Leave) Levy must be paid prior to the issue of a development permit where one is required for the 'Building and Construction Industry'. This applies to Building Works, Operational Works and Plumbing and Drainage Works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

Co-ordination of Operational Works Assessment

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

Preparation of a Preliminary Construction Management Plan

6. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
- (a) traffic management during all aspects of the construction phase including:
 - (i) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
 - (ii) maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased
 - (iii) development
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
 - (c) details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. **NB** any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense
 - (d) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.



Lawful Point of Discharge

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

UNITYWATER

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

GENERAL**Aboriginal Cultural Heritage Act 2003**

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

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

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

8. PROPERTY NOTES

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

REC12/0044 & MCU12/0044 – Variance to Planning Scheme Provisions

The following notation applies to Lot 1:

This property forms part of, and is in part governed by, a Preliminary Approval (Overriding the Planning Scheme) issued under the *Sustainable Planning Act 2009* (Council file reference REC12/0044 & MCU12/0044). The Preliminary Approval contains a supplementary table of assessment that replaces the planning scheme in declaring the level of assessment for development to the extent stated within the table. Applicants and private certifiers must refer to the Preliminary Approval prior to undertaking development on the property.

REC12/0044 & MCU12/0044 – Access

The following notation applies to Lot 1:

All vehicular access must be from the constructed driveway along Toral Drive, access from Easement A is not permitted without Council agreement.



9. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

A preliminary approval under section 242 of the *Sustainable Planning Act 2009* has been granted. The level of assessment and applicable codes for any development approval resulting from this approval are identified in the approval and the conditions.

10. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Material Change of Use (Dual Occupancy) – where not complying with the Self Assessable provisions specified in the Tables of Development Assessment listed in this Decision Notice.
- Development Permit for Operational Works (Dual Occupancy and Subdivision Works)
- Development Permit for Building Work

11. SELF ASSESSABLE CODES

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

12. SUBMISSIONS

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

13. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

14. RIGHTS OF APPEAL

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

15. OTHER DETAILS

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

**7.1.4 AMENDMENT TO ADOPTED INFRASTRUCTURE CHARGES
RESOLUTION – APPENDIX A**

[http://www.sunshinecoast.qld.gov.au/addfiles/documents/meetingAttachments/7.1.4_APP%20A%20-%20SCRC%20Adopted%20Infrastructure%20Charges%20Resolution%20\(No.3\)%202011.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/documents/meetingAttachments/7.1.4_APP%20A%20-%20SCRC%20Adopted%20Infrastructure%20Charges%20Resolution%20(No.3)%202011.pdf)

7.2.1 DECEMBER 2012 FINANCIAL PERFORMANCE REPORT – APPENDIX A

http://www.sunshinecoast.qld.gov.au/addfiles/documents/agendas/OM%20Agenda_280213%20B.pdf

**7.2.2 QUARTERLY PROGRESS REPORT - QUARTER 2, 2012-2013 -
APPENDIX A**

http://www.sunshinecoast.qld.gov.au/addfiles/documents/meetingAttachments/7.2.2_App%20A_Quarterly%20Progress%20Report.pdf

**7.2.2 QUARTERLY PROGRESS REPORT - QUARTER 2, 2012-2013 -
APPENDIX B**

http://www.sunshinecoast.qld.gov.au/addfiles/documents/meetingAttachments/7.2.2_App%20B_Operational%20Plan%20Activities%20Report%20b.pdf

**7.2.3 DELEGATIONS OF AUTHORITY - COUNCIL'S REPRESENTATIVE ON
COUNCIL COMPANIES DELEGATION AND UNITYWATER DELEGATION
– APPENDIX A**

http://www.sunshinecoast.qld.gov.au/addfiles/documents/agendas/OM%20Agenda_280213%20B.pdf

**7.2.3 DELEGATIONS OF AUTHORITY - COUNCIL'S REPRESENTATIVE ON
COUNCIL COMPANIES DELEGATION AND UNITYWATER DELEGATION
– APPENDIX B**

http://www.sunshinecoast.qld.gov.au/addfiles/documents/agendas/OM%20Agenda_280213%20B.pdf

7.2.5 AMENDED DELEGATION - ROAD CLOSURES – APPENDIX A

http://www.sunshinecoast.qld.gov.au/addfiles/documents/agendas/OM%20Agenda_280213%20B.pdf



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