

Agenda

Ordinary Meeting

Thursday 28 February 2013

commencing at 9.00am

Council Chambers, Corner Currie and Bury Streets, Nambour

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1 DECLARATION OF OPENING

On establishing there is a quorum, the Chair will declare the meeting open.

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

That the Minutes of the Ordinary Meeting held on 31 January 2013 and Special Meeting held on 5 February 2013 be received and confirmed.

4 OBLIGATIONS OF COUNCILLORS**4.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 172 of the *Local Government Act 2009*, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

5 MAYORAL MINUTES**6 PRESENTATIONS**

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

File No: MCU10/2001

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

Appendices: App A - Conditions of Approval (Pg 27)

Attachments: Att 1 - Proposal Plans (Pg 49)

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=694617>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	ALH Group Pty Ltd
Proposal:	Development Permit for Material Change of Use of Premises (Hotel and Shopping Complex)
Original Properly Made Date:	06/07/2010
Change to Application Date:	21/06/2012
Information Request Date:	19/07/2012
Info Response Received Date:	29/08/2012
Number of Submissions:	107 (first notification period) 237 (second notification period)
PROPERTY DETAILS	
Division:	9
Property Address:	1 & 3 Margaret Street and 2 Birtwill Street, Coolum Beach
RP Description:	Lots 1, 2 & 3 SP107662
Land Area:	12,390m ²
Existing Use of Land:	Coolum Beach Hotel
STATUTORY DETAILS	
SEQR Designation:	Urban Footprint
Planning Scheme:	Maroochy Plan 2000 (11 November 2009)
Strategic Plan Designation:	<ul style="list-style-type: none"> • Urban • Village Centre
Planning Area / Locality:	Planning Area No. 11 – Coolum Beach
Planning Precinct / Zone	Precinct No. 1 – Coolum Beach Village Centre (Village Centre)
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for a Material Change of Use (Hotel and Shopping Complex) at David Low Way, Margaret and Birtwill Streets, Coolum Beach. The application is before council as there are significant levels of public interest, with 212 properly made submissions having been received.

EXECUTIVE SUMMARY

The proposal seeks approval to redevelop the prominent Coolum Beach Hotel site into a new tavern and 1,250m² Dan Murphy's liquor barn along David Low Way within Coolum's village centre precinct.

The application proposes to revitalise the existing hotel site in a manner that attempts to complement and enhance the casual beachside atmosphere by developing a predominantly single-storey open-plan type development in a possible 3-storey development area.

The key issues presented by the application are primarily those issues that were raised in the submissions objecting to the development, namely, building bulk and scale, the "village" character of Coolum, car parking provision, hours of operation, and economic impacts. In relation to each of the matters presented, the application was found to demonstrate sufficient compliance with all statutory controls, except for the proposal to operate the tavern until 3am, which is not considered in keeping with the desired character and planning intent for Coolum Beach.

The proposed Dan Murphy's store exceeds the 1,000m² per development site retail limit, but the exceedance is relatively minor in terms of impact and is determined not to have any adverse economic impacts or compromise the planning scheme intent to retain Coolum as a casual seaside village. Further, while the Dan Murphy's store does not directly contribute to the expressed intent for shopfront tenancies along all road edges, the overall site layout employs a range of desirable design outcomes such as a spacious tree-lined footpath connection to the adjoining Coles site, plentiful landscaping, retention of existing mature trees, orientation of the car park behind buildings out of view, a casual low-set and open designed tavern building, and a civic open space area with public art, which together ensure the development meets the desired planning and design intent for Coolum Beach. The development also proposes to create a "kiosk" adjacent to a new public open space area for potential use by not-for-profit groups for fundraising and other civic purposes.

The application is recommended for approval, subject to the imposition of reasonable and relevant conditions.

OFFICER RECOMMENDATION

That Council:

- (a) **APPROVE WITH CONDITIONS** Application No. MCU10/2001 and grant a Development Permit for Material Change of Use of Premises (Hotel and Shopping Complex) for the land situated at 1 & 3 Margaret Street and 2 Birtwill Street, Coolum Beach, subject to the conditions of approval as outlined in Appendix A; and
- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
1. the development would revitalise the streetscape of a prominent site in the Coolum village centre;
 2. the development would enable the continuation of a tavern on an appropriately located site to serve the lifestyle needs of residents and tourists;
 3. the development would provide additional civic space to the public realm, and incorporate a “kiosk” adjacent to it for potential use by not-for-profit groups for fundraising and other civic purposes; and
 4. the development would benefit the local community by significantly improving the range of choice, convenience and price competition for a basic consumer good (liquor).

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

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

Allocation of adopted infrastructure charge to trunk infrastructure networks	Offset/Rebate	
Transport	\$0.00	\$180,836.00
Public Parks & Land for Community Facilities	\$0.00	\$31,912.00
Stormwater (applicable to Residential development)	\$0.00	\$0.00
Stormwater (applicable to Non-Residential development)	\$0.00	\$49,400.00
TOTAL =	\$0.00	\$262,148.00

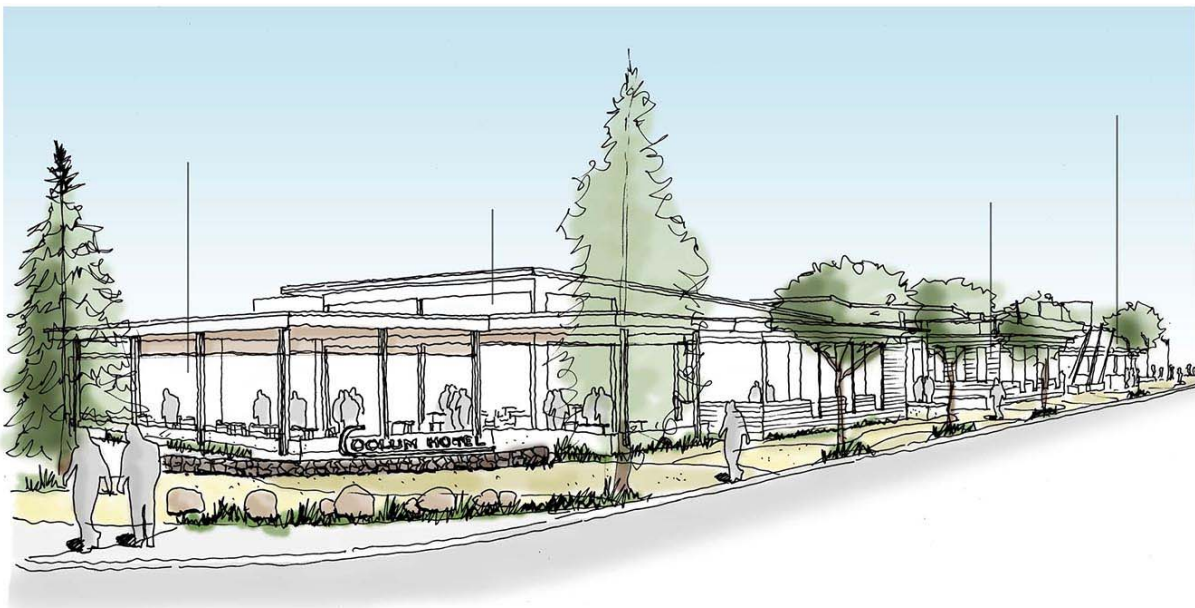
PROPOSAL

The application seeks a Development Permit for a Material Change of Use (Hotel and Shopping Complex). The proposal would relocate the existing hotel into a new 1,899m² tavern, and establish a new 1,250m² bulk retail liquor outlet (Dan Murphy's). This "tavern plus Dan Murphy's" development model has already been rolled out across many sites in South East Queensland by proponents ALH Group (including at Kawana and Noosaville).

The tavern is proposed for the southern corner of the site, and would wrap around the Birtwill and David Low Way street corner and then along approximately half of the David Low Way frontage. It is designed as a series of interconnecting indoor and outdoor component parts, including a main indoor bistro/gaming/entertainment/function area, an outdoor seating plaza with kids' playground, an indoor sports bar, an outdoor beer garden, and a "kiosk" adjacent to a civic open space area. The kiosk is intended for community purposes such as, potentially, fundraising sausage sizzles and the like by local not-for-profit groups.

The Dan Murphy's store is proposed for the northern corner of the site, with a facade to both Margaret and David Low Way. The only building entrance is proposed on the southern elevation facing the internal carpark. The applicant has attempted to address blank building façade issues by a combination of increased building setbacks (allowing more landscaping and open civic spaces), decorative tiles and other architectural building treatments, street furniture (including a rock-clad seating wall), public art and a wall trellis to have the appearance of a "green wall" around the building corner.

In relation to the design intent, the applicant states that the development is designed to complement and enhance the casual beachside atmosphere of the locality. The design incorporates a separation of uses and a variation in the building form, with landscaping and large public open spaces being accommodated along the David Low Way frontage. The design intent incorporates "open" building forms including an open beer garden, plaza area and terrace restaurant, to break up the building bulk and appear as multiple tenancies. Street embellishments are also proposed, such as seating, shading and artwork.





The proposed operating hours for the tavern are 7am to 3am Monday–Sunday, which would be an extension by 1 hour beyond the restrictions of the current liquor licence. The Dan Murphy’s store is proposed to operate until 8pm Monday-Wednesday, 9pm Thursday-Saturday, and 7pm on Sunday.

An at-grade carpark for 161 cars is proposed for the centre of the site, mainly concealed from external view from behind the building form. Vehicle access is proposed to be taken from both Birtwill Street and Margaret Street, with an internal circulation network connecting the two.

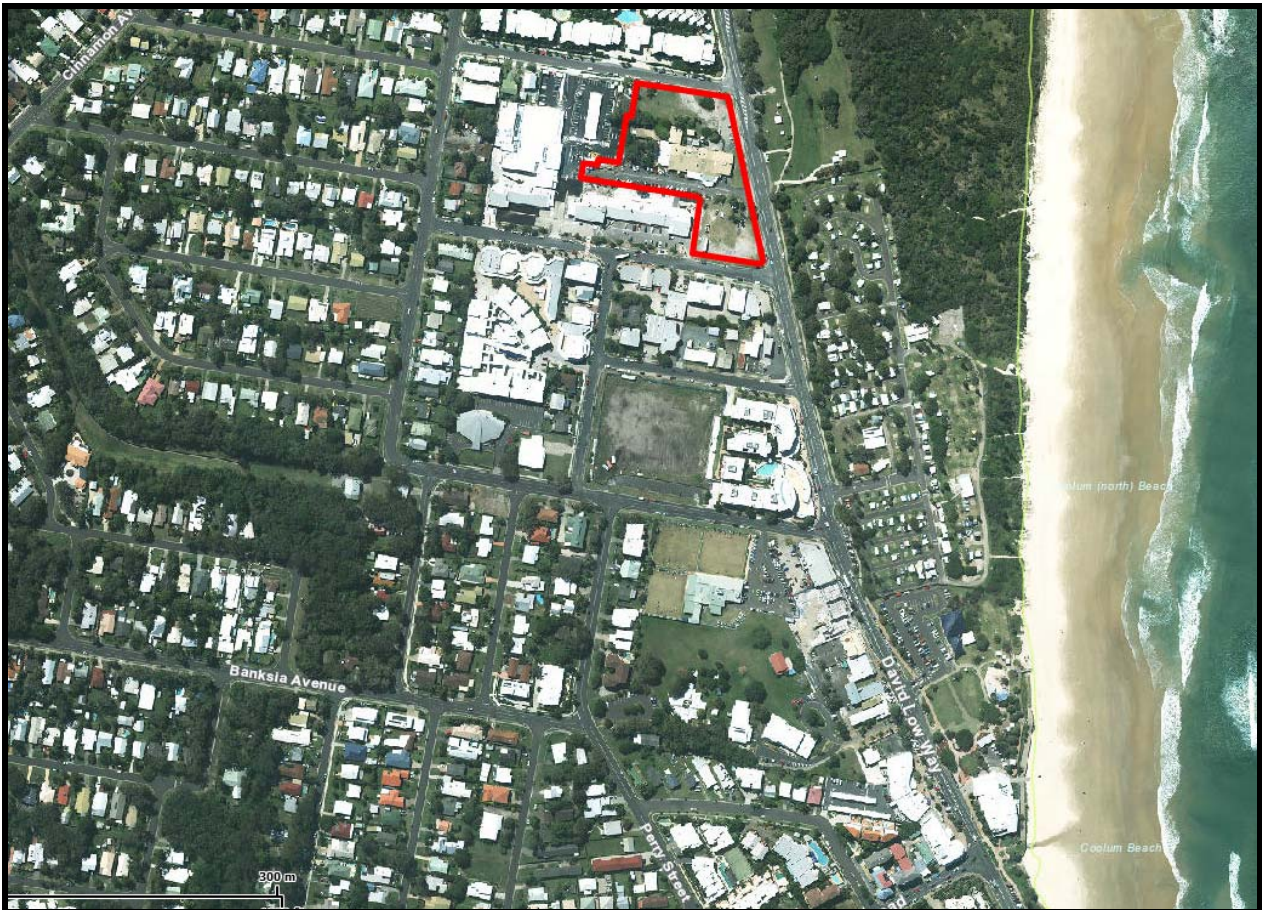
An east-west pedestrian connection is proposed to the adjoining Coles site, allowing movement between the 2 sites and to the David Low Way.

Construction of the development is proposed to be staged over 4 stages to allow for the hotel use to continue to operate uninterrupted, which the applicant states is required by liquor licensing regulations. Although the applicant proposes staging, it would not be a “staged development” as per the traditional understanding of the term. The construction is still proposed to occur in one construction program lasting 21 months, but in a compartmentalised manner. Temporary car parking areas are proposed so that the hotel can remain functional and operating throughout construction.

SITE DETAILS

Site Description

The site currently accommodates the Coolum Beach Hotel, and is positioned on David Low Way at the northern-most end of Coolum’s Village Centre precinct. The location of the site in relation to its surrounds is shown on the image below:



The site is a sizable urban land parcel containing 3 allotments that span the entire length of the David Low Way from Birtwill Street to Margaret Street (approximately 150 metres). With its 3 street frontages and 2 prominent corners to David Low Way, the site enjoys high exposure and is one of a few strategically positioned sites on Coolum's tourist strip yet to be redeveloped.

The only remaining building on the site is the hotel and its associated BWS drive-through bottle shop. Apart from the existing hotel building, the balance of the site is vacant and disused in appearance, with a gravel parking lot at its northern end and abandoned and overgrown driveways at the southern end (the remnants of the now demolished motel and bottleshop).

The site is primarily flat, although a slight level difference exists at the southern end where the previous motel once stood on an elevated building pad.

A limited number of trees exist on the site, many of which are not tall and do not offer much in the way of shade or landscape amenity. The most significant of the site's vegetation is a cluster of mature trees including Melaleucas (Paperbarks) and a Cupaniopsis (Tuckeroos) at the western end of the site near to the common boundary with Coles, as well as a few Pandanus scattered around the site.

The site is burdened by several easements, most of which are inconsequential to the development because they simply provide right of access across each of the 3 lots that make up the site. One easement that does affect the proposal is a combined drainage and pedestrian (only) access easement that dissects the site in an east-west direction for the benefit of the adjoining Coles site.

Surrounding Land Uses

The surrounding land uses are typical of an established urban centre and include a range of shops, offices and residential units. The coastal tourist strip is characterised by cafés, restaurants, boutique clothing stores and other small specialty shops.

Coolum Beach has seen considerable redevelopment over recent years which, when combined with its popularity as a beachside locality and tourist destination, has resulted in a distinctly modern-looking vibrant community. Significant developments that have occurred in the last 8 years include:

- council's urban streetscape improvements, including new roundabouts on David Low Way;
- the Coles supermarket redevelopment on Birtwill Street;
- the "Sea Coolum" shop development on David Low Way, just south of the McDonalds restaurant;
- the new access and carparking area to Jack Morgan Park, off Park Street;
- the major Watpac redevelopment on the corner of Beach Road and David Low Way;
- the 3-storey "Coolum at the Beach" holiday resort on David Low Way immediately north of the site; and
- the 3-storey mixed use "Element on the Beach" holiday apartments.

Background/Site History

The Coolum Beach Hotel has operated on the site since approximately 1980 and was known for most of that time as "Stewarts Hotel". At the time, it also incorporated a motel to the rear of the hotel on what is now the Coles site. A second motel also existed on the corner of Birtwill Street and David Low Way, which was acquired by Stewarts in 1985 but has since been demolished and now forms the vacant southern-most part of the subject site.

Previous Development Applications

There is no record of a town planning approval for the existing hotel when it was first established. Since that time, the following applications for redevelopment have been made (with retail floor areas noted for comparison with the currently proposed 1,250m² Dan Murphy's retail floorspace):

On 21 January 1997, council approved an application for redevelopment of the entire site into a hotel, motel and shopping complex (2,169m² of shops/cafes and 1,334m² hotel and bottle shop). 12 months later, council approved a consequential subdivision to amalgamate lots and rearrange boundaries. That subdivision created the site property boundaries that exist today, but the commercial development did not proceed and subsequently lapsed.

On 18 December 1997, council approved a 3-storey accommodation unit proposal (41 units) at the rear of the Stewarts site and fronting Sunrise Avenue (on what is now the Coles site). The approved development did not proceed.

In March 1998, an application was lodged by Stewarts for redevelopment of the rear portion of the site into a 2,958m² commercial shopping centre incorporating a supermarket, but was withdrawn later that year.

On 19 December 2000, council refused an application (known as the “Ariadne” proposal) for redevelopment of the current site into a shopping complex (3,130m²) and hotel (1,070m²). While the building and carparking layout had some similarities to the current proposed design, the reasons for the refusal primarily related to carparking and the overall quantum of retail floor space proposed (which included a 2,250m² supermarket plus specialty shops). The decision was appealed by the applicant, but later discontinued (withdrawn) in 2005.

On 16 July 2003, council approved the 2,550m² supermarket that is currently occupied by Coles (with no additional specialty stores approved). The decision was appealed by both the applicant and submitters, but ultimately resolved by a Planning and Environment Court order dated 15 November 2006.

History of Current Application

The current application was originally lodged on 6 July 2010. At that time, the proposal was a much larger 3-storey development concept with a total gross floor area of 12,319m², including a 39 unit motel, 2 bottle shops (a Dan Murphy’s store and a drive-through shop), 2 storeys of function/entertainment floorspace above the tavern, a basement carpark and a variety of specialty retail shops along David Low Way. The original design concept is shown below:



The original application was publicly advertised in October-November 2011 and received 100 properly made submissions.

From January to June 2012, the application was placed on hold at the request of the applicant so that the development concept could be revised in response to community concerns. The applicant then formally changed the application on 21 June 2012, depicting a significantly scaled back single-storey development concept involving only a tavern and a 1,450m² Dan Murphy's store.

The revised application was publicly advertised in September-October 2012 and received 212 properly made submissions.

The applicant then modified the design concept to reduce the Dan Murphy's store size to 1,250m² gross floor area, and to increase parking bay numbers by 32 (to 191). However, the increased parking numbers came at the expense of acceptable landscaping outcomes, and so the applicant made one final change to the plans to reinstate the original carpark design while retaining the lesser 1,250m² store size.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009*, the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies;
- the South East Queensland Regional Plan;
- State Planning Regulatory Provisions;
- any Structure Plan or Master Plan in place for declared areas;
- any Preliminary Approval Overriding the Planning Scheme for the land;
- the Planning Scheme for the local government area; and
- any Temporary Local Planning Instrument in place for the local government area.

Of these, the statutory planning instruments relevant to this application are discussed in the sections that follow.

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are applicable to this application:

- **SPP2/02 Planning and Managing Development Involving Acid Sulfate Soils**

State Planning Policy SPP2/02 has been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, does not warrant a separate assessment.

South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposal is for an urban use within the Urban Footprint. The proposed development is consistent with the regional land use intent, regional policies and desired regional outcomes for the Urban Footprint designation.

State Planning Regulatory Provisions

There are no State Planning Regulatory Provisions applicable to the application. The South East Queensland Regional Plan Regulatory Provisions are not applicable because the development is for urban purposes located in the Urban Footprint.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is the Maroochy Plan 2000 (11 November 2009). The following sections relate to the provisions of the Planning Scheme.

Strategic Provisions

Coolum Beach is designated as “Urban”, “Village Centre” and “Tourist Centre” in the Strategic Plan component of the planning scheme.

While the proposal is entirely consistent with the Urban and Tourist Centre designations, there is a degree of conflict with the strategic provisions relating to Village Centres, in particular the Retail and Commercial Centres Hierarchy where it provides that: *“the total gross floor area for commercial uses in Village Centres may consist of no more than 1000m² gross floor area on any single development site.”*

The purpose for the 1,000m² limit in Village Centres is twofold:

- to ensure lower order centres do not commercially out-compete or in any way compromise the primacy of higher order centres; and
- to create a fine-grained pattern of development that strengthens the character of the centre as having a local dimension and a village “feel”.

The first of these is an economic consideration, and the second a character and design issue that is further reinforced by the following statements:

“Showrooms and other land consumptive uses, which would fragment the continuity of retail shopfronts at street level, are generally considered at odds with the achievement of compact Village centres.”

and

“Premises are to present a generally continuous shop-front appearance at street level unless it can be demonstrated that an alternative proposal has urban design merit in keeping with the intent of this objective.”

While the proposal does not technically involve a showroom, consideration needs to be given to whether the Dan Murphy’s building is of a scale and type that would undesirably fragment the continuity of retail shopfronts for Coolum Beach, and whether there is otherwise merit in the proposed urban design.

It is contextually important to note that these Strategic Plan provisions are broad statements that relate to all designated Village Centres under the Maroochy Plan, including Bli Bli and all the hinterland and railway towns. With the exception of Buderim, Coolum is a markedly different size and character to each of the other designated Village Centres, and the assessment provisions must be considered in that context. The character and design issues, as they specifically relate to Coolum Beach, are discussed further below in the "Local Area Provisions" section of this report.

For assistance with the economic considerations, staff engaged an outside expert in the field of planning and economics to review the application (Norling Consulting Pty Ltd). On the issue of undermining the planning scheme's retail hierarchy, council's expert agreed with the analysis submitted by the applicant that the development would in no way undermine the primacy of the Maroochy Major Activity Centre, being the closest higher order centre to the subject site. The development is not of a scale or type that could threaten a major activity centre, particularly as Maroochy already contains a large liquor barn (First Choice), and because liquor is a lower order consumer good being a commonly purchased convenience item. To threaten a higher order centre, the development would have to contribute to a change in the role and function of the Coolum Village Centre by offering higher order goods that most consumers are prepared to travel for, and that are not already available in a higher order centre (or are not likely to establish in the higher order centre if one already exists in the lower order centre). In terms of threatening higher order centres, a Dan Murphy's store would likely be an issue had the site been in a designated Local Centre, where it could feasibly threaten a nearby Village Centre.

The economic trade impacts of the development on other local bottleshops has been raised by many submitters objecting to the development. However, the issue of retail impacts has limited relevance in this case because the site is appropriately zoned in the Village Centre Precinct and the development is not attempting to extend the boundaries of the zone or propose an out-of-centre development. Competition between 2 commercial operators in correctly zoned locations is a commercial market reality. The fact that the proposed store size is 1,250m² and not 1,000m² is of little consequence. A 1,250m² liquor barn would not have any greater trade impact on other retailers than a complying 1,000m² liquor barn.

Council's expert was asked for an opinion on the matter given the level of public objection. The advice received was that the development would indeed negatively impact on the 3 detached bottleshops operated by Castro's Bar and Restaurant, and that one or 2 of those bottleshops may possibly need to close (or relocate) for Castro's to maintain a profitable operation. However, council's expert makes the following points in relation to this issue:

- the performance of individual traders has limited relevance as a planning issue in this case for the reason mentioned above;
- the development is not likely to put existing retailers out of business. Under Queensland's liquor laws, detached bottleshops must belong to a registered "commercial hotel" (such as Castro's Bar and Restaurant), who may operate up to 3 detached bottleshops within 10kms of their host site. If Castro's need to close one of its bottleshops, it may look at finding a new location within 10kms of Coolum Beach. 10kms extends north to about Marcus Beach and south to about Mudjimba; and
- there would still be a need for conveniently located small bottle shops within Coolum Beach and surrounds even once a Dan Murphy's store is operating. Consumer behaviour suggests that convenience is still a large determining factor for alcohol purchases, and so a well located bottleshop (such as the Castro's bottleshop near Woolworths on South Coolum Road) is still likely to be successful.

