

# Sunshine Coast Council

## **MINUTES**

### **ORDINARY MEETING**

**Wednesday 22 February 2012**

**Council Chambers, 9 Pelican Street, Tewantin**

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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 9.32am.

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

Councillor T Dwyer	Deputy Mayor (Chair)
Councillor K Jones	Division 3
Councillor C Thompson	Division 4 (Absent Items SPC 4.2.1 – 5.1.2 and Item 10)
Councillor J McKay	Division 5
Councillor C Dickson	Division 6
Councillor E Hungerford	Division 7 (Absent Items PSC 4.1.4, SPC 4.2.2, SPC 5.1.1-5.1.2)
Councillor D Blumel	Division 8
Councillor V Griffin	Division 9
Councillor P Tatton	Division 10
Councillor R Green	Division 11

**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

**APOLOGIES**

Councillor R Abbot	Mayor
Councillor A Grosskreutz	Division 1
Councillor L Brennan	Division 12

**COUNCIL OFFICERS**

Project Director, Executive Office  
Project Manager State Transport Projects  
Manager Corporate Governance  
Manager Planning Assessment  
Manager Economic Development  
Project Director Transportation Strategy  
Project Director Urban Development

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**3 RECEIPT AND CONFIRMATION OF MINUTES**

**3.1 CONFIRMATION OF MINUTES**

**3.1.1 ORDINARY MEETING HELD ON 31 JANUARY 2012**

**Council Resolution**

**Moved:** Councillor P Tatton  
**Seconded:** Councillor C Dickson

*That the minutes of the Ordinary Meeting held on 31 January 2012 be received and confirmed.*

**Carried unanimously.**

**4 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEMS OBLIGATIONS OF COUNCILLORS**

**4.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 172 (3) 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**

Pursuant to Section 173 (2) of the *Local Government Act 2009*, no declarations of conflict of interest were made during this meeting.

**5 MAYORAL MINUTE**

Nil.





## 6 PRESENTATIONS

### Council Resolution

Moved: Councillor D Blumel  
Seconded: Councillor V Griffin

*That the report from the Local Disaster Coordinator on the storm event in Cooroy be noted and that council thank the actions and support from the attending agencies.*

**Carried unanimously.**

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### PROCEDURAL MOTION

Moved: Councillor T Dwyer  
Seconded: Councillor P Tatton

*That Council:*

- (a) *admit an additional item, 'Confidential – Not for Public Release – Regulation of Election Signage', into the Agenda for the Ordinary Meeting held on 22 February 2012; and*
- (b) *in accordance with Section 72 (1) (h) of the Local Government (Operations) Regulation 2010, consider this report "Confidential" as it deals with matters for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*

**Carried unanimously.**

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**7 REPORTS DIRECT TO COUNCIL****7.1 REGIONAL STRATEGY AND PLANNING****7.1.1 PUBLIC TRANSPORT LEVY INITIATIVES CONTINUATION REPORT**

**File No:** ECM 22 February 2012  
**Author:** Project Manager State Transport Projects  
Regional Strategy and Planning

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**Council Resolution** (OM12/26)

**Moved:** Councillor V Griffin  
**Seconded:** Councillor J McKay

*That Council:*

- (a) *receive and note the report titled 'Public Transport Levy Initiatives Continuation Report';*
- (b) *confirms it requires the seamless continuation of existing public transport services to ensure no interruption to users of these services until the new council has considered the Public Transport Levy as part of the 2012/2013 budget process;*
- (c) *authorise the Chief Executive Officer to consider options and negotiate with transport agencies to provide continuation of current public transport service;*
- (d) *note that funds to support the services will be drawn from the Public Transport Levy Reserve with the amounts to be reported to Council when known; and*
- (e) *clarify that the existing services affected include:*
  - (i) *Beerwah to Landsborough to Maleny Bus Service trial;*
  - (ii) *Council Cabs;*
  - (iii) *Improvements to Route 619 (between Maroochydore and Kawana Shopping World);*
  - (iv) *Coolum to Nambour Bus Service trial; and*
  - (v) *Flexilink services between Peachester and Beerwah, Conondale and Maleny, Kenilworth and Mapleton and Boreen Point and Tewantin.*

**Carried unanimously.**

**8 PERFORMANCE AND SERVICE COMMITTEE RECOMMENDATIONS**

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**(PSC) ITEM 4.1.1 BUDGET DEVELOPMENT 2012/2013****Council Resolution** (OM12/27)

*That Council:*

- (a) *receive and note the report titled "Budget Development 2012/2013"; and*
- (b) *endorse the option to adopt the 2012/2013 budget by 30 June 2012.*

**Council Resolution** (OM12/28)

*That Council request the Chief Executive Officer to write to both the Minister and Shadow Minister for Local Government and Planning advocating for an October election date as part of future fixed term elections for Local Government, on the basis that an October election date allows for improved budget preparations and business planning for incoming Councils.*

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**(PSC) ITEM 4.1.2 FREE WI-FI TRIALS IN PUBLIC PLACES****Council Resolution** (OM12/29)**Moved: Councillor V Griffin****Seconded: Councillor J McKay***That Council:*

- (a) *receive and note the report titled "Free WiFi Trials in Public Places";*
- (b) *authorise the Chief Executive Officer to conduct an appropriate procurement process to select a private provider to deliver a viable, free Wi-Fi internet access trial in public places for one year, with the outcome of the procurement process, the implementation arrangements for the trial and the identification of any funding required to be the subject of a further report to council;*
- (c) *agree that the specifications issued as part of the procurement process referred to in (b) above, must:*
  - (i) *include matters such as minimum signal coverage, minimisation of impacts on visual amenity and that the trial is to be conducted in a mix of coastal and hinterland locations; and*
  - (ii) *require submitters responding to the procurement specifications to nominate the number and location of viable sites where a free Wi-Fi internet access trial could be conducted; and*
- (d) *authorise the Chief Executive Officer to commission an independent evaluation of the free Wi-Fi internet access trial after one year from its commencement, with the results of the evaluation and projected cost estimates to be reported to council for consideration prior to the continuation of the service at the trial sites and any extension of the trial to other locations.*

**Carried unanimously.**

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**(PSC) ITEM 4.1.3 PROPOSED AMENDMENT SUBORDINATE LOCAL LAW NO. 1 (PARKING) 2012****Council Resolution** (OM12/30)**Moved:** Councillor J McKay**Seconded:** Councillor T Dwyer*That Council:*

- (a) *receive and note the report titled "Proposed Amendment Subordinate Local Law No. 1 (Parking) 2012";*
- (b) *resolves to propose to make Amendment Subordinate Local Law No. 1 (Parking) 2012 as detailed in Attachment 1 with the following amendments to the new Schedule 4 inserted by section 3, which relate to the infringement notice penalty amounts detailed in Column 2 for section 106 and section 205 offences:*

<b>Column 1</b>	<b>Column 2</b>
<b>Minor traffic offence</b>	<b>Infringement notice penalty</b>
<i>*Paid parking offences provided for in section 106 (Paid parking offences) of the Transport Operations (Road Use Management) Act 1995.</i>	<i>3/10 penalty unit (\$30)</i>
<i>The offence provided for section 205 (parking for longer than indicated) of the Transport Operations (Road Use Management – Road Rules) Regulation 2009.</i>	<i>1/2 penalty unit (\$50)</i>
<i>Other parking offences provided for in Part 12 (Restrictions on stopping and parking) of the Transport Operations (Road Use Management – Road Rules) Regulation 2009.</i> <i>Example</i> <i>(a) a driver must not stop on a length of road or in an area to which a no stopping sign applies; or</i> <i>(b) A driver must not stop at the side of a road marked with a continuous yellow edge line</i>	<i>3/4 penalty unit (\$75)</i>

- (c) *resolves in relation to Amendment Subordinate Local Law No. 1 (Parking) 2012 (as amended in (b) above), to adjust its process for making local laws resolved on 1 June 2010 pursuant to section 29(1) of the Local Government Act 2009, by excluding community consultation for the following reasons:*
- (i) *the amendments reduce the penalty infringement notice amount for certain parking offences and therefore do not negatively impact on residents of the Sunshine Coast Regional Council area;*
- (d) *resolves that proposed Amendment Subordinate Local Law No. 1 (Parking) 2012 (as amended in (b) above) has been reviewed in accordance with section 38 of the Local Government Act 2009 and that, taking into consideration the circumstances of the Sunshine Coast Regional Council area, the law does not contain any possible anti-competitive provisions. The subordinate local law relates to the regulation of parking and does not relate to a commercial activity; and*

- (e) accordingly resolves to make Amendment Subordinate Local Law No. 1 (Parking) 2012 as amended in (b) above.

**AMENDMENT**

**Moved: Councillor E Hungerford**

That Council:

- (a) receive and note the report titled "Proposed Amendment Subordinate Local Law No. 1 (Parking) 2012";
- (b) resolves to propose to make Amendment Subordinate Local Law No. 1 (Parking) 2012 as detailed in Attachment 1 with the following amendments to the new Schedule 4 inserted by section 3, which relate to the infringement notice penalty amounts detailed in Column 2 for section 106 and section 205 offences:

Column 1 Minor traffic offence	Column 2 Infringement notice penalty
*Paid parking offences provided for in section 106 (Paid parking offences) of the Transport Operations (Road Use Management) Act 1995.	3/10 penalty unit (\$30)
The offence provided for section 205 (parking for longer than indicated) of the Transport Operations (Road Use Management – Road Rules) Regulation 2009.	3/10 penalty unit (\$30)
Other parking offences provided for in Part 12 (Restrictions on stopping and parking) of the <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009</i> .  <i>Example</i> (a) a driver must not stop on a length of road or in an area to which a no stopping sign applies; or (b) A driver must not stop at the side of a road marked with a continuous yellow edge line	3/4 penalty unit (\$75)

- (c) resolves in relation to Amendment Subordinate Local Law No. 1 (Parking) 2012 (as amended in (b) above), to adjust its process for making local laws resolved on 1 June 2010 pursuant to section 29(1) of the Local Government Act 2009, by excluding community consultation for the following reasons:
  - (i) the amendments reduce the penalty infringement notice amount for certain parking offences and therefore do not negatively impact on residents of the Sunshine Coast Regional Council area;
- (d) resolves that proposed Amendment Subordinate Local Law No. 1 (Parking) 2012 (as amended in (b) above) has been reviewed in accordance with section 38 of the Local Government Act 2009 and that, taking into consideration the circumstances of the Sunshine Coast Regional Council area, the law does not contain any possible anti-competitive provisions. The subordinate local law relates to the regulation of parking and does not relate to a commercial activity; and



- (e) accordingly resolves to make Amendment Subordinate Local Law No. 1 (Parking) 2012 as amended in (b) above.

The amendment lapsed for the want of a seconder.

The motion moved by Councillor J McKay and seconded by Councillor T Dwyer was then put and carried unanimously.

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**(PSC) ITEM 4.1.4 QUARTERLY PROGRESS REPORT - QUARTER 2, 2011-2012**

**Council Resolution** (OM12/31)

**Moved:** Councillor J McKay

**Seconded:** Councillor K Jones

*That Council:*

- (a) *receive and note the report titled "Quarterly Progress Report - Quarter 2, 2011-2012";*
- (b) *note the Chief Executive Officer's Quarterly Progress Report – Quarter 2, 1 October 2011 to 31 December 2011 (Appendix A) other than the Confidential Attachment 1; and*
- (c) *note the Operational Plan Activities Report – Quarter Ended December 2011 (Appendix B) reporting on the implementation of the Corporate and Operational Plans.*

**Carried unanimously.**

**PROCEDURAL MOTION**

**Moved:** Councillor T Dwyer

**Seconded:** Councillor D Blumel

*That discussions regarding the Confidential Attachment in relation to (PSC) Item 4.1.4 – "Quarterly Progress Report – Quarter 2, 2011-2012", be held over until confidential session.*

**Carried unanimously.**

**(Discussions regarding (PSC) Item 4.1.4 for confidential attachment was dealt with during confidential session)**

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**(PSC) ITEM 4.2.1 ENVIRONMENTAL FUNCTIONS - OPERATIONAL SERVICE LEVELS****Council Resolution** (OM12/32)

*That Council:*

- (a) *receive and note the report titled "Environmental Functions - Operational Service Levels";*
  - (b) *endorse the defined operational service levels for each of the environmental functions (Appendix A); and*
  - (c) *note a future report will be presented that outlines the current state of assets managed by Environmental Operations as a component of the asset management plan presentations in the forthcoming budget.*
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**(PSC) ITEM 4.3.1 BALLINGER PARK SPORTS COMPLEX MASTER PLAN****Council Resolution** (OM12/33)

*That Council:*

- (a) *receive and note the report titled "Ballinger Park Sports Complex Master Plan";*
  - (b) *adopt the Ballinger Park Sports Complex Master Plan (Appendix A) and implement future stages of development for the Ballinger Park Sports Complex in accordance with the revised master plan, subsequent development priorities as outlined within this report, successful application of external funding and councils annual budget process including ten year capital works program; and*
  - (c) *present the Ballinger Park Sports Complex Master Plan and prioritised staged implementation to the relevant sporting and recreation user groups and wider community.*
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**(PSC) ITEM 4.3.2 ARTS INDUSTRY INCUBATORS FEASIBILITY STUDY REPORT****Council Resolution** (OM12/34)**Moved:** Councillor J McKay**Seconded:** Councillor P Tatton*That Council:*

- (a) *receive and note the report titled "Arts Industry Incubators Feasibility Study Report";*
- (b) *receive and note the consultant report titled "Arts Industry Incubators Feasibility Study – Costed Implementation Strategy (Appendix A);*
- (c) *receive and note the consultant report titled "Sunshine Coast Arts Incubators Feasibility Study – Report" (Appendix B);*
- (d) *refer the initiative to the 2012/2013 budget development process for funding consideration; and*
- (e) *recognise linkages between community services, strategic planning and economic development in regard to the Creative Industry initiatives.*

**Carried unanimously.**

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**(PSC) ITEM 4.4.1 AUDIT COMMITTEE REPORT 30 JANUARY 2012****Council Resolution** (OM12/35)**Moved:** Councillor T Dwyer**Seconded:** Councillor C Thompson*That Council:*

- (a) *receive and note the report titled "Audit Committee Report 30 January 2012";*
- (b) *note and implement the recommendations from the Audit Committee Minutes 30 January 2012 (Appendix A);*
- (c) *acknowledge and thank the professional external members of the Audit Committee for their contribution during this term of council and thank also the internal audit team; and*
- (d) *request the Chief Executive Officer to provide quarterly written reports to Council on strategic risk as identified to the Audit Committee.*

**Carried unanimously.**

**PERFORMANCE AND SERVICE COMMITTEE**

**Council Resolution**

**Moved: Councillor P Tatton**  
**Seconded: Councillor E Hungerford**

*That Council adopt the recommendations of the Performance and Service Committee Meeting of 14 February 2012, except where dealt with separately by Council.*

**Carried unanimously.**

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**9 STRATEGY AND PLANNING COMMITTEE RECOMMENDATIONS**

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**(SPC) ITEM 4.1.1 PRESENTATIONS – KIN KIN QUARRY MANAGEMENT PLAN****Council Resolution** (OM12/36)

*That Council receive and note the presentations provided by both Neilsens Quality Gravels Pty Ltd and the Kin Kin Community Group in relation to the Kin Kin Quarry Management Plan.*

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**(SPC) ITEM 4.2.1 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 INTO 158 LOTS), PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME AND PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE (COMMUNITY CENTRE) - SPRINGS DRIVE, MERIDAN PLAINS****Council Resolution** (OM12/37)**Moved:** Councillor K Jones**Seconded:** Councillor V Griffin

*That Council:*

(a) *approve with conditions Application No. 2007/56-00019 and grant a Development Permit for a Reconfiguration of a Lot (1 into 158 lots) situated at Springs Drive, Meridan Plains, in accordance with Appendix A amended, namely:*

(i) *amend Condition 40 to read as follows:*

40. *The land area identified as Park (total of 24.187 hectares) on the Plan Drawing No. 051033.7 Amendment F Dated 06/06/11 by KHA Development Managers must be transferred to Council in fee simple on trust for Park (Environmental Purposes). The total land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses;*

(ii) *insert additional conditions 40A and 40B as follows:*

40A. *The land owner/developer must be responsible for all costs associated with the transfer of the land, including the requirement to obtain a valuation for the land from a registered property valuer and to pay all stamp duty upon transfer.*

40B. *One original signed and 'stamped' Queensland Land Registry Transfer of Ownership and Forms 1, 24 and 20 must be lodged with Council for endorsement prior to the registration of title, together with a survey plan and a copy of the land valuation. The wording on Form 20 must read - "The land shall be held upon trust for the purpose of Park (Environmental Purposes)";*



(iii) delete Condition 41 and replace with:

41. Significant native woody vegetation endemic to that area of the site proposed for the development of Lots 1 to 126 inclusive, including any associated roads, is to be offset at a ratio of 1 to 1 via the Landscaping and Revegetation Works contained/proposed within the drainage reserve, streetscapes and community centre landscaping; and

(iv) amend condition 45 as follows:

45. A 3 metre wide combined pedestrian and maintenance access track with 75mm rock base or similar must be constructed with suitable drainage to the edge of Lot 141 and the "Community Centre" interface with the reserve for environmental purposes and must connect to the future pedestrian bikeway on the adjoining lot (known as the Creekwood development). The track must be designed to meander around significant trees and other significant environmental features, with the alignment to be determined on site with Council's Engineering and Environment Assessment Unit. Where the access track caters only for pedestrian movement and does not form part of a maintenance track, the width of this track shall be a minimum of 2 metres. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval;

- (b) approve with conditions Application No. 2007/56-00019 and grant a Preliminary Approval for a Material Change of Use (Community Centre) situated at Springs Drive, Meridan Plains, in accordance with Appendix A;
- (c) approve a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the residential precinct only (applying to duplex dwellings and display dwellings) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;
- (d) find the following are sufficient planning grounds to justify the decision, in recommendation (c) above, despite the conflict with the Planning Scheme:
- (i) duplex dwellings are supported by the Planning Area Code in Caloundra City Plan 2004; and
- (ii) display dwellings function in a similar manner to a detached dwelling;
- (e) approve in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Community Centre only) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;
- (f) find the following are sufficient planning grounds to justify the decision, in recommendation (e) above, despite the conflict with the Planning Scheme:
- (i) the particular nature, location and scale of the land use will not impact on the amenity of the precinct and not impact upon adjoining residential uses, existing traffic and access arrangements, where developed in accordance with the conditions of approval;

- (ii) *the particular nature, location and scale of the proposal will not impact upon environmental values, where developed in accordance with the conditions of approval;*
  - (iii) *the proposed land use does not present serious conflict with the Planning Scheme as a whole; and*
- (g) *refuse in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Accommodation Building, Function Room, Restaurant and Place of Worship) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, for the following reasons:*
- (i) *these uses are intended to be ancillary to the community centre land use;*
  - (ii) *where ancillary, no change to the level of assessment is required;*
- (h) *advise the applicant that Council agree to offset the value of the Land for Parks and Community Facilities aspect of the Adopted infrastructure Charges to a maximum value of \$1,440,738 for the provision of trunk infrastructure as recognised in the Adopted Infrastructure Charges Resolution.*

#### AMENDMENT

**Moved:** Councillor T Dwyer  
**Seconded:** Councillor C Dickson

That Council:

- (a) approve with conditions Application No. 2007/56-00019 and grant a Development Permit for a Reconfiguration of a Lot (1 into 158 lots) situated at Springs Drive, Meridan Plains, in accordance with Appendix A amended, namely:
- (i) amend Condition 40 to read as follows:
    - 40. The land area identified as Park (total of 24.187 hectares) on the Plan Drawing No. 051033.7 Amendment F Dated 06/06/11 by KHA Development Managers must be transferred to Council in fee simple on trust for Park (Environmental Purposes). The total land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses;
  - (ii) insert additional conditions 40A and 40B as follows:
    - 40A. The land owner/developer must be responsible for all costs associated with the transfer of the land, including the requirement to obtain a valuation for the land from a registered property valuer and to pay all stamp duty upon transfer.
    - 40B. One original signed and 'stamped' Queensland Land Registry Transfer of Ownership and Forms 1, 24 and 20 must be lodged with Council for endorsement prior to the registration of title, together with a survey plan and a copy of the land valuation. The wording on Form 20 must read - "The land shall be held upon trust for the purpose of Park (Environmental Purposes)";



(iii) delete Condition 41 and replace with:

41. Native woody vegetation, with a trunk radius of 300mm or greater, endemic to that area of the site proposed for the development of Lots 1 to 126 inclusive, including any associated roads, is to be offset at a ratio of 1 to 1 via the Landscaping and Revegetation Works contained/proposed within the drainage reserve, streetscapes and community centre landscaping; and

(iv) amend condition 45 as follows:

45. A 3 metre wide combined pedestrian and maintenance access track with 75mm rock base or similar must be constructed with suitable drainage to the edge of Lot 141 and the "Community Centre" interface with the reserve for environmental purposes and must connect to the future pedestrian bikeway on the adjoining lot (known as the Creekwood development). The track must be designed to meander around significant trees and other significant environmental features, with the alignment to be determined on site with Council's Engineering and Environment Assessment Unit. Where the access track caters only for pedestrian movement and does not form part of a maintenance track, the width of this track shall be a minimum of 2 metres. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval;

(b) approve with conditions Application No. 2007/56-00019 and grant a Preliminary Approval for a Material Change of Use (Community Centre) situated at Springs Drive, Meridan Plains, in accordance with Appendix A;

(c) approve a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the residential precinct only (applying to duplex dwellings and display dwellings) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;

(d) find the following are sufficient planning grounds to justify the decision, in recommendation (c) above, despite the conflict with the Planning Scheme:

(i) duplex dwellings are supported by the Planning Area Code in Caloundra City Plan 2004; and

(ii) display dwellings function in a similar manner to a detached dwelling;

(e) approve in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Community Centre only) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;

(f) find the following are sufficient planning grounds to justify the decision, in recommendation (e) above, despite the conflict with the Planning Scheme:

(i) the particular nature, location and scale of the land use will not impact on the amenity of the precinct and not impact upon adjoining residential uses, existing traffic and access arrangements, where developed in accordance with the conditions of approval;



- (ii) the particular nature, location and scale of the proposal will not impact upon environmental values, where developed in accordance with the conditions of approval;
  - (iii) the proposed land use does not present serious conflict with the Planning Scheme as a whole; and
- (g) refuse in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Accommodation Building, Function Room, Restaurant and Place of Worship) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, for the following reasons:
- (i) these uses are intended to be ancillary to the community centre land use;
  - (ii) where ancillary, no change to the level of assessment is required;
- (h) advise the applicant that Council agree to offset the value of the Land for Parks and Community Facilities aspect of the Adopted infrastructure Charges to a maximum value of \$1,440,738 for the provision of trunk infrastructure as recognised in the Adopted Infrastructure Charges Resolution.