Council's expert also states that there is a sufficient and growing population within the trade area to support a large liquor barn, and makes the following additional points about how the establishment of a Dan Murphy's store in Coolum would benefit the wider community:

- large liquor barns (particularly Dan Murphy's) are popular with the community in that they provide an extensive range of liquor products at lower prices;
- the proposed development would reduce the travel time and costs for shoppers patronising the existing large liquor barns at Noosaville and Maroochydore; and
- the proposed development would reduce retail expenditure from escaping outside Coolum, leading to the potential for other increased retail activity generally within Coolum (by reducing the reasons for local shoppers to shop outside Coolum).

Local Area Provisions

The subject site is located in the Coolum Beach Village Centre precinct.

Neither "hotel" nor "shopping complex" are listed as preferred uses for the Coolum Beach Village Centre precinct. However, this is simply reflective of the planning scheme drafting where no impact assessable uses are listed as preferred uses regardless of their suitability or planning merit. For example, a hotel is not listed as a preferred use in any precinct under the Maroochy Plan. Given the long-standing existence of a hotel on the site, and the fact the precinct provisions specifically state "*The community has identified a need for an increased range of entertainment facilities. Such facilities will be supported in this Precinct where appropriately sited and designed*", there is not considered to be a planning conflict with continued use of the site as a hotel.

The shopping complex component of the application relates only to the proposed Dan Murphy's store. Had the Dan Murphy's store been limited to 1,000m² and not 1,250m² in size, it would have been defined by the Maroochy Plan as a "shop", which is listed as a preferred use, and not a "shopping complex". In this respect, the definition of the proposed use as a shopping complex is more of a technical matter rather than a true depiction of the nature of the use, noting that shopping complexes are normally integrated developments involving more than one tenancy. This definition issue is proposed to be rectified in the draft Sunshine Coast Planning Scheme. Nevertheless, the size of the store is still an issue for consideration in a design and character sense, as discussed below.

Character and Design

There are several statements in the precinct provisions that point to the desire for small scale shops in preference to larger shops to achieve positive urban design outcomes (such as the continuity of retail shopfronts at street level), and to retain Coolum's identity as a boutique coastal village serving only the needs of the local population and visiting tourists. One such statement is that:

"The residents of Coolum have indicated they are prepared to forego the provision of higher order and larger scale retail and commercial services in order to maintain local character and identity. Infill development within the Village Centre is to be compatible with the small scale function of the centre and contributes to the casual beachside atmosphere of the locality."

What is a “small scale” retail shop is not defined. Given that a 1,000m² store would be listed a preferred use for the precinct and also compliant with the Strategic Plan provisions, it is perhaps the most appropriate benchmark for compliance; even if, in practical terms, 1,000m² is not “small” when compared to the prevailing pattern of boutique retail tenancies existing in Coolum (but also noting that 1,000m² is not “large” when compared to modern day showroom floorplates). At 1,250m², the proposed Dan Murphy’s store is considered in conflict with the precinct provisions, but probably not to a large degree.

Despite the conflict, it is unlikely the development would compromise the design and character objectives for Coolum for the following reasons:

- the Dan Murphy’s store is proposed at the very northern end of the Village Centre precinct, immediately before the zoning changes over to Mixed Housing. The development would, therefore, not create an undesirable “missing link” in the continuity of boutique shopfronts along David Low Way;
- the majority of the development would be a low-rise, predominantly single-storey built form, whereas the precinct provisions allow development of up to 3 storeys, which potentially would have produced a much more bulky built form. The development would be spread out over a large land parcel and, with the use of single storey buildings, would not appear over-developed but, rather, in keeping with the desired casual, local village scale and appearance;
- although a rear wall presentation to Margaret Street is not a preferred design outcome, in this case the need for shopfronts addressing Margaret Street is not of importance because it is at the very end of the Village Centre boundary with residential holiday apartments located opposite. The building form would help to shield noise impacts to the apartments, and the combination of mounded landscaping, façade articulation, public art and green wall features should have a meaningful effect on reducing the prominence of the wall;
- the proposed extent of building setbacks, civic open space areas and landscaping throughout the site would convey a sense of breathing space, in keeping with Coolum’s laid back character. In particular, a spacious and tree-lined pedestrian pathway is proposed to link up to the adjoining Coles site to allow improved pedestrian movement between properties; and
- the Dan Murphy’s store is only one part of a larger integrated development where the balance of the site has a high degree of connectivity with the street. As an overall concept, including the proposed tavern, the site layout generally achieves the design intent of the planning scheme, even if not fully so. In particular, the orientation of buildings to the street frontages and sleeving of the internal carpark goes a long way to achieving desired urban design outcomes.

In addition to these design characteristics, it is relevant to note that the difference between a complying 1,000m² store and the proposed 1,250m² store would unlikely be appreciable to the average person. It is unlikely the development, as proposed, would look or feel dramatically out-of-character with the rest of Coolum, nor elevate Coolum’s role or function to that of a higher order centre.

Hours of Operation

Proposed hours of operation are relevant in considering whether the development meets the planning intent for the locality. The vision statements for Coolum Beach include that “Coolum will remain a small coastal community focused on its seaside location”, and that “Coolum Beach will remain a casual, seaside village serving local retail, business, dining and entertainment needs only.”

The applicant seeks to retain its current early morning operating hours and then extend it by one hour to allow operation until 3am (the current liquor licence allows trading until 2am Monday-Saturday, and 12am Sunday). The liquor licence is currently the only control of operating hours, there being no planning approval for the existing hotel. The applicant is currently looking to extend its liquor licence to 3am, although it is noted the State Government has placed a moratorium on extending early morning trading hours pending the outcomes of the Law Justice and Safety Committee inquiry into alcohol-related violence. The moratorium lasts until the end of 2013.

The applicant has indicated a strong desire to maximise flexibility with the hours set by council on any planning permit issued. The grounds put forward by the applicant include:

- the fact that the existing hotel is able to operate until 2am most nights, and that could continue to be the case if the applicant elects not to redevelop the site; and
- with most other venues closing at 12am, a later closing time would allow a staggering of venue closures on the Sunshine Coast to assist with issues such as taxi availability.

The most common-place limit for operating hours on the Sunshine Coast (outside of entertainment districts) is 12am. The *Liquor Act 1992* defines Ordinary Trading Hours as 10am-12 midnight, and the current preferred practice of the Queensland Office of Liquor and Gaming Regulation is to restrict venues from trading beyond 12am unless different hours are specified on the planning approval for the use. The operating hours of both the Peregrin Hotel and North Shore Tavern reflect this 12am “best practice”, as well as most other venues in Coolool, including the surf club, bowls club and Castro’s Bar and Restaurant. Indeed, of the 31 current liquor licences registered for the Coolool/Peregrin postcode area, only one (the Palmer Coolool Resort) allows trading beyond midnight.

The 2 key considerations for limiting operating hours are related to noise produced by the venue (i.e. amplified music), and the disorderly conduct of patrons following their dispersal at closing time.

Noise impacts can be relatively manageable through acoustically rated building design and adherence to conditions related to amplification levels on the liquor licence. However, while the acoustic rating of the proposed new tavern building is expected to be an improvement to that of the existing hotel, it must be noted that a liquor licence will not require a venue to be inaudible, only that it does not cause “unreasonable noise” as defined in the *Liquor Regulation 2002*. In practical terms, this means that a complying venue could emit noise at a level where music can be heard by the nearest sensitive receiver, but the song being played would be unrecognisable (e.g. the “thud” of bass frequencies would be detectable). Recent complaints from the nearby caravan park are evidence of the potential for a nuisance to be caused even when the venue is operating within the limits of its liquor licence. Consideration must be given to the most reasonable and appropriate time of night to restrict that potential nuisance to.

Patron behavior at the time of their dispersal is a more difficult matter to predict and control. The applicant submitted a risk assessment management plan for dealing with disorderly patron issues, but the plan reads as a “statement of intent” and is relatively non-specific on key issues such as the transport of patrons off the site. The management plan implies reliance on the taxi service, but taxis are not a reliable means for transporting patrons efficiently, and the availability of taxis cannot be controlled by the hotel. Further, the availability of night taxis in Coolool is reported to be poor. A courtesy bus service ought to be employed by the hotel to assist with moving patrons off the site quickly.

The existence of the nearby 24 hour McDonalds restaurant is also relevant. While it does set a precedent for already established late night/early morning activity in Coolum, it also potentially compounds the issue of controlling disorderly behavior associated with the tavern. With a nearby food venue still open after the closure of the hotel, patrons have a reason to remain on the streets and a place to congregate. Current levels of Police resources in Coolum are understood to be limited including there being no 24 hour policing available.

In relation to both venue noise and patron dispersal issues, and in the context of Coolum Beach and its planning intent to remain a “casual seaside village”, it is considered that 12am is the most appropriate limit for operating hours, consistent with the current standard practice employed by the Office of Liquor and Gaming Regulation for liquor licences. However, given the hotel currently operates lawfully and under a continuing liquor licence that allows trading until 2am, it might be reasonable to allow the tavern to continue to operate until 2am on Friday and Saturday nights only. Generally speaking, late night activity on a Friday or Saturday has a greater degree of community acceptance than on regular week nights and, further, the relatively small design of the internal function area would restrict the ability for large events to be held.

It is recommended that conditions are imposed restricting operating hours for the tavern until 12am Sunday-Thursday (excluding New Year’s Eve), and 2am Friday and Saturday. An additional condition is recommended that the outside beer garden is not used beyond 10pm on any day, to align with the outdoor use hours for the Peregian Beach Hotel, Coolum Bowls Club and other venues.

Land Use and Works Provisions

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

- Code for Town and Village Centres;
- Code for Transport, Traffic and Parking;
- Design Code for Community Safety and Security;
- Code for Landscaping Design;
- Operational Works Code;
- Code for Integrated Water Management; and
- Code for Waste Management in Commercial and Community Uses.

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

Code	Discussion
Code for Town and Village Centres	<p>The majority of this Code contains building design requirements for commercial development with a clear focus on achieving shopping centre design that is attractive, comfortable, safe and engaging with the community and the public realm. The main issues of the Code are discussed below:</p> <p><u><i>Element (1) Scale and Layout of Premises</i></u> Acceptable Measure A1.1 states that development over 1000m² must be located in either a Town Centre Core or Town Centre Frame Precinct. The acceptability of the proposed 1250m² Dan Murphy’s store is discussed earlier in this report.</p> <p><u><i>Element (2) Relationship of Buildings to Public Spaces</i></u></p>

Code	Discussion
	<p>Performance Criteria 1 requires that buildings clearly define, frame and enclose streets and public spaces. The development generally complies with the Acceptable Measure that at least 70% of the buildings must have no setback, or setbacks that are not greater than 3m. The Dan Murphy’s building has been deliberately set back a little further than 3m (4m to Margaret Street and 6m to David Low Way) to assist with softening the built form and providing space for landscaping and public congregating.</p> <p>Acceptable Measure 1.2 requires that car parking and service vehicle areas are hidden behind or under buildings and do not dominate the streetscape. The proposal would, for the most part, conceal its carpark behind the tavern and Dan Murphy’s building. Landscaping would assist where glimpses of the carpark would be visible between the buildings.</p> <p>Acceptable Measure 2 requires the development to present a minimum of 65% of its building facades as transparent glazed windows and doors to the street frontage rather than blank walls (for example). The proposed tavern building easily complies with this requirement, but the Dan Murphy’s building does not. Less than half of Dan Murphy’s David Low Way elevation would be glazed, and no glazing at all would be present on the Margaret Street elevation. While this is an undesirable aspect of the site design, it could be accepted in this instance for the reasons given earlier about the absence of shopfronts on Margaret Street not being fatal to the design. Through proposed building treatments, articulation and mounded landscaping, the applicant has demonstrated that the rear wall can be satisfactorily softened, even if it would still be an inferior outcome to shopfronts. It must be noted too that a technical argument could be made that the development, as a whole, satisfies the 65% requirement because so much of the tavern facade would be open or glazed.</p> <p>Performance Criteria 3 requires suitable shelter coverage in and around buildings and to semi-public areas. The awning and shelter plan submitted shows almost full pavement coverage of the tavern’s frontage to David Low Way, with cut-outs included at appropriate locations to provide for street trees and visual articulation. A stand alone shelter structure and large feature trees are proposed for the civic open space area at the northern end of the site adjacent Dan Murphy’s. The degree of proposed shelter structures is considered to comply with the Code requirements.</p> <p><u><i>Element (3) Distinctive and Legible Centres</i></u> Performance Criteria 1-3 require site layout and building design that ensures that buildings have a visual prominence on corners and gateways, and address street corners and public open space. The proposal meets these requirements in the way the tavern building wraps around the corner of Birtwill Street and David Low Way. The proposed public art, green wall and large feature trees (Norfolk Pines) at the northern end of the site would assist in making the Margaret Street corner a distinctive landmark also.</p>

Code	Discussion
	<p><u>Element (4) Form and Design of Buildings</u></p> <p>The development complies with the maximum building height requirement of 3 storeys and 12 metres. Two signage towers are proposed as extensions to the single storey building form, with both being limited to 12 metres. Acceptable Measure 4 requires buildings to have a high degree of texture and articulation through use of wide colonnades, verandahs, awnings, balconies, eaves, recesses, screens and awnings. Again, the tavern building easily complies with this requirement whereas the Dan Murphy's building incorporates some elements that go toward compliance.</p> <p><u>Element (5) Landscaping</u></p> <p>Performance Criteria 1-5 contain requirements in relation to landscaping of public and semi-public areas. The application exceeds the requirement to landscape at least 10% of the site and provide shading to parking bays and footpaths. The overall degree of landscaping proposed, which includes retention of the existing mature trees adjacent to the boundary with Coles, is considered to be a positive aspect of the site design.</p> <p>The proposal provides full width pavement of street verges for pedestrian traffic (with landscaping cut-outs incorporated) together with street furniture (such as bench seats, shelter structures and bicycle racks) and works of public art. It is recommended that suitable conditions are imposed to ensure all landscape matters are properly assessed with the subsequent Operational Works application.</p> <p><u>Element (6) Environmental and Amenity Impacts</u></p> <p>Standard conditions are recommended to ensure visual, noise and odour impacts are reduced by the screening of refuse storage areas and mechanical plant and equipment. In particular, an acoustic barrier is recommended along the boundary of the adjoining residence on Margaret Street.</p>
Code for Transport, Traffic and Parking	<p><u>Element (2) Road and Street Network</u></p> <p>The provisions of Element (2) require identification of potential impacts on the external street network and upgrades of that network where necessary to accommodate the development.</p> <p>The applicant submitted a Traffic Impact Assessment which reviewed the performance of all existing intersections in the vicinity of the site and modelled post development scenarios to cater for the anticipated increase of traffic to the local area network.</p> <p>The report found that only the David Low Way/Margaret Street intersection requires upgrading to provide a new right hand turning lane into Margaret Street. Assessment of that intersection is the responsibility of the Department of Transport & Main Roads. Council's traffic and transport engineer agrees that no other intersections require upgrade for the development, including those on Sunrise Avenue.</p>

Code	Discussion
	<p><u>Element (7) Car Parking</u></p> <p>The proposed 161 parking spaces falls well short of the 334 spaces required for technical compliance with the Acceptable Measure of the Code, which is based on gross floor area rates. The majority of the requirement is attributable to the hotel (271 spaces), which has a high rate of 1 space per 7m² (being the highest rate of any land use in the planning scheme). While the Acceptable Measure provides gross floor area rates as a means of calculating notional compliance, the associated Performance Criteria (which is the true test of compliance) simply states:</p> <p style="text-align: center;"><i>“On-site car parking areas are provided with adequate capacity to accommodate design peak parking demands.”</i></p> <p>The applicant submitted a car parking analysis arguing that the Maroochy Plan 2000 hotel rates are over twice that of other South East Queensland planning schemes, and that the proposed 159 parking spaces (now 161) is comparable to the many other successfully operating Dan Murphy’s plus tavern developments around South East Queensland.</p> <p>Given the historical parking issues associated with Coolum Beach, a cautious approach was taken to the assessment, with an external traffic expert commissioned to assess the proposed parking provision. Council’s expert concluded that even with the originally proposed larger Dan Murphy’s store (1,450m²), the then proposed 159 parking spaces would have been sufficient to ensure that overflow parking would not be generated on a regular basis. The expert states the carpark would not be full for more than 10 hours per year (likely to be during school holidays), which is better than the normal design standard.</p> <p>The currently proposed 161 spaces and reduction in store size to 1,250m² makes the parking solution even more acceptable.</p> <p>In providing his opinion, Council’s expert opines that the 1 per 7m² rate for a hotel is “substantially excessive”. In this regard, it is noted the recently exhibited draft Sunshine Coast Planning Scheme has more than halved the hotel rate to 1 per 15m², and the development would be much closer to compliant with the Acceptable Outcomes of the draft planning scheme (189 bays would be required by the draft planning scheme).</p> <p>It should be noted that in December 2012 the applicant increased their parking provision to 191 spaces in response to submitter concerns about a lack of parking. However, that redesign came at the expense of desirable landscaping outcomes, including the spacious pedestrian connection to the Coles site. With Council’s expert having accepted the original parking provision, the applicant was advised that officers would not support the inferior landscape outcome for the sake of additional parking.</p>

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport and Main Roads

The department is a concurrence agency for State controlled road matters (David Low Way). The department has imposed 6 conditions, which include requirements to close the existing access points on David Low Way, undertake modifications to on-street parking in Birtwill Street, and upgrade the David Low Way/Margaret Street intersection.

Advice

Department of Environment and Heritage Protection

The department is an advice agency for referable wetlands. The department responded by letter dated 13 July 2012 with general advice about ensuring water quality leaving the development site is maintained. The advice is very generic in nature and not tailored to the specifics of the location or development. In this case, the mapped wetland is located on the eastern side of David Low Way, approximately 100 metres north-east of the site and, importantly, has since been removed as a mapped wetland triggering referral. Standard conditions requiring treatment of onsite stormwater flows would ensure the wetland is not impacted by the development.

Department of Natural Resources and Mines

The department is an advice agency for acid sulfate soils, and was initially triggered when the originally proposed design involved a basement carpark. The most recent department response is by letter dated 14 August 2012 recommending that potential acid sulphate soils are managed in accordance with the earlier acid sulfate soils report submitted by the applicant. Council's hydrology specialist advises that an acid sulfate management plan is not required now that the basement carpark aspect of the development has been removed. Conditions may be applied in a later Operational Works approval to deal with the peripheral/surface level excavation works.

Other Referrals

Unitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

Internal Referrals

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

- Development Engineer, Engineering & Environment Assessment Branch;

- Hydraulics and Water Quality Specialist, Engineering & Environment Assessment Branch;
- Landscape Officer, Engineering & Environment Assessment Branch;
- Environment Officer, Engineering & Environment Assessment Branch;
- Urban Designer, Planning Assessment Branch;
- Traffic Engineering, Engineering & Environment Assessment Branch;
- Planning Coordinator, Strategic Land Use Planning Branch;
- Place Coordinator, Transport & Engineering Services Branch; and
- Project Coordinator, Transport & Engineering Services Branch.

Economic Implications

The application was also forwarded to Economic Development Branch for comment. The following response was provided:

The Economic Development Branch concurs with the applicant's economic need and impact assessments and subsequent peer review that the proposed development satisfies an economic and community need and does not represent an unacceptable economic impact upon the surrounding retail network and broader activity centre hierarchy. The development will thus deliver a product which provides diversification and expansion within the retail sector of the designated market catchment, additional capital investment as well as associated employment opportunities during its construction and operational stages.

Public Notification

The application was publicly notified on 2 separate occasions for a minimum period of 30 business days in accordance with the *Sustainable Planning Act 2009*. A total of 107 submissions were received during the first period, and 237 during the second. Of the 237 received during the more recent notification period, 212 were properly made and 25 not properly made.

Of the 212 properly made submissions, only 12 were independently prepared by individual submitters, with the balance taking the form of signatures on proforma letters pre-prepared by Development Watch Inc, and the Coolum Residents' Association. Approximately 115 of those proforma submissions were not from residents of the Coolum/Peregian/Yaroomba area.

Some of the notable independent submissions include those from other commercial hotel operators, Development Watch Inc, the Coolum Residents' Association and the adjoining residents on Margaret Street located between the subject site and the Coles site.

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

Issues	Comments
The proposal exceeds the 1,000m ² requirement in the planning scheme and is therefore inconsistent with the preferred scale of development for Coolum.	As explained in this report, the purpose of the 1,000m ² requirement is to do with protecting the role and function of the Coolum Village Centre, and also with enabling a fine-grained pattern of development with limited building mass. The proposed 1,250m ² Dan Murphy's store size could be accepted in this instance for the reasons

Issues	Comments
	<p>explained in this report, namely that it would not change the role and function of Coolum and there are positive design aspects that overcome any perceived issue with building mass.</p> <p>The proposed 1,250m² Dan Murphy's store size is not considered a significant departure from the 1,000m² requirement in the context of the large site area and the existing extent of development in Coolum.</p>
<p>Insufficient parking is proposed for the development.</p>	<p>As discussed in this report, a Council-engaged external traffic expert has determined that sufficient parking has been proposed to accommodate the use. The 1 space per 7m² GFA parking rate in the current planning scheme for hotels has been described as "substantially excessive".</p>
<p>The development will cause undesirable traffic impacts to the local road network.</p>	<p>Council's traffic and transport engineer has accepted the traffic modelling provided by the applicant which concludes that no intersections other than David Low Way/Margaret Street require upgrading to accommodate the use.</p>
<p>The location of the Birtwill Street access is too close to the existing access for the Coles site and will cause driver confusion.</p>	<p>Council's civil engineer has assessed all site carparking and access arrangements and confirmed them to be safe, functional and complying with Australian Standards. The Coles site driveway is an exit only, which improves the traffic safety and functionality at this junction point.</p>
<p>The location of the Margaret Street access is too close to the adjoining residence and will have amenity impacts. Access should be taken from David Low Way instead.</p>	<p>The Department of Transport & Main Roads would not accept access from David Low Way, and an access point from both Margaret Street and Birtwill Street is desired to assist with traffic circulation. The proposed Margaret Street access point is separated from the adjoining property by approximately 5 metres landscaping, which is more than acceptable for commercial zoned land. Noise impacts would be mitigated by acoustic fencing along the boundary.</p>
<p>There is no need for a bulk liquor store in Coolum. It will put the existing local bottle shops out of business.</p>	<p>As explained in this report, the likely impacts on other retailers has limited relevance as a planning issue in this case given the site's zoning within the village centre. Notwithstanding,</p>

Issues	Comments
	Council's economic expert does not consider the development would put existing operators out of business. All existing bottle shops in Coolum are operated by commercial hotels (as required by Queensland's liquor laws), and those commercial hotels are likely to remain viable even if one or two of the bottle shops need to relocate to do so.
The proposal will impact on the Retail and Commercial Hierarchy under the Maroochy Plan.	As explained in this report, the proposed Dan Murphy's store is not of a scale or type to threaten higher order centres such as Maroochydoore. The development would not cause a change to the role and function of the Coolum Village Centre.
The development will attract trade from beyond the immediate catchment area of Coolum and therefore conflicts with the planning scheme requirements.	It is agreed the development would have a wider trade catchment than the immediate Coolum area. However, a more complying 1000m ² store would also serve a catchment beyond Coolum. Council's economic expert advises the Dan Murphy's catchment area would not be any greater than the current catchment served by the existing Coles and Woolworths supermarkets, and when combined with the fact that liquor is a lower order consumer good being a commonly purchased convenience item, the development would not change the existing role and function of the Coolum Village Centre.
A discount liquor retailer will lead to social problems such as binge drinking.	This is not an issue regulated through a local planning scheme.
The location of the proposed liquor store in close proximity to existing bottle shops could lead to social problems such as alcohol-related violence.	This is not an issue regulated through a local planning scheme.
The proposed operating hours to 3am is not complementary to a small-scale casual beach village, and would likely impact on the surrounding area by increased noise nuisance and disorderly conduct.	It is agreed early morning operating hours is not consistent with the desired character of Coolum. It is recommended that operating hours are limited to 12am, with the exception of Friday and Saturday which may continue to operate until 2am as per the current liquor licence for the premises.
The proposed gaming area (poker machines) should be located in a designated area and not able to be seen or heard by other hotel users.	This is not an issue regulated through a local planning scheme.

Issues	Comments
<p>The proposed bulk and massing of the Dan Murphy's store is a poor design and does not enhance the desired character of Coolum for small scale shops and active street frontages.</p>	<p>It is agreed the proposed Dan Murphy's store would not deliver street level shopfronts as desired by the planning scheme. However, for the reasons explained earlier in this report, the alternative site design could be accepted in this instance. The majority of David Low Way would be activated by the tavern design, and the setting back of the Dan Murphy's store allows for civic open space, which is also desired by the planning scheme. Given the location at the northern end of the Village Centre precinct, the Dan Murphy's store would not create a missing link in the continuity of retail shopfronts along David Low Way.</p>
<p>The proposed building setbacks for the tavern don't comply with the Coolum Village Centre Landscape Master Plan.</p>	<p>The Code for Town and Village Centres requires that 70% of the development has <u>no</u> setbacks, or setbacks that don't exceed 3m. The intent of the Code is for streets to be "framed" and enclosed by development. An open civic area as desired by the Coolum Village Centre Landscape Master Plan would be provided on this site between the proposed tavern and Dan Murphy's store.</p>
<p>The proposed acoustic fence to the adjoining residence on Margaret Street will block sunlight and airflow to that property. Louvres should be built into the fence to allow airflow</p>	<p>The need for acoustic fencing on the site boundary is brought about by the commercial zoning of the land and the operational requirements of the development. It is recommended that perspex panels are incorporated into the fence design to allow sunlight. Louvres for airflow are considered undesirable given their need for ongoing maintenance and the reduction that would be had in acoustic performance. Instead, it is recommended the acoustic fence be required to taper in height from the Margaret Street frontage to improve access to breezes for the residents.</p>

DRAFT SUNSHINE COAST PLANNING SCHEME

The subject site is zoned District Centre and located within the Coolum Local Plan of the draft Sunshine Coast Planning Scheme.

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

- Acid Sulfate Soils;
- Height of Buildings and Structures (12m height limit); and
- Scenic Amenity (scenic route).

The following key matters are noted about the draft planning scheme:

- despite the size of the Dan Murphy's store, it would be defined as a shop and not a shopping complex because it is only one store and not an integrated development involving multiple tenancies;
- both a hotel and a shop are identified as consistent uses in District Centres;
- in District Centres, higher order shopping facilities are not intended to be established. The examples given of higher order shopping facilities are a department store (e.g. Myer or David Jones) or a discount department store (e.g. Kmart, Big W, Target);
- new shopping centres in District Centres are to have a maximum gross leasable floor area in the order of 5,000m² (not 1,000m² as per the current planning scheme);
- the local provisions for Coolum state that development must provide for "small to medium scale uses" that provide a "wide range of goods and services", but also states that development does not provide for additional "large floor plate retail uses"; and
- the local provisions for Coolum state that the Birtwill Street area is to be the main convenience shopping area.

CONCLUSION

As detailed throughout this report, the proposed development can be justified against the Maroochy Plan 2000 zoning and design provisions and can, subject to conditions, sufficiently comply with all Maroochy Plan codes.

While elements of the proposal such as the Dan Murphy's building form do not entirely conform to planning scheme requirements, the overall design concept for the site has considerable merit and would deliver a positive development outcome for the enjoyment of residents, tourists and the wider community.

The proposal is recommended for approval subject to conditions, including conditions that would limit the closing hours of the tavern to 12am Sunday-Thursday, and 2am Friday and Saturday.

APPENDIX A - CONDITIONS OF APPROVAL**APPLICATION DETAILS**

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

DECISION DETAILS

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

RELEVANT PERIOD OF APPROVAL

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

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

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

Approved Plans

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

Nature and Extent of Approved Use

3. Except on New Years Eve, the approved hotel use must not operate outside the hours of:
 - (a) 7am to 12am Sunday to Thursday
 - (b) 7am to 2am Friday and Saturday.
4. All outdoor use areas associated with the approved hotel with the exception of the Designated Outdoor Smoking Areas (DOSAs) must not be used after 10pm on any day (except on New Years Eve).
5. The approved shopping complex use (Dan Murphy's store) must not operate outside the hours of 7am to 9pm on any day.

6. Service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Saturday and not at all on Sundays or public holidays.
7. The approved shopping complex use (Dan Murphy's store) must not be used for any purpose other than a shop as defined in the planning scheme.
8. The area marked "kiosk" on the Approved Plans, and/or the adjacent open space (where within the site boundaries), must be made available for use by not-for-profit and other community groups for fundraising and other civic purposes.

Patron Dispersal

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

Building Height

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

Staging of Construction

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

Land Amalgamation

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

Sunset Clause for Completion of Approved Development

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

URBAN DESIGN

Building Appearance

14. The applicant must construct the approved buildings such that their external appearance to the David Low Way, Margaret Street and Birtwill Street frontages is generally in accordance with the Approved Plans. The buildings must be constructed to include all awnings, clear glazing, openings, cladding, materials and façade work as per the Approved Plans.

15. Shopfront glazing on the David Low Way frontage of the Dan Murphy's building must be fully transparent and provided to a minimum of 65% of that portion of the wall not covered by the "Green Wall" planting. Internal walls and shelving must not be erected within 1 metre of the glazing so views are retained from the street into the retail space, unless otherwise agreed to in writing by council.
16. All finishes and materials on the street frontage must be in accordance with Council's Coolum Masterplan and must compliment the works completed to the south of the development.
17. Any rooftop mechanical equipment and other service infrastructure located on the proposed buildings must be fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.

Weather Protection

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

Public Art

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

Street Furniture

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

Public Safety

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

ENGINEERING**External Works**

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

a group of two and a group of three, must be provided. Parking bays should be 6.2 metres along, with 1 in 1 kerb tapers at the ends of each group. At the location of the indented parking bays and the proposed driveway, the alignment of the face of kerb should be 4.3 metres from the property boundary. Elsewhere the alignment of the face of kerb should be 6.8 metres from the property boundary

- (b) construction of a fully paved and landscaped verge in accordance with the conditions of this Decision Notice
- (c) installation of street lighting.

Site Access and Driveways

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

Car Parking

32. A minimum of 161 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a temporary car park containing a minimum of 76 car parking spaces for the existing tavern to be constructed prior to commencement of construction of Stage 1 of the development. The temporary car park is to remain available for patrons of the tavern until such time as Stage 1 is complete and the existing tavern building is demolished.

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

Service Vehicles

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

Pedestrian and Bicycle Facilities

36. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a concrete footpath within the road verge for the entire length of the site's frontage to Birtwill Street as part of Stage 1 of the development, having a design generally as shown on the Approved Plans and a minimum dimension of no less than 2 metres at any point.
 - (b) a concrete footpath within the road verge for the entire length of the site's frontage to Margaret Street as part of Stage 3 of the development, having a design generally as shown on the Approved Plans and a minimum dimension of no less than 2 metres at any point.
 - (c) a fully paved and landscaped verge within the road verge for the entire length of the Stage 1 frontage to David Low Way generally in accordance with the Coolum Village Master Plan current at the time of the relevant Operational Works application as part of Stage 1 of the development.
 - (d) a fully paved and landscaped verge within the road verge for the remaining length of the site's frontage to David Low Way generally in accordance with

- the Coolum Village Master Plan current at the time of the relevant Operational Works application as part of Stage 3 of the development.
- (e) a minimum 1.5 metre wide concrete footpath from Margaret Street along the western and southern sides of the Dan Murphy's store to the building entrance as part of Stage 3 of the development.
 - (f) a minimum 1.5 metre wide concrete footpath from David Low Way to the entry of the Dan Murphy's store as part of Stage 3 of the development.
 - (g) a minimum 2.0 metre wide concrete footpath from David Low Way through the car park to the existing pedestrian path on Lot 1 on SP246931 as part of Stage 3 of the development.
 - (h) pedestrian pathways between the proposed car parking area and the buildings (including the temporary car park).
 - (i) adequate separation of all specific pedestrian routes from vehicle access and manoeuvring areas, and clear demarcation by pavement marking, signposts or changes in surface materials or levels
 - (j) signage and lighting at strategic locations to direct people to building entries and public toilet facilities
 - (k) pedestrian refuge areas at strategic locations within the carpark to ensure safe and convenient congregating of pedestrians waiting to cross major access driveways
 - (l) a total of 22 class 1 bicycle parking spaces
 - (m) a total of 17 class 3 bicycle parking spaces

Pedestrian Connection to Adjoining Property

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

Land Dedication

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

Electricity and Telecommunication Services

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

Easements

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

Damage to Services and Assets

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

HYDRAULICS & WATER QUALITY**Stormwater Drainage**

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

Stormwater Quality Management

45. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland*, and must include in particular:
 - (a) stormwater quality treatment devices including rainwater storage tanks of a size and location in accordance with those shown on the Stormwater Drainage Layout and Details plans contained within the Stormwater Management Plan listed in this Decision Notice.
 - (b) bioretention devices which:
 - (i) are designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001
 - (ii) incorporate a coarse sediment forebay (in addition to the required filter media surface area), which is sized in accordance with the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* and designed generally in accordance with IPWEQA Standard Drawing No. WSUD-005
 - (iii) are provided with a high flow bypass to ensure that flows which exceed the treatment capacity of the device are bypassed in order to avoid damaging of the filter media or subjecting the filter media to excessive sediment loads.

46. All stormwater quality treatment devices must be maintained in accordance with the *Water by Design (2009) Maintaining Vegetated Stormwater Assets (Version 1)*. The approved Operational Works drawings for the stormwater quality treatment system and detailed life cycle costing of the system must be attached as an addendum to this document. Records of all maintenance activities undertaken must be kept and made available to Council upon request.
47. Permanent educational signage* must be erected to educate the staff and visitors to the development about the function of the bioretention device(s). The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval.
*(Refer to Advisory Note)

Bioretention Basin Vegetation

48. Landscape plans to be provided with an operational works (landscaping) must include a mixture of at least five (5) of the following species for planting in the bioretention basins treatment surface at a minimum density of 8 plants/m² (higher density is preferred for faster establishment):
Carex appressa
Carex fascicularis
Ficinia nodosa
Juncus usitatis
Lomandra longifolia
Ghania sieberiana
49. Landscape plans to be provided with an operational works (landscaping) must include a mixture of following species for planting in the bioretention basin batters at a suitable density and ensuring the species that are taller and/ or have longer denser leaf growth are planted towards the top of the batter (eg *Lomandra* and *Ghania*) to minimise shading to the treatment area.
Carex appressa
Carex fascicularis
Ficinia nodosa
Juncus usitatis
Lomandra longifolia
Ghania sieberiana
Banksia robur
Dianella brevipedunculata
Themada triandra
Cymbopogon refractus
Melaleuca thymifolia
50. Where landscaping/garden beds are proposed adjacent to the bioretention basin, a 900 millimetre deep root barrier must be installed to the interface between the landscape/garden area and the bioretention basin.
51. Trees must not be planted in or on the batters of bioretention basins to prevent loss of treatment area, damage to related components such as subsurface drainage and ongoing maintenance issues unless otherwise directed by a representative of Council's Hydraulics and Water Quality Unit

LANDSCAPE & ECOLOGY

Landscaping Works

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

Treatment of Temporarily Vacant Land

55. Where some or all of the land remains vacant or undeveloped for more than 3 months, or buildings are demolished and redevelopment is delayed for more than 3 months, the following works must be carried out:
- (a) the site must be cleared of all rubble, debris and demolition materials
 - (b) the site must be graded (to the same level as the adjoining footpath wherever practicable), turfed and mown at a minimum 3 weekly intervals
 - (c) drainage must be provided to prevent ponding
 - (d) the site must be maintained so there is no sediment run-off onto adjacent premises, roads or footpaths
 - (e) the site must be maintained to ensure no nuisance to adjacent premises, roads or footpaths
 - (f) public access must be provided where public safety can be maintained
 - (g) where fencing is installed to secure boundaries:
 - (i) the fencing must be durable and not capable of being pushed or blown over
 - (ii) the fencing type must not detract from local amenity (barbed wire is not acceptable)
 - (iii) vandalism must be promptly repaired and any graffiti removed.

Retention of Existing Trees

56. Existing trees on the site as nominated on the approved landscape concept plans (as amended) must be retained in accordance with an Arborist Report for the

development prepared by a qualified person* and referenced in a Development Permit for Operational Works.

*(Refer to Advisory Note)

57. Prior to the prestart meeting, a bank guarantee or a bond of \$10,000 must be lodged as security for the protection of the trees identified for retention in the conditions of this approval. The bond:
- (a) may be drawn upon by Council in its entirety if any one tree identified for retention is damaged to the point where the tree cannot be saved (as confirmed by the project arborist and agreed in writing by Council)
 - (b) will be returned upon successful off maintenance associated with the operational works relating to this development

Fauna Management

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

ENVIRONMENTAL HEALTH

Acoustic Amenity

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

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

Waste Management

66. Refuse storage, removal and collection facilities must be provided within the loading dock area for the Dan Murphy's store in accordance with the Approved Plans, and the following:
- (a) Provision of separate bins for general and recyclable waste.
 - (b) General and recyclable waste collection by service vehicles from within the site only, and not from the kerbside.
 - (c) For wheelie bins: The provision of a hardstand impervious area for the permanent storage location of the bins, having minimum dimensions of 0.36 m² (600mm x 600mm) per bin
 - (d) For bulk bins: The provision of a communal hardstand impervious area for the permanent storage location and service collection of all bulk bins, having minimum dimensions of 1.5 m² (1100mm x 1300mm) per bin.
 - (e) The provision of a minimum 1.5m high purpose built enclosure to the communal bin store, which is screened from the street and adjoining properties by landscaping.
 - (f) The provision of a wash-down area in the vicinity of the permanent storage location fitted with a hose-cock and a drain connected to the sewer that has a stormwater catchment area of no more than 1m².

Outdoor Lighting Devices

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

UNITYWATER

68. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (e.g. valves, fire hydrants and sewer access chambers).
69. The fire-fighting demand on Unitywater’s water supply system from the development must not exceed 30 litres per second.
70. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
71. Water meters must be located on alternative boundaries to electrical pillars.
72. Diversion of the existing 225mm diameter sewer located within the development site.
73. Removal of or grout filling of redundant sewers within the development site.
74. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep. Easements must be located centrally over the main.
75. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings.
76. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
77. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.
78. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

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

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
1149-A00.01	P19	<i>Site Plan</i> , prepared by CAYAS Architects	16/01/13
1149-A00.02	P6	<i>Staging Plans</i> , prepared by CAYAS Architects	09/01/13
1149-A10.01	P9	<i>Ground Floor Plan – Hotel</i> , prepared by CAYAS Architects	09/01/13
1149-A10.02	P11	<i>Ground Floor Plan – Dan Murphy’s</i> , prepared by CAYAS Architects	16/01/13
1149-A10.03	P8	<i>First Floor Plan and Roof Plan – Hotel</i> , prepared by CAYAS Architects	09/01/13
1149-A10.04	P10	<i>Roof Plan – Dan Murphy’s</i> , prepared by CAYAS Architects	16/01/13
1149-A10.20	P5	<i>Roofs, Awnings and Shelters Floor Plan</i> , prepared by CAYAS Architects	16/01/13
1149-A20.01	P8	<i>Elevations and Sections</i> , prepared by CAYAS Architects	09/01/13
1149-A20.02	P10	<i>Elevations and Sections</i> , prepared by CAYAS Architects	16/01/13

		Architects	
9286 SK01		<i>David Low Way – Coolum – Birtwill Street Land Requirement</i> , prepared by Sunshine Coast Regional Council	May 2011

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

Plans Requiring Amendment

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

REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

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

ADVISORY NOTES

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

PLANNING

Development Compliance Inspection

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

Resubmission of Amended Plans Required

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

Infrastructure Charges

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

Reciprocal Access Easements

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

Equitable Access and Facilities

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

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

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission "Advisory Notes on Access to Premises" and AS 1428.2;
- (b) applicants should be aware that a "Disability Standard on Access to premises" is currently being developed and most likely will impose changes on the Building Code of Australia; and

- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

Aboriginal Cultural Heritage Act 2003

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

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

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

URBAN DESIGN

Preparation of a Public Art Master Plan

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

Qualified Person

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

ENGINEERING

Building and Construction Industry (Portable Long Service Leave) Levy

9. From 1 January 2000, the Building and Construction Industry (Portable Long Service Leave) Levy must be paid prior to the issue of a development permit where one is required for the 'Building and Construction Industry'. This applies to Building Works,

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

Preparation of Operational Works Application

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

Co-ordination of Operational Works Assessment

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

Preparation of a Preliminary Construction Management Plan

12. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
 - (a) provisions that ensure the proposed construction does not unduly impact on the surrounding area and ensure the site is safe for members of the public, implementing appropriate traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and making provision for safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased.
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
 - (c) works programme identifying key components of the works and their respective durations
 - (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues
 - (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
 - (f) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor

employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

Integrated Water Management Guidelines

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

External Works Design

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

HYDRAULICS AND WATER QUALITY

Bioretention Basin Educational Signage

15. Suggested wording for the permanent educational signage required by this Decision Notice is as follows:

"BIORETENTION BASIN - This bioretention basin reduces the pollution of our waterways by reducing the amount of heavy metals, litter, suspended solids, and nutrients discharged to (insert name of receiving waters)

Integrated Water Management Guidelines

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

Lawful Point of Discharge

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

LANDSCAPE & ECOLOGY

Preparation of a Landscape Plan

18. All landscape works required by this approval must be demonstrated on a detailed Landscape Plan submitted to Council for Operational Works approval. The detailed Landscape Plan must:
- (a) be prepared by a qualified person and submitted in A3 size (3 x hardcopies)
 - (b) be of a scale suitable for clear interpretation at A3 size
 - (c) include accurate depiction of trees to be retained and protected in relation to the proposed development

- (d) show all existing and proposed services including overhead power, drainage, water and sewerage
- (e) include important spot levels and/or contours
- (f) include contextual information of the site including adjoining roads, land uses and photographs of site
- (g) show the extent and type of works, including hard surfaces, landscape structures, podium planters, signage, amenity lighting, fencing, edging, plantings and turf
- (h) include a plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting
- (i) show landscape works for the full frontage of the development site
- (j) include a north point, scale and legend as well as the name, contact details and qualifications of the landscape consultant who prepared the plan.

Qualified Person

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

ENVIRONMENTAL HEALTH

Qualified Person

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

UNITYWATER

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

25. A Trade Waste permit is required prior to any stormwater, groundwater or sump pump discharge into Unitywater's sewerage system.

PROPERTY NOTES

Not Applicable.

PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

SELF ASSESSABLE CODES

For any self assessable advertising signage:

- Code for the Siting and Design of Advertisements

SUBMISSIONS

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

REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

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

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

RIGHTS OF APPEAL

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

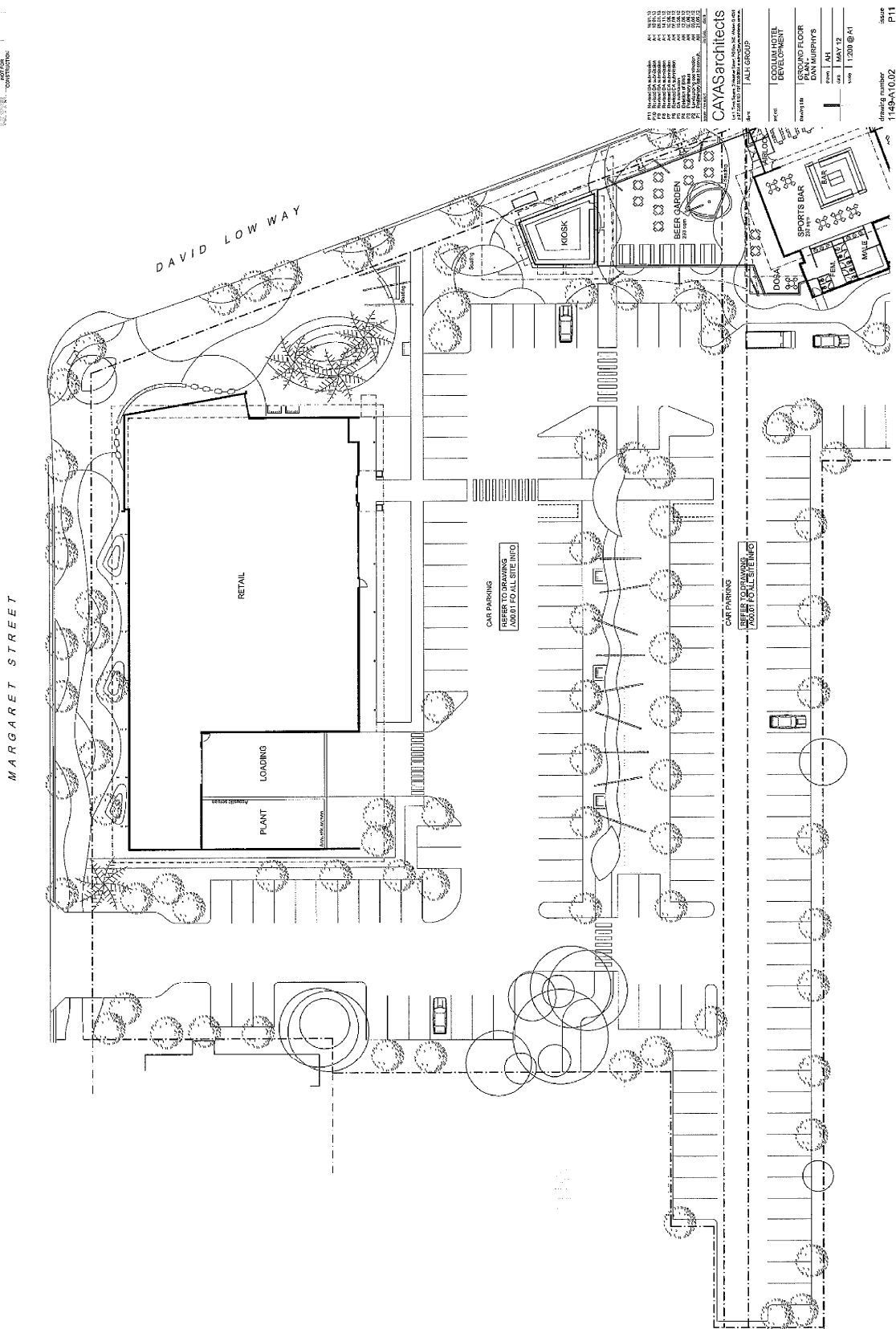
During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about the conditions contained within the development approval. If Council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one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

OTHER DETAILS

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

Item 7.1.1 Development Application for Material Change of Use for Hotel and Shopping Complex - David Low Way, Margaret Street and Birtwill Street, Coolum Beach
Attachment 1 Proposal Plans

DA SUBMISSION
DRAWING NO. 1149-A10.02



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

File No: REC12/0044
 Author/Presenter: Senior Development Planner
 Regional Strategy & Planning Department
 Appendices: App A - Conditions of Approval (Pg 69)
 Attachments: Att 1 - Proposal Plan (Pg 80)

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1170917>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Alan Holliday Pty Ltd
Proposal:	<ul style="list-style-type: none"> • Development Permit to Reconfigure a Lot (1 Lot into 5) • Preliminary Approval Overriding the Planning Scheme for Material Change of Use of Premises (Dual Occupancy) to change the level of assessment from impact to self assessable
Properly Made Date:	26/04/2012
Information Request Date:	02/05/2012
Info Response Received Date:	03/05/2012
Decision Due Date:	05/10/2012 (The applicant requested that council put the application on hold to allow for the preparation of the required flood assessment)
Number of Submissions:	1 (in support of the application)
PROPERTY DETAILS	
Division:	6
Property Address:	30-32 Toral Drive Buderim
RP Description:	Lot 8 RP 233840 Por 351
Land Area:	5,001m ²
Existing Use of Land:	Single Detached Dwelling
STATUTORY DETAILS	
SEQR Designation:	Urban
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)
Strategic Plan Designation:	Urban
Planning Area / Locality:	3 - Sippy Downs
Planning Precinct / Zone	5- Stringybark Road - Master Planned Community
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit to Reconfigure a Lot (1 lot into 5), and a Preliminary Approval for Material Change of Use of Premises (Dual Occupancy) at 30-32 Toral Drive, Buderim.

The application is before council as the application involves a request for a Preliminary Approval Overriding the Planning Scheme for a Material Change of Use of Premises (Dual Occupancy) to change the level of assessment from impact to self assessable.