**Councillor V Griffin raised a point of order.**

**Councillor T Dwyer ruled that the point of order not be upheld.**

**PROCEDURAL MOTION**

**Moved: Councillor V Griffin**  
**Seconded: Councillor D Blumel**

*That Council dissent from the ruling of the chairperson.*

**The chairperson ruled in favour of Councillor V Griffin and allowed further discussion.**

**The amendment moved by Councillor T Dwyer and seconded by Councillor C Dickson was put.**

**For: Councillor J McKay; Councillor P Tatton; and Councillor T Dwyer.**

**Against: Councillor R Green; Councillor K Jones; Councillor V Griffin; Councillor C Dickson; Councillor D Blumel; and Councillor E Hungerford.**

**Lost.**



**AMENDMENT****Moved: Councillor R Green****Seconded: Councillor E Hungerford**

That Council:

- (a) approve with conditions Application No. 2007/56-00019 and grant a Development Permit for a Reconfiguration of a Lot (1 into 158 lots) situated at Springs Drive, Meridan Plains, in accordance with Appendix A amended, namely:
- (i) amend Condition 40 to read as follows:
40. The land area identified as Park (total of 24.187 hectares) on the Plan Drawing No. 051033.7 Amendment F Dated 06/06/11 by KHA Development Managers must be transferred to Council in fee simple on trust for Park (Environmental Purposes). The total land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses;
- (ii) insert additional conditions 40A and 40B as follows:
- 40A. The land owner/developer must be responsible for all costs associated with the transfer of the land, including the requirement to obtain a valuation for the land from a registered property valuer and to pay all stamp duty upon transfer.
- 40B. One original signed and 'stamped' Queensland Land Registry Transfer of Ownership and Forms 1, 24 and 20 must be lodged with Council for endorsement prior to the registration of title, together with a survey plan and a copy of the land valuation. The wording on Form 20 must read - "The land shall be held upon trust for the purpose of Park (Environmental Purposes)";
- (iii) amend condition 45 as follows:
45. A 3 metre wide combined pedestrian and maintenance access track with 75mm rock base or similar must be constructed with suitable drainage to the edge of Lot 141 and the "Community Centre" interface with the reserve for environmental purposes and must connect to the future pedestrian bikeway on the adjoining lot (known as the Creekwood development). The track must be designed to meander around significant trees and other significant environmental features, with the alignment to be determined on site with Council's Engineering and Environment Assessment Unit. Where the access track caters only for pedestrian movement and does not form part of a maintenance track, the width of this track shall be a minimum of 2 metres. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval;
- (b) approve with conditions Application No. 2007/56-00019 and grant a Preliminary Approval for a Material Change of Use (Community Centre) situated at Springs Drive, Meridan Plains, in accordance with Appendix A;





- (c) approve a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the residential precinct only (applying to duplex dwellings and display dwellings) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;
- (d) find the following are sufficient planning grounds to justify the decision, in recommendation (c) above, despite the conflict with the Planning Scheme:
  - (i) duplex dwellings are supported by the Planning Area Code in Caloundra City Plan 2004; and
  - (ii) display dwellings function in a similar manner to a detached dwelling;
- (e) approve in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Community Centre only) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;
- (f) find the following are sufficient planning grounds to justify the decision, in recommendation (e) above, despite the conflict with the Planning Scheme:
  - (i) the particular nature, location and scale of the land use will not impact on the amenity of the precinct and not impact upon adjoining residential uses, existing traffic and access arrangements, where developed in accordance with the conditions of approval;
  - (i) the particular nature, location and scale of the proposal will not impact upon environmental values, where developed in accordance with the conditions of approval;
  - (ii) the proposed land use does not present serious conflict with the Planning Scheme as a whole; and
- (g) refuse in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Accommodation Building, Function Room, Restaurant and Place of Worship) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, for the following reasons:
  - (i) these uses are intended to be ancillary to the community centre land use;
  - (ii) where ancillary, no change to the level of assessment is required;
- (h) advise the applicant that Council agree to offset the value of the Land for Parks and Community Facilities aspect of the Adopted Infrastructure Charges to a maximum value of \$1,440,738 for the provision of trunk infrastructure as recognised in the Adopted Infrastructure Charges Resolution.

The amendment moved by Councillor R Green and seconded by Councillor E Hungerford was put.

**For:** Councillor J McKay; Councillor E Hungerford; and Councillor T Dwyer.

**Against:** Councillor R Green; Councillor K Jones; Councillor V Griffin; Councillor P Tatton; and Councillor D Blumel.

Lost.

The motion moved by Councillor K Jones and seconded by Councillor V Griffin was put.

**For:** Councillor R Green; Councillor K Jones; Councillor V Griffin; Councillor C Dickson; and Councillor D Blumel.

**Against:** Councillor J McKay; Councillor P Tatton; Councillor E Hungerford; and Councillor T Dwyer.

Carried.

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**(SPC) ITEM 4.2.2 REPRESENTATIONS FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE (EXTENSION TO SHOPPING COMPLEX) AND PRELIMINARY APPROVAL FOR BUILDING WORKS AT 119 POINT CARTWRIGHT DRIVE, 10 AND 12 TUMUT STREET, 2-18 BERMAGUI CRESCENT AND TUMUT STREET BUDDINA KNOWN AS KAWANA SHOPPINGWORLD**

**MOTION**

**Moved: Councillor V Griffin**

**Seconded: Councillor R Green**

That Council:

- (a) amend Condition 42B in accordance with the conditions outlined in amended Appendix A;
- (b) agree to delete Condition 66 and replace with new conditions 66 and 66A, as outlined in this report;
- (c) agree to delete Condition 68 and replace with new condition 68, as outlined in this report;
- (d) agree to allow staging by inserting condition 6A, and modify Conditions 7, 8, 24, 25, 27, 30, 31, 32, 39, 40, 41, 42, 42A, 43, 55 and 56 to reflect the relevant works required for each stage;
- (e) agree to insert the staging plan submitted by the applicant in their representations as a Plan Requiring Amendment; and
- (f) approve with Conditions Application No. 2008/500027 and grant a Negotiated Decision Notice for a development permit for a Material Change of Use (Extension to a Shopping Complex) and Preliminary Approval for Building Works at 119 Point Cartwright Drive, 10 and 12 Tumut Street, 2 - 18 Bermagui Crescent and Tumut Street, Buddina, known as Kawana Shoppingworld in accordance with the conditions of approval outlined in Appendix A.

**PROCEDURAL MOTION**

**Moved: Councillor D Blumel**

**Seconded: Councillor J McKay**

*That the item lay on the table until later in the meeting.*

**Carried unanimously.**

**(SPC Item 4.2.3 was discussed at this time)**



(SPC) ITEM 4.2.3 REQUEST FOR A NEGOTIATED DECISION NOTICE - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH AN EXTRACTIVE INDUSTRY (SAND EXTRACTION) AND ENVIRONMENTALLY RELEVANT ACTIVITY NO. 16 (EXTRACTIVE AND SCREENING ACTIVITIES), 545 EASTERN MARY RIVER ROAD, 2084 AND 2316 MALENY-KENILWORTH ROAD, CONONDALE

**Council Resolution** (OM12/38)

**Moved:** Councillor J McKay  
**Seconded:** Councillor P Tatton

*That Council:*

- (a) agree to delete Conditions 1 to 6 of the Preliminary Approval;
- (b) approve with Conditions Application No. 2010/610004 and grant a Negotiated Decision Notice for a Development Permit for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities) situated at 545 Eastern Mary River Road, 2084 and 2316 Maleny-Kenilworth Road, Conondale, described as Lots 1 and 2 RP55330 and Lot 1 RP55331 in accordance with the conditions of approval outlined in Appendix A as amended namely:
- (i) delete Condition 12 and replace with:

12. From the commencement of use and until the site is fully rehabilitated in accordance with the Revised Rehabilitation Management Plan listed in this Decision Notice the high bank of the Mary River and the extraction pit must be surveyed at intervals not exceeding two years and within 6 months of a significant flow event (see below). Survey of the high bank of the Mary River and the extraction pit must be kept and made available to Council Officers upon request. A significant flow event is defined as a 1 in 10 year ARI event which shall be deemed to have occurred when the Bellbird Gauge records a peak flow of 1800m<sup>3</sup>/s or greater. The survey must include the high bank of the Mary River, top of batter of the extraction pit and the entire extraction pit both above and below any standing water within the pit with contours in meters AHD at intervals no more than 1m; and

- (ii) amend Condition 13 as follows:

Within 1 week of receiving survey information showing that the high bank of the Mary River has migrated towards the approved extraction area or if the operator of the site becomes aware that the high bank of the Mary River has migrated towards the approved extraction area, the operator of the site shall inform Council and arrange for Council's delegate to inspect the site. If the high bank of the Mary River adjacent to Cells 1 to 5, 7, 9 and 11 is found to have migrated to less than 40m from the outermost point of the extraction area, then the extraction from the extraction area must cease until a 40m wide buffer is restored. Restoration of the buffer shall include restoration of the 40m wide buffer and restoration of the batter profile in accordance with Figure 3 of the 'Revised Rehabilitation Management Plan'. If the high bank of the Mary River adjacent to Cells 6 and 8 is found to have migrated to less than 50m



from the outermost point of the extraction area, then the extraction from the extraction area must cease until a 50m wide buffer is restored. Restoration of the buffer shall include restoration of a 50m wide buffer and restoration of the batter profile in accordance with Figure 3 of the 'Revised Rehabilitation Management Plan'. Another inspection with Council's delegate shall be arranged to confirm that the buffer has been restored in accordance with this condition of approval prior to extraction from the extraction area recommencing.

Carried unanimously.

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**(SPC) ITEM 4.2.4 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ENTERTAINMENT AND DINING BUSINESS AND MODIFICATIONS TO EXISTING SERVICE STATION, 66 NOOSA DRIVE, NOOSA HEADS**

**Council Resolution** (OM12/39)

That Council APPROVE WITH CONDITIONS Application No. 132009.1335 and grant a Development Permit for Entertainment and Dining Business – Type 1 Restaurant and modifications to an existing Service Station situated at 66 Noosa Drive, Noosa, in accordance with Appendix A and subject to the following changes:-

A. Amend Decision Details to read as follows:-

**2. DECISION DETAILS**

The following type of approval has been issued:

- Development Permit for Material Change of Use – Entertainment and Dining Business Type 1- Restaurant and modifications to existing Service Station.

B. **Delete Condition 1**

C. **Amend Conditions 18, 22, 23, 30 and 50 to read as follows:-**

18. Vehicular access to and within the development must be constructed generally in accordance with drawing number plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012 or as amended by conditions of this approval. The access must include all necessary signage and linemarking including the proposed automated signage for the Lower Carparking area.
22. The Loading Bay as shown on drawing number plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012 must be suitable for a MRV and be suitably signed and linemarked. All signage and linemarking must be in accordance with the Queensland Transport and Mains Roads Manual of Uniform Traffic Control Devices (MUTCD).

- 23. *Carparking must be provided within the site generally as shown on drawing number plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012 and plan SK8.01 Revision I prepared by WBP Architects dated 7 February 2012, except as modified herein.*
- 30. *The new sections of footpath as shown on plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012 must be constructed as part of the development. The paths crossing the "islands" must be at grade with no step up or down.*
- 50. *The development site and the road reserve in front of the site must be landscaped generally in accordance with Council's Noosa Junction Master Plan and Council's planning scheme policy PSP3 – Landscape Plants and Guidelines. The works must be undertaken in accordance with an Operational Works approval and the Sunshine Coast Regional Council landscape materials palette for that specific area and must include in particular:*
  - (a) *the works shown on the approved Landscaping Plan, as may be amended by conditions of this Development Permit;*
  - (b) *planting of more mature vegetation including pot sizes of 45 and 100 litres to the Noosa Drive frontage;*
  - (c) *vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage; and*
  - (d) *provision of street trees within the road reserve.*

**D. Include the following additional conditions to read as follows:-**

- 1. *The position of the fuel bowsers and associated filling areas on site shall be located such that vehicles filling at the bowsers do not impede the vehicle path to the disabled space. The vehicle path shall be in accordance with AS 2890.6.*
- 2. *On-street car parking spaces (relocated and new) must be generally in accordance with plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012, the Noosa Junction Master Plan and AS2890.5-1993. The redundant harstand area of the current on-street car parking spaces must be removed and the area landscaped in accordance with Council's Noosa Junction Master Plan and Council's Planning Scheme Policy PSP3 – Landscaping Plants and Guidelines.*

**E. Amend the list of Approved Plans to read as follows:-**

**6. APPROVED PLANS/DOCUMENTS**

**Approved Plans**

<b>Plan No.</b>	<b>Rev.</b>	<b>Plan Name</b>	<b>Date</b>
SK8.01	I	Lower Floor Plan	7.02.12
SK8.02	L	Ground Floor Plan	7.02.12
SK8.03	D	Upper Floor Plan	7.02.12
SK8.04	C	Elevations and Sections	18.10.11
SK8.05	D	Site Carpark Setout Plan	7.02.12



SK8.06	D	Lower Level Carpark Setout Plan	7.02.12
SK8.07	E	Site Landscaping Plan	7.02.12
SK8.08	C	Lower Floor Landscaping Plan	7.02.12

F. Delete the list of Plans Requiring Amendment

G. Amend Further Development Permits Required to read as follows:-

#### **11. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work for Landscaping, Access and/or Carparking, Site Civil Works, Roadworks, Stormwater Drainage and Frontage Works
- Development Permit for Operational Works for Advertising Devices
- Development Permit for Building Work

#### **(SPC) ITEM 4.2.5 UPCOMING SIGNIFICANT DEVELOPMENT APPLICATIONS**

##### **Council Resolution** (OM12/40)

That Council:

- receive and note the report titled 'Upcoming Significant Development Applications'; and
- note the List of Upcoming Significant Development Applications (Appendix A).

#### **PROCEDURAL MOTION**

Moved: Councillor V Griffin  
Seconded: Councillor D Blumel

That the following items be discussed in confidential session:

(SPC) Item 5.1.1 Confidential – Not for Public Release – Palmview East-West Greenlink Alignment; and

(SPC) Item 5.1.2 Confidential – Not for Public Release – Update – Strategic Operations.

**Carried unanimously.**

**STRATEGY AND PLANNING COMMITTEE**

**Council Resolution**

**Moved:** Councillor R Green  
**Seconded:** Councillor K Jones

*That Council adopt the recommendations of the Strategy and Planning Committee Meeting of 15 February 2012, except where dealt with separately by Council.*

**Carried unanimously.**

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**10 NOTIFIED MOTIONS****10.1 NOTICE OF RESCISSION**

Nil.

**10.2 NOTICE OF MOTION****10.2.1 NOTICE OF MOTION - ACCESS TO BUILDING THE EDUCATION  
REVOLUTION FUNDED FACILITIES****File No:** ECM 22 February 2012**Author:** Councillor V Griffin  
Notice of Motion**Attachment:** Att 1 - BER P21 Schools - Summary List (OM Att Pg 3)

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**Council Resolution** (OM12/41)**Moved:** Councillor V Griffin**Seconded:** Councillor J McKay

*That Council write to the Queensland and Commonwealth Ministers for Education and the Queensland and Commonwealth Auditors-General, expressing concern at the failure to provide for real community access at low or no cost to Building the Education Revolution (BER) funded facilities on the Sunshine Coast, as required under the conditions of funding.*

**Carried unanimously.**  
  

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**10.3 FORESHADOWED NOTICE OF MOTION**

Nil.

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**11 TABLING OF PETITIONS**

Nil.

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**PROCEDURAL MOTION**

**Moved: Councillor D Blumel**  
**Seconded: Councillor K Jones**

*That (SPC) Item 4.2.2 Representations for a Negotiated Decision Notice for Development Approval for Material Change of Use (Extension to Shopping Complex) and Preliminary Approval for Building Works at 119 Point Cartwright Drive, 10 and 12 Tumut Street, 2-18 Bermagui Crescent and Tumut Street Buddina known as Kawana Shoppingworld be discussed in confidential session.*

**Carried unanimously.**

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**12 CONFIDENTIAL SESSION****CLOSURE OF THE MEETING TO THE PUBLIC**

**Moved:** Councillor K Jones  
**Seconded:** Councillor D Blumel

That the meeting be closed to the public pursuant to section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* to consider the following items:

5.1.1 *Confidential – Not for Public Release – Regulation of Election Signage;*

(PSC) 4.1.4 *Quarterly Progress Report - Quarter 2, 2011-2012;*

(SPC) 4.2.2 *Development Approval – Kawana Shopping World;*

(SPC) 5.1.1 *Confidential – Not for Public Release – Palmview East-West Greenlink Alignment; and*

(SPC) 5.1.2 *Confidential – Not for Public Release – Update – Strategic Operations.*

**Carried unanimously.**

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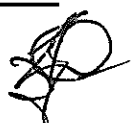
**RE-OPENING OF THE MEETING TO THE PUBLIC**

**Moved:** Councillor V Griffin  
**Seconded:** Councillor K Jones

*That the meeting be re-opened to the public.*

**Carried unanimously.**

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**12.1 FINANCE AND BUSINESS****12.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - REGULATION OF ELECTION SIGNAGE**

**File No:** ECM 22 February 2012  
**Author:** Manager Corporate Governance  
Finance and Business

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**Council Resolution** (OM12/42)

**Moved:** Councillor K Jones  
**Seconded:** Councillor R Green

*That Council:*

- (a) *receive and note the report titled 'Confidential – Not for Public Release - Regulation of Election Signage'; and*
- (b) *adopt the Strategic Policy titled 'Installation of an Election Advertising Device' (Appendix A).*

**For:** Councillor R Green; Councillor K Jones; Councillor V Griffin; Councillor J McKay; Councillor P Tatton and Councillor T Dwyer.

**Against:** Councillor C Dickson, Councillor D Blumel and Councillor C Thompson

Carried.

(Councillor E Hungerford was absent when the vote was taken on this item.)

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**(PSC) ITEM 4.1.4 QUARTERLY PROGRESS REPORT - QUARTER 2, 2011-2012****Council Resolution** (OM12/43)

**Moved:** Councillor T Dwyer  
**Seconded:** Councillor K Jones

*That Council note the discussions held in confidential session.*

Carried unanimously.

(Councillor E Hungerford was absent for the discussion and vote on this item.)

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**(SPC) ITEM 4.2.2 REPRESENTATIONS FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE (EXTENSION TO SHOPPING COMPLEX) AND PRELIMINARY APPROVAL FOR BUILDING WORKS AT 119 POINT CARTWRIGHT DRIVE, 10 AND 12 TUMUT STREET, 2-18 BERMAGUI CRESCENT AND TUMUT STREET BUDDINA KNOWN AS KAWANA SHOPPINGWORLD**

**Council Resolution** (OM12/44)

**Moved:** Councillor V Griffin

**Seconded:** Councillor R Green

*That Council:*

- (a) *amend Condition 42B in accordance with the conditions outlined in amended Appendix A namely:*

*42B Prior to the commencement of use for Stage 2, the applicant must provide three bus stop bays on the existing pavement on the western side of Nicklin Way within the area identified as 'Proposed Temporary Bus Layby' on approved plan RFI\_CC\_1 by Mirvac Design. Three bus stop shelters and associated bus stop signage, in accordance with Translink requirements, must be constructed on the existing adjacent verge. The existing concrete pathway on the western side of Nicklin Way must be relocated as necessary within the verge so as to be aligned clear of the bus stop shelters.*

- (b) *agree to delete Condition 66 and replace with new conditions 66 and 66A, as outlined in this report;*

- (c) *agree to delete Condition 68 and replace with new condition 68, as outlined in this report;*

- (d) *agree to allow staging by inserting condition 6A, and modify Conditions 7, 8, 24, 25, 27, 30, 31, 32, 39, 40, 41, 42, 42A, 43, 55 and 56 to reflect the relevant works required for each stage;*

- (e) *agree to insert the staging plan submitted by the applicant in their representations as a Plan Requiring Amendment; and*

- (f) *approve with Conditions Application No. 2008/500027 and grant a Negotiated Decision Notice for a development permit for a Material Change of Use (Extension to a Shopping Complex) and Preliminary Approval for Building Works at 119 Point Cartwright Drive, 10 and 12 Tumut Street, 2 - 18 Bermagui Crescent and Tumut Street, Buddina, known as Kawana Shoppingworld in accordance with the conditions of approval outlined in Appendix A.*

**For:** Councillor R Green; Councillor C Thompson; Councillor K Jones; Councillor V Griffin; Councillor J McKay; Councillor P Tatton; Councillor C Dickson and Councillor D Blumel.

**Against:** Councillor T Dwyer.

**Carried.**



**ADDITIONAL RECOMMENDATION****Council Resolution** (OM12/45)

**Moved:** Councillor V Griffin  
**Seconded:** Councillor C Thompson

*That Council request the Chief Executive Officer to:*

- (a) *initiate an urgent review of the efficacy and safety of the current bus interchange arrangements associated with Kawana Shopping World including reference to the key stakeholders and report to Council on recommended improvements to deliver both good passenger access and safe driving arrangements; and*
- (b) *meet with representatives of Queensland Transport to discuss Council's observations around the provision of public transport and associated matters in relation to the Kawana Shopping World Material Change of Use.*

**Carried unanimously.**

**(Councillor E Hungerford was absent for the discussion and vote on this item)**

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**(SPC) ITEM 5.1.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - PALMVIEW EAST-WEST GREENLINK ALIGNMENT**

**Council Resolution** (OM12/46)

**Moved:** Councillor V Griffin  
**Seconded:** Councillor K Jones

*That Council:*

- (a) *note the report from ARUP titled 'East-West Greenlink, Palmview to Kawana' dated December 2011 (Appendix A); and*
- (b) *endorse Option D (yellow), identified as the Rainforest Drive-Meridan Fields Sports Ground access road in the report from ARUP titled 'East-West Greenlink, Palmview to Kawana' (Appendix A) as the preferred alignment for the East-West Greenlink.*

**Carried unanimously.**

**(Councillor E Hungerford was absent for the discussion and vote on this item)**



**(SPC) ITEM 5.1.2 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – UPDATE – STRATEGIC OPERATIONS****Council Resolution (OM12/47)****Moved: Councillor K Jones****Seconded: Councillor V Griffin***That Council note the discussions held in confidential session.***Carried unanimously.****(Councillor E Hungerford was absent for the discussion and vote on this item.)**

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**13 NEXT MEETING**

The next Ordinary Meeting will be held on 14 March 2012 in the Caloundra Council Chambers, 1 Omrah Avenue, Caloundra.

**14 MEETING CLOSURE**

The meeting closed at 4.30pm.

Confirmed this 14th day of March 2012.