EXECUTIVE SUMMARY

The applicant seeks to subdivide an existing large residential site into 5 low density residential sites. On one of the proposed lots (Lot 1 fronting Toral Drive), the applicant is proposing a preliminary approval for a material change of use to reduce the level of assessment for a future dual occupancy to be self assessable (where complying with the acceptable measures of the Code for Dual Occupancies), or code assessable where not complying with this Code. The applicant has applied for a preliminary approval (rather than a full development permit) to allow flexibility in the design of the dual occupancy.

A detailed assessment has been made against the Maroochy Plan 2000 and all aspects of the application were found to comply. Site constraints such as flooding and stormwater drainage have been addressed or can be conditioned to comply with planning scheme requirements. Consideration has also been given to the surrounding approvals and the changing character of this precinct, and it was found that the proposed lot sizes and dual occupancy use is consistent with the existing and intended character of this area.

OFFICER RECOMMENDATION

That Council:

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

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Infrastructure Policy Branch estimates the infrastructure charges required by the subdivision development is \$27,000 per additional lot, or a total of \$108,000.

The estimated infrastructure charges for the Dual Occupancy use is \$27,000. Given that the applicant is proposing the material change of use to be self assessable, these charges would be required to be paid at the building approval stage.

PROPOSAL

The application seeks approval for 2 separate applications:

- a Development Permit for Reconfiguration of a Lot (1 lot into 5); and
- a Preliminary Approval Overriding the Planning Scheme for Material Change of Use of Premises (Dual Occupancy) to change the level of assessment from impact to self assessable.

The application for reconfiguration purposes is for 5 traditional size residential lots between 801m² and 1,273m² in area. The average lot size is 1,000m². All lots provide space for the required 20m x 15m building envelope with complying setbacks. Proposed Lot 2 will contain the existing dwelling, swimming pool and garage. Access for proposed Lots 2-5 is via a 7m wide access easement over Lots 4 and 5. Lot 1 (proposed dual occupancy lot) can obtain access from either the proposed access easement or directly from Toral Drive.

An existing drainage line covered by an easement (Emt H) runs along the southern boundaries of proposed Lots 3, 4 and 5. It is proposed to maintain this area of the site within stormwater easements.

The application also seeks a preliminary approval to vary the level of assessment prescribed in the Maroochy Plan 2000 to make any subsequent application for a dual occupancy on Lot 1 to be:

- self assessable where the development complies with the Code for Development of Dual Occupancies;
- code assessable where the development does not comply with the acceptable measures of the Code for Development of Dual Occupancies; and
- impact assessable where the development exceeds the 8.5m precinct height limit.

SITE DETAILS

Background/Site History

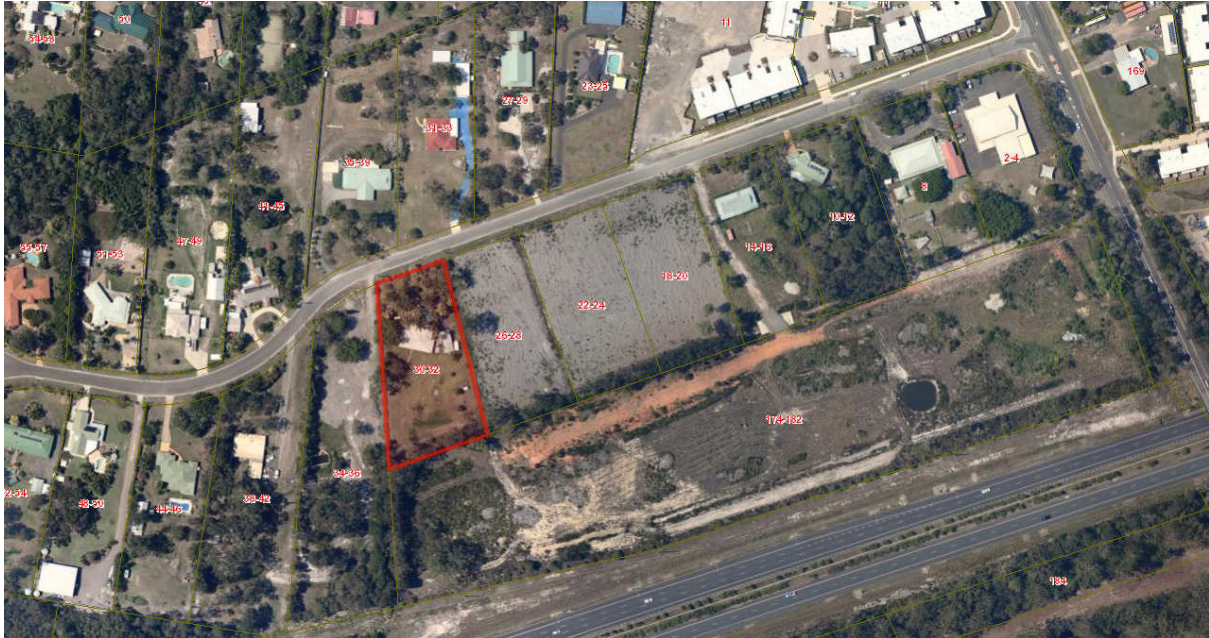
The applicant had previously lodged a development application over this site in April 2011 for an identical development (REC11/0092). This application lapsed as the applicant did not respond to council's information request within the required 6 month timeframe.

Site Description

The 5,001m² site is situated toward the western end of Toral Drive at Buderim. The subject site is flat, regular in shape and currently contains by a single detached dwelling and associated structures. It is proposed that these existing structures will remain within proposed Lot 2. Some vegetation exists on the site but is generally limited to palms and landscaping associated with the dwelling. No significant vegetation remains on the site.

A drainage easement described as Easement H on RP 845242 runs adjacent to the entire length of the southern boundary in an east west direction and is 7m wide. Some regrowth

vegetation exists within this easement comprising light brush and small trees. The drainage channel within the easement sits behind a levy which is higher than the rest of the site (at approximately 20m AHD). The purpose of the drainage channel is for the conveyance of a large upstream catchment approximately 14ha in area (including the Sippy Downs Town Centre). Below is an aerial photo of the site and context.



Surrounding Land Uses

The site sits centrally within a residential community which is undergoing major changes to the low density character, given the Master Planned Community designation of the precinct. Due to the size of the lots in the area and the proximity to the Sippy Downs Town Centre Precinct, the area is undergoing significant transformation towards higher density residential development than currently exists.

The lots to the west of the subject site currently contain large single detached houses. The adjacent allotments to the west of the subject site (Lots 45 and 46 RP854242) have approval for a 17 lot subdivision and dual occupancies within a community title scheme. The lots located immediately to the east of the subject site are vacant but are designated as master planned community. The sites on the opposite side of Toral Drive (to the north) are currently large residential lots, but a number of these sites have been approved for subdivision into low density residential lots (ranging in size from 800m-1,200m²). A number of development applications have been received over lots farther east, closer to Stringybark Road, some of which have already commenced construction for a variety of higher density residential uses. The lots located on the corner of Toral Drive and Stringybark Road (Lot 32 RP207953 and Lot 3 RP865187) are currently being developed for 70 multiple dwelling units. The lot to the south (Lot 29 RP226599) is currently vacant, with approval for 120 multiple dwelling units.

Other notable uses in close proximity to the site include a church and a child care centre that are located on the corner of Stringybark Road and the southern side of Toral Drive (approximately 300m from the site).

On the southern side of the Sunshine Motorway is the Sippy Downs Town Centre, the University of Sunshine Coast and Sienna College. These are all located within walking or riding distance of the subject site.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009*, the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies;
- the South East Queensland Regional Plan;
- State Planning Regulatory Provisions;
- any Structure Plan or Master Plan in place for declared areas;
- any Preliminary Approval Overriding the Planning Scheme for the land;
- the Planning Scheme for the local government area; and
- any Temporary Local Planning Instrument in place for the local government area.

Of these, the statutory planning instruments relevant to this application are discussed in the sections that follow.

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policy is applicable to this application:

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

The applicant has submitted a flood assessment which demonstrates compliance with this State Planning Policy.

South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposal is for a subdivision and a preliminary approval for a dual occupancy within the Urban Footprint. The proposed development is consistent with the Desired Regional Outcomes of the SEQ Regional Plan for the Urban Footprint, which supports higher densities and infill development within urban areas.

Assessment against Planning Scheme

The applicant requests 2 separate approvals:

- a Development Permit for Reconfiguration of a Lot (1 Lot into 5); and
- a Preliminary Approval Overriding the Planning Scheme (Dual Occupancy) to change the level of assessment from impact to self assessable.

The assessment of these applications must be undertaken in the same order as that listed above. This is because the preliminary approval application cannot have any effect unless the proposed lots are approved and subsequently created.

Accordingly, the discussion below provides an assessment of the reconfiguration of a lot application, followed by an assessment of the preliminary approval request.

Reconfiguration of a Lot

Local Area Provisions

The subject site is located within Planning Area 3 – Sippy Downs, Planning Precinct 5 – Stringybark Road West and Master Planned Community Precinct Class.

The Precinct Intent is explicit as to the desired land use outcomes for this Precinct:

Due to the proximity of the southern part of this precinct to the town centre and university, and the future provision of good bus services along Stringybark Road and Crosby Hill Road, it is intended that further new housing and infill development should be allowed in the future to achieve a wider range of dwelling types and densities.

Small lot housing should be allowed at suitably accessible locations and medium-density housing development should be located close to the public transport facilities. Any new development must minimise impacts on surrounding rural residential areas.

The proposal for low density residential development is considered appropriate in terms of location in proximity to centres and public transport. The site is within close proximity to the Sippy Downs Town Centre Core precinct (620m) and public transport facilities (580m to the bus stop on Stringybark Road).

A subdivision creating low density traditional housing is supported by the Precinct Intent and will provide a wider range of dwelling types and densities to that currently experienced in the southern portion of the Precinct. Furthermore, the proposal will create an effective transition between the medium and high density development approved in the eastern part of Toral Drive, compared with the lower density housing that exists at the western end of Toral Drive.

All of the proposed allotments meet the 600m² minimum lot size required for this precinct. With the exception of proposed Lot 1, the proposed lots will accommodate single detached houses. The proposal, therefore, complements the area, providing a low density residential development characterised predominantly by single detached houses. The proposed lot layout and access arrangement will minimise the visual impact of the proposal when viewed from Toral Drive.

Among other things, Detached Houses and Dual Occupancies are identified Preferred and Acceptable Uses, and are consistent with the intent and desired character of the precinct where appropriately located, sited and designed. In light of this, the proposal achieves the Precinct Intent through promoting alternative residential opportunities and densities in the locality, while facilitating a transition in residential densities along Toral Drive.

Structure Plan

The intent for the precinct is for development to occur in accordance with a Local Area Structure Plan or other comprehensive Plan of Development approved by council to ensure

there is a logical and orderly progression of development in the area. To date, there has been no approved master planning of the subject precinct.

Notwithstanding the above, the subject application is a properly made application and, therefore, must be assessed and determined by council. In this respect, it is important to note a number of approvals surrounding this site including:

- a Planning and Environment appeal outcome in relation to a Multiple Dwelling Unit development over land adjoining the southern boundary of the subject site (MCU04/0139). On 19 September 2006, the court allowed an appeal against council's refusal of this application for Multiple Dwelling Units on land at 174-182 Stringybark Road and 14-16 Toral Drive, Buderim. The court allowed the appeal as the multiple dwelling unit development had planning merit and was in close proximity to the town centre, justifying the increase in density. The proposed 120 multiple dwelling unit development was ultimately approved by the court without the existence of a structure plan;
- the site located on the northern corner of Toral Drive and Stringybark Road was approved by council for 70 multiple dwelling units without the existence of a structure plan. This development is currently under construction;
- the site adjoining to the west has been approved by council for a 17 lot subdivision with lot sizes ranging from 600m²-1,214m² (REC10/2039). It is noted that one of these lots also obtained a preliminary approval for a Dual Occupancy (under section 241 of the *Sustainable Planning Act 2009*); and
- the site to the north (on the opposite side of Toral Drive), 35-39 Toral Drive, has also been approved for subdivision (REC09/0114) into 5 low density residential lots.

Accordingly, despite the absence of a structure plan for the area, consideration must be given to the changing nature of the precinct and the desired character for the precinct as per the local area provisions of the Maroochy Plan 2000. Having regard to these surrounding approvals, the proposed subdivision will not compromise the orderly development of surrounding undeveloped sites and is seen as an appropriate form of development given its proximity to the Town Centre and public transport.

Stormwater Management

FLOODING

The applicant has provided a flood assessment specifically in relation to a channel/drain traversing the site which has been assessed by council's hydrology specialist. The assessment is considered acceptable for defining the Q100 flood levels on the basis of the following:

- for the design Q100 case, the flow is entirely contained within the channel where it flows through the subject site and, hence, the proposed lots are flood-free. However, a levee is proposed to achieve the necessary freeboard for top-of-bank above Q100; and
- sensitivity runs were performed for increased roughness values, increased tailwater level and increased flow. All runs returned Q100 water levels which increased by less than the freeboard, meaning there is a high degree of confidence that the lots will remain flood free in Q100 even if conditions become less favourable than assumed in the design case.

Drainage Easement and Access Track

The width of the existing drainage easement incorporates the extent of the drainage channel and there is no opportunity for a maintenance access vehicle to travel adjacent to the channel. This was appropriate for the rural/rural residential situation at the time the channel and easement were created, but is not appropriate for a typical urban residential setting. It is noted that the subdivision will:

- increase the number of dwellings located adjacent to the drain;
- increase the potential for adjoining residents to construct structures/ buildings adjacent to the easement; and
- increase the expectation that the drain/channel be maintained on a regular basis.

As such, it is reasonable that the development also provides the means of managing that increased risk through the provision of an access track whereby council can get access to maintain the channel.

Conditions and a plan amendment (which will require the widening of the existing easement) are recommended to ensure the above stormwater management issues are addressed and compliance is achieved with the code provisions.

Lot Size

The proposed lot sizes comply with the minimum lot size requirements set out in the Code for Reconfiguring Lots. It is noted that, due to the need for a maintenance access and the expansion of the existing drainage easement, the developable area of Lots 3-5 will be reduced (by approximately 80m²). Despite this, the proposed lots will be large enough to accommodate a dwelling and associated infrastructure and are consistent with the desired character of the precinct and previously approved lot sizes on the site adjoining to the west.

Preliminary Approval Overriding the Planning Scheme (Dual Occupancy)

The applicant is proposing to reduce the level of assessment for a future dual occupancy use over Lot 1 as follows:

- self assessable, provided there is compliance with the acceptable measures of the Maroochy Plan 2000 Code for Development and Use of Dual Occupancy; or
- code assessable, where the application does not comply with all of the acceptable solutions of the Code for Development and Use of Dual Occupancy.

An assessment of the proposed dual occupancy land use, based on the current planning scheme, must be undertaken on its merits before the consideration of the request to vary the planning scheme.

It should be noted that the applicant has not submitted proposal plans for a dual occupancy as they are seeking flexibility in design (noting that the proposed Lot 1 could be on-sold). Officers consider this to be reasonable on the basis that the design of the dual occupancy must comply with the design criteria of the Code for Development and Use of Dual Occupancy in order for it to be self assessable. Where a self assessable development does not comply with the self assessable criteria, code assessment applies. This ensures that any variations are captured and considered by council as part of a code assessable application.

Typically, a number of codes would apply to a Dual Occupancy material change of use application. The applicant is seeking that, for the purposes of determining the level of assessment for the material change of use, only the Code for Development Use of Dual Occupancy applies to future dual occupancy proposals on Lot 1. An assessment of the codes that would normally apply to a Dual Occupancy proposal is as follows:

Codes	Assessment
Code for Development and Use of Dual Occupancy	Dual Occupancies are preferred uses in this precinct and given the size, shape and ample road frontage proposed Lot 1 can accommodate a complying dual occupancy and associated infrastructure. As this Code will govern the future design and operation of the use, it should apply to any self assessable dual occupancy proposal on Lot 1.
Code for Integrated Water Management	It has been demonstrated that the site is flood free through the submission of a flood assessment (refer to Stormwater Management section above). As such, this Code is no longer relevant to a future dual occupancy material change of use proposal on Lot 1.
Code for Landscaping Design	The majority of this code deals with detailed design matters which won't impact upon the layout of a duplex. However, Element 9 deals with landscape buffering between proposed hardstand areas and front and side boundaries which may impact on the layout. As such, this section of the code should apply to any self assessable dual occupancy proposal on Lot 1.
Operational Works Code	This code deals with detailed design matters which won't impact upon the layout of a dual occupancy. Furthermore, an assessment against this Code can occur when the development application for operational works is submitted (when proposal plans are available). As such, this Code is not relevant to a future dual occupancy material change of use proposal on Lot 1.
Code for Transport, Traffic and Parking	As parking requirements for dual occupancies are stipulated in this Code, it should be an applicable code for the future material change of use dual occupancy proposal on Lot 1.
Code for Nature Conservation and Biodiversity	This overlay Code has been assessed by the reconfiguration application which is creating the dual occupancy site. This found that there was no significant vegetation on the site. As such, this Code is no longer relevant to a future dual occupancy proposal on Lot 1.
Code for Waterways and Wetlands	This overlay Code has been assessed by the reconfiguration application creating the dual occupancy site. No further assessment is warranted for the proposed dual occupancy use.
Code for Erosion and Sediment Control	This code deals with construction management matters which won't impact upon the layout of a dual occupancy. Furthermore, an assessment against this Code can occur when the development application for operational works is submitted (when proposal plans are available). As such, this Code is not relevant to a future dual occupancy proposal on Lot 1.

Officers are satisfied that, in this instance, the site constraints have been addressed by the reconfiguration of a lot application and that a dual occupancy on Lot 1 can comply with the detailed design codes (noting that any operational works associated with the dual occupancy will still trigger a code assessable application to council). For the purposes of determining self assessment of the material change use, the Code for Development and Use of Dual Occupancy, Code for Landscaping Design and Code for Transport, Traffic and Parking are considered relevant.

Other Matters for Consideration

Draft Sunshine Coast Planning Scheme

The subject site is zoned Rural Residential (within the Rural Residential Growth Management Boundary) and located within the Sippy Downs Local Plan of the draft Sunshine Coast Planning Scheme.

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

- Acid Sulfate Soils;
- Biodiversity, Waterways and Wetlands;
- Bushfire Hazard; and
- Regional Infrastructure (High voltage electricity buffer).

The development conflicts with the draft planning scheme as follows:

- the proposed lot sizes do not comply with the 2ha minimum lot size requirement; and
- dual occupancies are not consistent uses in the Rural Residential Precincts.

To date, the rural residential designation has not recognised the changing character of this precinct (given a number of previous approvals along Toral Drive for low to medium density residential development) and the site's close proximity to services and facilities.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport and Main Roads

The department is a concurrence agency for state-controlled roads. The department responded by letter dated 2 May 2012 stating that conditions must be complied with in respect of the development being undertaken in accordance with an approved Noise Impact Assessment.

Department of Local Government and Planning

The department is a concurrence agency for the preliminary approval overriding the planning scheme under section 242 of *Sustainable Planning Act 2009*. The department provided an early response (before the application was made) in accordance with section 271 of *Sustainable Planning Act 2009* by letter dated 24 April 2012.

The response stated that the department had no requirements, but advised that council should be satisfied that "*only the acceptable measures of the Code for the Development and Use of Dual Occupancy are sufficient for a private certifier to determine compliance with an*

application for a self assessable dual occupancy". The department noted that a number of other codes apply for code assessable dual occupancy applications in accordance with Maroochy Plan 2000 (e.g. Code for Integrated Water Management, Landscape Design, etc.). As stated above, these codes can be satisfied or have been addressed by the reconfiguration of a lot application.

Advice

Department of Environment and Resource Management

The department is an advice agency for wetlands. The department provided an early response (before the application was made) in accordance with section 271 of the *Sustainable Planning Act 2009* by letter dated 20 April 2012.

This letter stated that development should ensure the following outcomes - maintain ecological values of the wetland, maintain wetland water quality and maintain wetland water regime.

It is noted that the mapped wetland on the adjoining site has been recently cleared. The proposed development is a low density residential development within a Master Planned Community Precinct and will have minimal impact on the area previously containing wetland vegetation.

Other Referrals

Unitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

Internal Referrals

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

- Development Engineer, Engineering and Environment Assessment Branch;
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Branch; and
- Environment Officer, Engineering and Environment Assessment Branch.

Public Notification

The application was publicly notified for 30 days in accordance with the requirements of the *Sustainable Planning Act 2009*. One properly made submission was received which supported the proposed development.

CONCLUSION

This application seeks approval for a Development Permit to subdivide 1 lot into 5 lots and Preliminary Approval for Material Change of Use of Premises (Dual Occupancy) in accordance with section 242 of the *Sustainable Planning Act 2009*.

The development is consistent in nature with the desired intent for the area and with previous approvals along Toral Drive. Having regard to the surrounding approvals, the proposed subdivision will not compromise the orderly development of surrounding undeveloped sites, and is seen as an appropriate form of development given its proximity to the Town Centre and public transport. The proposal achieves the Precinct Intent through promoting alternative residential opportunities and densities in the locality, while facilitating a transition in residential densities along Toral Drive.

All site constraints have been addressed by the proposal (particularly flooding) and, as such, it is recommended that the application be approved subject to conditions and a minor modification to the proposal plans (widening of the drainage easement).

CONDITIONS OF APPROVAL**1. APPLICATION DETAILS**

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

2. DECISION DETAILS

The following type of approval has been issued:

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

3. RELEVANT PERIOD OF APPROVAL

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

4. ASSESSMENT MANAGER CONDITIONS**DEVELOPMENT PERMIT TO RECONFIGURE A LOT (1 LOT INTO 5) & ASSOCIATED ACCESS EASEMENTS****PLANNING****When Conditions Must Be Complied With**

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

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*.
*(Refer to Advisory Note)
3. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.

Boundary Encroachments

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

ENGINEERING

External Works

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

Property Access and Driveways

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

Visitor Car Parking

9. A minimum of 2 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:

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

Electricity and Telecommunication Services

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

Easements

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

Earthworks and Retaining Walls

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

Damage to Services and Assets

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

HYDROLOGY

Flood Immunity

19. The existing constructed channel which is located along the southern site boundary within easement is to be augmented as follows:
- (a) A 4.5m wide concrete maintenance access track is to be provided adjacent to the channel for the full length of the property and is to be located above the 1 in 1 yr ARI flood level and must not reduce the existing hydraulic capacity of the channel
 - (b) A levee is to be provided on the development side of the channel which incorporates surface levels which are a minimum of 400mm above the predicted 1 in 100 year ARI flood level within the channel as predicted in the Drainage Assessment Report referenced in this decision notice. The design of the levee is to be certified by a geotechnical engineer.
 - (c) The channel, maintenance access track and levee must be fully contained within an easement for drainage purposes in favour of Council and registered against the titles of the created lots. The easement must be granted at no cost to Council. The wording of the easement documentation must be in accordance with Council's standard easement document.
 - (d) The works must be continued a sufficient distance upstream and downstream within the existing easement but external to the site to tie into the existing channel profile
20. A table listing the applicable 1 in 100 year ARI flood levels applicable to each lot must be provided for Council's records based on the Drainage Assessment Report referenced in this decision notice. The table must be accompanied by certification from a qualified person which certifies that the levels are based on the latest study referenced by Council's relevant Development Permits and incorporates all amendments.

Stormwater Management

21. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual, and must include in particular:
- (a) the works shown on the Approved Plans listed in this Decision Notice with the exception of the following:
 - (i) Provide an amended drainage design which incorporates underground detention storage as part of the inter-allotment roofwater drainage system. Provide supporting calculations demonstrating that the proposed detention devices will achieve no increase in peak flowrates discharged to the existing drainage system in Toral Dve. The calculations are to be based on a specific stage-discharge relationship for the storage and outlet design.
 - (b) collection and discharge of stormwater to Toral Drive including the provision of Level 2 interallotment drainage to each lot
 - (c) the use of gravity stormwater drainage and not surcharge pits.
 - (d) stormwater quality treatment devices of a size and location generally in accordance with those shown in the Approved Plans listed in this Decision Notice. However it is acknowledged that in providing underground stormwater detention, bypass of the bioretention system by some roofs may be necessary and this is accepted.
22. All stormwater quality treatment devices must be maintained in accordance with the Water by Design (2009) Maintaining Vegetated Stormwater Assets (Version 1).
-

23. Permanent educational signage must be erected to educate the residents of the development about the function of the bioretention device. The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval and the details shown in the Approved Plans listed in this decision notice.

LANDSCAPE

Stabilisation of the Drainage Channel

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

UNITYWATER

25. Reticulated water must be provided to each lot in the development. This must include:
- (a) Ensuring that existing internal water pipes are wholly contained within the lot they will serve.
 - (b) Construction of a 150mm diameter watermain on the northern side of Toral Drive from the existing 200mm diameter watermain on Stringybark Road to the development and for the full frontage of the development.
 - (c) An approved water meter for each lot in accordance with Unitywater Standard Drawings SCW 350,355 and 360.
 - (d) Provision of water services from the 100mm diameter water main within Toral Drive to service all lots in accordance with Unitywater Standard Drawings SCW 350, 355 and 360.
 - (e) The provision of water service pipework for the full length of the access easement serving lots 2 - 5 (25mm NB minimum).
 - (f) Water meters located on alternative boundaries to electrical pillars.
26. Reticulated sewerage must be provided to each lot in the development. This must include:
- (a) Ensuring existing sewer house drains are wholly contained within the Lot they will serve.
 - (b) Extension of the existing 225mm diameter Unitywater sewer main on the eastern side of Stringybark Road to the development site.
 - (c) Provision of sewerage infrastructure to upstream property boundaries to enable future mains extensions.
27. Written approval to enter and construct must be obtained from the owners of properties through which external sewers will traverse, and be submitted with lodgement of the associated development application for Operational Works.
28. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater). Easements must be located centrally over the main. Sewers on side boundary alignments may require easements within adjacent properties.
29. Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
-

30. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable Unitywater approved varieties.
31. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

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

PLANNING

Nature and Extent of Approved Use

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

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

4. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Type	Referral Agency	Referral Trigger	Response
Concurrence	Department Of Transport & Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558	State - controlled Road Matters	The agency provided its response on 2 May 2012 (Reference No. TMR12-002519). A copy of the response is attached.
Concurrence	Department of Local Government and Planning PO Box 15009 CITY EAST QLD 4002	S242 Preliminary Approval	The agency provided its response on 24 April 2012 (Reference No. F11/I0772/2). A copy of the response is attached.
Advice	Department Of Environment & Resource Management GPO Box 2454 BRISBANE QLD 4001	Wetlands	The agency provided its response on dated 20 April 2012 (Reference No. 371869)

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
9444-12131		Subdivision Proposal for Lot 8 on RP233840 prepared by Land Title Solutions	28/03/2011
Amendments		Widen existing Easement H to fully contain a 4.5m wide maintenance access track adjacent to the existing channel.	

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

	system in Toral Dve. The calculations are to be based on a specific stage-discharge relationship for the storage and outlet design.
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7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

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

8. ADVISORY NOTES

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

PLANNING

Nature and Extent of Approved Development

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

Resubmission of Amended Plans Required

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

Infrastructure Charges

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

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

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

Co-ordination of Operational Works Assessment

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

Preparation of a Preliminary Construction Management Plan

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

Lawful Point of Discharge

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

UNITYWATER

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

GENERAL**Aboriginal Cultural Heritage Act 2003**

8. 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:

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

The following notation applies to Lot 1:

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

REC12/0044 & MCU12/0044 – Access

The following notation applies to Lot 1:

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

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

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

11. FURTHER DEVELOPMENT PERMITS REQUIRED

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

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

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

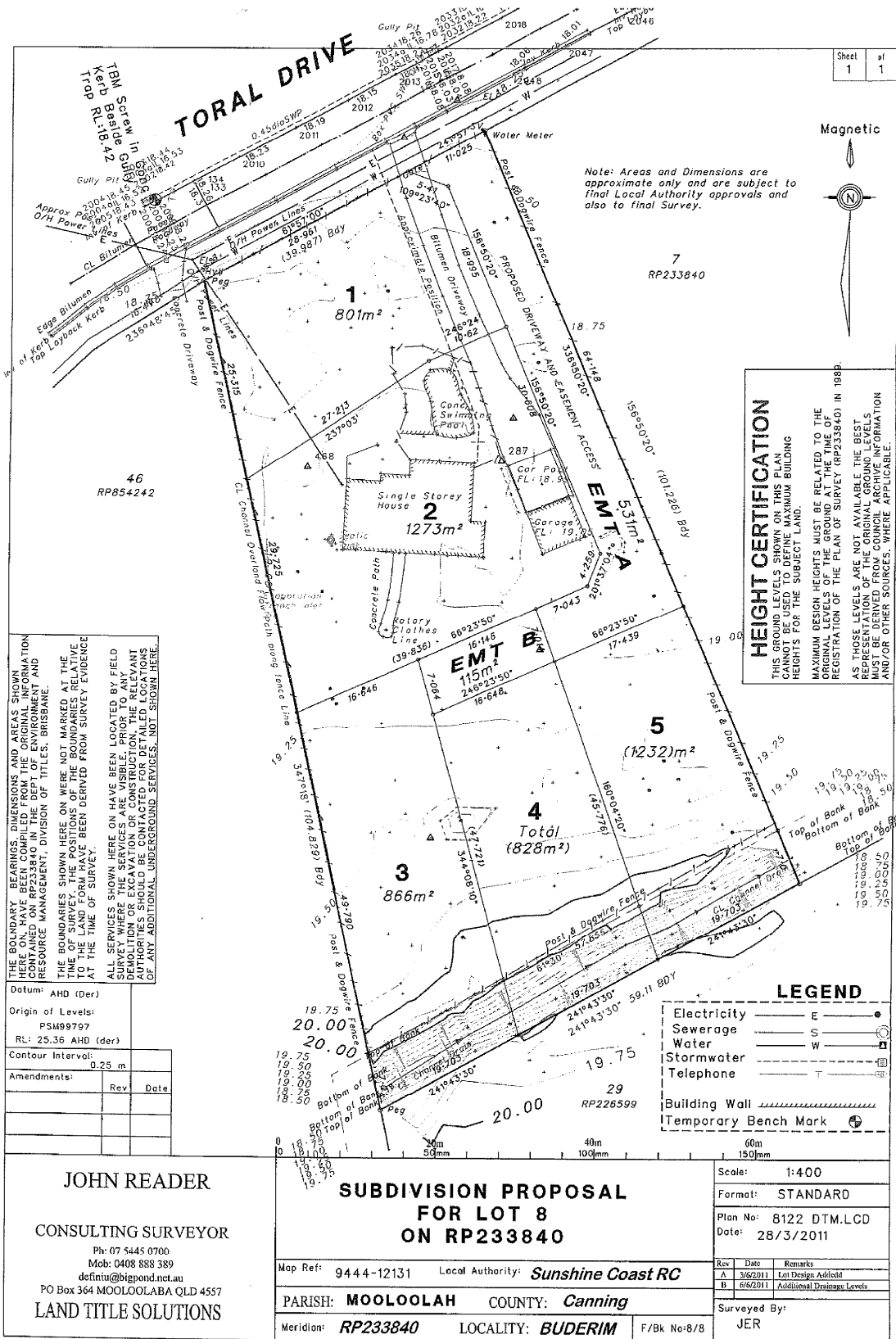
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.

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, or at Council Offices.

Item 7.1.2 Development Application for Reconfiguration of a Lot (1 into 5 Lots) and Preliminary Approval Overriding the Planning Scheme to vary the level of assessment for Dual Occupancy - 30 -32 Toral Drive, Buderim

Attachment 1 Proposal Plan



7.1.3 ENDORSEMENT OF NOOSA BIOSPHERE GOVERNANCE DIRECTOR

File No: Environmental management programs - Noosa Biosphere Reserve

Author: Research and Project Officer
Regional Strategy & Planning Department

PURPOSE

The purpose of the report is to seek Council's endorsement for the appointment of a Noosa Biosphere Governance Board Director to replace a Category 3 Director (Sector Board representative) who has resigned from the Social Sector Board.

EXECUTIVE SUMMARY

The Noosa Biosphere Limited Company (NBL) has been officially in operation since 9 December 2008. The Company Constitution requires that Council as sole member (shareholder) endorses the appointment of Directors. This report recommends a candidate for one Category 3 Director position to replace a vacancy due to a recent resignation from the Social Sector Board.

This report recommends the appointment of Dr Kate Crawford (Social Sector Board representative).

OFFICER RECOMMENDATION

That Council:

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

FINANCE AND RESOURCING

There are no financial implications of this report. The Noosa Biosphere Limited is funded through a budget allocation of \$261,287 (inclusive of one full time position) and further staff resources and support at an estimated cost of approximately \$100,000 in 2012-13. This report has no implications for this budget.

CORPORATE PLAN

Corporate Plan Theme: *Innovation & Creativity*

Emerging Priority: 3.1 - Partnerships and alliances that drive innovation

Strategy: 3.1.2 - Identify opportunities for the region flowing from the United Nations recognition of the Noosa Biosphere

CONSULTATION

Internal Consultation

This report has been developed in consultation with the Noosa Biosphere Working Group (Cr. Russell Green, Raul Weycharadt, NBL Chair - Sue Davis, Ben McMullen, Helen Gregory) and the Working Group supports the nomination.

External Consultation

All nominated members have been recruited to the Noosa Biosphere Governance group through external advertisement of vacant positions.

Community Engagement

The Noosa Biosphere Governance group is a collective of community volunteers that have been appointed to positions on the Biosphere Community Sector Boards and Governance Board following an open process of advertisement and application. Members are selected based on their interest in promoting the Biosphere values, knowledge of relevant subject matter and willingness to participate in the community based governance model that fosters collaboration and innovation.

PROPOSAL

The Noosa Biosphere Social Sector Board is nominating Dr. Kate Crawford as its representative on the NBL, she provides a balance of skills and experience that will support the Board in its future deliberations and decision-making and provide a strong link between the Governance and Social Sector Board. Her experience with a variety of governance arrangements and models and desire to bring open governance to the community is considered to be a great strength that will assist NBL in the future.

The vacancy on the Governance Board is due to the resignation of Mr Rod Walbridge due to ill-health.

Further background details of Dr. Kate Crawford's skills and experience are as follows:

After successful careers as a teacher, researcher and software developer, Kate is now the Director of a consultancy company Eviva Pty Ltd and an Honorary Principal Fellow in the Faculty of Commerce in the University of Wollongong. She works to support research, innovation and development projects in communities, business, government and universities. She has a successful track record creating conditions for confidence, commitment, adaptability and operational success in the volatile and innovative or changing conditions. Recent clients of Eviva Pty. Ltd. include The Australian Army, Family Support Program Service providers, The Australian Technology Park (Innovation development and commercialization), and First Nation Construction Pty Ltd. She applies her knowledge from research and business to catalyse higher levels of participation in: learning leadership, co-operation, strategic planning, adaptive behaviours, team work, developmental research, and effective innovation. Kate is a member of the executive committee for the Maleny Community Centre, A Member of CALM Hinterland, and a member of Barung Landcare.

Legal

The company constitution requires the appointment of six Category 3 Directors each representing one of the Community Sectors within the Noosa Biosphere Reserve appointed jointly by the relevant Community Sector Board and the Sunshine Coast Council.

Policy

There are no policy implications arising from this report.

Risk

There are no risk implications for this issue.

Previous Resolutions

Ordinary Meeting 23 August 2012

Council resolution (OM12/106)

That Council:

- (a) *receive and note the report titled 'Endorsement of Noosa Biosphere Governance Directors';*
- (b) *adopt the Noosa Biosphere Ltd Amended Constitution (Appendix A); and*
- (c) *endorse the following Category 1, 2 and 3 Directors on the Noosa Biosphere Governance Board:*
 - (i) *Councillor Russell Green (Category 1 Director);*
 - (ii) *Lindy Atkin (Category 2 Director);*
 - (iii) *Steve Cooper (Category 2 Director);*
 - (iv) *Steven Boyd (Economic Board – Category 3 Director);*
 - (v) *Rod Wallbridge (Social Board – Category 3 Director); and*
 - (vi) *Neil Tindale (Education Research and Development – Category 3 Director)*

Related Documentation**Critical Dates**

19th March, 2013 – Noosa Biosphere Limited Company Meeting.

Implementation

The appointment of Dr Kate Crawford to the Noosa Biosphere Limited Company Governance Board provides a representative from the Noosa Biosphere Social Board, in line with the governance structure as set out in the Noosa Biosphere Limited Constitution.

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7.1.4 AMENDMENT TO ADOPTED INFRASTRUCTURE CHARGES RESOLUTION

File No:	ECM
Author:	Manager Infrastructure Policy Regional Strategy & Planning Department
Appendices:	App A - SCRC Adopted Infrastructure Charges Resolution (No 3) 2011 (<i>Under Separate Cover</i>) (Att Pg 3)
Attachments:	Att 1 - Summary of Proposed Amendments to Adopted Infrastructure Charges Resolution (No 2) 2011 (Rev 1) (<i>Under Separate Cover</i>) (Att Pg 57) Att 2 - Amendments to current Adopted Infrastructure Charges Resolution (<i>Under Separate Cover</i>) (Att Pg 63)

PURPOSE

This report considers proposed changes to Council's Adopted Infrastructure Charges Resolution following its last review in November, 2011 and minor amendment in September 2012. Feedback from the development industry combined with Council officer's experiences in applying the Resolution, are the catalysts for the report.

EXECUTIVE SUMMARY

This report deals with three separate issues associated with Infrastructure Charges for Development Approvals.

1. Adopted Infrastructure Charges Resolution General Amendments

The Adopted Infrastructure Charges Resolution provides Council with the means to levy infrastructure charges for development's use of trunk infrastructure. The original resolution was adopted by Council in July 2011 following the State Government's introduction of the draft State Planning Regulatory Provision (adopted charges) (SPRP). There have been subsequent amendments to the resolution in December 2011 and September 2012. Additional amendments are proposed to further improve the Resolution and its ongoing implementation and to ensure consistency with the SPRP that has since been adopted by the State. Details are provided in Attachment 1 and examples included in the body of this report.

2. Discounts for Existing Use Area

The Adopted Infrastructure Charges Resolution allows for a discount to apply for an existing lawful use or a previous contribution. For non-residential development the charge is based on gross floor area (GFA) and accordingly, the current resolution only recognises discounts for existing lawful GFA. Other use areas, such as outdoor display areas, are, according to the Queensland Planning Provisions and SPRP, excluded from the GFA calculation. Such areas cannot be charged for and accordingly the current resolution does not recognise these areas in the calculation of existing lawful use discounts (unless previous contributions were made for these areas under an earlier approval).

An issue has arisen in relation to a development application that is converting an outdoor sales area to a showroom. By definition, this development involves a large increase in the GFA with an adopted infrastructure charge for this GFA without any discount for the existing outdoor use.

From the applicant's point of view the development, in simply converting the outdoor sales area to the same area indoors, is not changing demand and therefore, there should be no charge. A determination is required on whether existing use areas that are not included in the gross floor area should be recognised for discounts for existing lawful use where for these areas were not previously made.

3. Approvals of Extensions to Currency Periods

At the Ordinary Meeting of 7 December 2011, Council authorised the CEO to approve Extensions to Currency Period of existing Development Approvals. This included a \$50,000 threshold in the assessment of the extension application, when considering which charging regime is to apply.

The application of this threshold has caused complications in assessing and administering these extensions and a proposal is provided for Council's consideration to simplify the process to apply the charging regime that is current at the time the extension decision is made.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Amendment to Adopted Infrastructure Charges Resolution"**
- (b) adopt the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" Appendix A, to replace the previous "Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1)"**
- (c) authorise the Chief Executive Officer to:**
 - i) forward the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011" Appendix A, to the Chief Executive, Department of State Development, Infrastructure and Planning, advising replacement of the "Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1)" in accordance with Section 648D of the Sustainable Planning Act**
 - ii) approve applications for Extensions to Currency Periods from the date of this meeting as follows:**
 - 1. cease application of Council's previous resolution dated 7 December 2011 and**
 - 2. require the applicant to enter into an Infrastructure Agreement to apply the relevant charging regime that is current at the time of decision and approve the extension**
- (d) determine that a discount only be recognised for Gross Floor Area and previous contributions made for "use" areas, as allowed for in the current resolution, when assessing Infrastructure Charges for non-residential development.**

FINANCE AND RESOURCING

The Report addresses three different subjects relating to Infrastructure Charges, itself a major revenue source for Council. The issue of addressing housekeeping matters of the Adopted Infrastructure Charges Resolution will have little or no impact on resources or revenue, other than the welcome but difficult to measure efficiencies relating to administrative improvements.

Should Council recognise discounts for unpaid “use” areas, this could see a reduction in revenue, again, difficult to model or predict over any financial year. It is unlikely to exceed around \$250,000 per year.

CORPORATE PLAN

Corporate Plan Theme: *Robust Economy*

Emerging Priority: 1.3 - Infrastructure for economic growth

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

Corporate Plan Theme: *Ecological Sustainability*

Emerging Priority: 2.6 - Environmentally friendly infrastructure and urban design

Strategy: 2.6.3 - Review council infrastructure plans, design standards and procurement policies to maximise sustainable outcomes

Corporate Plan Theme: *Managing growth*

Emerging Priority: 7.4 - Timely and appropriate infrastructure and service provision

Strategy: 7.4.2 - Require appropriate infrastructure provision and agreements as a component of development approvals so the cost of infrastructure is not a burden on the current generation

CONSULTATION

Internal Consultation

Internal consultation on the matters presented in this report has been with the Acting Manager of Finance and Planning Assessment Branch Officers.

External Consultation

There has been no external consultation on the matters presented in this report.

Community Engagement

There has been no community engagement on the matters presented in this report.

PROPOSAL

This report presents a number of Infrastructure Charges issues for Council’s consideration and direction. The relatively recent introduction of Adopted Infrastructure Charges has seen the development industry respond to the implementation of a charging regime that does not meet all expectations, as well as adding a charging regime creating some additional challenges for Council officers. This report presents the current issues that require attention, notwithstanding that the State Government plans to introduce a new Infrastructure Charges regime on or about 1 July, 2014.

There are three issues presented for Council’s consideration. The issues are separate and require to be considered so.

Issue 1 - General Amendments to Adopted Charges Resolution (No.2) 2011 (Rev.1)**Current Situation**

The day to day application of the Resolution in determining Infrastructure Charges, both for issuing Charge Notices and dealing with development industry queries, has identified a number of minor “housekeeping” changes that require Council’s consideration and approval in order to effect corrections and/or improvements.

Discussion

The changes proposed will be welcomed by Council officers administering the Resolution and issuing Adopted Infrastructure Charges. They will also be welcomed by the development industry for providing clarity and recognition of issues raised.

Council’s endorsement will be captured in a proposed Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution, provided as **Appendix A – Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.3) 2011** for considered adoption. **Attachment 2 – Amendments to current Adopted Infrastructure Charges Resolution** provides the current Resolution with ‘track changes’ giving additional context and clarity to the variations proposed.

Proposal

The items for consideration are provided in **Attachment 1 – Summary of Proposed Amendments to Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1)**, identifying the clause, the proposed amendment and the associated reason/improvement. The proposed amendments include:

- Additional clarification provided on what is not considered impervious area;
- Clarification on additional discount for past contributions and charges;
- Clarification on the method of applying indexation;
- Exempt Sport & Recreation uses from paying the Public parks and land for community facilities proportion of the adopted charge in acknowledgement that the use is providing a complimentary facility;
- Amend Council’s Transport and Stormwater network allocation of the adopted charge to better align with the quantum of schedule of works costs and funding for trunk capital works projects;
- Amend to allow the full, current day costs of providing trunk infrastructure works to be offset against infrastructure charges. This recognizes that actual costs apply to Council when constructing infrastructure and provides a fairer and more reasonable method of applying offsets when trunk infrastructure is constructed by development;
- Applying a consistent charge approach to ancillary residential dwellings such as granny flats to all three current planning schemes;
- Reduce the charge applicable to the non-court area associated with indoor sport & recreation facilities from \$200 per m2 GFA to \$140 per m2 GFA to reflect a charge more aligned to the use.
- For Retirement accommodation, reduce the net charge payable for Council Road and Park networks to 70% of the standard calculated charge apportioned to those networks in recognition that these developments generally have occupants that place reduced demands on these infrastructure networks;

- Clarify that for Short Term accommodation uses, the total charge shall not exceed the maximum charge allowable under the State planning regulatory provision (adopted charges).

Issue 2 – Recognising Discounts for Existing Lawful Use at time of Redevelopment

(This issue is put to Council for consideration in recognition of a developer's submission)

Current Situation

Where a development proposal relates to upgrading a sales display yard from a small sales office supporting an open air display to a built-in showroom and office, in accordance with current policy, the determination of infrastructure charges recognises a 'discount'. This discount links only to a building's Gross Floor Area (GFA), not the area associated with the open air display, unless a previous contribution has been made for the associated area. The ensuing Infrastructure Charge for the new development applies to a greatly increased GFA for the charge relating to showroom. The current resolution does not apply a discount for "use" area because the legislation does not allow a charge for "use" area.

The current Adopted Infrastructure Charges Resolution (No. 2) 2011 (Rev 1) states that the discount for a premises is an amount which is the greater of the following:

- (a) The amount of an adopted infrastructure charge previously paid for the development of the premises;
 - (b) Where the premises is subject to an existing lawful use; the amount stated for an adopted charge for the lawful use;
- or
- (c) For a past contribution and or charge that has been paid for a particular network under a previous charging regime. A discount against the adopted charge for the particular network will be recognised. The amount of the discount will be determined by converting the previous payment to an equivalent adopted charge as determined by Council.

The intent in applying discounts is to recognise that, where contributions have been provided in the past, this will be taken into account when determining the new charge. The 'discount' approach also recognises an existing lawful use as carrying a discount, within stated limits.

Applying this to an example case, namely:

- An existing product display/sales property consists of an office building and an open display yard, say office (5m x 5m) 25m² GFA and open display yard of 900m²;
- A redevelopment proposal is submitted for a showroom totaling 925m² GFA (includes an office area component of 25m² GFA).

The method for determining the discount for existing use under adopted charges currently remains unchanged to that previously undertaken for contributions under the former Planning Scheme Policies whereby the discount is dependent on the previous development approval and the associated contribution requirements that were previously paid for the existing use.

Three common scenarios for the example case in question are provided as follows:

Scenario 1) Existing development paid contributions in accordance with planning scheme policies based on m² GFA only.

For this scenario, the adopted charge would be calculated as follows:

- Showroom 925 m² GFA @ \$140/m²GFA = \$129,500;
- less discount for existing motor vehicle display / sales office 25 m² GFA @ \$140/m² GFA = \$3,500;
- Resulting net Adopted Infrastructure Charge applicable = \$126,000.

Scenario 2) Existing development paid contributions in accordance with planning scheme policies based on m² Use Area.

For this scenario, the adopted charge would be calculated as follows:

- Showroom 925 m² GFA @ \$140/m² GFA = \$129,500;
- less discount for existing showroom/sales office (25 m² GFA + 900 m² Use Area) @ \$140/m² GFA + = \$129,500;
- Resulting net Adopted Infrastructure Charge applicable = \$Nil (due to full payments made under the previous approval).

Scenario 3) Existing development paid contributions in accordance with planning scheme policies based on greater of m² GFA or “estimated planned demand”.

For this scenario, the adopted charge would be calculated as follows:

- Showroom 925 m² GFA @ \$140/m² GFA = \$129,500;
- less discount for existing motor vehicle display / sales office (e.g. previous approval paid estimated planned demand say 50% land area equating to 500 m² GFA) @ \$140/m² GFA = \$70,000;
- Resulting net Adopted Infrastructure Charge applicable = \$59,500.

Note: For all three scenarios above, it has been assumed that all networks previously applied and no increase to the impervious area is occurring in redevelopment of the site i.e. the area on which the development is occurring was made impervious under the previous approval. Hence no stormwater charge has been applied under a separate calculation and no assessment regarding formerly unpaid networks.

Discussion

Applicant's Viewpoint:

- The applicant suggests that the creation of a showroom versus uncovered display area does not increase demand, therefore, should not attract a new charge. Further, if a discount recognised previous use area and not just GFA, then the discount would counter balance the charge;

Policy Viewpoint:

- Council applies legislative requirements under the rules and decisions current at a particular time. Although not specifically required to do so under the current legislation, Council's Resolution in support of applicants recognises past payments made towards infrastructure using a fair and equitable approach, applying identically to all past developments for all scenarios.
- It could be considered unfair to allow an additional discount over and above the current m² GFA charge basis for an existing development that has not previously paid for the additional use area when compared to another development that has previously paid for the additional use area.
- Under the current adopted infrastructure charges legislation, Council does not have the ability to charge on a “Use Area” basis. Therefore to introduce discounts on a basis that cannot be charged for, could undermine future charges applying to further redevelopment of sites where the existing development has only had adopted charges applied solely under allowed m² GFA.
- An alternative opinion might be that the previous planning scheme policy was lenient in not applying a ‘use’ charge, but instead, only recognising GFA (or the office component). It could be argued that a charge is now being levied to recognise demand on networks that perhaps should have applied in the past where the previous development has enjoyed a significant benefit but will be now required to contribute equally as for all other developments.