  
CHAIR

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**15 APPENDICES****15.1 PERFORMANCE AND SERVICE COMMITTEE**

**(PSC) ITEM 4.1.4 QUARTERLY PROGRESS REPORT - QUARTER 2, 2011-2012 – APPENDIX A – CHIEF EXECUTIVE OFFICER'S QUARTERLY PROGRESS REPORT – QUARTER 2, 1 OCTOBER 2011 TO 31 DECEMBER 2011**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc\\_140212/Attach3.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc_140212/Attach3.pdf)

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**(PSC) ITEM 4.1.4 QUARTERLY PROGRESS REPORT - QUARTER 2, 2011-2012 – APPENDIX B - OPERATIONAL PLAN ACTIVITIES REPORT – QUARTER ENDED DECEMBER 2011**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc\\_140212/Attach4.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc_140212/Attach4.pdf)

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**(PSC) ITEM 4.2.1 ENVIRONMENTAL FUNCTIONS - OPERATIONAL SERVICE LEVELS – APPENDIX A ENVIRONMENTAL FUNCTIONS OPERATIONAL SERVICE LEVELS REVIEW**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc\\_140212/Attach5.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc_140212/Attach5.pdf)

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**(PSC) ITEM 4.3.1 BALLINGER PARK SPORTS COMPLEX MASTER PLAN – APPENDIX A BALLINGER SPORTS COMPLEX MASTER PLAN**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc\\_140212/Attach6.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc_140212/Attach6.pdf)

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**(PSC) ITEM 4.3.2 ARTS INDUSTRY INCUBATORS FEASIBILITY STUDY REPORT – APPENDIX A – ARTS INCUBATION COSTED IMPLEMENTATION STRATEGY**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc\\_140212/Attach7.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc_140212/Attach7.pdf)

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**(PSC) ITEM 4.3.2 ARTS INDUSTRY INCUBATORS FEASIBILITY STUDY REPORT –  
APPENDIX B – SUNSHINE COAST ARTS INDUSTRY INCUBATORS REPORT**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc\\_140212/Attach8.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc_140212/Attach8.pdf)

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**(PSC) ITEM 4.1.1 AUDIT COMMITTEE REPORT 30 JANUARY 2012 – APPENDIX A  
AUDIT COMMITTEE MINUTES 30 JANUARY 2012**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc\\_140212/Attach9.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/psc_140212/Attach9.pdf)

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**15.2 STRATEGY AND PLANNING**

**(SPC) ITEM 4.2.1 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 INTO 158 LOTS), PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME AND PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE (COMMUNITY CENTRE) - SPRINGS DRIVE, MERIDAN PLAINS – APPENDIX A CONDITIONS OF APPROVAL**

**APPENDIX A - CONDITIONS OF APPROVAL**

**1. APPLICATION DETAILS**

Application No: 2007/56R0019  
Street Address: Springs Drive, Meridan Plains  
Real Property Description: Lot 12 SP 189346  
Planning Scheme: Caloundra City Plan 2004 (23 December 2009)

**2. DECISION DETAILS**

The following type of approval has been issued:

- Development Permit for Reconfiguration of a Lot (1 into 158 lots)
- Preliminary Approval for Material Change of Use (Community Centre)
- Preliminary Approval Overriding the Planning Scheme for Residential and Community Precincts

**3. RELEVANT PERIOD OF APPROVAL**

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

**4. ASSESSMENT MANAGER CONDITIONS**

**DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (1 INTO 158 LOTS)**

**PLANNING**

1. Unless otherwise stated, all works required by the conditions of this Decision Notice as relevant to each particular stage must be completed prior to submission of the subdivision plan to Council for compliance assessment for the particular stage.
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 for approval prior to the issue of any Development Permit for Operational Works.
3. All fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment and prior to the sealing of the Plan of Survey.
4. The development may be staged. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that:
  - (a) a staging plan be provided to Council for endorsement;



- (b) the transfer of the park allotment occurs prior to application for plan sealing creating the 80<sup>th</sup> lot of the development; and
  - (c) any road access and infrastructure services required to service the particular stage are constructed with that stage.
5. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.
6. The community centre site must be designated as Lot 158.
7. Pursuant to s342 of the *Sustainable Planning Act 2009*, this development approval lapses if the subdivision plan for the last stage of the development has not been registered by the relevant titles authority within 8 years of this approval taking effect.

#### Plan of Development

8. Prior to an application for Plan Sealing, the applicant must submit and gain approval for Plans of Development for approval which include the following information:
- (a) building envelopes;
  - (b) any proposed built to boundary wall;
  - (c) nominated driveway location (clear of any infrastructure); and
  - (d) indicative on street car parking.
- All future dwellings must be sited and constructed in accordance with the approved building envelopes and dwelling controls (i.e. the "Plan of Development"). A copy of the approved Plan of Development must be included in the contract of sale for the approved lots, together with a clause which requires future dwellings to be constructed in accordance with it.

#### Boundary Encroachments

9. Certification must be submitted from a Licensed Surveyor which certifies that:
- (a) all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement;
  - (b) all utility services and connections (e.g. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve or alternatively included within an easement;
  - (c) all retaining walls and structures are fully contained within the lot they retain; and
  - (d) any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

#### CIVIL ENGINEERING

10. Prior to submitting an operational works application for this development, submit to and have endorsed by Council's delegate, additional/revised plans that show the following details:
- (a) the location and design of speed control devices to achieve design speeds in accordance with Queensland Streets;
  - (b) the location and height of all retaining structures;
  - (c) a plan that demonstrates compliance with Queensland Streets in terms of on-street parking opportunities (0.5 spaces per lot). This may include single width driveways for lots less than 13m wide, and indented bays to ensure a trafficable lane is available at all times where parking opportunities exist opposite each other. It will include on-street parking opportunities (indented, centre island or adjacent) in accordance with Queensland Streets (refer to Section 2.4 and Figure 2.12) for the two culs-de-sac serving Lots 78-89. Rearranging of lot locations may be required so that larger frontage lots are located in the vicinity of proposed speed control devices to ensure safe and efficient access and adequate on-street parking;

- (d) Lots 119 and 120 must be 'traditional lots' as retaining walls will limit the developable area; and
- (e) a revised staging plan that shows a second external road connection as part of the stage that creates the 80<sup>th</sup> lot.
11. All works must be designed and constructed in accordance with the provisions of Council's Development Design Planning Scheme Policy.
  12. All earthworks shall be undertaken in accordance with the provisions of AS 3798 ("Guidelines on Earthworks for Commercial and Residential Developments), with Geotechnical testing undertaken in accordance with Section 8 of the Standard, and to a minimum of "Level 1" as defined in Appendix B. Prior to registration of any plan of survey, a report from the Geotechnical Testing Authority detailing the inspections, sampling and testing it has carried out (including the locations and results thereof), together with appropriate certification of the earthworks, must be submitted to Council's delegate.
  13. The proposed 'Minor Collectors (20 metres)' (refer Drawing No C1807/07/P17 prepared by Tate Professional Engineers Pty Ltd dated 9 August 2010) connecting Leikefett Rd and Springs Drive, and to the adjoining land to the east shall be designed and constructed to a collector road standard in accordance with Queensland Streets (7.5 metre wide carriageway). A footpath must be constructed on the 'outside' of the loop road to interface with the existing paths, and on the southern side of the east-west collector street past Lots 119 & 120 (to interface with the proposed path to the east).
  14. All other streets shall be designed and constructed to a local street standard in accordance with Queensland Streets (5.5 metre wide carriageway).
  15. Truncations of property boundaries of all corner lots must be provided to achieve required intersection sight distance and to maintain minimum verge widths in accordance with the provisions of Council's *Development Design Planning Scheme Policy* and *Queensland Streets*.
  16. All necessary alterations to public utility mains and services arising from construction of external works associated with the development must be undertaken at no cost to the service provider.
  17. A concrete (or approved equivalent) driveway must be constructed along the full length of the access strip of each rear allotment in accordance with the provisions of the Reconfiguring of a Lot Code.
  18. A certificate from a relevant electricity supplier must be provided showing that a reticulated underground supply on tariff conditions is available to each lot.
  19. Supply and erection of street lighting installations on roads within the subdivision must be undertaken, designed in accordance with the Council's Development Design Planning Scheme Policy.
  20. A certificate from the provider agency shall be submitted to indicate provision of a telephone service to each allotment is available.
  21. Stormwater shall be collected and lawfully discharged from the development site and from works associated with the development in accordance with Council's Development Design Planning Scheme Policy.
  22. Retaining walls and/or fences constructed adjacent to the common boundary of a lot with proposed public land (e.g. open space, drainage reserve or road reserve) must be located entirely within the boundary of the lot so that lot owners have responsibility for maintenance of the structure.
  23. Interallotment drainage is to be provided if necessary, as required in Council's Development Design Planning Scheme Policy (including provision of easements in favour of all upstream properties which discharge into the interallotment drainage system, with the minimum easement widths in accordance with Section 6.5.2 of the Development Design Planning Scheme Policy).



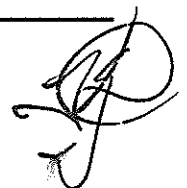
24. Stormwater drainage works shall be designed and constructed in accordance with the relevant provisions of Council's Development Design Planning Scheme Policy and QUDM. Overland flow arising from major rainfall events must be accommodated within road reserves, dedicated drainage reserves or within parkland.
25. For roads in staged development that do not terminate with a fully constructed turnaround area, a temporary sealed/gravelled turning area must be constructed.
26. "As Constructed" data (as required by Council's "Development Design Planning Scheme Policy") shall be lodged in ADAC digital format prior to acceptance of construction works on-maintenance. The MGA co-ordinates and AHD levels of all permanent survey marks installed shall be provided. Detail costing of "As Constructed" works shall also be submitted with this data with cost dissections being completed in accordance with Council's current engineering guidelines;

## HYDRAULICS & WATER QUALITY

### Stormwater

27. The area identified as Drainage Reserve (total of 6062 m<sup>2</sup>) on the Plan drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers must be dedicated to the Crown as Reserve for Drainage Purposes.
28. 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.
29. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland*, and must include in particular:
  - (a) stormwater quality treatment devices of a size and location generally in accordance with those shown in Section 4.0 of the Stormwater Management Scheme listed in this Decision Notice, with the exception of the following:
    - (i) all stormwater quality treatment devices shall only be located within drainage reserve or road reserve;
    - (ii) end of line bioretention devices for Catchment B and C on Drawing No. C1807/07/D02 Revision B shall be designed as basins not swales, swales may be used to convey stormwater to basins;
    - (iii) the end of line bioretention device for Catchment A on Drawing No. C1807/07/D02 Revision B must treat flows from all of Catchment A. If during detailed design it is found that at source stormwater treatment using bioretention devices within the road reserve is the optimum stormwater quality treatment strategy for Catchment A then the lot layout shall be amended to position longer frontage lots at the location of proposed bioretention devices and the depth of lots where bioretention devices are proposed shall be truncated to locally widen the road reserve to resolve issues with conflicting uses of the road reserve;
    - (iv) bioretention devices shall be designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001;
    - (v) end of line bioretention devices shall 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;
    - (vi) coarse sediment forebays shall be designed with the base not lower than the top of filter media surface such that any water within the forebay drains to the surface of the filter media;

- (vii) bioretention devices shall have safe, unobstructed and all weather access from the road frontage for maintenance purposes, particularly for the coarse sediment forebay;
  - (viii) bioretention devices shall be 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;
  - (ix) bioretention devices shall be provided with a free-draining outlet from the sub-soil drainage system; and
  - (x) end of line bioretention devices for Catchment B and C on Drawing No. C1807/07/D02 Revision B shall be provided such that they are not inundated from flow from the central channel during events up to the peak 2 year ARI event for the central channel.
30. The development shall be staged such that the central channel and the drainage solution for the flows entering the site from the east must be completed prior to sealing of the plan of survey for the first stage of the development. Alternatively, an interim flood study shall be submitted in conjunction with the submission of any Operational Works application which demonstrates that the proposed lots within that stage have the required level of flood immunity and no increase in flood levels upstream of the site is demonstrated under the interim drainage solution.
31. In conjunction with submission of any Operational Works, submit a Flood and Stormwater Management Plan prepared in accordance with Council's DDPSP which includes a detailed flood assessment of the central channel through the site and the channel entering the site from the east. The central channel through the site shall be designed in accordance with Council's DDPSP and QUDM and shall include the following:
- (a) fully vegetated channel with vegetation designed to have a manning 'n' of 0.08 over the full width of the channel. Freeboard requirements to proposed lots and no increase in flood levels upstream of the site must be achieved for this design roughness;
  - (b) must be able to convey peak 100 year ARI flow within the channel (no inundation of lots) with a manning's 'n' of 0.15 over the full width of the channel;
  - (c) include a vegetated rock lined low flow channel;
  - (d) the top of bank shall be a minimum of 3.0m from any private property;
  - (e) a 4.5 metre wide maintenance berm is required on one side of the channel or located within the open channel above the minor storm flow level;
  - (f) maximum side slopes of 1:4 for macro channel and 1:2 for rock lined low flow channel; and
  - (g) if the width of the drainage reserve shown on the approved plan is not of sufficient width to comply with the requirements of this Decision Notice then proposed lots either side of the central channel shall be truncated.
- Flow entering the site from the east (at proposed Lot 120 shown on Drawing No. C1807/07/D02 Revision B) shall be managed through the site in accordance with Council's DDPSP and QUDM.
32. The existing drainage reserve area to the south of the site shall be re-constructed so that it joins neatly to the proposed central channel through the site. These works shall include extension to the existing stormwater drainage line near Lot 57 SP221515 and construction of the eastern bank of the channel so that the eastern bank is continuous with no locally widened area.
33. The maximum northern extent of the central channel through the site is that shown on Drawing No. C1807/07/D05 prepared by Tate Professional Engineers Pty Ltd dated December 2011.



34. A Maintenance Manual must be prepared for the stormwater quality treatment system by a qualified person and submitted to Council prior to the issue of any Development Permit for Operational Works. The Maintenance Manual must include:
  - (a) a plan showing the location of the individual components of the system
  - (b) manufacturer's data and product information sheets for any proprietary products
  - (c) location of inspection and monitoring points shown clearly on the plan
  - (d) a schedule or timetable for the proposed regular inspection, maintenance and monitoring of the devices.
35. Permanent educational signage must be erected to educate the residents of the development about the function of the bioretention devices. The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval. See advice notes for guidance.

### **Flooding**

36. The surface levels of all residential lots must be constructed to provide flood immunity. The works must be undertaken in accordance with an Operational Works approval and must include surface levels that are higher than each of the following:
  - (a) the local 1 in 100 year ARI flood level (plus 0.5m freeboard)
  - (b) the regional 1 in 100 year ARI flood level (plus 0.5m freeboard)
37. A table listing the applicable 1 in 100 year ARI flood levels applicable to each lot must be provided for Council's records. The table must be accompanied by certification from a RPEQ which certifies that the levels are based on the latest study referenced by Council's relevant Development Permits and incorporates all amendments.
38. The development shall be constructed such that there is no loss of floodplain storage capacity below the regional 100 year ARI inundation extent.

### **Acid Sulphate Soils**

39. All works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan for the development prepared by a qualified person and referenced in a Development Permit for Operational Works.

### **LANDSCAPE & ECOLOGY**

40. The area identified as Park (total of 24.187 ha) on the Plan drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers must be dedicated to the Crown for Park Purposes.
41. The land area to be dedicated as Park must be unencumbered by services such as pump stations, services easements or similar operational uses.
42. A fauna fence is to be constructed on the southern boundary of the MMTC (Caloundra-Mooloolaba Road) that prevents fauna accessing the MMTC. The fence is to include frog exclusion devices and to direct fauna movement to culvert crossings under the MMTC. The Fauna fencing required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
43. All lots that abut the area to be dedicated as Park and Reserve for Drainage Purposes are to be fenced with non-flammable dog proof fencing to a minimum height of 1.2 metres. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
44. The applicant is to provide a Vegetation Translocation and Management Plan (VTMP) that documents procedures to be engaged to relocate heath land vegetation and soil substrate from the development, in an intact manner, to an area negotiated and approved by Council delegate. The VTMP shall document all aspects of the translocation procedures, including maintenance, and provide clarity for the protection

- of the vegetation to be retained during construction and the operational use of the development. The VTMP shall document revegetation works to be undertaken, maintenance periods, weed control methods and clearing procedures. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
45. A 3 metre wide maintenance access track with 75mm rock base or similar must be constructed with suitable drainage to the edge of Lot 141 and "Community Centre" interface with the park and be designed to meander around significant trees and other significant environmental features. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
  46. A 3 metre wide formed bikeway link to the north-western and western edge of Lot 142 is to be provided in the Park to link the cul-de-sac head of the western new road to the existing Park (Lot 815 RP884393). The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
  47. All retaining structures, batters and other methods of land stabilisation are to be wholly contained within the development footprint and not to encroach into the area to be dedicated as Park.
  48. The northern most section of the new extension of Springs Drive, opposite proposed lots 18,19,76,52 and 51, shown on drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers must have suitable traffic and pedestrian fencing installed. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
  49. The modified drainage channel in the north east of the lot immediately to the west/northwest of Lot 126 is to be revegetated with local native species. The revegetation works is to include macrophyte plantings to the base/low flow channel and include shrubs and trees to the eastern embankments and all batters. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
  50. The modified drainage channel in the south east of the lot described as "drainage reserve 6062 m<sup>2</sup>" shown on drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers is to be constructed in such a fashion as to provide even distribution of storm water through the Melaleuca wetlands in order to mimic natural flows and levels and to prevent scouring or additional disturbance. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
  51. Acidic soils and acid sulphate disturbance and remediation must be undertaken in manner that causes no negative impacts on the natural ecology of the site. A comprehensive assessment of the amelioration of acidic soils and/or acid sulphate soils and measures to be employed to mitigate anticipated or likely impacts are to be approved by Council prior to any excavations or soil loading being undertaken. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
  52. Vegetation approved for removal/disturbance as part of this approval must be checked for presence of wildlife by a wildlife spotter/catcher or other suitably qualified person, immediately prior to the commencement of vegetation clearance works.





53. The wildlife spotter/catcher is to remain on-site for the duration of vegetation removal/disturbance activities and must report to Council's delegate upon the commencement and completion of all vegetation removal activities on the site.
54. Any wildlife identified as being displaced as a result of vegetation removal/disturbance activities must be relocated immediately prior to habitat disturbance, in consultation with the Council's delegate and in accordance with the basic requirements of the *Nature Conservation Act 1992*.
55. Prior to vegetation clearing activities commencing, a suitably qualified person(s) is to identify and mark habitat trees to be removed and prepare and submit a report to Council's delegate detailing same in order to allow for appropriate supplementary wildlife nesting box calculations to be made; The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
56. No clearing of old growth habitat trees (i.e. trees with hollow branches and limbs) is permitted without the prior written approval of Council's delegate. Those tree(s) given approval for removal shall be in accordance with civil works bulk earthworks approvals or confined to tree(s) that pose a well-founded threat to persons or property. A wildlife spotter/catcher or other suitably qualified person shall be present when such tree(s) are removed. A nesting hollow/box offset comprising an equivalent number of artificial nesting boxes of similar size to the tree hollows removed is required. These offset nesting hollows/boxes shall be placed at a similar height and aspect on the remaining tree(s) in the vicinity of the tree(s) removed or to a permanently protected offset area as approved by Council's delegate. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
57. At the time of plan sealing, a certificate from Council's delegate is to be provided stating that declared plants pursuant to the *Land Protection Pest and Stock Route Management Act 2002* (as amended) have been satisfactorily treated in accordance with the provisions of this Act, from the whole of the land subject to this development approval, in addition environmental weeds as listed in the Caloundra City Plan 2004 – Landscaping Code are to be treated on the whole of the land subject to this development approval. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
58. Ground flora suitable for transplanting (*Xanthorrhoea*, *Dianella* etc) and surface (movable) rocks, logs, including logs containing hollows, are to be recovered for use in revegetation works throughout the revegetation and offset plantings. The works required must be detailed in a plan to be lodged with the subsequent combined operational works application, civil and landscaping. The works must be undertaken in accordance with an Operational Works approval.
59. Any advertising signage for the development is to be located on private land, excluding any lands reserved for Park Purposes.
60. The land area identified as Park (total of 24.187 ha) on the Plan drawing number 051033.7 Amendment F, dated 06/06/11 by KHA Development Managers on the subject site be rehabilitated in accordance with a Rehabilitation Plan prepared by a qualified person and approved by Council through a Development Permit for Operational Works.

**UNITYWATER**

61. Reticulated water must be provided to each lot in the development. This must include:
  - (a) an approved water meter for each lot in accordance with Unitywater Standard Drawings SCW 350, 355 and 360; and

- (b) water meters must be located on alternative boundaries to electrical pillars.
62. Reticulated sewerage must be provided to each lot in the development. This must include:
- (a) Connection of the development to the existing sewer network by gravity system.
- (b) 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.
63. 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.
64. Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
65. 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.
66. 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.

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## PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE (COMMUNITY CENTRE)

### PLANNING

67. The development shall be confined to the Community Centre area identified on the approved plans.
68. Development is limited to the construction of a Community Centre as defined in Caloundra City Plan, within one building. The other aspects of the development (including, but not limited to, the kiosk, squash courts, pool, gymnasium, crèche and the like) may be ancillary to the main operations of the community centre, but must not be able to be operated independently.
69. The Community Centre must not exceed 1,400 m<sup>2</sup> of gross floor area until such time as a second through road access is provided within the estate to service the community centre. As part of any application for a community centre, the applicant must submit and gain approval for a Traffic Impact Report stating that the size, scale and location of the proposed land use will not exceed the carrying capacity of any access road to the proposed site including, but not limited to, Springs Drive
70. The maximum height of the development must not exceed 8.5 metres above natural ground level.
71. The development shall use sustainable building materials, solar panels and water reuse in the design of the building.
72. The Community Centre and associated operations must not operate outside the hours of:
- (a) 7am to 10pm Monday to Saturday
- (b) 9am to 10pm Sunday or any public holiday.
73. Service vehicle movements associated with the community centre 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.
74. The development must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of



excessive noise, lighting nuisance or other emissions. All car parking areas shall be located behind the building and not abutting the adjoining residential lots.

75. Prior to issue of a Development Permit for a Material Change of Use (Community Centre), the applicant must:
- (a) Demonstrate that extensive revegetation, as agreed to by Council's delegate, on the community centre site covers a minimum of 50% of the site. Such revegetation is to be located primarily towards the rear of the subject site adjacent to the "Park" on the approved plans;
  - (b) Demonstrate that the development will not impact on adjoining residential landowners regarding noise or light; and
  - (c) Provide sufficient parking for the development.

#### **CIVIL ENGINEERING**

76. Stormwater must be collected and lawfully discharged from the development site and from works associated with the development in accordance with Council's Development Design Planning Scheme Policy and QUDM.
77. Lighting must be provided to pedestrian paths, building entries, driveways and carparking areas in accordance with the requirements of the Design for Safety Code.
78. The driveway across the verge must have a minimum sealed or concreted width of 5.5 metres at the property line.