Proposal

It is considered that the current resolution assessment process be maintained as being a fair and reasonable approach in determining additional discounts applying to past developments and their previous contributions made.

Issue 3 – Approval of Extensions to Currency PeriodsCurrent Situation

Council's Resolution of 7 December 2011 authorised the Chief Executive Officer to approve Extensions to Currency Periods as follows:

1. Where the difference between the previously issued total contributions for Council networks, and the new total Adopted Charge is equal to or less than \$50,000 to that previously issued, then approve the extension; or
2. Where the difference between the previously issued total contributions for Council networks, and the new total Adopted Charge is greater than \$50,000 to that previously issued, require the applicant to enter into an Infrastructure Agreement to apply the new Adopted Infrastructure Charges and approve the extension.

Discussion

Where Extensions to Currency Periods are applied for, the current consideration includes a \$50,000 threshold, put in place to manage potential legal challenges against the transfer to the new charging regime.

Differences between the past & current charging regimes are varied and many, and as previously reported to Council the former approach was:

“Previously, where an assessment showed that the approval met with criteria set out under section 388 of the Sustainable Planning Act 2009, but there were infrastructure contributions not included in the approval, (as the planning scheme policies may have commenced) this was addressed by requiring the applicant to enter into an Infrastructure Agreement. The Infrastructure Agreement required the applicant pay the additional, current infrastructure contributions on commencement of the use or prior to sealing of the plan of survey.”

“Furthermore, legal advice is that if Council was to refuse requests to extend the relevant period only on the basis of the increased infrastructure charges, Council could be unlikely to be successful in defending an appeal where the difference in amounts is not substantial.”

Whilst Council's current approach is supportive of developments where the differential monetary increase between the past and present charging regimes is not substantial, it is causing issues and complaints from applicants particularly where the differences just exceed the \$50,000 threshold and where the resulting current regime calls up amounts with significantly increased payments.

It should be noted that the predominant cause for significant differences is usually due to a network(s) not being in the previous approval.

To simply increase the threshold amount will not remove the issue but simply transfer it to more applications as well as increasing the disparity between various development approvals.

Council has already approved a process to allow developments that wish to transfer from former contributions policies to the current adopted charges regime resulting in lesser payments being made.

Experience in applying the current approach to extensions incorporating a threshold has provided problems, not benefits.

Proposal

In order to remove the issues surrounding application of a threshold and missing networks, it is proposed that Council amend its previous resolution to simply require all Extensions to Currency Periods to apply, through an Infrastructure Agreement, the relevant charging regime that is current at the time the extension decision is made.

This will provide a completely level playing field for all current development approvals and simplify the process.

Legal

There are no legal implications arising from the matters raised in this report.

Policy

The Policy implications are addressed by way of changes, directed by Council, to the Adopted Infrastructure Charges Resolution.

Risk

- The general amendments will help clarify and assist in the implementation of the adopted charges resolution thereby reducing risks associated with inconsistent interpretation and application of the policy document.
- With regards to discount for “use” area there is an identified risk where Council is unable to charge for “use” area. This situation could be exploited by a development firstly creating a “use” area followed by a subsequent application that converts this to floor area, effectively avoiding payment of the charge that would normally apply to this GFA.

Previous Council Resolution

At Council’s Ordinary Meeting of 7 December, 2011, Council reviewed the implementation of the Adopted Infrastructure Charges Resolution (No.1) 2011, with minor amendments made at Council’s Ordinary Meeting of 20 September 2012.

At Council’s Ordinary Meeting of 7 December, 2011, Council authorised a method for approving Extensions to Currency Periods.

Related Documentation

There is no related documentation relevant to this Report, over and above the Appendix and Attachments.

Critical Dates

There are no critical dates relevant to this Report.

Implementation

The changes to the Adopted Infrastructure Charges Resolution (No.2) 2011 (Rev.1) and amendment to approving Extensions to Currency Periods will be implemented immediately on receiving Council’s direction.

7.2 FINANCE AND BUSINESS

7.2.1 DECEMBER 2012 FINANCIAL PERFORMANCE REPORT

File No:	Financial Reports
Author:	Acting Financial Services Manager Finance & Business Department
Appendices:	App A - Financial Performance Reports - December 2012 (Pg 101)

PURPOSE

To meet council's legislative obligations, a monthly report is to be presented to council on its financial performance.

EXECUTIVE SUMMARY

The monthly financial performance report provides council with a summary of performance against budget at the end of each month. The key items reported on are the performance against budget in relation to the operating result and in terms of delivering the capital program.

The report also identifies minor budget adjustments that have occurred during the month to allow work to continue in a responsive manner. More significant budget reviews are carried out during the year.

The operational results at 31 December 2012 show a positive variance of \$3.96 million compared to the forecast position. This operating result is a key financial performance measure and ongoing surpluses will be critical.

The 31 December 2012 operating surplus variation is made up of higher than expected revenue of \$3.57 million (1.8%) and lower than anticipated operating expenses of \$384,000 (0.2%). Further detail is provided in the proposal section of this report.

At 31 December 2012, \$66.0 million (33.6%) of council's \$196.6 million 2012/2013 Capital Works Program was financially expended.

During December 2012, the 2012/2013 Operating and Capital Budgets were adjusted to accommodate reallocations between budget categories or line items. Details are set out in **Appendix A**.

OFFICER RECOMMENDATION

That Council:

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

FINANCE AND RESOURCING

This report incorporates reallocations within the 2012/13 operating budgets. There has been no change to the contribution to council as a result of these reallocations.

CORPORATE PLAN

Corporate Plan Theme:	<i>Great governance</i>
Emerging Priority:	8.1 - Ethical, accountable and transparent decision-making
Strategy:	8.1.2 - Ensure legislative compliance and awareness
Corporate Plan Theme:	<i>Great governance</i>
Emerging Priority:	8.3 - Strong financial management
Strategy:	8.3.1 - Develop long term financial plans and indicators to achieve optimum use of resources and alignment to strategic priorities
Corporate Plan Theme:	<i>Great governance</i>
Emerging Priority:	8.3 - Strong financial management
Strategy:	8.3.2 - Ensure council's financial performance is well managed and leads to a strong financial position

CONSULTATION

All departments or branches participated in the formation of the recommendations associated with this report.

Internal Consultation

All departments or branches participated in the formation of the recommendations associated with this report.

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

Council's financial results at 31 December 2012 show the organisation with a \$3.96 million higher than forecasted operating position against the full year budget.

The 31 December 2012 operating surplus variation is made up of higher than expected revenue of \$3.57 million and lower than anticipated operating expenses of \$384,000.

The **operating revenue** favourable variance of \$3.57 million (1.8%) is due to Net Rates and Utility Charges of \$1.28 million, Other Revenue of \$801,000 and Interest Received from Investments of \$732,000.

Much of the positive variance in Net Rates and Utility Charges relates to prepaid rates. A large portion of prepaid rates will be applied to general rates during the January rate run at which time the estimated year end forecast for this item will be able to be determined.

The favourable variance in Other Revenue largely sits with Infrastructure Services and relates to higher than expected income from the Road Maintenance Performance Contract,

Parks income from Main Roads, Fleet income from auction proceeds and rebates, and sale of Waste recyclables. Much of this increased income will be offset by matching expenditure.

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

The **operating expense** favourable variance of \$384,000 (0.2%) largely relates to lower than budgeted expenditure on Materials & Services of \$1.06 million, offset by higher than budgeted Employee Costs of \$523,000 and Other Expenses of \$224,000.

The original Employee Costs budget contains a savings target (VAST) of \$4.46 million. This target was allocated to each department during October and profiled across the remaining months of the financial year. As at December 2012, the year to date budgeted amount of this target is \$973,000. This more than accounts for the unfavourable Employee Costs variance of \$523,000.

The budget assumes the achievement of a \$4.46 million savings target. As at 31 December 2012, \$1.89 million or 42% of the target has been achieved leaving a balance to achieve of \$2.58 million. There are a number of reviews and initiatives underway to achieve the balance of this target.

The favourable variance in Materials & Services mainly relates to timing of Waste contract expenses (Infrastructure Services Department) and lower than profiled spend on levy projects (Regional Strategy & Planning Department).

At 31 December 2012, \$66.0 million (33.6%) of council's \$196.6 million 2012/13 Capital Works Program was financially expended. On a year to date basis, capital expenditure is \$361,000 (0.6%) ahead of budget. At a capital program level, there are no specific variances to highlight to council.

During December 2012, the 2012/13 Operating, Capital and Reserve Transfer Budgets were adjusted to accommodate reallocations between budget categories or line items. Full details are set out in **Appendix A** with amendments greater than \$100,000 detailed below.

Ref	Item Description	Decrease \$000	Increase \$000	Comments
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Internal Sales/Recoveries

FB0602	Asphalt Plant – Internal Sales - Asphalt	370		Budget adjustment to offset costs incurred against Internal Sales Asphalt. In 2012/13 a review was undertaken to correct the split between internal quarry and external quarry costs. This adjustment is re-aligning that initial split to where the costs are being incurred. Funds transferred from Materials & Services
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Ref	Item Description	Decrease \$000	Increase \$000	Comments
Employee Costs				
FB0601	Information Communication Technology Services Branch – transfer to capital	234		Transfer of salaries related to staff working on Information Technology capital projects (all less than \$100,000 each)
Materials & Services				
B1525	Sunrise Shopping Centre Feasibility Report	150		Transfer to capital B1525 – Sunrise Shopping Centre Feasibility Report
0000304	Loan – Main Beach Streetscape		206	Per Council Resolution OM12/199 - Funds drawn from Reserve for Festive Season Lighting Noosa Hastings St
0000577	Waterways Planning and Policy	230		Transfer Environment Levy funds back to Reserves due to changed program priorities.
0000577	Pilot Stewardship Program	120		Transfer Environment Levy funds back to Reserves due to changed program priorities.
FB0602	Asphalt Plant – Materials - Bitumen		370	Budget adjustment to offset costs incurred against Internal Sales Asphalt. In 2012/13 a review was undertaken to correct the split between internal quarry and external quarry costs. This adjustment is re-aligning that initial split to where the costs are being incurred. Funds transferred from Materials & Services
FB0602	Sealed Roads Maroochydore - Materials	255		Budget adjustment to offset costs incurred against Internal Sales Asphalt. In 2012/13 a review was undertaken to correct the split between internal quarry and external quarry costs. This adjustment is re-aligning that initial split to where the costs are being incurred. Funds transferred from Materials & Services
Internal Materials & Services				
FB0602	Sealed Roads – Maroochydore. Internal Sales Asphalt		255	Budget adjustment to offset costs incurred against Internal Sales Asphalt. In 2012/13 a review was undertaken to correct the split between internal quarry and external quarry costs. This adjustment is re-aligning that initial split to where the costs are being incurred. Funds transferred from Materials & Services

Ref	Item Description	Decrease \$000	Increase \$000	Comments
Capital Revenue				
A0216	Sealed Road Network	2,093		Reallocation of Transport Infrastructure Development Scheme (TIDS) budget to individual projects
A4423	PIP Transportation – Sippy Downs Drive (Stringybark Road – University Way) - Upgrade		441	Reallocation of TIDS budget from Whole of Region project
A8104	Sealed Road Network – Sth Coolum Road – Upgrade 2 lanes		270	Reallocation of TIDS budget from Whole of Region project
A8903	Gravel Road Network – Wilson Road Ilkley – sealing previous unsealed road		125	Reallocation of TIDS budget from Whole of Region project
A8914	PIP Transportation – Evans St – duplicate 2 to 4 lanes		832	Reallocation of TIDS budget from Whole of Region project
Capital Expenditure				
A7989	Cornmeal Ck Design & Construct Rock Wall		185	Draw from Reserves to fund costs to complete project
A8810	WOR Gravel Resheet Program	253		Reallocate funds to specific Gravel Resheet jobs (all less than \$100,000 each)
A8877	Exploration Drilling Program Scope (Quarries)	100		Reallocation of funds to B0563 – Quarry Developments
B0563	Quarry Development		100	Reallocation of funds from A8877 Exploration Drilling Program Scope (Quarries)
B0878	Emergent Regional Beach Access Asset Renew	130		Reallocate funds to B1463 Emergent Works Beach Access 27
B1463	Emergent Works Beach Access 27		130	Reallocate funds from B0878 Whole of Region account to new project
B1526	Finance Spearhead Energy Projects		131	Draw from Reserves to fund projects.
B1422	Image Flat Water Management Works		146	Reallocation from various Quarry projects (all less than \$100,000 each)
B1525	Sunrise Shopping Centre Feasibility		150	Transfer from Operating
Councillor Reallocations				
B1407	Minor Emergent Works - Golden Bch Esp - carpark survey & design		108	Reallocation of funds from divisional accounts within Division 2

Ref	Item Description	Decrease \$000	Increase \$000	Comments
Reserves Transfers				
A7989	Cornmeal Ck Design & Construct Rock Wall	185		Draw from Reserves to fund costs to complete project
0000304	Noosa Main Beach Precinct Streetscape	206		Per Council Resolution OM12/199 - Funds drawn from Reserve for Festive Season Lighting Noosa Hastings St
0000577	EL - Major Initiatives & Catalysts Projects		385	Transfer Environment Levy funds back to Reserves due to change in program priorities in Operating
B1526	Other - Capital	131		Draw from reserves to fund B1526 – Finance Spearhead Energy Projects

Legal

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

Policy

No policy implications are associated with this report.

Risk

There were three risks identified in a previous financial report to council which remain current.

1. In June 2012 the Federal Government pre-paid over half of the 2012/13 Financial Assistance Grant. In the past, one quarter of the grant has been pre-paid and the adopted budget anticipated this practice to continue. Advice has now been published and the shortfall is \$3.2 million in the current budget. The prepayment for 2012/13 in June 2012 resulted in an operating surplus for the 2011/12 period.
2. The expected full year growth in rateable properties is less than forecast being 0.9% against a forecast of 1.5%. This approximately equates to lower revenue than budgeted of \$1.5 million. This budget was reduced by \$1 million at Budget Review 2 and will be further analysed after the January 2013 rate run.
3. The budget assumes the achievement of a \$4.46 million savings target. Currently, \$1.89 million or 42% of the target has been achieved leaving a balance to achieve of \$2.58 million. There are a number of reviews and initiatives underway to achieve the balance of this target.

Further risks to note:-

4. Water and Sewerage Funding Program \$700,000 - This one year program was funded by reducing the current Grants Program. At Council's Special Meeting on 11 December 2012 it was requested that options be provided to investigate the opportunity through upcoming budget reviews to reinstate funds to the Grants Program.

5. Streetlighting - electricity \$500,000 - this is the estimated shortfall for streetlighting electricity based on both the introduction of the carbon tax component and a higher rate than budgeted. The 2012/13 budget allowed for a 13% increase in electricity with the current rate increase charged being closer to 25% based on invoices received to date.

6. Capital (Developer) Contributions – budget is \$12.9 million with actuals to December 2012 being \$2.9 million. This is due to a reduction in the amount received per lot as well as the downturn in development.

Previous Council Resolution

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

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

On 13 December 2012, council amended the 2012/2013 budget as a result of October 2012 Monthly report and Budget Review 2.

On 31 January 2013, council amended the 2012/2013 budget as a result of the November 2012 Monthly report.

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates that relate to this report.

Implementation

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

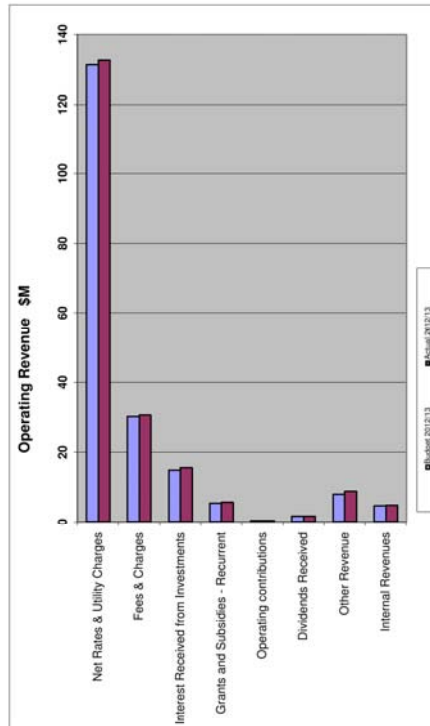
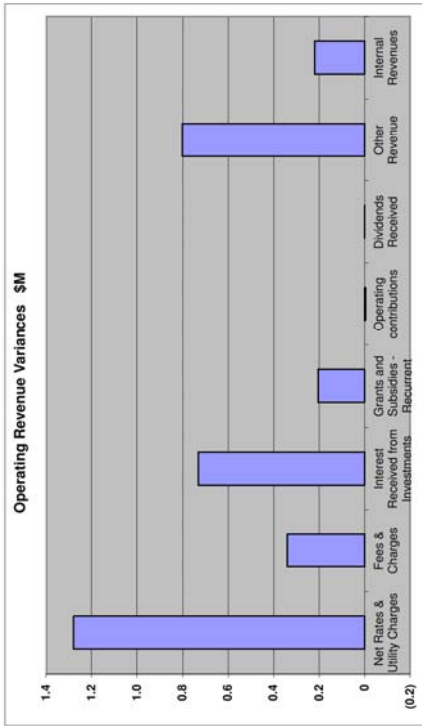
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31 December 2012



Operating Revenue

Operating Revenue

As at 31 December 2012 operating revenues are favourable to budget by \$3.57 million or 1.8%.

The favourable revenue variance of \$3.57 million is largely the result of a number of items being higher than profiled. These include Net Rates and Utility Charges of \$1.28 million, Other Revenue of \$801,000 and Interest Received from Investments of \$732,000.

Much of the positive variance in Net Rates and Utility Charges relates to prepaid rates. A large portion of prepaid rates will be applied to general rates during the January rate run at which time the estimated year end forecast for this item will be able to be determined.

The favourable variance in Other Revenue largely sits with Infrastructure Services and relates to higher than expected income from the Road Maintenance Performance Contract, Parks income from Main Roads, Fleet income from auction proceeds and rebates, and sale of Waste recyclables. Much of this increased income will be offset by matching expenditure.

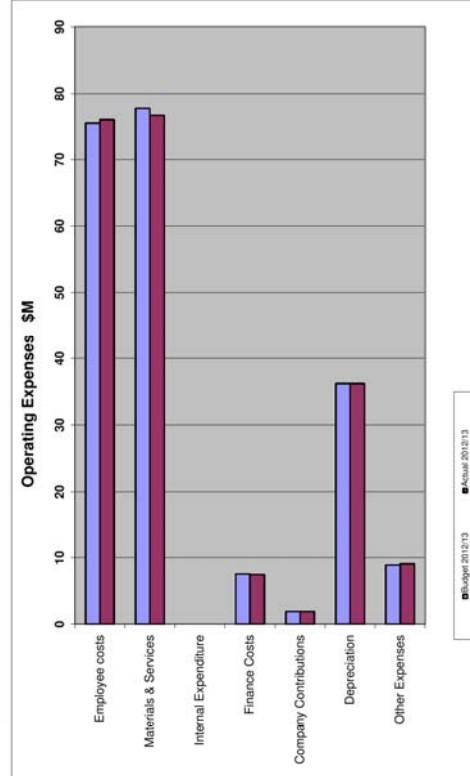
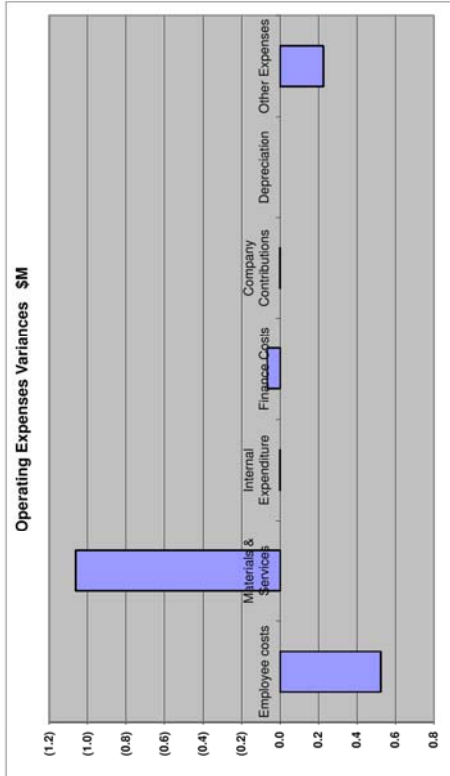
Interest Received from Investments is higher than budget partly due to slightly higher than forecast cash balances along with higher than forecast investment rates for the first half of the year. The average investment rate is expected to be lower in the second half of the year. This item will continue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

Risk: There remains a risk on:

- Federal Assistance Grant** In June 2012 the Federal Government prepaid over half of the 2012/13 Financial Assistance Grant. In the past, one quarter of the grant has been prepaid and the adopted budget anticipated this practice to continue. Advice has now been published and the shortfall is \$3.2 million in the current budget. The prepayment for 2012/13 in June 2012 resulted in an operating surplus for the 2011/12 period.
- General Rates** The expected full year growth in rateable properties is less than forecast being 0.09% against a forecast of 1.5%. This equates to lower revenue than budgeted of approximately \$1.5 million. This budget was reduced by \$1 million at Budget Review 2 and will be further analysed after the January 2013 rate run.

There are no other operating revenue issues to report.

31 December 2012



Operating Expenses

The favourable variance in operating expenses of \$384,000 is due to lower than profiled materials and services of \$1.06 million, offset by higher than profiled employee costs of \$523,000 and other expenses of \$224,000.

The employee costs budget contains a savings target (VAS) of \$4.46 million. This target was allocated to each department during October 2012 and profiled across the remaining months of the financial year. As at December, the year to date amount of this target is \$973,000 which more than accounts for the unfavourable employee budget variance. However, \$1.34 million has been forecast to be applied to the target resulting from reductions in materials and services budgets of conferences, consultancies, contract services and equipment < \$5k, \$1.10 million saving forms part of the November 2012 Monthly Budget Amendments proposed to go to Council's January 2013 Ordinary Meeting, and the remaining \$243,000 forms part of the December Monthly Budget Amendments proposed to Council's February 2013 Ordinary Meeting.

The favourable variance in Materials & Services mainly relates timing of Waste contract expenses (Infrastructure Services Department) and lower than planned spend on levy projects (Regional Strategy and Planning Department.)

Risks:

(a) The budget includes the achievement of the **\$4.46 million savings target**.
 Current Status
 Target \$4.46 million;
 Achieved to Date \$1.885 million (42%);
 Balance to Achieve \$2.575 million

There are a number of reviews and initiatives that are underway to achieve the balance of this target. At time of writing, a further \$440,000 saving has been identified in the Office Equipment Leasing budget due to printer consolidation and non replacement of owned computers. This will bring the Achieved to Date to \$2.325 million or 52%, leaving a balance to achieve of \$2.135 million.

(b) **Water and Sewerage Funding Program \$700,000**
 This one year program was funded by reducing the current Grants Program. At Council's Special Meeting on 11 December 2012 it was requested that options be provided to investigate the opportunity through upcoming budget reviews to reinstate funds to the Grants Program.

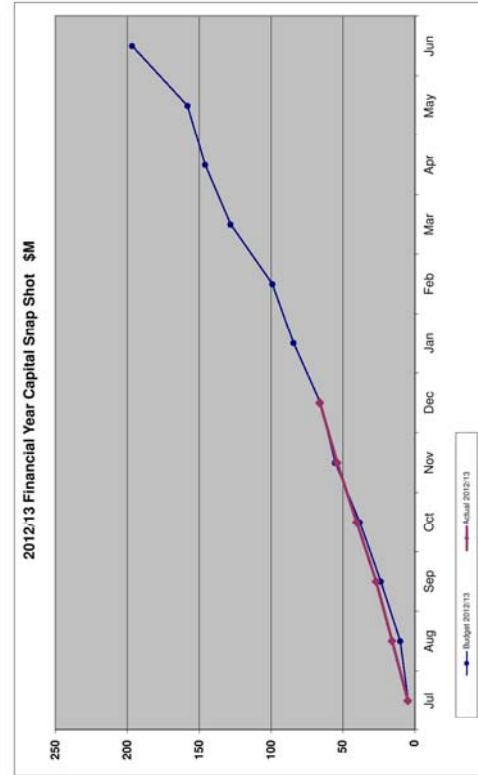
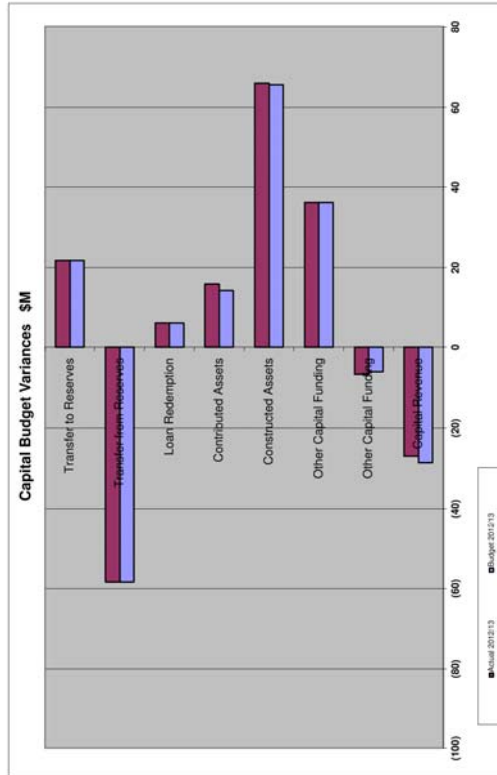
(c) **Streetlighting - electricity \$500,000** - this is the estimated shortfall for streetlighting electricity based on both the introduction of the carbon tax component and a higher rate than budgeted. The 2012/13 budget allowed for a 13% increase in electricity with the current rate increase charged being closer to 25% based on invoices received to date.

31 December 2012

Summary Capital Statement

SUMMARY CAPITAL STATEMENT
 For the Period Ending 31 December 2012

	Annual Original Budget \$000s	Annual Current Budget \$000s	YTD Current Budget \$000s	YTD Actuals \$000s	Variance \$000s	Variance %	Annual Forecast Budget \$000s
Operating Contribution / (Shortfall)	12,778	14,345	(1,645)	2,314	3,959	(240.7%)	14,879
Capital Revenue	51,182	62,755	28,567	27,057	(1,510)	(5.3%)	62,770
Other Capital Funding	117,646	124,359	42,260	42,936	677	1.6%	124,359
Less Constructed Assets	145,770	196,608	65,650	66,011	361	0.6%	198,008
Less Contributed Assets	28,500	28,500	14,250	15,855	1,605	11.3%	28,500
Less Loan Redemptions	13,023	13,023	6,187	6,188	1	0.0%	13,023
Net Capital Result	(5,687)	(36,671)	(16,905)	(15,746)	1,158	(6.9%)	(37,523)
Transfer from Reserves	21,658	58,444	58,435	58,435	0	0.0%	59,231
Transfer to Reserves	(15,971)	(21,774)	(21,774)	(21,774)	0	0.0%	(21,709)
Balance	0	(1)	19,757	20,915	1,158	5.9%	(1)



Capital Net Result
 Council's capital result at 31 December 2012, shows the organisation with a \$1.158 million better than anticipated result, although revenues are below budget by \$633,000.

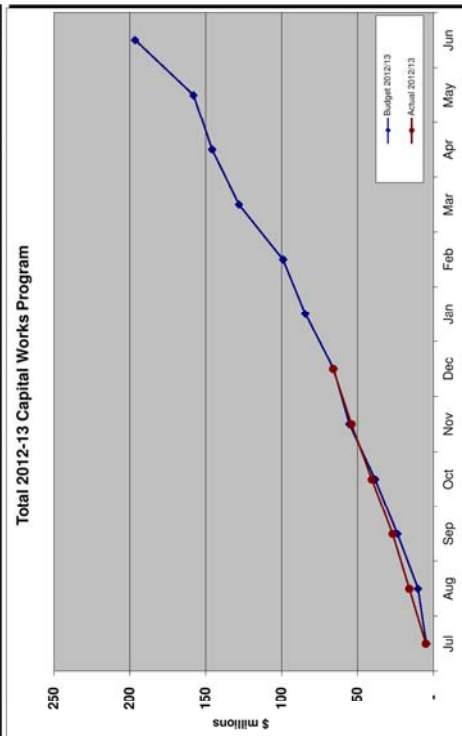
In relation to capital expenditure, at the end of the month, \$66 million of council's \$196.6 million 2012/13 Capital Works Program was financially expended.

The unfavourable variance in Capital Revenue of \$1,510 million relates to Infrastructure Charges being \$3.174 million less than profiled and timing of Contributed Assets.

The favourable variance for Other Capital Funding of \$677,000 predominantly relates to sale of land.

Risks:
 Capital (Developer) Contributions - budget is \$12.9 million with actuals to December 2012 being \$2.9 million. This is due to a reduction in the amount received per lot as well as the downturn in development.

31 December 2012					
Program	Original Budget \$000s	Current Budget \$000s	Year to Date Actual \$000s	% of Annual Budget Spent	
Buildings and Facilities	9,609	11,493	3,351	29.2%	
Coast and Canals	1,218	1,719	895	52.1%	
Divisional Allocations	3,145	3,702	792	21.4%	
Environmental Assets	290	424	262	61.8%	
Fleet	2,000	2,000	294	14.7%	
Parks and Gardens	9,644	11,389	5,621	49.4%	
Stormwater	4,526	4,789	1,287	26.9%	
Transportation	53,997	66,580	29,680	44.6%	
Information Technology	4,566	5,794	3,575	61.7%	
Strategic Land & Comm Properties	31,674	52,363	8,202	15.7%	
Sunshine Coast Airport	7,705	12,298	4,330	35.2%	
Aerodromes	0	79	46	57.6%	
SC Holiday Parks	1,555	2,894	919	31.8%	
Quarries	655	1,924	960	49.9%	
Waste	15,186	19,161	5,797	30.3%	
TOTAL	145,770	196,608	66,011	33.6%	



Capital Expenditure

At 31 December 2012, \$66 million or 33.6% of council's \$196.6 million 2012/13 Capital Works Program was financially expended.
 On a YTD basis, capital expenditure is \$361,000 ahead of budget or less than 1% variance.

Monthly Budget Amendments - Operating						31-December-2012
Department	Branch	Unit	Operation/Job number & Name	Description	Income & Expense Stmt Line	Amount
						Dr/(Cr) \$000
Business Review	Economic Development	Various	Various	Equipment < \$5k	Materials & Services	(38)
Community Services	Human Resources	Various	Various	Equipment < \$5k	Materials & Services	(1)
Community Services	Community Facilities	Various	Various	Equipment < \$5k	Materials & Services	(16)
Community Services	Community Development	Various	Various	Equipment < \$5k	Materials & Services	(3)
Community Services	Library & Gallery Services	Various	Various	Equipment < \$5k	Materials & Services	(13)
Community Services	Community Response	Various	Various	Equipment < \$5k	Materials & Services	(24)
Community Services	ED - Community Services Dept	Various	Various	Equipment < \$5k	Materials & Services	(0)
Community Services	Customer Relations	Various	Various	Equipment < \$5k	Materials & Services	(16)
Regional Strategy & Planning	ED - Regional Strategy & Planning	Various	Various	Equipment < \$5k	Materials & Services	(5)
Finance & Business	Corporate Governance	Various	Various	Equipment < \$5k	Materials & Services	(1)
Finance & Business	ED - Finance & Business	Various	Various	Equipment < \$5k	Materials & Services	(1)
Finance & Business	Property & Business	Various	Various	Equipment < \$5k	Materials & Services	(1)
Finance & Business	Finance	Various	Various	Equipment < \$5k	Materials & Services	(1)
Finance & Business	ICT	Various	Various	Equipment < \$5k	Materials & Services	(27)
Community Services	Community Services	Various	Various	Equipment < \$5k	Materials & Services	(16)
Finance & Business	Corporate Governance	Various	Various	Value & Success Target	Employee Costs	1
Finance & Business	Economic Development	Various	Various	Value & Success Target	Employee Costs	1
Community Services	Human Resources	Various	Various	Value & Success Target	Employee Costs	38
Community Services	Library & Gallery Services	Various	Various	Value & Success Target	Employee Costs	1
Finance & Business	ED - Finance & Business	Various	Various	Value & Success Target	Employee Costs	13
Finance & Business	Property & Business	Various	Various	Value & Success Target	Employee Costs	1
Finance & Business	ICT	Various	Various	Value & Success Target	Employee Costs	1
Finance & Business	Community Services	Various	Various	Value & Success Target	Employee Costs	27
Community Services	Community Development	Various	Various	Value & Success Target	Employee Costs	3
Community Services	Community Facilities	Various	Various	Value & Success Target	Employee Costs	16
Community Services	Community Response	Various	Various	Value & Success Target	Employee Costs	24
Community Services	ED - Community Services Dept	Various	Various	Value & Success Target	Employee Costs	0
Regional Strategy & Planning	ED - Regional Strategy & Planning	Various	Various	Value & Success Target	Employee Costs	5
Finance & Business	Finance	Various	Various	Value & Success Target	Employee Costs	1
Infrastructure Services	Environmental Operations	Natural Areas	16953 - Inner Cooroy Bypass	Contract Services	Materials & Services	15
Infrastructure Services	Environmental Operations	Natural Areas	16953 - Inner Cooroy Bypass	Contract Services	Materials & Services	2
Community Services	Community Facilities	Community Sports and Facility Planning	37802 - Int Mgt-Community Sports and Facility Planning	Contract Services	Materials & Services	(6)
Infrastructure Services	Waste and Resource Management	Processing and Disposal	12466 - Landfill Vegetation Offset Eumundi Rd	Contract Services	Materials & Services	(26)
Infrastructure Services	Parks and Gardens	Parks Operations Management	11101 - Twin Waters Levy & Costs	Contract Services	Materials & Services	10
Finance & Business	Property & Business	Property Development & Business Projects	58045 - Sunrise Shopping Centre Feasibility Report	Consultancy	Materials & Services	(150)
Infrastructure Services	Civil Works Services	Asset Management Services Manager	55552 - Loan, Main Beach Streetscape	Contract Services	Materials & Services	206
Infrastructure Services	Civil Works Services	BM Civil Works Services	15010 - BM Civil Works Services	Equipment < \$5k	Materials & Services	(37)
Infrastructure Services	Fleet Management	FM Fleet Management	60015 - BM Fleet Management	Equipment < \$5k	Materials & Services	(40)
Infrastructure Services	Environmental Operations	Waterways Operations	16931 - Natural Waterways Team Management	Equipment < \$5k	Materials & Services	(1)
Infrastructure Services	Environmental Operations	Waterways Operations	16932 - Natural Waterways Maintenance	Equipment < \$5k	Materials & Services	(1)
Infrastructure Services	Environmental Operations	Waterways Operations	16935 - Artificial Waterways Team Management	Equipment < \$5k	Materials & Services	(1)
Infrastructure Services	Environmental Operations	Waterways Operations	16939 - Team Management Waterways Operations	Equipment < \$5k	Materials & Services	(0)

Monthly Budget Amendments - Operating						31-December-2012
Department	Branch	Unit	Operation/Job number & Name	Description	Income & Expense Stmt Line	Amount Dr/(Cr) \$000
Infrastructure Services	Environmental Operations	Natural Areas	16907 - Natural Area Operations - Zone 1	Equipment < \$5k	Materials & Services	(3)
Infrastructure Services	Environmental Operations	Natural Areas	16910 - Mary Cairncross	Equipment < \$5k	Materials & Services	(1)
Infrastructure Services	Environmental Operations	Natural Areas	16940 - Maroochy Wetlands Sanctuary	Equipment < \$5k	Materials & Services	(1)
Infrastructure Services	Environmental Operations	Natural Areas	17025 - Natural Areas	Equipment < \$5k	Materials & Services	(1)
Infrastructure Services	Environmental Operations	Pest Management	17051 - Team Management	Equipment < \$5k	Materials & Services	(3)
Infrastructure Services	Environmental Operations	Partnerships	17085 - Indigenous Cadetship	Equipment < \$5k	Materials & Services	(5)
Infrastructure Services	Civil Works Services	BM Civil Works Services	15010 - BM Civil Works Services	Value & Success Target	Employee Costs	37
Infrastructure Services	Fleet Management	FM Fleet Management	60015 - BM Fleet Management	Value & Success Target	Employee Costs	40
Infrastructure Services	Environmental Operations	BM Environmental Operations	17010 - BM Environmental Operations	Value & Success Target	Employee Costs	16
Infrastructure Services	Environmental Operations	Planning	46363 - Road Reserve Conservation Strategy	Employee Cost	Employee Costs	71
Infrastructure Services	Environmental Operations	Planning	46363 - Road Reserve Conservation Strategy	Materials & Services	Materials & Services	(71)
Infrastructure Services	Environmental Operations	Planning	46366 - New landholders environment information kit	Employee Cost	Employee Costs	16
Infrastructure Services	Environmental Operations	Planning	46363 - Road Reserve Conservation Strategy	Materials & Services	Materials & Services	(16)
Regional Strategy and Planning	Planning Assessment	BM Planning Assessment	40300 - BM Planning Assessment	ISP Office Accommodation Rental		(44)
Regional Strategy and Planning	Director Development Services	Director Development Services	40100 - Director Development Services	ISP Office Accommodation Rental		(5)
Infrastructure Services	Building & Facility Services	Maintenance Services	85000 - SCC Mayor & Elected Members	ISP Office Accommodation Rental		48
Infrastructure Services	Civil Works Services	Operations & Maintenance North	11116 - Maroochyde Depot O&M	Bank Merchant Fees	Finance Costs	(0)
Infrastructure Services	Civil Works Services	Construction	11118 - Nambour Depot O&M	Bank Merchant Fees	Finance Costs	(1)
Infrastructure Services	Civil Works Services	BM Civil Works Services	15000 - Construction Services	Bank Merchant Fees	Finance Costs	(0)
Infrastructure Services	Parks and Gardens	Arborists	15010 - BM Civil Works Services	Equipment < \$5k	Materials & Services	1
Infrastructure Services	Civil Works Services	Maroochyde Depot	14065 - Arborist Services North	Contract Services	Materials & Services	(30)
Infrastructure Services	Civil Works Services	Landsborough Maleny Depot	12818 - Pathway Mice Maroochyde	Materials	Materials & Services	30
Infrastructure Services	Civil Works Services	BM Civil Works Services	12780 - Seales Rds - Landsborough/Maleny	Materials	Materials & Services	25
Infrastructure Services	Civil Works Services	504-Value and Success	15010 - BM Civil Works Services	Finance Costs - Royalties	Finance Costs	(25)
Infrastructure Services	Civil Works Services	504-Value and Success	88121-Value and Success	Value & Success Target	Employee Costs	(117)
5-Finance and Business	54-Information Communication Technology Services		504-Value and Success	Value & Success Target	Employee Costs	117
			various	Capital Labour	Employee Costs	(234)
8-Executive Office	83-Executive Office	225-Executive Office	85001-Executive Office	Equipment < \$5k	Materials & Services	(5)
8-Executive Office	83-Executive Office	225-Executive Office	85001-Executive Office	VAST	Employee Costs	5
Infrastructure Services	Parks and Gardens	Parks Operations Management	14065 - Arborist Services North	Leases Motor Vehicles	Other Expenses	66
Infrastructure Services	Parks and Gardens	Parks Operations Management	14065 - Arborist Services North	Contract Services	Materials & Services	(66)
Regional Strategy and Planning	Environment Policy	Waterways, Coastal and Catchment Unit	42208 - Waterways planning & Policy (EL)	Consultancy Fees	Materials & Services	(230)
Regional Strategy and Planning	Environment Policy	Waterways, Coastal and Catchment Unit	42209 - Urban Run-Off General (EL)	Consultancy Fees	Materials & Services	(10)
Regional Strategy and Planning	Environment Policy	Waterways, Coastal and Catchment Unit	42210 - Rural Run-Off General (EL)	Consultancy Fees	Materials & Services	(25)
Regional Strategy and Planning	Environment Policy	Biodiversity Unit	43464 - Growing the Tool Box (EL)	Consultancy Fees	Materials & Services	(25)
Regional Strategy and Planning	Environment Policy	Biodiversity Unit	46364 - Pilot Stewardship Program	Consultancy Fees	Materials & Services	(120)
Finance & Business	Quarries Business Unit	Quarries Business Activity	63300 - Asphalt Plant	Materials - Bitumen	Materials & Services	370
Finance & Business	Quarries Business Unit	Quarries Business Activity	63300 - Asphalt Plant	ISP Asphalt	Internal Sales/ Recov	(370)
Infrastructure Services	Civil Works Services	Operations & Maintenance North	12850 - Sealed Rds - Noosaville/Pomona	ISP Asphalt	Internal Materials & Services	45
Infrastructure Services	Civil Works Services	Operations & Maintenance North	12810 - Sealed Rds - Maroochyde	ISP Asphalt	Internal Materials & Services	255

Monthly Budget Amendments - Capital **31-December-2012**

PROGRAM	SUB-PROGRAM	JOB NUMBER	JOB NUMBER DESCRIPTION	Amount \$'000
PROGRAM REALLOCATIONS				
Transportation	PIP Transportation	A6701	Inner Cooroy Bypass Construction	(15)
Finance and Business	Information Technology	A7635	Business Reform - Business eServices Program	55
Coast and Canals	Coast, Canals and Waterways	A7989	Cornmeal Ck Design & Construct Rock Wall	185
Finance and Business	Information Technology	A8234	Mobilisation Technology	27
Finance and Business	Information Technology	A8237	Business Reform - Process Automation	4
Finance and Business	Information Technology	A8238	Business Reform - Intell/Enter Reporting	37
Transportation	Gravel Roads	A8810	WOR Gravel Resheet Program	(253)
Quarries	Quarries	A8877	Exploration Drilling Program Scope	(100)
Finance and Business	Information Technology	A9302	Collaborative Mapping Technology	6
Finance and Business	Information Technology	A9306	Meeting Management Services	2
Finance and Business	Information Technology	A9309	Network & Communications	3
Finance and Business	Information Technology	A9311	Operating Syst & Office Desktop Upgrade	39
Parks and Gardens	PIP Sports Facilities	A9338	Mary River Rd Cooroy-new sport field	6
Quarries	Quarries	A9407	Crushing Plant Screens	(70)
Quarries	Quarries	A9409	Weightometer	(45)
Quarries	Quarries	A9411	Water Management Works	(24)
Quarries	Quarries	A9412	Dulong Fencing & Security	(50)
Quarries	Quarries	A9414	Ringtail Fencing & Security	(40)
Quarries	Quarries	B0431	Rock Breaker at Jaw Crusher	(97)
Quarries	Quarries	B0563	Quarry Development	100
Finance and Business	Information Technology	B0741	Knowledge Management Implementation	10
Finance and Business	Information Technology	B0752	Maximo Phase 4	12
Waste	Waste Disposal	B0770	Noosa Landfill Construction - Fire Trail Establishment	26
Transportation	Sealed Road Network	B0813	Inner Cooroy Bypass Sealed Road Network	(2)
Parks and Gardens	Beach Accesses & Dunal Areas Development	B0878	Emerg Regional Beach Access Asset Renew	(130)
Finance and Business	Information Technology	B0921	Enterprise Content Management	27
Finance and Business	Information Technology	B0927	Incoming Correspondence and Archiving	12
Quarries	Quarries	B1418	Replacement of Diesel Fuel Storage Cube	40
Quarries	Quarries	B1420	Bitumen Tank - Image Flat	40
Quarries	Quarries	B1420	Bitumen Tank - Image Flat	30
Quarries	Quarries	B1421	Safety Management Works - Image Flat	50
Quarries	Quarries	B1422	Image Flat Water Management Works	146
Quarries	Quarries	B1423	Steel Structural Upgrade Crushing Plant	50
Parks and Gardens	Beach Accesses & Dunal Areas Development	B1463	Emergent Works Beach Access 27	130

Monthly Budget Amendments - Capital **31-December-2012**

PROGRAM	SUB-PROGRAM	JOB NUMBER	JOB NUMBER DESCRIPTION	Amount	
				\$'000	\$'000
Transportation	Gravel Roads	B1496	Gerrards Road Gravel Resheeting	32	
Transportation	Gravel Roads	B1497	Citrus Road Gravel Resheeting	38	
Transportation	Gravel Roads	B1498	Macdonald Road Gravel Resheeting	27	
Transportation	Gravel Roads	B1499	Paskins Road Gravel Resheeting	35	
Transportation	Gravel Roads	B1500	Christensens Road Gravel Resheeting	19	
Transportation	Gravel Roads	B1501	Wappa Dam Road Gravel Resheeting	33	
Transportation	Gravel Roads	B1502	Browns Creek Road Gravel Resheeting	34	
Transportation	Gravel Roads	B1503	Cherry Lane Gravel Resheeting	10	
Transportation	Gravel Roads	B1504	Running Creek Road Gravel Resheeting	25	
Buildings & Facilities	Corporate Buildings	B1526	Finance Spearhead Energy Projects	131	
Sunshine Coast Airport	Sunshine Coast Airport - Airside	A9447	SCA Land Acquisitions	(60)	
Sunshine Coast Airport	Sunshine Coast Airport - Landside	A9989	Site S Acquisition and Fit out	60	
			<i>Sub-Total</i>		645
REVENUE					
Transportation	Sealed Road Network	A0216	Transport Budget Profiling		(2,093)
Transportation	Public Transport Infrastructure	A3729	Stringybark Road - Parking facilities	(0)	
Transportation	Sealed Road Network	A4341	Chancellor State School - Passenger set-down facilities	28	
Transportation	PIP Transportation	A4423	Sippy Downs Drive (Stringybark Road - University Way) - Upgrade	441	
Transportation	Sealed Road Network	A5783	Old Gympie Road - Pecheater Rd Intersection	(4)	
Transportation	Sealed Road Network	A6102	Rehabilitate and widen Glenview Road	43	
Transportation	Pedestrian & Cyclist Enabling Facilities	A6106	Pedestrian Crossing - Pacific Lutheran College (Woodlands Boulevard)	(1)	
Transportation	Transport Management	A6111	City Wide - PAPL phone lines to traffic signals with a DSL service plus new DSL services on signals without phone lines	48	
Transportation	Carparks	A6605	North Arm Primary School Car Park	20	
Transportation	Pedestrian & Cyclist Enabling Facilities	A6634	Pedestrian refuge - Caloundra State School - plover	20	
Transportation	Pedestrian & Cyclist Enabling Facilities	A6645	Nambour State High School - Pedestrian crossing	11	
Transportation	Strategic Pathway & Onroad Cycle Networks	A7504	Our lady of the Rosary (Alfred Street) - Construct Footpath(s)	(1)	
Transportation	Public Transport Infrastructure	A8082	Conondale State School - Bus Shelter	(2)	
Transportation	Public Transport Infrastructure	A8082	Conondale State Primary - Bus Shelter	(2)	
Transportation	Public Transport Infrastructure	A8082	Conondale Primary School	6	
Transportation	Sealed Road Network	A8104	South Cooloom Road - Upgrade 2 lanes	270	
Transportation	Strategic Pathway & Onroad Cycle Networks	A8111	Tewantin State School (Werrin Street)	(12)	
Transportation	Carparks	A8901	Berwah Primary School - Provide Passenger Set Down Facilities	(1)	
Transportation	Gravel Road Network	A8903	Wilson Road Ilkley - Sealing previous unsealed Road		125