#### **HYDRAULICS & WATER QUALITY**

79. The floor level of all buildings constructed on the site must be a minimum of 0.5m above the peak 100 year ARI flood level including allowance for climate change.

#### **LANDSCAPE & ECOLOGY**

80. The Community Centre must be landscaped with local native species that occur naturally within the existing central ridge area. Weed-free topsoil from the development of the residential lots and associated infrastructure must be used in any landscaping works in the community centre within the central ridge.
81. The Community Centre must be designed to include an ecological interpretive centre and signed interpretive tracks throughout the centre. The ecological interpretive centre must highlight the importance of the natural surrounds and provide equitable access for people to all tracks.

#### **UNITYWATER**

82. Reticulated water must be provided to the community centre development.
83. Reticulated sewerage must be provided to the community centre development.

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### **PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME – RESIDENTIAL PRECINCT**

#### **PLANNING**

84. Development in the Residential Precinct identified on the approved plans must be undertaken in accordance with the following Table of development Assessment

<b>RESIDENTIAL PRECINCT (MATERIAL CHANGE OF USE)</b>	
1.	For self-assessable development, the acceptable solutions of the applicable codes apply, including the requirements of the Proposed Plan of Development for all Cottage and Courtyard Lots.
2.	Development identified in a development assessment table as self-assessable that



does not comply with the acceptable solutions of the applicable codes or Plan of Development is code assessable.

3. Development identified in a development assessment table as self-assessable or code assessable that exceeds the height limits specified in a Planning Area Code applicable to the site is impact assessable.

Defined Use	Assessment Category	Applicable Codes
		For code assessable development, the relevant Planning Area Code and the Precincts and Other Elements Code apply in addition to any applicable code identified opposite the particular use set out below under the heading "Defined Use".
Detached House	Self-assessable	Detached House Code Filling & Excavation Code (where applicable)
Display Dwelling	Self-assessable	Detached House Code Display Dwelling Code Filling & Excavation Code (where applicable) Landscaping Code Parking and Access Code
Duplex (where nominated on the plan of development)	Self-assessable	Duplex Dwelling Code Filling & Excavation Code (where applicable) Landscaping Code Parking and Access Code Civil Works Code Climate and Energy Code Design for Safety Code Stormwater Management Code
All other defined and non-defined uses	Impact Assessable	

85. Development in the Community Centre Precinct identified on the approved plans must be undertaken in accordance with the following Table of development Assessment

COMMUNITY CENTRE PRECINCT (MATERIAL CHANGE OF USE)		
Defined Use	Assessment Category	Applicable Codes
		For code assessable development, the relevant Planning Area Code and the Precincts and Other Elements Code apply in addition to any applicable code identified opposite the particular use set out below under the heading "Defined Use".
Community Centre where in accordance	Code Assessable	Community Uses Code Landscaping Code Parking & Access Code Climate & Energy Code

<i>with the approval issued under Council Ref 2007/56R0019</i>		Design for Safety Code Nuisance Code Stormwater Management Code Filling & Excavation Code (where applicable)
All other defined and non-defined uses	Impact Assessable	

## 5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency and Address
State Controlled Roads	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558
<b>Response</b>	The agency provided its response on 19 May 2011 (Reference No. NCR-8699 BRIS 2726). A copy of the response is attached, including any conditions the agency has for the development.	
Vegetation Management	Concurrence	Department Of Environment and Resource Management GPO Box 2454 BRISBANE QLD 4001
<b>Response</b>	The agency provided its response on 24 November 2010 (Reference No. elvas:2008/0000555 and IC0108NAM0012). A copy of the response is attached, including any conditions the agency has for the development.	
Wetlands	Advice	Department Of Environment and Resource Management GPO Box 2454 BRISBANE QLD 4001
<b>Response</b>	The agency provided its response on 21 December 2010 (Reference No. IC0108NAM0012).	



Referral Trigger	Referral Status	Referral Agency and Address
Acid Sulphate Soils	Advice	Department Of Environment and Resource Management GPO Box 2454 BRISBANE QLD 4001
<b>Response</b>	The agency provided its response on 20 December 2010 (Reference No. IC0108NAM0012).	
Preliminary Approval Overriding the Planning Scheme	Advice	Department of Local Government, Infrastructure and Planning PO Box 15009 CITY EAST QLD 4002
<b>Response</b>	The agency provided its response on 11 October 2010 (Reference No. RAA 629).	

A copy of any referral agency conditions is attached.

## 6. APPROVED PLANS

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

### Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
051033.7	F	<i>Proposed Subdivision</i> , prepared by KHA Development Managers	6 June 2011
<b>Amendments</b>		<ol style="list-style-type: none"> <li>1. Amend Lots 114 to 119 and 120-126 to show a traditional lot on the eastern boundary of the subject site.</li> <li>2. Amend Lots 101 and 102 to remove the walkway, and relocate the walkway between Lots 91 and 92, and 99 and 100.</li> <li>3. Modify the proposal where required by the proposed Stormwater Management System.</li> <li>4. Provide staging details for the development, if proposed.</li> <li>5. Identify the Community Centre site as the "Community Centre Precinct".</li> </ol>	

## 7. REFERENCED PLANS AND DOCUMENTS

The following documents are referenced in the assessment manager conditions:

**Referenced Plans**

Plan No.	Rev.	Plan Name	Date
C1807/10/SMS	A	Stormwater Management Scheme, Proposed Residential Development at Parkland Boulevard, Caloundra prepared by Tate Professional Engineers Pty Ltd	July 2011
C1807/07/P17	C	Road Hierarchy Plan prepared by Tate Professional Engineers Pty Ltd	9 August 2010
C1807/07/D05	-	Stormwater Drainage – Preliminary Stormwater Layout prepared by Tate Professional Engineers Pty Ltd	December 2011

**8. ADVISORY NOTES**

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

**Infrastructure Contributions**

1. This development permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Councils "*Adopted Infrastructure Charges Resolution (No.1) 2011*" under the State Planning Regulatory Provision (Adopted Charges) and the "*Sustainable Planning Act 2009*".

**Modifications to Layout**

2. The applicant is advised that modifications to the layout may be required to satisfy Council's stormwater management requirements under the relevant planning instrument to change the bioretention devices from "end of line" to "at source". Any such changes will be at the applicant's risk and will constitute a Permissible Change, where permitted by the *Sustainable Planning Act 2009*.

**Bioretention Basins**

3. Acceptable wording for the educational signage which must be erected to educate the residents of the development about the function of the bioretention devices 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 Currimundi Creek".

**Road Naming Procedure**

4. Road names must be approved by Council before a subdivision plan is submitted for compliance assessment and signing. A written request for proposed naming of roads must be submitted to Council together with a plan of the proposed roads and a completed road naming application form. Further details can be found on Council's website.

**Unitywater**

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

**Equitable Access and Facilities**

6. 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

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

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

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

## 9. PROPERTY NOTES

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

### 2007/56R0019 – POD PACKAGE – Plan of Development

*The following notation applies to all approved lots:*

1. To ensure the amenity of this lot and its neighbours is maintained, all building work must be sited and constructed in accordance with the approved Plan of Development applying to the lot (refer to Council Approval 2007/56R0019). The private certifier must satisfy itself that the proposed building work complies with both the planning scheme and the approved Plan of Development.

## 10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

A preliminary approval under section 3.1.6 of *Integrated Planning Act 1997* 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.



**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Material Change of Use (Community Centre)
- Development Permit for Operational Work
- Development Permit for Building Work

**12. 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.

**13. SUBMISSIONS**

There was 1 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.

**14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME**

Not Applicable.

**15. RIGHTS OF APPEAL**

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

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

**16. OTHER DETAILS**

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



(SPC) ITEM 4.2.2 REPRESENTATIONS FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE (EXTENSION TO SHOPPING COMPLEX) AND PRELIMINARY APPROVAL FOR BUILDING WORKS AT 119 POINT CARTWRIGHT DRIVE, 10 AND 12 TUMUT STREET, 2-18 BERMAGUI CRESCENT AND TUMUT STREET BUDDINA KNOWN AS KAWANA SHOPPINGWORLD – APPENDIX A CONDITIONS OF APPROVAL

### AMENDED APPENDIX A - CONDITIONS OF APPROVAL

#### 1. APPLICATION DETAILS

Application No:	2008/500027
Street Address:	119 Point Cartwright Drive, 10 & 12 Tumut Street, 2 - 18 Bermagui Crescent and Tumut Street Buddina known as Kawana Shopping World
Real Property Description:	Lot 3 RP 185626, Lot 2 SP 202887, Lot 802 B 92942, Lot 803 B 92942, Lot 804 B 92942, Lot 805 B 92942, Lot 806 B 92941, Lot 807 B 92941, Lot 808 B 92941, Lot 809 B 92941, Lot 810 B 92941, Lot 811 B 92941, Lot 812 B 92941
Planning Scheme:	Caloundra City Plan 2004 (8 August 2011)

#### 2. DECISION DETAILS

Council, on the 16 November 2011, decided to issue the following type of approval

- (a) Development Permit for Material Change of Use (Extensions to Shopping Complex)
- (b) Preliminary Approval for Building Works

In relation to the representations, Council decided to:

- (a) amend Condition 42B in accordance with the conditions set out below;
- (b) agree to delete Condition 66 and replace with new conditions 66 and 66A;
- (c) agree to delete Condition 68 and replace with new condition 68;
- (d) agree to allow staging by inserting condition 6A, and modify Conditions 7, 8, 24, 25, 27, 30, 31, 32, 39, 40, 41, 42, 42A, 43, 55 and 56 to reflect the relevant works required for each stage; and
- (e) agree to insert the staging plan submitted by the applicant in their representations as a Plan Requiring Amendment.

#### 3. RELEVANT PERIOD OF APPROVAL

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

**4. ASSESSMENT MANAGER CONDITIONS**

This development approval is subject to compliance with the following assessment manager conditions:

**PLANNING**

1. The applicant must comply with all of the conditions of this Development Permit prior to the commencement of use, unless otherwise stated.
2. The applicant must undertake the development generally in accordance with the approved plans and approved documents (subject to the required amendments) and Caloundra City Plan 2004.
3. Site development works including earthworks, roadworks, stormwater drainage, water supply and sewerage infrastructure, electrical reticulation, lighting, landscaping, revegetation and other relevant services must be designed and constructed in accordance with the Codes and Policies of the Caloundra City Plan 2004 unless specifically directed otherwise in the conditions contained herein.

**Approved Use**

4. The approved development is a Shopping Complex in accordance with the definitions within Caloundra City Plan 2004 and the approved plans.
5. The gross floor area of the development must not exceed 39,600 m<sup>2</sup> without the written consent of Council.

**Amendments to Approved Plans and Documents**

6. The applicant must, prior to the approval of any Operational Works application, provide to Council amended plans and documents which incorporate the amendments listed within this Decision Notice.

**Staging**

- 6A The development may be staged in accordance with the approved staging plan. Where staged, the development must occur sequentially in the stage order indicated on the approved plans and the conditions relevant to each applicable stage must be complied with.

**Amalgamation of Lots**

7. All lots included in the application (with the exception of Lot 3 RP185626) are to be amalgamated into one lot prior to the commencement of Stage 2.

**Road Reserve Dedication**

8. Prior to the commencement of use for Stage 2, the boundaries of the site must be reconfigured, generally in accordance with the approved plans, to dedicate the required additional road reserve to accommodate the roadworks required external to the site, and the alterations to or creation of easements within the site. Lot 3 RP185626 must also be dedicated as road reserve. The Plan of Survey (and where appropriate, any associated easement documentation) must be lodged with Council for endorsement prior to the issue of a Development Permit for Building Works and registered with the Department of Environment and Resource Management prior to the commencement of the use.



**CIVIL ENGINEERING**

9. All necessary action must be taken to ensure that development activities do not damage any other property. Where damage to another property occurs as a result of development activities, rectification of the damage must be undertaken prior to the acceptance of the works as complete.
10. All works required for this development must take due regard of any and all existing services. Any existing services affected by the proposed works must be altered or relocated as necessary. In particular, any signs, poles or other obstructions must be relocated clear of pedestrian paths and vehicular driveways.
11. All necessary alterations to public utility mains and services arising from construction of works associated with the development must be undertaken at no cost to the service provider.
12. All earthworks must be undertaken in accordance with the provisions of AS 3798 ("Guidelines on Earthworks for Commercial and Residential Developments).
13. A separate development permit for operational works must be granted for bulk earthworks and the removal of fill from the site prior to any works commencing, unless those works form part of approved building work on the land. A development permit for operational works must also be obtained for any site proposed to source fill for, or receive fill from, the development. Transport routes for the haulage of material between the site and any land receiving or sourcing fill material must be identified and approved by Council's delegate.
14. Prior to commencement of any building works (excluding works associated with the removal of the existing detached houses), operational works and prior to any application for a permit under council's Local Laws for erection of hoardings, temporary road/ footpath closure, etc, a Construction and Traffic Management Plan must be submitted to Council for review and endorsement. This Plan must detail any areas of road/footpath reserve proposed to be closed as well as the proposed duration of the closure, and must include details of proposed temporary works to minimise disruption to vehicular and/or pedestrian traffic in the locality. The Plan must also include details of proposals for construction workers' car parking during construction of the development, in locations which will not excessively impact on nearby residences and/or vehicular and pedestrian traffic in the locality. The Plan must include details of a communication protocol with the Divisional Councillor, general public, adjoining owners, emergency services and local businesses to advise of approved construction times, impacts on traffic and services and other relevant issues.
15. The operations and construction work associated with this development must be undertaken in accordance with the requirements of Council's *Development Design Planning Scheme Policy*. In particular, no environmental nuisance is to be caused to adjoining properties or other persons by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is spilled or carried onto existing roads, it must be removed forthwith so as to restrict dust nuisance and ensure traffic safety. Adequate safety precautions must be maintained where work is undertaken on existing roads. Any damage attributable to the progress of the works or vehicles travelling to or from the site must be remedied at no cost to Council.
16. All new works associated with property accesses must be located a minimum of one (1) metre clear of existing power poles, streetlights or other signage. The developer is responsible for any necessary relocation of other existing services clear of the access that will serve the property and is required to contact all relevant service authorities and comply with their requirements in relation to these works.



17. Any existing unnecessary property access must be removed, and the kerb, footpath, and any verge area reinstated to match the existing footpath and/or verge treatments. Grassed verge areas to be reinstated must be provided with topsoil and grass seed or turf, and must be maintained by the developer until established.
18. Kerb and channelling alignments must be established prior to detailed design, having regard to the location of existing kerb and channel in the vicinity, significant vegetation and existing or proposed services. Kerb and channelling must be of industrial barrier type.
19. Any pavement construction or widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard to allow for the above.
20. Pavement design and construction for donated road infrastructure must be undertaken in accordance with the relevant Council Planning Scheme Policy.
21. All street surfacing must consist of a 35mm minimum depth of an approved hot mixed asphaltic concrete.
22. All works associated with pedestrian and cycle paths must be constructed in accordance with the following:
  - (a) Provision must be made for wheelchair/pram access at all kerb crossings associated with pathways, in accordance with Council's standard drawing.
  - (b) The provision of paths must be carried out following completion of all development works on the site, but prior to the commencement of the proposed use.
  - (c) The required work includes any surface earthworks/grinding/saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard.
  - (d) Any concrete footpath/cycle way must comply with Council's standard drawing and where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.
23. All frontage works must match neatly with existing road/footpath features. Additional works beyond the frontage may be required to provide an acceptable transition back to existing road/footpath profiles.
24. Prior to the commencement of Stage 2, the developer must underground the power lines on the western side of Bermagui Crescent, including removal of power poles and reconnection of any existing properties where applicable. Such works must be undertaken at the developer's cost.
25. Prior to the commencement of use for Stage 2, street lighting is to be placed on the western side of Bermagui Crescent in accordance with the Australian Standards. Where the existing frontage street does not have adequate street lighting in accordance with the Australian Standard, the developer must arrange for its installation as part of the additional intersection lighting required for the development works. Any new street light poles required on external streets must be of a consistent standard (i.e. steel poles) to street light poles in the vicinity.

#### **Car Parking**

26. Internal to the site, the proposed vehicle access to/from all carparking areas must be designed by a Registered Professional Engineer of Queensland (RPEQ) and must include the provision of adequate driveway width and turnouts to suit the proposed entry and exit manoeuvres of the relevant design vehicle. Such works must include suitable tapers, flares and/or radiused turnouts, lane widths, signage, line marking and traffic control devices identified as part of the traffic report for the development, or as specifically required by this permit.



27. The following alterations are required to the design of the internal car parking area and pedestrian facilities, and must be included with the submission of the required operational works application (the timing of such modifications are shown in brackets):
- (a) Compliance with the requirements of the DTMR Concurrence Agency Response dated 20 September 2011 with respect to all internal works. Note: Prior to submission of an application for operational works, provide Council with a copy of the DTMR endorsement of the plans for the internal works as complying with their requirements (Stage 2);
  - (b) The proposed parallel parking bays on both sides of the northern circulating roadway adjacent to the northern on-grade car park should be a minimum of 6.5 metres long (Stage 1);
  - (c) the four parallel parking bays located near the Big W loading dock must be setback a minimum of 1 metre from the building with a raised kerb to act as a barrier. Such bays must be a minimum of 6.5 metres in length (Stage 1);
  - (d) The proposed western one-lane vehicle access between the northern circulating roadway and northern on-grade car park must allow for left-turns into the car park from the internal roadway only. No other turns to or from the northern car park at this location are permitted (Stage 1);
  - (e) Raised platforms, in accordance with the requirements of Section 1.29, Volume 1 of the Queensland Department of Transport and Main Roads' Traffic and Road Use Manual, must be installed at zebra crossings within the site at the following locations:
    - (i) The three zebra crossings across the southern circulating roadway between Nicklin Way and Bermagui Crescent, including the zebra crossing at the south-east corner of the site near Bermagui Crescent (Stage 2);
    - (ii) The zebra crossing adjacent to the eastern end of Burns Street in the southern on-grade car park (Stage 2);
    - (iii) The three zebra crossings across the western circulating roadway to the western on-grade car park (Stage 2);
    - (iv) The zebra crossing across the north-western circulating roadway to the north-west on-grade car park (Stage 1);
    - (v) The two zebra crossings across the northern circulating roadway to the northern on-grade car park (Stage 1);
    - (vi) The zebra crossing on the eastern circulating roadway opposite the footpath on the northern side of Tumut Street (Stage 2);
  - (f) The vehicle access at the eastern end of the southern on-grade car park (opposite the ramp to/from the proposed Level 1 car park) must be deleted (Stage 2);
  - (g) Wheelstops must be installed on all parking bays immediately adjacent to the shared path through the site (near the southern on-grade car park) linking Bermagui Crescent with Nicklin Way (Stage 2);
  - (h) An additional two pedestrian pathways, located on the northern and southern side of the proposed zebra crossing on the western circulating roadway as generally found on site, must be extended through the western on-grade car park to Nicklin Way and the car park layout modified accordingly (Stage 1);
  - (i) The intersection between the western at-grade car park and the western circulating roadway, and the associated two mid-block vehicle connections between parking aisles, must be relocated such that they are not directly adjacent the proposed pedestrian connection through the car park to Nicklin Way. The re-located mid-block vehicle connections between the parking aisles are to be staggered so as not to create four-way intersections within the car park (Stage 2); and

- (j) Lane separating lines must be marked on the entire main circulation roadway (both stages)
28. All car parks and driveways must be constructed, sealed, linemarked and drained in accordance with the *Development Design Planning Scheme Policy* and *AS2890.1*. works must be designed and certified by an RPEQ.
29. Pavement design must be undertaken in accordance with the relevant standards. Structural integrity of the internal driveway and carpark areas will remain the responsibility of the developer and their engineering consultant.
30. Upon completion of the development, the premises must be provided with a minimum of 1827 on-site car parking spaces, together with standing and manoeuvring for service vehicles including 9 Vans, 3 SRVs, 4 MRVs, 3 HRVs and 2 AVs. The provision of on-site car parking spaces and service vehicle bays must occur generally in accordance with the approved staging plan and applicable to that stage of the development. Car parking and manoeuvring areas must:
- (a) be provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the relevant Planning Scheme and AS2890 - Parking Facilities;
  - (b) achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that complies with the requirements of AS2890.1;
  - (c) be designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of outlined in AS2890.1 Clause 2.4.5 and AS1428.1 Clause 1.7.2;
  - (d) be provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
  - (e) be designed to enable all vehicles to enter and leave the site in a forward gear;
  - (f) be kept and used exclusively for vehicle parking and manoeuvring; and
  - (g) be accessible to the general public and/or staff during approved hours of operation.
31. Prior to the commencement of use for Stage 2, the first floor car park containing 361 bays must be fitted with an Electronic Parking Management System showing availability of bays. All signage associated with this system is to be located within the subject site. Details for the system are to be provided to Council prior to the approval of any Operational Works application.
32. Upon completion of the development, the premises must be provided with a minimum of 132 bicycle bays for employees and 77 bicycle bays for visitors. The number of bicycle bays applicable to that stage of the development must be constructed generally in accordance with the approved staging plan. The premises must also provide for shower cubicles with ancillary change rooms provisions for both males and females. Details are to be provided prior to the approval of any Operational Works.
33. The developer must provide internal pedestrian paths within the car parking areas, to promote safe pedestrian routes to the shopping centre entry. Internal pedestrian paths must be located generally as shown on the approved drawings, subject to the specific alterations required in this permit.
34. Suitable safety measures, including warning signage, must be installed internal to the site to improve driver awareness of pedestrians at crossing points and to enhance pedestrian safety. Provision must be made for wheelchair/pram access at all kerb crossings within the subject site, in accordance with Council's standard drawing.
35. Lighting must be provided to pedestrian paths, building entries, driveways and car parking areas in accordance with the requirements of the *Design for Safety Code*.



36. Plans and specifications for all works associated with roadworks, car parking and vehicular access, stormwater drainage, sewer protection, or any works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer.

### **Green Travel Plan**

- 36A Prior to the approval of an application for Operational Works, the applicant must submit to Council a 'Green Travel Plan' which identifies methods for reducing car dependency by employees and visitors travelling to the development through encouraging alternative modes of travel (such as public transport, walking/cycling and car pooling). The Green Travel Plan must nominate strategies, actions and practical initiatives for reducing car dependency for future building tenants, and must be included in all Community Management Statements for the subject site and be attached to any lease documents for future tenants.

### **TRAFFIC & TRANSPORT**

#### **Service Vehicle Access**

37. No service vehicle access to or from the site is permitted via Bermagui Crescent or Tumut Street. Signs must be placed in a prominent position within all loading docks advising of this. The Manager of the Shopping Complex must ensure that all tenants and operators comply with this requirement.

#### **Roadworks - Nicklin Way**

38. At the time the applicant is required to construct the eastern bus platform and signalised intersection on Nicklin Way, the applicant must:
- (a) construct a shared path, at least 3 metres wide, along the full Nicklin Way frontage of the subject site. No poles, posts or other vertical obstructions are to be provided within the path. Existing poles, posts and other vertical obstructions must be removed or relocated as necessary to be clear of the path alignment;
  - (b) dedicate land as road reserve from the subject site such that the verge width along the Nicklin Way site frontage, north of the required eastern bus platform and south of the lift and stair to the future pedestrian bridge, is at least 4.5 metres (measured between the face of kerb and property boundary) and the shared path route across the eastern side of the signalised intersection is within road reserve.
39. Prior to the commencement of use for Stage 2, the proposed signalised intersection with Nicklin Way, and associated kerb alignment of the shopping centre leg, must be designed to provide for the following:
- (a) An on-road bicycle lane, at least 1.5 metres wide, between the left-turn and right-turn vehicle lanes, from the first internal intersection (opposite Burns Street) to Nicklin Way;
  - (b) Ensure the verge width around the south-east corner of the signalised intersection is at least 4.5 metres.
40. Prior to the commencement of use for Stage 2, the pylon sign on the subject site on the southern side of the proposed signalised intersection with Nicklin Way must be relocated within the site as necessary to ensure the proposed 3 metre wide east-west pathway through the site adjacent to the southern side of the intersection is provided at least one metre from the adjacent kerb and at least 0.5 metres from all vertical obstructions.





**Roadworks - Point Cartwright Drive**

41. Prior to the commencement of Stage 1 of the proposed use, the applicant must construct the proposed left-in / left-out driveway access from the site to Point Cartwright Drive north of Orana Street. A raised splitter island must be constructed at the driveway crossover, incorporating a shared pathway connection through it to maintain pedestrian / cycle movement along the southern verge of Point Cartwright Drive. The left-out access must intersect with Point Cartwright Drive at an angle of no less than 70 degrees. A 'no stopping' line is to be installed on Point Cartwright Drive between the proposed access and the existing driveway adjacent to the northern boundary of the site.

**Roadworks - Bermagui Crescent**

42. Prior to the commencement of use for Stage 2, the applicant must dedicate land from the site as road reserve and construct works on Bermagui Crescent in accordance with the following:
- (a) dedicate land as road reserve to create a carriageway at least 11 metres wide on a straight alignment along the full Bermagui Crescent frontage of the site, with a verge at least 4.5 metres wide on the development side;
  - (b) construct pavement widening, street lighting and kerb and channel to achieve an 11 metre wide carriageway on a straight alignment. The carriageway is to consist of 2 x 3 metre wide traffic lanes and 2 x 2.5 metre wide parking lanes;
  - (c) construct landscaped kerb buildouts, integrated into the verge and kerb and channel, within the parking lane on the development side at regular intervals;
  - (d) provide marked parking bays on the development side that are 2.1 metres wide and at least 6.3 metres long (in addition to taper areas for obstructed end bays). The parking bays are to be signed, in accordance with the Queensland Manual of Uniform Traffic Control Devices, to provide a 2 hour time limit between 8am and 5pm;
  - (e) provide marked parking bays on the eastern side of Bermagui Crescent. No kerb buildouts are required to be constructed on the eastern side;
  - (f) construct a fully paved verge, with street trees and landscaping, along the development side. The streetscape and drainage layout is to be consistent with the future provision of a raised platform pedestrian crossing on Bermagui Crescent in front of the proposed mall entry to the street;
  - (g) Construct a cul-de-sac head and kerb and channel at the western end of the east-west portion of Bermagui Crescent; and
  - (h) Construct a concrete footpath, at least 2 metres wide, along the eastern side of Bermagui Crescent opposite the site, connecting with existing footpaths on Tumut Street and around the cul-de-sac head of Bermagui Crescent –

**Construction of Bus Interchange**

- 42A Prior to the commencement of the use of any of the areas highlighted in Stage 1 on drawing No RFI\_CC\_1 Revision D titled "Proposed Coast Connect The Nicklin Way Site and Floor Plan" dated 20 August 2011 drawn by Mirvac Design, the public passenger transport (bus) requirements of Condition 3 of the Department of Transport and Main Roads Concurrence Agency Response dated 20 September 2011 must be constructed and operational. The final design of the structures used in the bus interchange must be to the satisfaction of Council.
- 42B Prior to the commencement of use for Stage 2, the applicant must provide three bus stop bays on the existing pavement on the western side of Nicklin Way within the area identified as 'Proposed Temporary Bus Layby' on approved plan RFI\_CC\_1 by Mirvac Design. Three bus stop shelters and associated bus stop signage, in accordance with Translink requirements, must be constructed on the existing



adjacent verge. The existing concrete pathway on the western side of Nicklin Way must be relocated as necessary within the verge so as to be aligned clear of the bus stop shelters.

#### **Roadworks - Tumut Street**

43. Prior to the commencement of use for Stage 2, the applicant must construct the works on Tumut Street from and including its intersection with Bermagui Crescent to its western end, generally in accordance with Drawing No. RFI\_CC\_1 by Mirvac Design. The works must include kerb and channel, pavement widening, a zebra crossing with kerb buildouts and a raised platform (in accordance with Section 1.29, Volume 1 of the Queensland Department of Transport and Main Roads' Traffic and Road Use Manual), street lighting, and a concrete footpath (at least 1.5 metres wide) and associated connections and kerb ramps on both sides. The design should maximise the amount of on-street parking provided on Tumut Street.

#### **HYDRAULICS & WATER QUALITY**

44. Stormwater must be collected and lawfully discharged from the development site to the existing drainage connection serving the site, in accordance with Council's *Development Design Planning Scheme Policy* and *QUDM*.
45. Works must be undertaken in a manner such that existing stormwater drainage outlets and overland flow paths (including those from upstream adjoining properties) are not obstructed, to ensure that there are no adverse impacts on existing development with respect to drainage and flooding issues.
46. Existing stormwater pipes must be relocated clear of the proposed building works and/or structurally protected, in accordance with the requirements of the relevant service authority. Where necessary, obsolete easements must be extinguished and/or new easements registered over the relocated services, at the cost of the developer.
47. The minimum floor level of the proposed Shops and Mall shall be 3.465m AHD.
48. Concurrent with any application for Operational Works, the applicant must submit detailed calculations and supporting plans/documentation prepared by a suitably experienced Registered Professional Engineer of Queensland (RPEQ) to demonstrate that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and Council's Development Design Planning Scheme Policies without causing an annoyance or nuisance to any person or property. The following requirements must be addressed as part of any submission:
- (a) The incorporation of stormwater quality treatment devices into all development site drainage
  - (b) Suitable access for maintenance vehicles to service stormwater quality treatment devices
  - (c) Extension of the piped and overland flow drainage system through the development site to cater for all external catchments
  - (d) Registration of drainage easements over all drainage structures and concentrated flow paths on private land
  - (e) Construction of conventional stormwater drainage systems in accordance with Council's Development Design Planning Scheme Policies.
49. The development shall be provided with a stormwater quality treatment system that is planned, designed and constructed in accordance with Council's Development Design Planning Scheme Policies generally in accordance with the Stormwater Management Plan (Engineering Report for the Proposed Kawana Shoppingworld Stage 4 Development prepared by Bornhorst & Ward Pty Ltd Revision C including Revision B of Drawing No. SKC020 titled Preliminary Water Quality Layout Plan)

- referred to hence with as the endorsed Stormwater Management Plan. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for each stormwater quality treatment device proposed in the endorsed Stormwater Management Plan.
50. The development shall be provided with a stormwater conveyance system (piped stormwater system and overland flow) that is planned, designed and constructed in accordance with Council's Development Design Planning Scheme Policies, QUDM and generally in accordance with the endorsed Stormwater Management Plan. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for each component of the stormwater conveyance system proposed in the endorsed Stormwater Management Plan. Detailed design is to be undertaken in accordance with Council's Development Design Planning Scheme Policies.
  51. All proprietary stormwater quality treatment devices installed on the site must be routinely checked and serviced/cleaned out as per the manufacturers recommendations. The material extracted from the devices when being serviced and cleaned out is to be removed from the site and disposed of by either a licensed waste removal contractor or by other lawful means. Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.
  52. In accordance with the endorsed Stormwater Management Plan the development constructed on the site must be provided with an operating rainwater collection tank(s) collecting rainwater from a portion of the roof area. Rainwater harvested in the tank(s) shall be re-used for internal non potable uses and outdoor uses. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for the rainwater harvesting tanks. The total rainwater harvesting tank volume shall not be less than 15L per square metre of total roof area.
  53. Prior to commencement of use, the applicant shall provide a certificate from a suitably qualified person to certify that the rainwater collection tank(s) and associated reticulation has been installed in accordance with these conditions of approval.

#### LANDSCAPE & ECOLOGY

54. Landscaping is to be undertaken on-site generally in accordance with the submitted Landscape Plan for Kawana Shoppingworld and in accordance with the Landscaping requirements of Caloundra City Plan 2004.

#### ENVIRONMENTAL HEALTH

55. Prior to the commencement of use for Stage 2, acoustic barriers are to be constructed and maintained in accordance with Figures 5 and 6 of the submitted acoustic advice report (Report prepared by Ron Rumble Renzo Tonin, dated 10/6/2011, ref no. Q6460-03-F01, report rev 2). These barriers are to have no gaps in them, are to achieve a minimum surface density of 12.5kg/m<sup>2</sup> and are to be constructed of durable materials within the lot boundary alignment. Prior to the use commencing, certification shall be submitted to Council from a RPEQ certified acoustic consultant that the barriers have been constructed to achieve the required acoustic attenuation and in accordance with this condition of approval.
56. Prior to the use commencing for each stage, the services of a RPEQ certified acoustic consultant shall be engaged to conduct operational noise compliance verification testing for fixed plant and equipment to demonstrate that the noise limits set in table 9.6 of the City Plan 2004 Nuisance Code have been complied with. A report, prepared by the acoustic consultant, shall be submitted to Council for endorsement demonstrating that the measured levels comply with the noise limits set in table 9.6 of the City Plan 2004 Nuisance Code. This condition does not apply to



- operational fixed plant & equipment that does not emit audible noise beyond the boundary of the premises; (Refer Advice Notes)
57. Noise from the use of the shopping centre loading docks bays must not be audible at any noise sensitive dwelling(s) between the hours of 10:00pm and 7:00am on any day.
58. Articulated vehicles must not use the shopping centre loading bays between 10:00pm and 6:00am on any day. The requirements of this condition must be included in any shopping centre tenancy lease agreement, site by-laws document or equivalent document, for tenancies that use the loading docks. The shopping centre manager shall be responsible for ensuring that this condition is adhered to at all times.
59. Refuse bin servicing shall only occur between the hours of 7:00am and 6:00pm on any day.
60. Prior to or at the time application is made for Operational Works, an Environmental Management Plan shall be developed. This plan is to be prepared by a suitably qualified person in accordance with section 2.0 of the Council's Development Design Planning Scheme Policy and is to address, as a minimum, the following:
- (a) air quality and dust control – including specific requirements for dust screens (and rubbish chutes where applicable) to be fitted to all building floor level scaffolds during construction;
  - (b) acid sulphate soils
  - (c) sediment and erosion control – linked to stage specific erosion and sediment control engineering drawings
  - (d) flora and fauna
  - (e) hazardous substance management
  - (f) light management
  - (g) mosquito and biting midge control
  - (h) noise control (including the hours of operation detailed in section 440R of the *Environmental Protection Act 1994*)
  - (i) site management
  - (j) stormwater management
  - (k) traffic management
  - (l) waste management – Recycling initiatives
  - (m) water quality and sampling (including a detailed basement excavation de-watering procedure)
  - (n) off-site impacts associated with trucks and machinery, i.e. sediment and soil deposition on roads and dust control
  - (o) incorporation of a lawfully felled vegetation disposal plan consistent with the "Waste Management Hierarchy" principles. This reference point shall by default require the EMP to be drafted in a way to prohibit the burning of lawfully felled vegetation on the site.
61. Lighting devices to be installed on the site, i.e. security lights etc, are to be appropriately designed, sited, installed and tested to be in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting". Prior to the use commencing, certification shall be provided to Council from a RPEQ certified Electrical Engineer, to demonstrate that the above requirements have been met.
62. The development must be provided with refuse container storage areas located in accordance with approved plans. These areas are to be:
- (a) enclosed on at least three sides to a height of at least 1.8m using materials compatible with the site (e.g. palings, lattice work, brick or blockwork, etc) to screen the area from adjoining properties and the road; and
  - (b) adequate in size for general refuse, recycle and commercial refuse bins; and
  - (c) imperviously sealed (e.g. concrete, bitumen, etc) and provided with a washdown pit lawfully directed to sewer with a stormwater catchment area not exceeding 1m<sup>2</sup>; and

- (d) provided with a hose cock either in or adjacent to the wash down area; and
  - (e) provided with signage in a conspicuous location adjacent to the washdown pit with letters at least 50mm high and 30mm wide stating:  
BIN WASHDOWN WASTE ONLY DISPOSAL OF ANY OTHER LIQUID OR WASTE IS PROHIBITED; and
  - (f) constructed in accordance with Section 2 of Council's Development Design Planning Scheme Policy.
63. The layout and design of the development shall be such that the design refuse collection vehicle(s) required to perform waste collection on site are afforded easy, safe and unobstructed access.

### UNITYWATER

64. 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).
65. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
66. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings with the exception of the sewer main identified in Section 5.2 of the submitted Engineering Report prepared by Bornhorst and Ward Consulting Engineers dated October 2010 where building over the sewer is permitted.
- 66A Prior to commencement of any building works over the existing 450mm diameter trunk sewer main, the applicant will be required to obtain a development permit to build over the sewer in accordance with Unitywater's requirements and Building Over Sewer Policy.
67. Where applicable, written approval to enter and construct must be provided from property owners through which external sewers will traverse. This must be submitted with lodgement of the associated development application for Operational Works.
68. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater Where building over sewer is permitted, a volumetric easement must be provided over the sewer main in favour of Unitywater. Easements must be located centrally over the main. For sewers on side boundary alignments easements may be partially located within neighbouring properties.
69. All obsolete water and sewer infrastructure must be capped and sealed or removed.
70. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
71. 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.
72. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.



**5. REFERRAL AGENCIES**

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency and Address
Public Passenger Transport	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558
<b>Response</b>	The agency provided its response on 20 September 2011 (Reference No. Ref. NCR-8123 BRIS-1633). A copy of the response is attached, including any conditions the agency has for the development.	
Future Public Passenger Transport	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558
<b>Response</b>	The agency provided its response on 20 September 2011 (Reference No. Ref. NCR-8123 BRIS-1633). A copy of the response is attached, including any conditions the agency has for the development.	
State Controlled Road	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558
<b>Response</b>	The agency provided its response on 20 September 2011 (Reference No. Ref. NCR-8123 BRIS-1633). A copy of the response is attached, including any conditions the agency has for the development.	
Acid Sulphate Soils	Advice	Department of Environment and Resource Management Implementation and Support Unit GPO Box 2454 BRISBANE QLD 4001
<b>Response</b>	The agency provided its response on 13 September 2011 (Reference No. IC1110NAM0010).	

**6. APPROVED PLANS****Approved Plans**

Plan No.	Rev.	Plan Name	Date
RFI_CC_2	A	Figure 4: Proposed Level 1 Floor Plan drawn by Mirvac Design	February 2011
RFI_06_ELE	C	Proposed Elevations Council RFI – Option 6 drawn by Mirvac Design	26 October 2010

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

### Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
RFI_CC_1	D	Proposed CoastConnect, The Nicklin Way Site and Floor Plan drawn by Mirvac Design	20 August 2011
<b>Amendments</b>	Amend as per the Car Parking conditions set out in this Decision Notice		
Plan No.	Rev.	Plan Name	Date
RFI_CC_1	D	Proposed CoastConnect, The Nicklin Way Site and Floor Plan drawn by Mirvac Design showing proposed staging for the development	20 August 2011
<b>Amendments</b>	Amend to show the construction of the bus interchange (as required by Condition 42A) and western car park modifications within Stage 1 of the development.		

## 7. REFERENCED DOCUMENTS

### Referenced Documents

Document No.	Rev.	Document Name	Date
SKC020	A	Preliminary Water Quality Layout Plan	19 October 2010
07295	B	Stormwater Management Plan (Engineering Report for the Proposed Kawana Shoppingworld Stage 4 Development) prepared by Bornhorst & Ward Pty Ltd	October 2010
Q6460-03-F01	2	Acoustic Advice Report prepared by Ron Rumble Renzo Tonin	10 June 2011

## 8. ADVISORY NOTES

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

### Infrastructure Contributions

- This development permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Councils "Adopted Infrastructure Charges Resolution (No.1) 2011" under the State Planning Regulatory Provision (Adopted Charges) and the "Sustainable Planning Act 2009".

**Environmental Health**

2. The applicant is advised to ensure that during the detailed building design and construction phase, including the design, selection and installation of fixed plant and equipment, A/C units and refrigeration plant, mechanical exhausts, acoustic enclosures/plant rooms and the like, that the ongoing advice and design input of a suitably qualified RPEQ certified acoustic consultant is sought and implemented to ensure that the operation of such plant and equipment complies with conditions of this approval and statutory noise limits. Mechanical plant and equipment must be provided with appropriate acoustic enclosures/screening and located away from adjacent noise sensitive premises.
3. Trade waste generated on-site shall be subject to Unitywater's Trade Waste Policy and the *Water Supply (Safety & Reliability) Act 2008*. The applicant is advised to contact Unitywater's Trade Waste Officer on 5431 8333 to determine trade waste requirements.
4. All areas where food is to be stored, handled or prepared for sale or sold must be constructed and equipped in accordance with the provisions of the *Food Act 2006* and the *Food Standards Code*. Contact Council's Customer Services Unit on 1300 650 112 for further information.
5. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.  
Environmental harm is defined by the Act as any adverse affect, or potential adverse affect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.
6. In accordance with the *Public Health Act 2005*, rainwater tanks must be constructed with mosquito proof screens (made from either brass, copper, aluminium or stainless steel), and constructed with a mesh size of no more than 1mm, and must be installed in a way that does not accelerate corrosion. Tanks that contain flap valves must be installed so that when closed, mosquitoes cannot pass through the valve. It is unlawful under the *Public Health Act 2005* to construct, install or be in possession of a tank that does not comply with these requirements.

**Unitywater**

7. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicants cost.
8. A 100mm diameter watermain is located within the road boundary fronting the development site in Bermagui Crescent. 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.





**Equitable Access and Facilities**

9. 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**

10. 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*.

**Green Travel Plan**

11. Council is willing to assist with the creation and adoption of the Green Travel Plan required by Condition 36A. Please contact Council’s Transport Change Unit to arrange a suitable time to discuss the merits/details of a Green Travel Plan.

**9. PROPERTY NOTES**

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

1. This site is provided with gross pollutant traps which captures and stores pollutants from stormwater runoff generated on this site. This device is required to be routinely checked and serviced/cleaned out as per the manufacturer’s recommendations. The material extracted from the device when being serviced and cleaned out is to be removed from the site and disposed of by either a licensed waste removal contractor



or by other lawful means. Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.

**10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Operational Work (Civil Works, Landscaping & Electrical Reticulation)

Development Permit for Building Work

**12. SELF ASSESSABLE CODES**

Not Applicable.

**13. SUBMISSIONS**

Not Applicable.

**14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME**

Not Applicable.

**15. RIGHTS OF APPEAL**

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

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

**16. OTHER DETAILS**

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



(SPC) ITEM 4.2.3 REQUEST FOR A NEGOTIATED DECISION NOTICE - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH AN EXTRACTIVE INDUSTRY (SAND EXTRACTION) AND ENVIRONMENTALLY RELEVANT ACTIVITY NO. 16 (EXTRACTIVE AND SCREENING ACTIVITIES), 545 EASTERN MARY RIVER ROAD, 2084 AND 2316 MALENY-KENILWORTH ROAD, CONONDALE – APPENDIX A CONDITIONS OF APPROVAL

## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No:	2010/610004
Street Address:	545 Eastern Mary River Road, 2084 & 2316 Maleny-Kenilworth Road, Conondale
Real Property Description:	Lots 1 & 2 RP55330 & Lot 1 RP55331
Planning Scheme:	Caloundra City Plan 2004

### 2. DECISION DETAILS

Council on 15 June 2011 decided to issue the following type of approval

Preliminary Approval for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities).

In relation to the representations, Council decided to:

- (a) agree to delete Conditions 1 – 6, and
- (b) issue a Negotiated Decision Notice – Development Permit for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities).

### 3. RELEVANT PERIOD OF APPROVAL

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

### 4. ASSESSMENT MANAGER CONDITIONS

This development approval is subject to compliance with the following assessment manager conditions:

#### PLANNING

1. The use of the premises for the purpose of “extractive industry” shall at all times accord with the criteria set out within the “extractive industry” definition in Part 3 of the Caloundra City Plan 2004.
2. The site is to be developed generally in accordance with the approved staging plans (except where varied by conditions of approval).

3. The extraction is to be limited to the area contained by a metes and bounds survey to be lodged with Council prior to any extraction activity occurring on the site.
4. No screening or processing of excavated material is to occur on Lots 1 & 2 RP55330.
5. Extraction and processing activities shall be screened from view from the Maleny-Kenilworth Road by natural features and landscaping associated with the rehabilitation works process.
6. Public signage (to warn of operations and safety hazards) is to be provided to all boundaries of the extractive site.

#### HYDROLOGY AND HYDRAULICS

7. The development shall be operated in accordance with the *Flood Emergency Management Plan* listed in this Decision Notice and any updates of this plan as required by the plan.
8. Cell 10 is not approved for sand extraction. Cell 10 shall be incorporated into the adjacent buffer to the high bank of the Mary River.
9. Within 6 months of extraction commencing in Cell 1 and prior to re-vegetation works commencing within the "Revegetation Area" the steep and eroding sections of the eastern bank of the Mary River shall be stabilised. The bank stabilisation measures shall be designed and constructed under the supervision of a suitably qualified Registered Professional Engineer Queensland or geomorphologist and shall be in accordance with the document titled *Guideline – Activities in a watercourse, lake or spring carried out by a landowner* (Department of Environment and Resource Management, 11/05/2011). In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for the bank stabilisation measures. The bank stabilisation measures shall be maintained by the operator for the life of the development.
10. The three defined channels that convey flood flow into the excavation pit during a 100 year ARI flood event shall be rock lined. The rock lined channels shall be designed by a suitably qualified Registered Professional Engineer Queensland. The rock lined channel designs will:
  - (a) Involve the placement of a rock at the transition from the floodplain surface into the excavation pit;
  - (b) Involve the placement of a rock over the full width of the flood channels;
  - (c) Require minimum D50 of 300mm rock;
  - (d) Incorporate a rock crest into the channel design at the upstream extent;
  - (e) Incorporate rock that is hard, durable and angular in shape, free from cracks, overburden, shale and organic matter; and
  - (f) Require that the finished channel be fully keyed into the surrounding surface and not left proud of the surrounding surface level.In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for the rock lined channels. Each channel shall be constructed within 6 months following commencement of extraction in the adjacent extraction cell. For example the channel adjacent to Cell 1 shall be constructed within 6 months following commencement of extraction in Cell 1.
11. A rock armoured spillway shall be constructed at the north east corner of the largest extraction pit (adjacent to Cell 6). The rock lined spillway shall be designed by a suitably qualified Registered Professional Engineer Queensland incorporating many of the design elements identified for the rock lined channels. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for the rock armoured spillway. The spillway shall be constructed within 6 months following commencement of extraction in Cell 6.

12. From the commencement of use and until the site is fully rehabilitated in accordance with the *Revised Rehabilitation Management Plan* as amended by this Decision Notice, the high bank of the Mary River and top of batter of the extraction pit must be surveyed at intervals not exceeding two years and within 6 months of a significant flow event (see below). Survey of the high bank of the Mary River and the top of batter of the extraction pit must be kept and made available to Council Officers upon request. A significant flow event is defined as a 1 in 10 year ARI event which shall be deemed to have occurred when the Bellbird Gauge records a peak flow of 1800m<sup>3</sup>/s or greater.
13. Within 1 week of receiving survey information showing that the high bank of the Mary River has migrated towards the approved extraction area or if the operator of the site becomes aware that the high bank of the Mary River has migrated towards the approved extraction area, the operator of the site shall inform Council and arrange for Council's delegate to inspect the site. If the high bank of the Mary River is found to have migrated to less than 40m from the outermost point of the extraction area, then the extraction from the extraction area must cease until a 40m wide buffer is restored. Restoration of the buffer shall include restoration of the 40m wide buffer and restoration of the batter profile in accordance with Figure 3 of the 'Revised Rehabilitation Management Plan'. Another inspection with Council's delegate shall be arranged to confirm that the buffer has been restored in accordance with this condition of approval prior to extraction from the extraction area recommencing.
14. Within 6 months of receiving survey information showing that the high bank of the Mary River has migrated towards the approved extraction area or if the operator of the site becomes aware that the high bank of the Mary River has migrated towards the approved extraction area, the operator of the site shall submit to Council and have endorsed by Council's delegate a report prepared by a suitably qualified Registered Professional Engineer Queensland or geomorphologist recommending appropriate mitigation measures. All of the mitigation measures recommended in the report shall be implemented on site.
15. The depth of the extraction pits shall be limited to the following:
  - (a) 112m AHD at the southern end of the extraction area grading to 111m AHD at the northern end of the extraction area;
  - (b) 10m below the existing ground surface; and
  - (c) Above the groundwater table.

## ENVIRONMENT

### Buffer and Rehabilitation Area

16. Prior to the commencement of the use, submit a revised Rehabilitation Management Plan to Council's delegate for endorsement. The revised Rehabilitation Management Plan is to replace the Rehabilitation Management Plan, December 2010, Doc. Ref. 11117\_031\_V2, prepared by Groundwork Plus. The revised Rehabilitation Management Plan is to incorporate the changes required by conditions 17 to 25 inclusive of this decision notice and the recommendations of the Conondale *Extractive Industry Mary River Investigation*, prepared by Water Technology Pty Ltd, Ref No. J2005-01R02V02a.docx, dated 16 November 2011.
17. Revegetation works to the two extraction lake banks and the associated 40 to 60 metre wide buffers are to be undertaken in accordance with the revised Rehabilitation Management Plan.
18. A 4 metre wide maintenance access track is to be provided throughout the entire length of the 40 to 60 metre wide buffers, the balance length and width of the 40 to 60 metre buffers are to be completely revegetated.
19. The 40 to 60 metre buffers length and width are to be revegetated utilizing the following species:-



Trees	Spacings
Callistemon viminalis	3 metres
Melaleuca bracteata	3 metres
Casuarina cunninghamiana	5 metres
Eucalyptus Tereticornis	10 metres
Grevillea robusta	10 metres
Acacia melanoxyton	5 metres
Ficus corinata	3 metres
Glochidion ferdinandii	5 metres

Shrubs	Spacings
Lomandra longifolia	1 to 1.5 metres
Dianella caerulea	900 millimetres

20. The average planting density throughout the buffer is to be one plant for every 1.5m<sup>2</sup>. Prior to the commencement of each sand extraction cell all revegetation works within the adjoining 40 to 60 metre wide buffer are to be completed. Pre-start and completion site meetings are to be held with Council's delegate in respect to all revegetation works i.e. each sand extraction cell associated buffer plantings.
21. The "undisturbed drainage and wetland area" located between the two sand extraction areas is to be rehabilitated to match as closely as possible the representative species and densities which occur within Regional Ecosystem 12.3.7, e.g.:
- (a) Eucalyptus tereticornis;
  - (b) Callistemon viminalis;
  - (c) Melaleuca bracteata;
  - (d) Casuarina cunninghamiana;
  - (e) Acacia maidenii;
  - (f) Acacia melanoxyton;
  - (g) Lomandra Lonifolia;
  - (h) Lomandra Hystrix (lower gully lines);
  - (i) Dianella coerulea; and
  - (j) Associated sedges spp.

- The average planting density throughout this drainage and wetland area is to be one plant for every square metre. These revegetation works are to be completed prior to the commencement of works associated with the first sand extraction cell, and are to be maintained for the life of this development (sand extraction works) in accordance with ecological/revegetation industry best practice. Pre-state and completion site meetings are to be held with Council's delegate in respect to these works.
22. All revegetation and rehabilitation works are subject to a maintenance period for the life of the extraction works plus a 12 month maintenance period following the completion of all extraction works. Prior to the commencement of sand extraction works a revegetation/rehabilitation and maintenance bond (cash or unconditional bank guarantee) equal to 1.5 times the cost of the revegetation/rehabilitation works

- must be lodged with Council to guarantee performance with regard to those requirements.
23. Submerged and emergent clumps of logs (aquatic habitat zone) are to be located at regular and suitable locations throughout the lakes. These clumps of logs are to be of sufficient size to provide habitat for aquatic animals, sunning spots for turtles and perches for wetland/water birds. The number and extent of these aquatic habitat zones shall be determined by a recognised freshwater ecologist and placed progressively as each lake cell is completed.
  24. Prior to the sand extraction commencing a certificate from Council's delegate is to be provided stating that declared plants pursuant to the *Land Protection Pest and Stock Route Management Act 2002* (as amended) have been satisfactorily managed/removed in accordance with the provisions of this Act, from the whole of the land subject to this development approval. In addition, those environmental weeds as listed in the Caloundra City Plan 2004, Landscaping Code are to be removed.
  25. All revegetation works as specified in the conditions included in this development approval are to be maintained for the life of this development (sand extraction works) in accordance with ecological/revegetation industry best practice.

### Revegetation Area

26. The Revegetation Area as identified on Groundwork Plus, Development Proposal Report, Site Layout Plan ,Drawing Number 1117.045 dated 15 November 2011 is to be revegetated utilizing the following species:-

<b>RIVER FLAT</b>	<b>Spacing's</b>
Callistemon viminalis	5 metres
Casuarina cunninghamiana	6 metres
Eucalyptus tereticornis	10 metres
Leptospermum brachyandrum	5 metres
Lomandra longifolia	1 to 1.5 metres
Lophostemon suaveolens	5 metres
Melaleuca bracteata	6 metres

<b>LOWERBANK/TOE OF BANK</b>	<b>Spacing's</b>
Angophora subvelutina	10 metres
Castanospermum australe	8 metres
Callistemon viminalis	5 metres
Casuarina cunninghamiana	6 metres
Cupaniopsis parvifolia	5 metres
Dianella longifolia	900 millimetres
Eucalyptus tereticornis	10 metres
Glochidion ferdinandi	5 metres
Grevillea robusta	10 metres
Lomandra longifolia	1 to 1.5 metres
Lophostemon suaveolens	5 metres
Melaleuca bracteata	6 metres
Tristaniopsis laurina	5 metres
Toona ciliata	8 metres

<b>MIDBANK TO TOP OF BANK</b>	<b>Spacing's</b>
Acacia maidenii	5 metres

MIDBANK TO TOP OF BANK	Spacing's
Alphitonia excelsa	5 metres
Angophora subvelutina	10 metres
Bursaria spinosa	2 metres
Cissus Antarctica	4 metres
Clerodendrum floribundum	3 metres
Corymbia intermedia	10 metres
Corymbia tessellaris	10 metres
Dodonaea triquetra	2 metres
Dianella longifolia	900 millimetres
Ehretia acuminata	5 metres
Eucalyptus tereticornis	10 metres
Ficus opposita	5 metres
Glochidion ferdinandi	5 metres
Grevillea robusta	10 metres
Hibiscus heterophyllus	4metres
Lomandra longifolia	1 to 1,5 metres
Mallotus phillippensis	5 metres
Maclura cochinchinensis	4 metres
Melia azedarach	6 metres
Petalostigma triloculare	4 metres

27. The average planting density throughout the Revegetation Area is to be one plant every 1.5m<sup>2</sup>, with the plantings on the River flats dominated with Lomandra longifolia at 1 to 1.5 spacings, Eucalyptus tereticornis at 10 metre spacings, Casuarina cunninghamiana and Melaleuca bracteata at 6 metre spacings and Callistemon viminalis ,Leptospermum brachyandrum and Lophostemon suaveolens at 5 metre spacings.
28. All Revegetation Area Plantings as identified on Groundwork Plus Drawing Number 1117.045 dated 15 November 2011 are to be completed prior to the completion of the first cell excavation.
29. All Revegetation Area Plantings as identified on Groundwork Plus Drawing Number 1117.045 dated 15 November 2011 are to be maintained for the life of this development (sand extraction works) in accordance with ecological/revegetation industry best practice.

#### ENVIRONMENT HEALTH

30. Hours of operation shall be limited to between 7am and 6pm Monday to Friday, 8am and 1pm on Saturdays with no operations on Sundays or Public Holidays.
31. Blasting methods of extraction are not permitted on site.

#### ENGINEERING

32. The alignment and level of any services above or below ground likely to be affected by the proposed development must be identified prior to construction work commencing. Any conflict between the development and an existing or proposed service must be referred to the relevant service authority for determination. Any damage incurred to a service must be repaired at the developer's cost to the satisfaction of the relevant service authority.

#### GENERAL

33. Unless otherwise stated, all of the conditions of this development approval are to be complied with prior to the use commencing on the site.





**5. REFERRAL AGENCIES**

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency and Address
Material change of use – Environmentally Relevant Activities	Concurrence	Department of Environment and Resource Management Ecoaccess Customer Service Unit PO Box 15155 CITY EAST QLD 4002
<b>Response</b>	The agency provided its response on 4 February 2011 (Permit No. SPCE00590810). A copy of the response is attached, including any conditions the agency has for the development.	
State Controlled Road	Concurrence	Department of Transport & Main Roads P O Box 1600 Sunshine Plaza Post Shop Maroochydore QLD 4558
<b>Response</b>	The agency provided its response on 21 September 2010 (Reference No. Ref. NCR-8752). A copy of the response is attached, including any conditions the agency has for the development.	
Wetland	Advice	Department of Environment and Resource Management Ecoaccess Customer Service Unit PO Box 15155 CITY EAST QLD 4002
<b>Response</b>	The agency provided its response on 4 February 2011 (Reference No. IC0610NAM0010_SC14174_433854).	

**6. APPROVED PLANS**

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

**Plans Requiring Amendment**

Plan No.	Rev.	Plan Name	Date
1117.045		Site Layout Plan, prepared by Groundwork Plus	15/11/2011
<b>Amendments</b>	Amendment to plan to remove Cell 10 as per Condition 8 of this approval.		
	Amendment to plan to show the "undisturbed drainage and		

Plan No.	Rev.	Plan Name	Date
		wetland area" located between the two sand extraction areas and annotated as "Current Extent of Drainage and Wetland to be Maintained" as revegetation area. This area starts from the southern boundary of Cell 1 and Cell 14 and extends to the sites northern boundary.	
Drawing Number 1117.041	-	Figure 3 – Lake Batter Rehabilitation Profile, prepared by Groundwork Plus	16 December 2010
<b>Amendments</b>		Amendment to plan to reflect the requirement of Condition 18 of this approval.	
Drawing Number 1117.038	-	Figure 2 – Rehabilitation Plan, prepared by Groundwork Plus	30 November 2010,
<b>Amendments</b>		Amendment to plan to show the Revegetation Area below the High Bank of the Mary River.	

## 7. REFERENCED DOCUMENTS

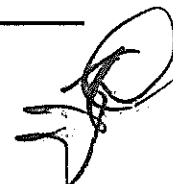
### Referenced Documents

Document No.	Rev.	Document Name	Date
2005R02R01_FEMP.docx	1	<i>Flood Emergency Management Plan – Extraction Site - Conondale</i> , prepared by Water Technology Pty Ltd	16/11/2011
J2005-01R02V02a.docx	V02a	<i>Conondale Extractive Industry Mary River Geomorphology Investigation</i> , prepared by Water Technology Pty Ltd	16/11/2011
File Ref.1117_031)	v2	Revised Rehabilitation Management Plan prepared by Shane Stuart, Groundwork Plus	December 2010
<b>Amendments</b>		Revise Rehabilitation Management Plan to reflect condition 16 of this decision notice.	

## 8. ADVISORY NOTES

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

1. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
2. Environmental harm is defined by the Act as any adverse affect, or potential adverse affect whether temporary or permanent and of whatever magnitude, duration or



frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

3. Due regard should be given to the design and location of noise emitting fixed plant and equipment and any acoustic treatment that may be required. It is advised that an appropriately qualified acoustic consultant be involved with the selection and installation of such equipment. A qualified acoustic consultant can give advice on how to best locate and design the equipment such that it can meet statutory noise or planning requirements.
4. In accordance with the *Public Health Act 2005*, rainwater tanks must be constructed with mosquito proof screens (made from either brass, copper, aluminium or stainless steel), and constructed with a mesh size of no more than 1mm, and must be installed in a way that does not accelerate corrosion. Tanks that contain flap valves must be installed so that when closed, mosquitoes cannot pass through the valve. It is unlawful under the *Public Health Act 2005* to construct, install or be in possession of a tank that does not comply with these requirements.

#### **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).

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

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

#### **Aboriginal Cultural Heritage Act 2003**

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*.

7. Prior to the use and works commencing on-site, separate application for a Development Permit for Operational Works will be required to be submitted and approved.

#### **9. PROPERTY NOTES**

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

##### **To apply to Lots 1 & 2 RP55330**

1. Revegetation works (buffer, wetland and bank and floodplain revegetation areas) associated with the sand extraction works are to be maintained in accordance with the conditions of Development Decision Notice File Reference 2010/610004.

#### **10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

#### **11. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work (Civil and Landscaping)

#### **12. SELF ASSESSABLE CODES**

Not Applicable.

#### **13. SUBMISSIONS**

There were 81 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

#### **14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME**

Not Applicable.

#### **15. RIGHTS OF APPEAL**

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

During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about the conditions contained within the development

approval. If Council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

**16. OTHER DETAILS**

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

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**(SPC) ITEM 4.2.4 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ENTERTAINMENT AND DINING BUSINESS AND MODIFICATIONS TO EXISTING SERVICE STATION, 66 NOOSA DRIVE, NOOSA HEADS – APPENDIX A CONDITIONS OF APPROVAL**

**APPENDIX A - CONDITIONS OF APPROVAL**

**1. APPLICATION DETAILS**

Application No: 132009.1335  
Street Address: 66 Noosa Dr NOOSA HEADS  
Real Property Description: Lot 3 RP 129637  
Planning Scheme: The Noosa Plan (11 May 2009)

**2. DECISION DETAILS**

The following type of approval has been issued:  
Preliminary Approval for Material Change of Use – Entertainment and Dining Business Type 1- Restaurant and modifications to existing Service Station.

**3. RELEVANT PERIOD OF APPROVAL**

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

**4. ASSESSMENT MANAGER CONDITIONS**

**PLANNING**

**General**

1. Prior to the issue of a Development Permit, amended plans shall be submitted to the satisfaction of Council which demonstrate compliance with the conditions of this Preliminary Approval including the following changes to the proposed layout:
  - (a) Additional landscaping opportunities shall be provided generally within the island between the 3.5m exit driveway and 10m entry driveway and in the road reserve in front of the site; and
  - (b) A pedestrian refuge shall be provided generally within the island between the 3.5m exit driveway and the adjoining property to align with the existing pedestrian crossing and refuge across Noosa Drive.
  - (c) The two western fuel bowsers are only permitted for the Service Station and the eastern fuel bowser shall be removed to facilitate vehicle manoeuvring.

- (d) The existing on-street car parking spaces in Noosa Drive shall be relocated southward closer to the existing traffic lanes. The final location of the on-street car parking spaces (relocated and new) must be generally in accordance with Council's Noosa Junction Master Plan and in accordance with AS 2890.5-1993. The redundant hardstand area of the current on-street car parking spaces must be removed and the area landscaped in accordance with Council's Noosa Junction Master Plan and Council's Planning Scheme Policy PSP3 – Landscaping Plants and Guidelines.
- (e) A minimum of 6 bicycle spaces shall be provided at the front of the site and/or the road reserve verge in front of the site.
2. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in this Decision Notice and may be amended by these conditions.
  3. Unless otherwise stated, all works required by the conditions of this Decision Notice must be completed prior to the use commencing and then maintained at all times while the use continues.
  4. The development must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting nuisance or other emissions.
  5. All goods are to be displayed on site within the property boundaries and/or on the premises approved for the use.
  6. The premises are to be identified by the provision of a street number in a prominent location to ensure it is identifiable to all persons, particularly emergency services personnel.

#### **Nature and Extent of Use**

7. The approved use must not operate outside of the hours of :
  - (a) Fast Food Premises – 5am to 12 midnight Monday to Sunday; and
  - (b) Service Station – 5am to 12 midnight Monday to Sunday.
8. The hours of operation of the premises must be clearly displayed by signage on the building.

#### **Building Height**

9. The maximum height of the development must not exceed 3 storeys and 12 metres above natural ground level and finished floor level.
10. Certification must be submitted from a qualified person which certifies that the building does not exceed the maximum height requirement of this Decision Notice.

#### **Building Appearance**

11. The external basement walls and support and retaining walls to the drive-through shall incorporate decorative design treatments to improve its visual interest. A colour



perspective plan shall be submitted to Council prior to obtaining a Development Permit for Operational Works.

### End of Trip Facilities

12. Secure bicycle racks shall be provided generally in front of the site to accommodate a minimum of 6 bicycles. The proposed bicycle racks shall be identified on the landscaping plans and shall be located to the reasonable satisfaction of Council.
13. End of trip facilities shall be provided within the approved building (Hungry Jacks) at a minimum of 3 lockers, 1 shower and change room.

### Advertising Signage

14. Signage shall comply with Council's policies on advertising devices. Any signage shown on the approved plans does not form part of this approval

### Security Bond

15. Security in the form of a cash bond or trading bank guarantee to the sum of **\$30,000** must be submitted to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit.
16. The requirements of this development approval are to be effected prior to the use of the premises. Council reserves the right to call upon the bond or guaranteed sum referred to in this approval to effect compliance with conditions.
17. The developer must obtain all of the other Development Permits referred to in the Decision Notice prior to obtaining a Development Permit for Building Works.

### CIVIL ENGINEERING

#### Vehicle Access

18. Vehicular access to and within the development must be constructed generally in accordance with drawing number SK8.02 Revision H prepared by WBP Architects dated 6 October 2011 or as amended by conditions of this approval. The access must include all necessary signage and linemarking including the proposed automated signage for the Lower Carparking area.
19. The driveways must be designed and constructed to Council's design standards and to grades that prevent vehicles from scraping and/or bottoming while also allowing pedestrians movements along the footpath without any step or level difference.
20. To ensure pedestrian safety between vehicles exiting the site and pedestrians on the footpath, the driveway and any associated fencing, signage or vegetation near the driveway must comply with the minimum sight line requirements as defined in AS 2890.1, section 3.2.4.
21. All vehicles must enter and leave the site in a forward direction.

#### Loading Areas

22. The Loading Bay as shown on drawing number SK8.02 Revision H prepared by WBP Architects dated 6 October 2011 must be suitable for a MRV and be suitably signed



and linemarked. All signage and linemarking must be in accordance with the Queensland Transport and Mains Roads Manual of Uniform Traffic Control Devices (MUTCD).

### **Car Parking**

#### *Off Street*

23. Carparking must be provided within the site generally as shown on drawing number SK8.02 Revision H prepared by WBP Architects dated 6 October 2011 and drawing number SK8.01 Revision H prepared by WBP Architects dated 18 October 2011, except as modified herein.
24. A minimum of 12 carpark spaces must be provided on site, including 1 clearly defined disabled carpark space.
25. The 2 car parking spaces off the drive-through shall be designated for staff parking only.
26. A minimum of 4 motorcycle/motor scooter spaces shall be provided in the basement carpark.
27. The carparking area must be designed and constructed to comply with the provisions of:
  - (a) AS/NZS 2890.1-2004 user class 1 for all staff car spaces;
  - (b) AS/NZS 2890.1-2004 user class 3A for all customer car spaces; and
  - (c) AS/NZS 2890.6-2009 for the disabled space.
28. All carparking must be kept, maintained and line-marked in a condition fit for use.

### **Frontage Works**

29. Footpath improvements such as topsoiling, grassing, and tree planting are required to the Noosa Drive frontage of the site in accordance with Planning Scheme Policy PSP03 Landscaping Plants & Guidelines. Grass must be couch, free of weeds.
30. The new sections of footpath as shown on drawing number SK8.02 Revision H prepared by WBP Architects dated 6 October 2011 must be constructed as part of the development, as may be amended by the conditions of this Preliminary Approval. The paths crossing the "islands" must be at grade with no step up or down.
31. All redundant vehicular crossings to the site must be removed and replaced by kerb and channel, footpath paving and landscaping such as trees and grasses in accordance with Council's Standard specifications prior to commencement of the use permitted by this permit.

### **Roof Water & Stormwater Drainage**

32. Roof runoff from any new building must be directed to a rainwater storage system or tank that is installed to ensure water from the rainwater storage system or tank is used for external uses (such as watering gardens, irrigation, ornamental ponds, water features, outdoor cleaning, etc) and for internal (ground floor) use in washing machine cold taps and toilet cisterns. All rainwater tanks are to be designed and installed in accordance with the Queensland Development Code (QDC) current at the

time of building approval and must be part of the plumbing application for approval. The location and capacity of the tanks must be clearly shown on the plans submitted for Building Works and Operational Works approval and any overflow must be directed to the stormwater drainage system.

33. All stormwater drainage (including roof water overflow from the rainwater storage system) must be collected and discharged so there is no net increase in stormwater runoff from the site. Stormwater drainage permitted to drain from the site must be discharged to Council's existing drainage structures within the site and in Noosa Drive. Plans of the drainage design must be prepared by a Registered Professional Civil Engineer and submitted to Council prior to obtaining a Development Permit for Operational Works. The drainage design must demonstrate that the existing downstream drainage system has the capacity to cater for the runoff from the development. The maximum discharge of stormwater drainage allowable to Council's kerb and channel street drainage system at any one location is 25 litres/second
34. To ensure that polluted run-off does not enter Council's stormwater drainage system, stormwater run-off from the carparking areas and the driveways must have the first flush (the first 12 mm of rainfall or hose-down) collected in a grease/oil arrestor/gross pollutant trap provided on site prior to being permitted to discharge into Council's drainage system.
35. All other clean stormwater, such as roof water, can be collected on site and discharged through a single underground drain line directly into the existing drainage system, bypassing the grease/oil arrestor/gross pollutant trap.
36. To this end, a detailed maintenance plan must be prepared for the proposed grease/oil arrestors/gross pollutant trap, which must be submitted to the Council for approval prior to obtaining a Development Permit for Operational Works.
37. The approved maintenance plan must be incorporated in the ongoing maintenance plan for the development and a copy of this must be provided for Council's records prior to commencement of the approved Use.
38. A Development Permit for Building Works must not be granted until a Development Permit for Operational Works has been issued in regard to the drainage scheme.
39. All site stormwater drainage must be by means of a gravity system.

#### **Service Easements (Stormwater)**

40. A registered easement (volumetric) in favour of Council must be created over any stormwater drainage pipes within the site that collect stormwater from a Council road or convey stormwater from any adjoining property (for example, where drainage pipes are provided within the site to prevent adjacent properties from additional ponding/flooding due to the subject site being filled). The easement must:
  - (a) Be limited in height to the underside of the structures of the ground floor level of the development;
  - (b) Be of sufficient depth to wholly encompass the existing service with sufficient allowance for reconstruction if required in the future; and
  - (c) Be of sufficient width to provide for maintenance access by Council.



Plans of the easement prepared by a Cadastral Surveyor detailing the width and height limitations of the easement must be submitted with the application for a Development Permit for Operational Works.

41. No building must be constructed to encroach within an easement.
42. Any building or structure within proximity of an easement or any other public utility's underground must have its foundations designed so that no surcharge loads are imposed upon such underground infrastructure. Foundations must be taken down a minimum of 1.0m below a line of influence measured 1.0m in the direction of the foundation from the centreline of the closest underground service and along the natural angle of repose of the foundation soil type(s).
43. Plans and supportive documents detailing these proposed foundations must be designed by a registered practising Geotechnical Engineer and submitted with the application for a Development Permit for Operational Works.

#### Site Stability

44. A Geotechnical Engineer or similar qualified expert must assess the soil condition on site, determine the soil classification, establish whether any measures are required to protect the stability of adjoining buildings and/or structures and/or services and/or land, and make recommendations on the type of foundation system(s) best suited for the proposed development. The recommendations of this report must be incorporated into the design and construction of the proposed development.
45. A Geotechnical Engineer or similar qualified expert shall supervise the demolition of those parts of the existing building and the excavation and construction of the proposed development to ensure that the works are carried out in accordance with the recommendations of the abovementioned report.

#### Construction & Demolition Issues

46. A Condition Survey must be carried out on adjoining buildings, structures and services prior to any demolition, excavation or construction works taking place on site. If distress already exists, a photographic survey should be undertaken, the distress measured and a plan to monitor changes to distress shall be implemented.
47. Demolition of the existing building and the construction of the new development on the site shall not be undertaken during the peak Christmas school holiday period.

#### General

48. Any damage caused to any public utility during the course of construction must be repaired to Council's standards and at no cost to Council.
49. Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site must be at no cost to Council.

#### ENVIRONMENT

50. The development site and the road reserve in front of the site must be landscaped generally in accordance with Council's Noosa Junction master plan and Council's planning scheme policy PSP3 – Landscape Plants and Guidelines. The works must be undertaken in accordance with an Operational Works approval and the Sunshine Coast Regional Council landscape materials palette for that specific area and must include in particular:

- (e) the works shown on the approved Landscaping Plan, as may be amended by conditions of this Preliminary Approval;
  - (f) planting of more mature vegetation including pot sizes of 45 and 100 litres to the Noosa Drive frontage;
  - (g) vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage; and
  - (h) provision of street trees to the road frontage.
51. 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.
52. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

### ENVIRONMENTAL HEALTH

53. The release of noxious or offensive odour(s) resulting from the operation of restaurant must not cause an environmental nuisance at any nuisance sensitive place. Where a complaint (other than a frivolous or vexatious complaint) is made to Council about odour causing an environmental nuisance at a nuisance sensitive place, then Council may direct the site operator to implement odour abatement measures such that the operation of the development will not result in further environmental nuisance.
54. A mechanical exhaust system shall be installed in accordance with AS1668 Parts 1&2 - The use of mechanical ventilation and air-conditioning in buildings. The mechanical exhaust system shall be provided with odour treatment and filtration system(s) to remove odour from cooking processes. Prior to or at the time application is made for operational works, detailed plans shall be submitted to Council for endorsement which outlines the specific odour treatment and filtration system(s) and AS1668 compliant mechanical exhaust ventilation designs to be installed on site.
55. Prior to the use commencing, certification shall be provided to Council that the kitchen exhaust system has been installed and tested to be in accordance with AS1668, and that the odour treatment and filtration system(s) have been installed in accordance with the endorsed plans.
56. The mechanical exhaust system and associated odour treatment and filtration system(s) must be serviced and maintained in accordance with the manufacturer's specifications and records must be kept on site of such maintenance.
57. Noise from building works associated with the development shall comply with the following –
- (a) Limited to between 7:00am to 6:30pm Monday to Saturday; and
  - (b) Not permitted on Sunday or public holidays.
58. Lighting devices to be installed on the site, i.e. security lights etc, are to be appropriately designed, sited, installed and tested to be in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting". Prior to the use commencing, certification shall be provided to Council from a RPEQ certified Electrical Engineer, to demonstrate that the requirements of this condition have been met.



59. Any fixed plant and equipment that causes either tonal ( $L_{eq}$ ) sound (e.g. from basement car-park exhaust, air conditioning/refrigeration units or pool filtration units), 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) 40 dB(A)  $L_{eq}$  for living and work areas;
  - (b) 35 dB(A)  $L_{eq}$  for sleeping areas; and
  - (c) 45 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".

60. A solid 1.8m high screening fence shall be installed and maintained along the western and north western side of the drive through lane, which continues around to the northern aspect of the staff car park and bike parking area.
61. Prior to the commencement of use, certification must be submitted to Council from a suitably qualified person which certifies that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice.
62. The development must be provided waste storage and disposal facilities in accordance with Planning Scheme Policy No. 9 "Waste Management Multi-Dwellings and Commercial and Industrial Premises", including an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties. A bin wash area is required with a cold-water tap, hose and drain outlet lawfully connected to sewer, via a bucket trap. The drain outlet is to be designed to prevent storm water entry to the sewerage system and this can be achieved with a nib wall 50mm high and up to 700mm x 700mm wide (max 0.5m<sup>2</sup>), or alternatively the waste area can be roofed, or any other design approved by Council.
63. The development must allow refuse-loading areas to be located off street. All vehicles associated with the collection of waste/recyclables, shall enter and leave the site in a forward direction.
64. A Waste Management Plan (Operational) in accordance with Planning Scheme Policy No. 9 "Waste Management Multi-Dwellings and Commercial and Industrial Premises", shall be developed and implemented on site, the contents of which shall be endorsed by Council's Environment & Landscape Assessment Unit prior to or at the time an application is made operational works. The Waste Management Plan must include the following as a minimum: -
- (a) The types and estimated volumes of waste that will be generated from the activities approved within the development;
  - (b) Methods to be used for dealing with garden waste;
  - (c) Initiatives to minimize waste either by waste prevention, reduction, re-use or recycling;
  - (d) Description of procedures and clearly identified site responsibilities for all site occupants for getting all waste to the bins; the storage of bins and the collection of bins by the contractor;
  - (e) A description of the design details of waste storage and recycling areas including size, location, elevation and floor plan, methods of bin washing and system to prevent storm water getting into sewer via the bin wash;

- (f) A description of types and volume of waste storage containers to be used, and the collection frequency of containers; and
- (g) The waste and recycling storage area shall include the provision of containers for all waste and recycling materials including putrescible matter, non-recycling waste, paper/ cardboard, glass, aluminium/steel cans, waste oil, Styrofoam boxes, etc, and bin washing facilities connected to sewer.

### UNITYWATER

- 65. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (e.g. valves, fire hydrants).
- 66. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
- 67. 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.
- 68. Water meters must be located on alternative boundaries to electrical pillars.
- 69. Retaining walls greater than 1.0 metre high crossing the Unitywater house connection branch must be self supporting for a minimum of 1.0 metre each side of the sewer branch and pierced below the zone of influence of the pipe.
- 70. The sewerage inspection opening cap must be at finished surface level at completion of the landscaping/carpark works. A brass cap is required if located in a sealed or concreted area.
- 71. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage infrastructure. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.
- 72. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

### 5. REFERRAL AGENCIES

Not Applicable.

### 6. APPROVED PLANS/DOCUMENTS

#### Approved Plans

Plan No.	Rev.	Plan Name	Date
SK8.03	C	Upper Floor Plan	16.9.11
SK8.04	C	Elevations & Sections	18.10.11
SK8.06	C	Lower Level Carpark Setout Plan	6.10.11

SK8.8	B	Lower Floor Landscaping Plan	6.10.11
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### Approved Documents

Document No.	Rev.	Document Name	Date
Report No. R11050/D2489	1	<i>Environmental Noise Level Study for Hungry Jack's and Modifications to Existing Service Station</i> , prepared by David Moore & Associates Pty Ltd	4.11.11
Ref: L09411/TLC/10-125		<i>Odour Impact Assessment</i> , prepared by Max Winders & Associates Pty Ltd	9.6.11

### 7. PLANS/DOCUMENTS REQUIRING AMENDMENT

Plan No.	Rev.	Plan Name	Date
SK8.01	H	Lower Floor Plan	18.10.11
SK8.02	H	Ground Floor – Site Plan, prepared by WPP Architects	6.10.11
SK8.05	C	Site Carpark Setout Plan	6.10.11
SK8.07	D	Landscaping Plan	6.10.11

### 8. ADVISORY NOTES

#### Infrastructure Charges

1. This development permit may trigger an 'Adopted Infrastructure Charge Notice' (if applicable) to be issued in accordance with Councils '*Adopted Infrastructure Charges Resolution (No.1) 2011*' under the State Planning Regulatory Provision (Adopted Charges) and the *Sustainable Planning Act 2009*.

#### General

2. A suitably qualified Registered Professional Engineer must prepare engineering drawings and specifications for all engineering works, which must be submitted in conjunction with an application for a Development Permit for Operational Works. In this regard a DXF/DWG file on GDA94 zone 56 grid of the proposed cadastre layout is to be submitted in conjunction with any application for Operational Works.
3. Digital detailed designs including drawings, calculations, specifications and a schedule of works must be submitted with any application for a Development Permit for Operational Works in respect of roadworks and stormwater drainage works. The design must be in accordance with Council's Planning Scheme Policy PSP05 – Engineering Design Standards – Roads, Drainage and Earthworks. To avoid conflict with underground pipes or services, all existing and proposed services required by the development must be shown on the plans.
4. To facilitate production of As Constructed drawings it is suggested that all design drawings are submitted in the Asset Design and As Constructed (ADAC) digital format. (Guidelines on the use of ADAC are available at [www.adac.com.au](http://www.adac.com.au)).



### Plumbing & Drainage

5. The applicant is advised that a Compliance Permit for all plumbing and drainage works within the boundaries of the development site must be obtained from Council's Plumbing Services Section prior to obtaining a Development Permit for Building Works.

### General Environmental Duty

6. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities involved in the operational, civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

### Trade Waste

7. Trade waste generated on-site shall be subject to Unitywater's Trade Waste Policy and the Water Supply (Safety & Reliability) Act 2008. The applicant is advised to contact Unitywater's Trade Waste Officer on 5431 8333 to determine trade waste requirements.

### Food Premises

8. Where any food premises is included in a development, the following is required:
  - (a) Plans and application is to be made to Council's Healthy Places Unit for approval prior to any building approval, fitting out or use of the premises.
  - (b) A statement indicating the purpose of the food premises, type of food sold, proposed menu and maximum number of patrons at any time, is to accompany the application for plan approval.
  - (c) Construction and use of the food premises should comply with Council's Food Premises Policy and the Food Safety Standards. (Both available from Council)
  - (d) Toilets for customers and staff to be provided in accordance with Building Code of Australia. Obtain advice from a building certifier on numbers and standards, including disable access.
  - (e) Plans and approval is required for any mechanical exhaust ventilation system, which should comply with AS1668. A certificate from the installer certifying the system complies with the Standard must be obtained and lodged with Council prior to commencement of trade.
  - (f) Any Licensable Food Business, as defined in Chapter 3 of the *Food Act 2006*, must obtain a Food Licence from Council, prior to use of those premises.





**Contaminated Land**

9. It is a requirement of the *Environmental Protection Act 1994*, that if an owner or occupier of land becomes aware that a Notifiable Activity (as defined in Schedule 3 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must within 30 days after becoming aware, give notice to the Department of Environment and Resource Management. NOTE: the site is currently listed on the Environmental Management Register Site ID. 10235.

**Storage of Flammable & Combustible Liquids**

10. Any changes to the storage of flammable and/or combustible liquids or equipment (e.g. underground tanks, storage capacity, delivery system, venting system, spillage control, changes to pumps, class and nature of fuels etc) as part of this development will require an Application for Amendment of Existing Licence to Store Flammable & Combustible Liquids and Design Approval. The application form and plans should be submitted to Council's Healthy Places Unit for approval prior to works commencing. Contact Council's Customer Service number for further information.

**Existing Environmentally Relevant Activity**

11. Any changes to the existing Environmentally Relevant Activity e.g. commencing a new ERA, increasing the threshold of the ERA, a material change in the intensity or scale of the ERA, as part of this development will require a MCU ERA Application. Contact Council's Environment and Landscape Assessment Unit for further Customer Service number for further information.

**Acoustic Certification**

12. Due regard should be given to the design and location of noise emitting fixed plant and equipment and any acoustic treatment that may be required. It is advised that an appropriately qualified acoustic consultant be involved with the selection and installation of such equipment. A qualified acoustic consultant can give advice on how to best locate and design the equipment such that it can meet statutory noise or planning requirements

**Rainwater Tanks**

13. In accordance with the *Public Health Act 2005*, rainwater tanks must be constructed with mosquito proof screens (made from either brass, copper, aluminium or stainless steel), and constructed with a mesh size of no more than 1mm, and must be installed in a way that does not accelerate corrosion. Tanks that contain flap valves must be installed so that when closed, mosquitoes cannot pass through the valve. It is unlawful under the *Public Health Act 2005* to construct, install or be in possession of a tank that does not comply with these requirements.

**Unitywater**

14. Connection to Unitywater live water mains must be undertaken by Unitywater at the applicants cost.
15. A 375mm diameter DICL watermain is located within the road boundary fronting the development site in Noosa Drive. 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.



**Equitable Access and Facilities**

- 16. 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).
  
- 17. 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**

- 18. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.  
 The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.  
 You should contact the Cultural Heritage Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

**9. PROPERTY NOTES**

Not Applicable.

**10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Material Change of Use for Entertainment and Dining Business – Type 1 Food and Beverages (Hungry Jacks) and modifications to existing service station.

Development Permit for Operational Work for Landscaping, Access and/or Carparking, Site Civil Works, Roadworks, Stormwater Drainage and Frontage Works



Development Permit for Operational Works for Advertising Devices

Development Permit for Building Work

**12. SELF ASSESSABLE CODES**

The following codes for self-assessable development related to the development approval issued under this Decision Notice must be complied with.

Advertising Devices Code

**13. SUBMISSIONS**

Not Applicable.

**14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME**

Not Applicable.

**15. RIGHTS OF APPEAL**

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Integrated Planning Act 1997* is attached.

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

**16. OTHER DETAILS**

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

(SPC) ITEM 4.2.5 UPCOMING SIGNIFICANT DEVELOPMENT APPLICATIONS –  
APPENDIX A LIST OF UPCOMING SIGNIFICANT DEVELOPMENT APPLICATIONS**APPENDIX A – LIST OF UPCOMING SIGNIFICANT  
DEVELOPMENT APPLICATIONS****DIVISION 1**

<b>Application No.:</b>	MCU11/0072
<b>Date Application Properly Made:</b>	6 April 2011
<b>Applicant:</b>	Hanson Construction Materials Pty Ltd
<b>Address:</b>	Honey Farm Road, <b>Meridan Plains</b> , Lot 4 RP210048
<b>Application Details:</b>	Development Permit for Material Change of Use to Establish an Extractive Industry, Environmentally relevant Activity # 8 – Chemical Storage & # 16 Extractive Screening Activities.
<b>Key Features:</b>	Code Assessable Extraction of sand between 100,000 tons and 1,000,000 tons of sand.
<b>Status:</b>	<ul style="list-style-type: none"> <li>• The application is in the decision making stage</li> <li>• Follow progress using PD OnLine <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>• Enter the Application Number</li> <li>• Click on Search</li> <li>• Click on Show</li> </ul> </li> </ul>

<b>Application No.:</b>	MCU11/0160
<b>Date Application Properly Made:</b>	14 July 2011
<b>Applicant:</b>	Ridgehaven Retirement Village
<b>Address:</b>	242 Parklands Boulevard, <b>Meridan Plains</b>
<b>Application Details:</b>	Material Change of Use to Establish a Shopping Complex
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>• Impact Assessable</li> <li>• Site abuts the proposed CAMCOS Corridor and Kawana Train Station</li> <li>• Gross Floor Area of 6000 m<sup>2</sup> including <ul style="list-style-type: none"> <li>○ 3500 m<sup>2</sup> of Retail</li> <li>○ 1350 m<sup>2</sup> of Retail/Medical</li> <li>○ 1150 m<sup>2</sup> for Tavern</li> </ul> </li> <li>• Land abutting Parklands Boulevard is to be set aside for parking for CAMCOS Corridor</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• Economic Need for increased GFA above that identified in the Planning Scheme (2500 m<sup>2</sup>)</li> <li>• Interface between shopping complex and train station</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>• Acknowledgement Notice issued 21 July 2011</li> <li>• Information Request due on 18 August 2011</li> <li>• Information Response received on 16 January 2012. Currently in public notification, ending on 6 March 2012</li> <li>• Follow progress using PD OnLine <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>• Enter the Application Number</li> <li>• Click on Search</li> <li>• Click on Show</li> </ul> </li> </ul>

## DIVISION 2

<b>Application No.:</b>	MCU10/2121												
<b>Date Application Properly Made:</b>	21 December 2010												
<b>Applicant:</b>	Stockland Development Pty Ltd												
<b>Address:</b>	First, Mayes, Second and Oval Aves and Karlyn Court, <b>Caloundra</b>												
<b>Application Details:</b>	The application seeks a development approval for Material Change of Use of Premises (Shopping Complex) – CODE ASSESSABLE												
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>The site is located in the Central Caloundra Planning Area – Caloundra Regional Business Centre Precinct - Business Centre Core (Sub-Precinct 1a).</li> <li>The proposal is for a new stand alone shopping complex to the west of the existing Caloundra Stocklands Shopping Complex. The site is bounded by First Avenue to the east, Mayes Avenue to the south, Second Avenue to the west and Oval Avenue to the north. The application is over 20 existing residential sites.</li> <li>The application proposes a total Gross Floor Area of 8,545m<sup>2</sup> and a Gross Leasable area of 9,004m<sup>2</sup>. The breakdown of the uses is as follows: <table style="margin-left: 40px;"> <tr> <td>Majors – New Discount Department Store</td> <td style="text-align: right;">5,150m<sup>2</sup></td> </tr> <tr> <td>Mini-Majors</td> <td style="text-align: right;">1,450m<sup>2</sup></td> </tr> <tr> <td>Speciality Retail Total</td> <td style="text-align: right;">(1,945m<sup>2</sup>)</td> </tr> <tr> <td>- External Speciality</td> <td style="text-align: right;">1,375m<sup>2</sup></td> </tr> <tr> <td>- Kiosk</td> <td style="text-align: right;">40m<sup>2</sup></td> </tr> <tr> <td>- Hotel</td> <td style="text-align: right;">530m<sup>2</sup></td> </tr> </table> </li> <li>The site cover is 100%.</li> <li>Maximum Height of Building is 11m.</li> <li>Parking for 473 cars is provided.</li> </ul>	Majors – New Discount Department Store	5,150m <sup>2</sup>	Mini-Majors	1,450m <sup>2</sup>	Speciality Retail Total	(1,945m <sup>2</sup> )	- External Speciality	1,375m <sup>2</sup>	- Kiosk	40m <sup>2</sup>	- Hotel	530m <sup>2</sup>
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Speciality Retail Total	(1,945m <sup>2</sup> )												
- External Speciality	1,375m <sup>2</sup>												
- Kiosk	40m <sup>2</sup>												
- Hotel	530m <sup>2</sup>												
<b>Key Issues</b>	<ul style="list-style-type: none"> <li>Expansion away from Bulcock Street, stand alone Shopping Complex, <i>timing</i> of development in relation to Caloundra City Plan 2004 which calls for this area to be developed in the long term and limits development in this area to existing residential uses and to small scale businesses and commercial activities within existing buildings</li> <li>Impacts/implications on the retail, business, cultural and social vitality of the traditional town centre at Bulcock Street</li> <li>Linkages pedestrian and vehicular</li> <li>Car parking shortfall in terms of requirements of Caloundra City Plan 2004</li> <li>Traffic circulation, service vehicle access</li> <li>Integration with existing Stocklands Shopping Complex.</li> <li>Integration/interface with existing residential area in Mays Estate.</li> <li>Urban Design.</li> </ul>												
<b>Status:</b>	<ul style="list-style-type: none"> <li>The application is in the Decision Making Stage. However, the applicant has suspended this for a further 6 months to make representations to the Department of Main Roads and Transport as the Department as a concurrence agency has directed council to refuse this application.</li> <li>Follow progress using PD OnLine  <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>Enter the Application Number</li> <li>Click on Search</li> <li>Click on Show</li> </ul> </li> </ul>												



<b>Application No.:</b>	MCU11/0184
<b>Date Application Properly Made:</b>	30 August 2011
<b>Applicant:</b>	Stockland Development Pty Ltd
<b>Address:</b>	47 Bowman Road, Caloundra
<b>Application Details:</b>	The application seeks a development approval for Material Change of Use of Premises (Extension to Existing Shopping Complex) – CODE ASSESSABLE
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>The site is located in the Central Caloundra Planning Area – Caloundra Regional Business Centre Precinct - Business Centre Core (Sub-Precinct 1a) Area A.</li> <li>The proposal is for an extension to the existing Stockland Shopping Complex at Caloundra. The site is bounded by First Avenue to the west, Bowman Road to the east and south and Oval Avenue to the north.</li> <li>The application proposes a total Gross Floor Area of 9,012m<sup>2</sup> and a Gross Leasable area of 8,993m<sup>2</sup> (net increase – having regard to a loss of 1,576m<sup>2</sup> from existing centre). The breakdown of the uses is as follows: <ul style="list-style-type: none"> <li>Mini-Majors 2,765m<sup>2</sup></li> <li>Speciality Retail Total 7,804m<sup>2</sup> (gain), 6,228m<sup>2</sup> (net increase) <ul style="list-style-type: none"> <li>- Internal Speciality;</li> <li>- External Speciality;</li> <li>- Kiosk and</li> <li>- Hotel.</li> </ul> </li> </ul> </li> <li>Maximum height of building exceeds maximum building height of 11m.</li> <li>Net gain of 398 car parking spaces is provided.</li> </ul>
<b>Key Issues</b>	<ul style="list-style-type: none"> <li>(k) Major issues with traffic circulation and road and intersection capacity.</li> <li>(l) Integration with the new Shopping Complex (MCU10/2121) – integration of the two sites needs to be adequately addressed.</li> <li>(m) Building height exceeding 11 metres without meeting bonus criteria.</li> <li>(n) Insufficient activation of street frontages – First Avenue and Bowman Road (as an identified 'boulevard').</li> <li>(o) Potential impacts/implications on the retail, business, cultural and social vitality of the traditional town centre at Bulcock Street.</li> <li>(p) Building scale requiring offset by complementary setbacks, landscaping and street widths and articulation.</li> <li>(q) Linkages pedestrian and vehicular.</li> <li>(r) Car parking shortfall in terms of requirements of Caloundra City Plan 2004.</li> <li>(s) Service vehicle and staff car park fronting Bowman Road – not appropriate Caloundra CBD entrance statement.</li> <li>(t) Integration/interface with existing residential area in Mayes Estate.</li> <li>(u) Urban Design <ul style="list-style-type: none"> <li>– Architecture for climate responsive and sustainable design.</li> <li>– Design for safety.</li> <li>– Public art.</li> </ul> </li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>The application is in the Information Request Stage under the <i>Sustainable Planning Act 2009</i> <ul style="list-style-type: none"> <li>Follow progress using PD OnLine</li> </ul> </li> </ul> <p><a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Application/master/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Application/master/Default.aspx</a></p> <ul style="list-style-type: none"> <li>Enter the Application Number</li> <li>Click on Search</li> <li>Click on Show</li> </ul>



**DIVISION 7**

<b>Application No.:</b>	MCU11/0175 – new application
<b>Date Application Properly Made:</b>	08/08/2011
<b>Applicant:</b>	Altusvista Pty Ltd Tte C/- Dillon Folker Stephens Town Planners
<b>Address:</b>	71 Owen Creek Road, <b>Forest Glen</b>
<b>Application Details:</b>	Application for a Development Permit for a Material Change of Use of Premises – Extension to Existing Caravan Park (Relocatable Home Park)
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>• Proposal for 165 additional relocatable home sites, resulting in a total of 303 relocatable home sites on the site and a proposed leisure centre.</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• Route of the historic Buderim Tramway Trail passes through the subject site, which is identified as trunk infrastructure in Council's adopted Infrastructure Charges Schedule</li> <li>• Buffering to adjoining land uses</li> <li>• On-site pedestrian and cycle facilities</li> <li>• Built form controls for relocatable homes established on the site</li> <li>• Koala habitat offsets</li> <li>• Protection of remnant vegetation and waterway buffering.</li> <li>• Bushfire hazard reduction</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>• Currently in the Information and Referral Stage.</li> <li>• The applicant has responded to Council's and the Department of Transport and Main Road's Information Request.</li> <li>• The applicant has not yet responded to the Department of Environment and Resource Management's Information Request.</li> <li>• Once all referral agency responses have been received, or their assessment timeframes have expired, the application will be publically notified.</li> <li>• Follow progress using PD Online  <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>• Enter the Application Number</li> <li>• Click on Search</li> <li>• Click on Show</li> </ul> </li> </ul>



<b>Application No.:</b>	MCU11/0180 – new application
<b>Date Application Properly Made:</b>	15/08/2011
<b>Applicant:</b>	Maroochy Palms Holdings Pty Ltd & Krp Pty Ltd & Barklya Pty Ltd C/- Subdivisions (Qld) Pty Ltd.
<b>Address:</b>	Maroochy Palms 319 Bradman Avenue, <b>Maroochydore</b>
<b>Application Details:</b>	<p>Application for:</p> <ul style="list-style-type: none"> <li>• Preliminary Approval for a Material Change of Use of Premises overriding the Planning Scheme (Detached Houses and Dual Occupancy)</li> <li>• Development Permit to Reconfigure a Lot - Residential (8 Lots into 204 Lots)</li> <li>• Development Permit for Operational Work - Excavation or Filling &amp; Engineering (Stormwater &amp; Sewerage Infrastructure)</li> </ul>
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>• 204 lot subdivision comprising a variety of small lots, including several rows of 200m<sup>2</sup> terrace lots with rear laneway access</li> <li>• The proposal includes a new neighbourhood park</li> <li>• The applicant also seeks a preliminary approval for detached houses on</li> <li>• The applicant proposes a new code to regulate the development of detached houses within the estate. The new code incorporates more contemporary design principles and is better suited to regulate small lot housing than the current planning scheme detached house code.</li> <li>• The proposal also includes the earthworks required to establish the development, which includes the importing of significant quantities of fill on to the site, associated service relocation.</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• Interface with adjoining sports complex, residential areas and Bradman Avenue due to significant change in level (retaining walls and/or batter slopes)</li> <li>• Built form controls for detached houses and duplexes on the site.</li> <li>• Flooding impacts on adjoining properties.</li> <li>• Noise and odour associated with adjoining sewer pump station.</li> <li>• Streetscape landscaping and embellishment of the proposed park.</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>• Currently in the Information and Referral Stage.</li> <li>• Council issued its Information Request on 26 September 2011.</li> <li>• Once the applicant has responded to Council's information request, and all referral agencies responses have been received or their assessment timeframes have expired, the applications will be publicly notified.</li> <li>• Follow progress using PD Online  <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>• Enter the Application Number</li> <li>• Click on Search</li> <li>• Click on Show</li> </ul> </li> </ul>





## DIVISION 8

<b>Application No.:</b>	MCU07/0097
<b>Date Application Properly Made:</b>	A request to change the development application was lodged on 6 August 2010. The change was properly made on 30 September 2010.
<b>Applicant:</b>	ERM Australia Pty Ltd
<b>Address:</b>	154-164 Horton Parade, <b>Maroochydore</b> (Sunshine Plaza)
<b>Application Details:</b>	Sunshine Plaza Expansion - Material Change of Use for Shopping Complex, Educational Establishment, Local Utility, Community Meeting Hall
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>• The recently lodged change application includes a proposed increase of 59,543m<sup>2</sup> in Gross Floor Area to the existing Sunshine Plaza Shopping Centre, resulting in a total Shopping Complex floor area of 133,228m<sup>2</sup>.</li> </ul> <p>The change application proposal involves:</p> <ul style="list-style-type: none"> <li>• Plaza Parade redevelopment - The previously proposed Plaza Parade expansions (for Big W and additional speciality retail, multi-deck car park, increased loading facilities totalling 18,127m<sup>2</sup> retail and 4,900m<sup>2</sup> office);</li> <li>• Northern Sub Precinct (Kmart end) redevelopment - 39,901m<sup>2</sup> retail in the northern precinct (for relocation of K-mart, new 2 storey David Jones, additional level for Myer and supporting speciality retail, new multi-deck car park, loading facilities)</li> <li>• South Sub-precinct (northwest of existing Coles along the creek) - 1,279m<sup>2</sup> of new speciality retail in the South Sub-precinct</li> <li>• Other uses such as an Educational Establishment, Local Utility, Community Meeting Hall are interchangeable with the proposed shopping complex and office uses. This would allow TAFE or Council to occupy some tenancies if required at a later date.</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• Numerous planning and design issues including – <ul style="list-style-type: none"> <li>➢ GFA exceeds scheme limits by 31,500m<sup>2</sup> (planning provisions (total of 20,000m<sup>2</sup> is permitted for shopping complex uses within the precinct by 2011, and an additional 8,000m<sup>2</sup> by 2016),</li> <li>➢ Pedestrian connectivity/walkable waterfronts and connection to adjoining areas,</li> <li>➢ Building height and car park structures to the street frontages,</li> <li>➢ Street and creek frontage activation,</li> <li>➢ Provision of public open space in accordance with the Public Parks Infrastructure Policy,</li> <li>➢ Uses and scale of the proposed bridges over the waterways,</li> <li>➢ Lack of clarity relating to proposed floor areas,</li> <li>➢ Stormwater/flood modelling,</li> <li>➢ Integration with adjoining properties, remaining town centre,</li> <li>➢ Economic implications and impacts on growth of remaining Town Centre, and</li> <li>➢ Infrastructure provision/capacity (in particular roads).</li> </ul> </li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>• The information response period for the applicant has been extended until 3 March 2012. The applicant is attempting to address council's requirements.</li> <li>• Information request was issued on 2 November 2010.</li> <li>• Acknowledgment notice was issued on 5 October 2010.</li> <li>• Currently waiting on the applicant to respond to the information request issued by council and the State Agencies.</li> <li>• Follow progress using PD OnLine  <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>• Enter the Application Number</li> <li>• Click on Search</li> <li>• Click on Show</li> </ul> </li> </ul>

<b>Application No.:</b>	MCU03/0122
<b>Date Application Properly Made:</b>	14 July 2003
<b>Applicant:</b>	Innovative Planning Solutions
<b>Address:</b>	26 - 40 Menzies Drive, <b>Pacific Paradise</b>
<b>Application Details:</b>	Development Permit for Material Change of Use of Premises - Retirement Village Units (99) and Residential Care Facility (120 beds)
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>• Residential Care Facility to be located on the front portion of site (1.2 hectares)</li> <li>• Retirement Village towards rear of block</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• Land is located within Urban Footprint but zoned General Rural under Maroochy Plan 2000. Application was on hold pending the outcome of the LGMS.</li> <li>• Key issues relate to biodiversity, vegetation clearing, flooding and inconsistent with zoning of planning scheme.</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>• Applicant has submitted information for consideration in the new planning scheme.</li> <li>• Applicant has requested council make decision on application.</li> <li>• Assessment of the flooding information revealed the surrounding road network will flood in Q2 event. Applicant has presented additional information on 4 August 2011.</li> <li>• Expected to be presented to council at a future S&amp;P meeting.</li> <li>• Follow progress using PD OnLine  <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>• Enter the Application Number</li> <li>• Click on Search</li> <li>• Click on Show</li> </ul> </li> </ul>



<b>Application No.:</b>	MCU11/0227 – new application
<b>Date Application Properly Made:</b>	4 November 2011
<b>Applicant:</b>	Horton Park Golf Club Maroochydore Inc
<b>Address:</b>	374 - 514 David Low Way & Finland Road, Bli Bli
<b>Application Details:</b>	<p>Application for:</p> <ul style="list-style-type: none"> <li>• Material Change of Use (Indoor Recreation and Outdoor Recreation – 27 Hole Golf Course and Clubhouse)</li> <li>• Development Permit to Reconfigure a Lot - (2 Lots into 2 Lots)</li> <li>• Development Permit for Operational Work – Bulk Earthworks</li> </ul>
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>• 27 hole Golf Course and Driving Range</li> <li>• Approximately 2000 m<sup>2</sup> of Clubhouse facilities, with Function Room, Bar Facilities and Gaming Facilities</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• Rural Land</li> <li>• Flood Management</li> <li>• Coastal Hazards (under imminent Queensland Coastal Plan)</li> <li>• Water Quality and Constructed Waterbodies</li> <li>• Design of waterbodies to minimise bird habitat areas (given proximity to airport)</li> <li>• Aviation Affected Area</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>• Council issued its Information Request on 6 December 2011.</li> <li>• All State Government Agencies have also issued Information Requests (DERM, DTMR and DEEDI).</li> <li>• The applicant has not yet responded to the information request, but meetings have been held with the applicant to ensure the information response will address the issues.</li> <li>• Once the applicant has responded to Council's and the State Agencies' information requests, the application will undergo a 30 day public notification period.</li> <li>• Follow progress using PD Online  <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>• Enter the Application Number</li> <li>• Click on Search</li> <li>• Click on Show</li> </ul> </li> </ul>



## DIVISION 9

<b>Application No.:</b>	MCU10/2128
<b>Date Application Properly Made:</b>	23 December 2010
<b>Applicant:</b>	Noosa Events Pty Ltd
<b>Address:</b>	219 Doonan Bridge Road, Verrierdale
<b>Application Details:</b>	<ul style="list-style-type: none"> <li>• Development Permit for MCU for Caravan Park</li> <li>• Development Permit for MCU for ERA No. 63 (Sewage Treatment)</li> </ul>
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>• Proposal for "Eco Friendly Tourist Park" containing 70 self-contained cabins, 80 camping/caravan sites and associated resort facilities.</li> <li>• Subject site is a large property (252.7ha) over which extensive revegetation and vegetation covenants are proposed.</li> <li>• Future intent to utilise the site for vegetation offsets with Ecofund.</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• Site is within a rural precinct for which urban and rural residential type development is specifically mentioned as not preferred.</li> <li>• Appropriateness of the site for a caravan park and whether "need" for the development can be established on this site.</li> <li>• GQAL issues (non-vegetated parts of the site are low-lying canelands).</li> <li>• The site is outside the Urban Footprint under the SEQ Regional Plan.</li> <li>• Visual amenity and character issues. The site is currently open and exposed to the road, and a caravan park development may conflict with the local rural character if not well hidden.</li> <li>• Adequacy of the rural road network for the use.</li> <li>• Environmental aspects of the site.</li> <li>• Validity of the purported "eco-credentials" of the development.</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>• An Information Request was issued on 21 March 2011, to which the applicant has until 21 March 2012 to respond.</li> <li>• Follow progress using PD OnLine  <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>• Enter the Application Number</li> <li>• Click on Search</li> <li>• Click on Show</li> </ul> </li> </ul>

<b>Application No.:</b>	MCU10/2001
<b>Date Application Properly Made:</b>	2/7/2010
<b>Applicant:</b>	ALH Group (c/ Place)
<b>Address:</b>	1 & 3 Margaret Street & 2 Birtwill Street, <b>Coolum</b>
<b>Application Details:</b>	Development Permit for MCU - Hotel (redevelopment) Development Permit for MCU - shops (Dan Murphy's and speciality shops) Development Permit for MCU - Motel (39 units)
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>• Site area - 12,390m<sup>2</sup></li> <li>• Total GFA - 11,912 m<sup>2</sup> (approx)</li> <li>• 3 storey development</li> <li>• Basement car park</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• Significant car parking shortfall</li> <li>• Large scale Dan Murphy's bottle shop in village centre</li> <li>• Amplified music (tavern) and caravan park and residential uses nearby</li> <li>• Works to David Low Way required</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>• The applicant has requested an extension of 3 months to the decision making period. The period now ends on 27 April 2012.</li> <li>• Currently being publicly notified</li> <li>• Follow progress using PD OnLine <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>• Enter the Application Number</li> <li>• Click on Search</li> <li>• Click on Show</li> </ul> </li> </ul>

<b>Application No.:</b>	MCU07/0192 – Park Lakes 2
<b>Date Application Properly Made:</b>	8 November 2007 27 August 2010 – Change to the Application
<b>Applicant:</b>	Covey & Associates
<b>Address:</b>	183-187 Camp Flat Road, Bli Bli
<b>Application Details:</b>	Development Permit for Preliminary Approval for a Material Change of Use pursuant to section 3.1.6 of IPA 1997 to Override the Planning Scheme to allow staged (11 stages) residential development in accordance with the Park Lakes Extension Master Planned Community - Preliminary Approval Document dated August 2010.
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>• The 93 ha site is located north of Park Lakes 1, Bli Bli.</li> <li>• The proposal is for up to 700 new dwellings (predominately detached houses) within 7 precincts.</li> <li>• Precinct 1-4 (residential) detached houses and a school.</li> <li>• Precinct 5 (retirement village/affordable housing) higher density relocatable home park/retirement village.</li> <li>• Precinct C1 (community &amp; mixed housing) – sporting/community facilities &amp; high density units.</li> <li>• Precinct P1 – 32 ha open space (conservation/drainage reserve).</li> </ul> <p><u>Site background</u></p> <ul style="list-style-type: none"> <li>• On 21 December 2007, Council issued an Amended Acknowledgement Notice which included an Advice Note which stated that <i>'Despite its inclusion within the urban footprint under the Regional Plan, the development site is currently designated as Sustainable Cane Lands under Maroochy Plan 2000 (MP2000). The Planning and Development Department's position with respect to applications for urban development within rural precincts outside the urban designation under Maroochy Plan 2000 is that such applications are "premature" pending the completion of a Local Growth Management Strategy (LGMS) and Structure Plan for each area and are unlikely to be supported under the current Planning Scheme.'</i></li> <li>• The applicable State referral agencies issued Information Requests, which allowed the applicant up to 1 year to respond under IPA.</li> <li>• The Department of Transport and Main Road (DTMR) extended the Information Response period by an additional year, allowing the applicant additional time to address the issues.</li> <li>• On 27 August 2010, the applicant lodged a <u>Change to the Application</u> to include community facilities, a mixed housing precinct, a school precinct and a caravan/relocatable home park.</li> <li>• On 10 September 2010, Council issued a second Acknowledgement Notice with a similar advice note (ie <i>premature pending the new planning scheme</i>).</li> <li>• On 1 November 2010, the Department of Transport and Main Roads issued an Information Request, giving the applicant 12 months to respond (1 Nov 2011).</li> </ul>
<b>Key Issues:</b>	<p>Zoning</p> <ul style="list-style-type: none"> <li>• The site is Urban under the Regional Plan, but Rural (cane land) under MP2000.</li> <li>• The Regional Plan states <i>"Inclusion of land in the Urban Footprint includes some land not available or appropriate for development. Local Government planning schemes and Structure Plans are the principal instruments for establishing the desired use of the land and the preferred timing of development in the Urban Footprint."</i></li> <li>• Park Lakes 2 area is identified as a <i>'Local Investigation Area'</i> under the Statement of Proposals for the new planning scheme.</li> <li>• Strategic Planning is currently investigating the site in terms of its future <i>'zoning'</i> under the new scheme.</li> </ul> <p>Vegetation</p> <ul style="list-style-type: none"> <li>• The west of the site contains significant vegetation on steep slopes. The</li> </ul>



	<p>amended plan identifies this area as 'park' consistent with the DERM concurrence agency conditions aimed at protecting it.</p> <p><b>Flooding</b></p> <ul style="list-style-type: none"> <li>Parts of the site are susceptible to Q100 flooding from watercourses which cross the site and flooding from a regional Maroochy River flood event.</li> <li>The applicant provided an initial Flood Study on 16/01/08. An amended Flood Study, addressing climate change, provided on 27 August 2010.</li> </ul> <p><b>Waterbody</b></p> <ul style="list-style-type: none"> <li>A constructed freshwater lake is proposed within parkland.</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>On 1 November 2011, DTMR extended the Information Response period by an additional 6 months to 1 May 2012.</li> <li>The application is in the Information and Referral stage.</li> <li>DTMR has yet to provide its concurrence agency response.</li> <li>The application must be publicly advertised.</li> <li>Follow progress using PD OnLine. <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a></li> <li>Enter the Application Number</li> <li>Click on Search</li> <li>Click on Show</li> </ul>

<b>Application No.:</b>	REC11/0049 & OPW11/0153
<b>Date Application Properly Made:</b>	5 May 2011
<b>Applicant:</b>	Cardno Qld Pty Ltd
<b>Address:</b>	Quanda Rd, <b>Coolum Beach</b>
<b>Application Details:</b>	Development Permit to Reconfigure a Lot (29 Lot Industrial Subdivision) Development Permit for Operational Work (Excavation, Extraction or Filling)
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>The applicant seeks approval for an industrial subdivision comprising 29 large allotments (&gt;4000m<sup>2</sup>)</li> <li>The development is Stage 2 of Coolum Industrial Estate being developed by the State.</li> <li>Significant filling of the 50 ha development site is involved.</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>The site is Stage 2 of the industrial estate and, as such, no significant new issues are raised but issues of hydrology and stormwater treatment adjacent to the National Park and management of earthworks need to be addressed.</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>The application is in the Information Response period under SPA.</li> <li>Follow progress using PD OnLine <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a></li> <li>Enter the Application Number</li> <li>Click on Search</li> <li>Click on Show</li> </ul>

## DIVISION 12

<b>Application No.:</b>	132007.1965.1
<b>Date Application Properly Made:</b>	25 September 2007
<b>Applicant:</b>	Sundale Garden Village Nambour
<b>Address:</b>	81 and 100 McKinnon Drive, Tewantin
<b>Application Details:</b>	Development Permit for Material Change of Use for Multiple Housing, Type 3 Retirement and Special Needs and Wellbeing – Type 2 Social
<b>Key Features:</b>	<ul style="list-style-type: none"> <li>The applicant seeks approval for a 60-bed aged care residence and 180-196 (two options) independent living units, day respite and support services with Sundale operating as a community based not for profit charitable organisation. Subject to impact assessment.</li> </ul>
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>The proposed uses are inconsistent uses within the site's Rural Settlement zone. The site is included within the Urban Footprint of the South East Queensland Regional Plan. The site is also affected by a number of overlays, which recognise significant vegetation, riparian buffers to adjacent waterways, bushfire and flood hazard areas, high potential acid sulfate soils, etc., which all constrain the development potential of the site. Studies indicate that there is a need for some further retirement and aged care facilities in Tewantin.</li> </ul>
<b>Status:</b>	<ul style="list-style-type: none"> <li>The applicant is providing additional information to address staff concerns following a meeting.</li> <li>The application is in the Decision Making Period under IPA.</li> <li>Follow progress using PD OnLine  <a href="http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx">http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx</a> <ul style="list-style-type: none"> <li>Enter the Application Number</li> <li>Click on Search</li> <li>Click on Show</li> </ul> </li> </ul>





**15.3 ORDINARY MEETING - CONFIDENTIAL SESSION**

**(OM) ITEM 12.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - REGULATION OF ELECTION SIGNAGE**

<http://www.sunshinecoast.qld.gov.au/addfiles/documents/meetingAttachments/Strategic%20Policy%20Election%20Signage%20-%20OM220212.pdf>

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