31-December-2012				
PROGRAM	SUB-PROGRAM	JOB NUMBER	JOB NUMBER DESCRIPTION	Amount \$'000
Transportation	PIP Transportation	A8914	Evans Street - Duplicate 2 to 4 Lanes	832
Transportation	Strategic Pathway & Onroad Cycle Networks	A9491	Construct new pathway on East side of Meridan Way from the existing pathway to Meridan Fields Sports Complex	22
Transportation	Strategic Pathway & Onroad Cycle Networks	A9493	Cooroy State School (Elm Street/Lake MacDonald Drive Intersection) Pedestrian Refuge	37
Transportation	Transport Management	A9509	Caloundra State High School - Passenger Set Down Facilities - plover	76
Transportation	Transport Management	A9510	Kawana Waters College - Passenger Set-Down Facilities and Bus Stop	4
Transportation	Transport Management	A9511	Maleny-Kenilworth Road - Provide Passenger Set-Down Facilities	26
Transportation	Public Transport Infrastructure	A9983	Maleny State High School	19
Transportation	Sealed Road Network	A9984	Maleny State School - Ananda Marga School	65
Transportation	Transport Management	B0540	William Street / George Street Intersection - Improve Traffic Signals	17
Transportation	Transport Management	B0541	Wises Road and Kayleigh Street - Install Traffic Signals	3
Transportation	Sealed Road Network	B1514	TMR / local government alliance - Regional Road Group funded	4
			<i>Sub-Total</i>	<i>(0)</i>
COUNCILLOR REALLOCATIONS				
Transportation	Streetscapes - corridors	A8175	Kenilworth Streetscape Stage 1	4
Divisional Allocations	Minor Emergent Works	B1404	Belmore Ice Sunshine Beach-park upgrade	34
Divisional Allocations	Minor Emergent Works	B1404	Belmore Ice Sunshine Beach-park upgrade	16
Divisional Allocations	Local Parks	B1520	Jubilee Dv Palmwoods Warriors-oval lights	20
Divisional Allocations	Local Pathways	B1522	Fifth Ave Maroochydore - footpath	22
Transportation	Public Transport Infrastructure	B1523	North Arm Yandina Creek Rd - bus stop	20
Divisional Allocations	Local Pathways	B1524	Kauri St Cooroy - footpath	25
Divisional Allocations	Minor Emergent Works	D1010	12/13 Councilor Minor OP Works - Div 10	(4)
Divisional Allocations	Minor Emergent Works	D1018	12/13 Councilor Emerg Capital - Div 5	(20)
Divisional Allocations	Minor Emergent Works	D1021	12/13 Councilor Emerg Capital - Div 8	(22)
Divisional Allocations	Minor Emergent Works	D1022	12/13 Councilor Emerg Capital - Div 9	(20)
Divisional Allocations	Minor Emergent Works	D1025	12/13 Councilor Emerg Capital - Div 12	(25)
Divisional Allocations	Local Parks	D1037	12/13 Local Parks Allocations - Div 11	(16)
Divisional Allocations	Local Pathways	D1049	12/13 Local Pathways Network - Div 11	(34)
Divisional Allocations	Minor Emergent Works	A0717	11/12 Councilor Minor OP Works - Div 4	(7)
Divisional Allocations	Minor Emergent Works	B1518	Brisbane Rd-Woomba Place Pk - furniture	7
Divisional Allocations	Minor Emergent Works	B1519	Alexandra Parade - power in park	1
Divisional Allocations	Minor Emergent Works	B1407	Golden Bch Esp - carpark survey & design	108

Monthly Budget Amendments - Capital 31-December-2012

PROGRAM	SUB-PROGRAM	JOB NUMBER	JOB NUMBER DESCRIPTION	Amount	
				\$'000	\$'000
Divisional Allocations	Minor Emergent Works	D1015	12/13 Councillor Emerg. Capital - Div 2		(50)
Divisional Allocations	Local Pathways	D1040	12/13 Local Pathways Network - Div 2		(43)
Divisional Allocations	Minor Emergent Works	D1002	12/13 Councillor Minor OP Works - Div 2		(15)
Divisional Allocations	Local Parks	B1517	Wallum Gdns Little Mountain-footpath	40	
Divisional Allocations	Local Parks	D1029	12/13 Local Parks Allocations - Div 3		(40)
Divisional Allocations	Local Parks	B1520	Jubilee Dv PalmwoodsWarriors-oval lights	24	
Divisional Allocations	Local Parks	D1031	12/13 Local Parks Allocations - Div 5		(24)
Divisional Allocations	Local Pathways	B1521	Kingsford Smith Pde - kerb ramp	3	
Divisional Allocations	Local Pathways	D1046	12/13 Local Pathways Network - Div 8		(3)
Divisional Allocations	Local Pathways	B1524	Kauri St Cooroy - footpath	65	
Divisional Allocations	Local Pathways	D1050	12/13 Local Pathways Network - Div 12		(65)
Divisional Allocations	Minor Emergent Works	B1528	Canavan Gracie Recreational Park Little Min - sign	1	
Divisional Allocations	Minor Emergent Works	D1001	12/13 Councillor Minor OP Works - Div 1		(1)
Divisional Allocations	Local Pathways	B1401	Mary River Rd Cooroy - footpath	25	
Divisional Allocations	Minor Emergent Works	D1025	12/13 Councillor Emerg Capital - Div 12		(25)
Divisional Allocations	Local Parks	B1527	Prospect Place Pk Cooroy-park furniture	12	
Divisional Allocations	Minor Emergent Works	D1025	12/13 Councillor Emerg Capital - Div 12		(12)
Divisional Allocations	Minor Emergent Works	B1529	Furness Dve Tewartin-seat-slab near No50	2	
Divisional Allocations	Minor Emergent Works	D1012	12/13 Councillor Minor OP Works - Div 12		(2)
Divisional Allocations	Local Parks	B1530	Kin Kin Sports Ground-cricket pitch reps	9	
Divisional Allocations	Minor Emergent Works	D1012	12/13 Councillor Minor OP Works - Div 12		(9)
Divisional Allocations	Minor Emergent Works	B1531	Sixth Ave Maroochydore - sign	1	
Divisional Allocations	Minor Emergent Works	D1008	12/13 Councillor Minor OP Works - Div 8		(1)
			<i>Sub-Total</i>		0
RESERVE TRANSFERS					
		0000718	Capital Projects Parked - Bitumen Storage Tank		(30)
		0000778	Capital Projects Parked - Fencing and Security Peachester		(50)
		0000469	Cornmeal Ck Ds & Const Rock Wall		(185)
		0000309	Twin Waters Maintenance Levy		(10)
		0000304	Noosa Main Beach Precinct Streetscape		(206)
		0000306	Northern Area Heritage Levy		(25)
		0000491	Other	25	
		0000577	EL - Major Initiatives & Catalysts Projs	385	
		0000578	EL - Grants, Incentives & Partnerships	25	
		0000617	Other - Capital		(131)
			<i>Sub-Total</i>		(202)

31-December-2012					
Monthly Budget Amendments - Capital					
PROGRAM	SUB-PROGRAM	JOB NUMBER	JOB NUMBER DESCRIPTION	Amount \$'000	
ADMINISTRATIVE CORRECTIONS					
Transportation	Gravel Roads	B1485	Dust suppression trial Gravel Resheeting	(58)	
Transportation	Gravel Roads	B1484	Glass House/Woodford Rd Gravel Resheet	58	
			<i>Sub-Total</i>	0	
TRANSFERS TO OR FROM OPERATING					
Strategic Land	Strategic Land, Economic Development and Innovation	B1525	Sunrise Shopping Centre Feasibility	150	
			<i>Sub-Total</i>	150	
Total Increase / (Decrease) to Capital Program for Period				593	

31-December-2012

Capital Projects Expense with a Budget Variation > \$50,000

Program	Sub-Program	Account Description	Current Budget Full Year \$'000	Actual YTD \$'000	Variance \$'000	Comments
Transportation	Sealed Road Network	A6102 - Glenview Rd Glenview-Realign cmr bends	0	165	165	Forward design project which was not initially funded but required advance design work to allow funded construction in future years to commence. Funds to be balanced at next budget review.
Buildings and Facilities	Community Facilities	A7863 - Tewanin Wading Pool - Site Remediation	0	60	60	Ongoing problems with the surface to the spray park have necessitated the installation of an improved surface, and as a consequence resulted in an over-expenditure funded from reallocations as part of this months Capital Adjustments.
Transportation	Sealed Road Network	A8923 - Cootharaba Rd Landslide	0	101	101	Works required as a result of early 2012 weather events. A proportion of this will be claimed under the NDRRA grant scheme, with required balance of funding to be adjusted at next budget review.
Transportation	Sealed Road Network	A9121 - Commissioners Flat Rd Inundation	0	164	164	Repairs in response to the early 2012 flood event. A proportion of this will be claimed under the NDRRA grant scheme, with required balance of funding to be adjusted at next budget review.
Buildings and Facilities	Community Facilities	B0450 - Kanyana Pk Dulong - Replace Toilet Block	0	96	96	Funds have been drawn down as part of December's Capital Adjustments from specific reserves for this project to reinstate the toilet block which was previously burnt down.
Transportation	Natural Disaster Transportation	B0643 - Perwillowen Road Slip	0	68	68	Works required as a result of early 2012 weather events. A proportion of this will be claimed under the NDRRA grant scheme, with required balance of funding to be adjusted at next budget review.
Parks and Gardens	Beach Accesses & Dunal Areas Development	B1463 - Emergent Works Beach Access 27	0	53	53	Additional works were required to address stormwater management and rehabilitation issues leading to the beach access prior to construction commencement. Funds have been allocated to this project as part of December's Capital Adjustments
Transportation	Gravel Road Network	B1483 - Beerburum/Woodford Rd Gravel Resheeting	0	104	104	Funds have been reallocated from the Whole of Region annual gravel resheeting account to this specific project as part of December's Capital Adjustments.
Transportation	Gravel Road Network	B1484 - Glass House/Woodford Rd Gravel Resheet	0	71	71	Funds have been reallocated from the Whole of Region annual gravel resheeting account to this specific project as part of December's Capital Adjustments.
Transportation	Carparks	A9930 - Park St, Carpark - Near Bowls Club	8	144	135	Additional works required to allow traffic to flow to community centre via bowls club following closure of traffic movements on David Low Way for safety reasons. Funds to be balanced as part of the overall Coolool Streetscape project at next budget review.
Buildings and Facilities	Community Facilities	B0510 - Alexandra Pole Surf Club-new toilet block	10	86	77	Funds have been allocated from the Whole of Region annual public amenities rehabilitation and renewal account to this specific project as part of December's Capital Adjustments.
Transportation	Reseals and Rehabilitation	B0021 - FURNESS DRIVE 1532_103	13	271	257	Pavement and subgrade saturated during construction which required reworking and placement of additional pavement gravel prior to sealing. Balance of funding to be adjusted at next budget review.
Transportation	Public Transport Infrastructure	A9698 - Edwin Ct, Landsborough	15	133	118	Additional works undertaken. Additional bus stop and shelter installed. Funds to be balanced at next budget review.
Buildings and Facilities	Community Facilities	B0348 - Noosa Leisure Centre	35	89	54	During the project works a number of potentially dangerous fire safety deficiencies were discovered and rectified. Funds to be balanced at next budget review.
Transportation	Reseals and Rehabilitation	B1136 - Price Street Nambour 3360_102	42	97	55	Actuals overstated by \$29,393 - no commentary necessary
Quarries	Quarries	B0563 - Quarry Development	44	101	57	Additional costs incurred for which funds have been drawn down from Reserves as part of this months Capital Adjustments.

31-December-2012

Capital Projects Expense with a Budget Variation > \$50,000

Program	Sub-Program	Account Description	Current Budget Full Year	Actual YTD	Variance	Comments
Coast and Canals	Coast, Canals and Waterways	A6837 - Haul Road Install Rock Revegetation Wall	51	277	226	Additional costs have been incurred due to latent site conditions and funding will be balanced at next budget review.
Environmental Assets	PIP Environmental Parks	A9570 - General upgrades Design & commencement	67	134	67	Additional costs have been incurred during the renewal of the lagoon walk at the botanic gardens. Funds to be balanced at next budget review.
Parks and Gardens	Recreation Park and Landscape Amenity	A6448 - Pilot Station Pk Landscape Design/Const	70	181	111	Additional works required to incorporate future landscape area previously designed but unfunded. Part funding via councillor divisional funds and allocations as part of December's Capital Adjustments.
Transportation	Sealed Road Network	A9164 - Mons Road, Widening	75	127	52	Additional construction works were carried out due to safety. Funds to be balanced at next budget review.
Coast and Canals	Coast, Canals and Waterways	A7989 - Cormeal Ck Design & Construct Rock Wall	78	235	157	Project at practical completion, awaiting final charging of day labour to financially complete. Sufficient funds are held in project specific Reserve to cover cost to completion and will be drawn down in December accounts.
Quarries	Quarries	A9736 - Pugmill Radial Stackler	79	134	56	Additional costs incurred for which funds have been drawn down from Reserves as part of this months Capital Adjustments.
Buildings and Facilities	Corporate Buildings	A9741 - National PKRD NambourDispot-demolish shed	102	179	76	Latent site conditions on this project required remediation due to their potential environmental impact if left unattended. This project is funded from the Whole of Region Depot allocation and will be reallocated in January accounts.
Transportation	Streetscapes - Corridors	A9499 - Alexandra Pde Alex Headlands-SLSC Works	138	281	142	Additional costs incurred in Stages 1 & 2 full detailed design in order to submit plans to DTPM for approval in advance of subsequent year construction funding. Funds to be balanced at next budget review.
Transportation	Reseals and Rehabilitation	B1211 - Esplanade Bulcock Beach c'dra 5434, 101	160	215	55	Additional area of 2000sqm to complete works. Funding will be sourced from within existing resal program.
Transportation	Gravel Road Network	A8903 - Wilson Rd Ilkley-Gravel Rd Seal	175	276	102	Additional expenditure was required to realign the temporary diversion track that was put in for the construction of a major water main valve pit. Moving the road back onto the correct alignment significantly improved the safety of the road at this location. Funds to be balanced at next budget review.
Transportation	Sealed Road Network	A8093 - North Maleny Rd Maleny Intersect Upgrade	196	442	246	Funds from this project were utilised on a different project which had been fast tracked, and will be transferred back to balance both projects at next budget review.
Buildings and Facilities	Corporate Buildings	A9744 - Wises Rd Maroochydore Depot - bio fuel	258	371	113	Project A9744 for Maroochydore Depot should be viewed in conjunction with project A8846 Biodiesel WOR (Caloundra Depot) as costs for both depots have been charged to the one account, A9744. Project A8846 has an available budget of \$81,000 and upon finalisation of the two projects any balance of funding required will be adjusted at the next budget review.
Transportation	Sealed Road Network	B0448 - Durham Cr - Road Slip	429	513	84	Works required as a result of 2011 weather events. A proportion of this will be claimed under the NDRRA grant scheme, with required balance of funding to be adjusted at next budget review.
Parks and Gardens	PIP Sports Facilities	B0691 - Girraween Sports Complex Stage 4	799	876	77	Amendments to design resulted in additional costs. Funding to be sourced from IS capital works program to offset additional costs
Strategic Land and Commercial Properties	Strategic Land, Economic Development & Innovation	A9938 - MCP Driveway / Parking Patternore House	892	950	58	Additional costs incurred for which funds have been reallocated as part of this months Capital Adjustments.
Transportation	PIP Transportation	A9519 - Brisbane Rd Mooloolaba-Stg 2 Construct	2,000	2,380	380	Costs incurred to ensure completion prior to Christmas 2012. Funds to be balanced at next budget review.
Strategic Land and Commercial Properties	PIP Social Land	B1403 - Land Acq - 26 William Street	2,250	2,378	128	Purchase of land at Morlat Beach which is being funded from both Open Space developer contributions and Strategic Land reserves. These funds will be drawn down as part of this months Capital Adjustments.
Transportation	Streetscapes - Major Centres	A9947 - Elizabeth St, Roundabout Stge 2	2,999	3,064	65	Slight overrun (2%) in Streetscape construction costs to complete stages 1 - 4 of planned streetscape works. Funds to be balanced at next budget review.

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7.2.2 QUARTERLY PROGRESS REPORT - QUARTER 2, 2012-2013

File No:	4.16.4
Author:	Corporate Planning & Reporting Manager Finance & Business Department
Appendices:	App A - Quarterly Progress Report Quarter 2 2012-2013 (<i>Under Separate Cover</i>) (Att Pg 117) App B - Operational Plan Activities Report (<i>Under Separate Cover</i>) (Att Pg 147)

PURPOSE

This report presents the Quarterly Progress Report for the period 1 October to 31 December 2012.

The report has been prepared to inform council and the community on implementation of the activities, projects and programs set out in the Operational Plan 2012-2013 and the implementation of the Corporate Plan 2009-2014.

EXECUTIVE SUMMARY

Each calendar quarter, council receives a progress report on the delivery of the operational plan and other matters of importance. The report, once adopted, is made available to the community.

This report includes reports from the Chief Executive Officer and Executive Directors outlining achievements for the quarter. It also provides information on operational projects/activities set for the year focused on forward planning, service delivery, capital works programs, and organisational efficiencies.

Executive Directors have outlined in their reports that planning is well underway to deliver on the 210 projects/activities in the Operational Plan 2012-2013.

Highlights from the quarter ended 31 December are as follows:

- Working closely with stakeholders and the community on the process for allowing small businesses to conduct commercial activities on community land.
- Council staff delivered two Christmas events and a regional New Years Eve event
- Local business support program focused on better positioning for works packages tendering for the new Sunshine Coast University Hospital.
- An organisation review panel was established to continually review councils services and oversee the organisations external review
- Seven Total Management Plans incorporating the whole-of-life sustainability of the built and natural environments
- Approval for a number of service level agreements, defining service quality for activity or service area against which service performance may be measured.
- Public display of the New Sunshine Coast Planning Scheme.
- A range of information to encourage sustainability, at the household and school/business level, were continued to be rolled out.

OFFICER RECOMMENDATION

That Council:

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

FINANCE AND RESOURCING

The cost of implementing the Operational Plan 2012-2013 has been built into the Annual Budget 2012-2013.

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.1 - Ethical, accountable and transparent decision-making
Strategy: 8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council’s reputation

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management
Strategy: 8.2.4 - Consolidate data, information and knowledge to improve council operations

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.6 - An informed and engaged community
Strategy: 8.6.3 - Keep the community informed about council’s activities through a wide range of communication tools

CONSULTATION**Internal Consultation**

Consultation has occurred widely within council to ascertain the status of activities and projects in the operational plan and this information was provided by each organisational department of council.

External Consultation

There has been no external consultation in relation to this report however the report is made available to the community following adoption.

Community Engagement

Community engagement in relation to projects and activities within the Operational Plan 2012-2013 is undertaken where appropriate in accordance with the relevant project plans and the Community Engagement Policy.

PROPOSAL

About the Quarterly Progress Report

The Chief Executive Officer's Quarterly Progress Report – Quarter 2 (Appendix A) consists of the Chief Executive Officer's summary report and Executive Directors' detailed reports.

The purpose of the report is to inform council and the community on progress towards implementing projects and activities set out in the Operational Plan 2012-2013 that align with the delivery of the Corporate Plan 2009-2014.

Executive Directors have indicated that 88% of projects are in the planning phase or have commenced and 6% have been completed.

Status of Projects

The Operational Activities Report – Quarter ended December 2012 (Appendix B) provides details on the status of the 210 projects/activities in the Operational Plan 2012-2013.

The report includes the status of each project/activity in the operational plan covering percentage complete, anticipated completion date and progress commentary.

Table 1 provides a summary on the status of all projects/activities in the Operational Plan.

Status	Number
Completed	13
Underway	186
Not started	11
Total	210

Table 1: Summary of all projects/activities in the Operational Plan

Significant projects/programs implemented:

- Working closely with stakeholders and the community on the process for allowing small businesses to conduct commercial activities on community land.
- Council staff delivered two Christmas events and a regional New Years Eve event
- Local business support program focused on better positioning for works packages tendering for the new Sunshine Coast University Hospital.
- An organisation review panel was established to continually review councils services and oversee the organisations external review
- Seven Total Management Plans incorporating the whole-of-life sustainability of the built and natural environments
- Approval for a number of service level agreements, defining service quality for activity or service area against which service performance may be measured.
- Public display of the New Sunshine Coast Planning Scheme.
- A range of information to encourage sustainability, at the household and school/business level, were continued to be rolled out.

More detail on these highlights and other achievements during the quarter is available in the Executive Directors' reports which form Appendix A to this report.

Legal

There is a legislative requirement for council to provide a performance report on its progress in implementing the Corporate and Operational Plans. This report meets the requirements of the Local Government Act Regulation.

Policy

There is no policy associated with the presentation of a quarterly progress report however it is a component of the Strategic Corporate Planning and Reporting Framework and a legislative requirement to provide a report on performance against the corporate and operational plans.

Risk

Executive Directors have provided an overview of departmental operations including the outlook for the future and any associated risks.

In accordance with council's Enterprise Risk Management Framework, the risks and opportunities identified in relation to the quarterly progress report include:

Reputation/public image: the report provides complete information on council's operations and builds a positive reputation for council with the community.

Legislative: the report meets the legislative requirements of the Local Government Act and Regulation.

Business activity: the report keeps council informed about the progression of the operational plan activities and provides a timely account of council's progress to the community.

Previous Council Resolution

Council Resolution (SM12/08)

That Council:

- (a) receive and note the report titled "Operational Plan 2012-2013"; and*
- (b) adopt the "Operational Plan 2012-2013" (Appendix A)*

Council Resolution (OM/12/150)

That Council:

- (a) receive and note the report titled "Quarterly Progress Report – Quarter 1, 2012-2013";*
- (b) note the Chief Executive Officer's Quarterly Progress Report – Quarter 1, 1 July to 30 September 2012 (Appendix A); and*
- (c) note the Operational Activities Report – Quarter ended September 2012 (Appendix B) reporting on the implementation of the Corporate and Operational Plans.*

Related Documentation

- Corporate Plan 2009-2014 and Operational Plan 2012-2013.
- Financial information is provided to council through the Financial and Capital Management report.

Critical Dates

Quarterly Progress Reports are usually scheduled to be presented to council within four weeks of the end of the calendar quarter subject to the scheduled meeting cycle. However this quarter, due to the holiday period in December/January, the report is being presented in February.

Implementation

Corporate Governance branch will manage the distribution and publication of the report. Specifically the report will be distributed to council libraries and customer service centres and will be placed on council's website and intranet.

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

File No:	Council Meetings
Author:	Governance Strategy & Policy Coordinator Finance & Business Department
Appendices:	App A - Council's Representative on Council Companies 2013-53 (Pg 131) App B - Unitywater 2013-54 (Pg 132)

PURPOSE

The purpose of this report is to present the following delegations of authority for council's consideration and adoption:

- ***Council's representative on council owned companies*** - power to act as council's representative on council owned companies; and the power to appoint and remove or replace board members in accordance with company constitutions; and
- ***Unitywater*** – power to sign documents to appoint and remove board members of Unitywater in accordance with the Northern SEQ Distributor-Retailer Authority Participation Agreement; and the power to negotiate, agree and execute terms and conditions of loan and other agreements and deeds with Unitywater and Queensland Treasury Corporation (QTC).

EXECUTIVE SUMMARY

Delegations are the process by which the council delegates local government powers under relevant legislation to implement and enforce legislation, standards and requirements. Delegations are necessary to maintain operational effectiveness, to ensure processes are more timely and streamlined and to ensure Council Officers are educated and operating under the correct legislative provisions.

The proposed delegations have been prepared to achieve these outcomes and are presented for council consideration and adoption.

Current Council owned corporations are Quad Park Corporation Pty Ltd, the Sunshine Coast Events Centre Pty Ltd and Noosa Biosphere Limited.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled “Delegations of Authority - Council's Representative on Council Companies Delegation and Unitywater Delegation”**
- make the delegation titled “Delegations of Authority – Council’s Representative on Council Companies Delegation” (Appendix A)**
- make the delegation titled “Delegations of Authority – Unitywater Delegation” (Appendix B) and**
- delete former Caloundra City Council delegation 2005-2007.**

FINANCE AND RESOURCING

The development of the delegations attached to this report have been prepared within existing Corporate Governance Branch core budget provisions.

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.1 - Ethical, accountable and transparent decision-making

Strategy: 8.1.2 - Ensure legislative compliance and awareness

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management

Strategy: 8.2.3 - Implement a business approach that focuses on maximising opportunities, managing risks and improving quality of service

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.5 - Advocacy and partnerships

Strategy: 8.5.1 - Establish strong partnerships with all levels of government and create alliances with peak bodies and the community

CONSULTATION

Internal Consultation

In drafting the delegation, internal consultation was undertaken with the Executive Director Finance and Business and the Manager Corporate Governance.

External Consultation

The other participant in Unitywater, Moreton Bay Regional Council, has advised that they have delegations in place for their Chief Executive Officer to undertake the powers as defined in this report.

Community Engagement

There was no community engagement required in preparing this report.

PROPOSAL

Delegations generally

Council has a range of powers and functions to perform which are conferred under a number of different Acts of Parliament including the *Local Government Act 2009*. Under section 257 of the *Local Government Act 2009*, a Local Government can delegate its powers under an Act to the Chief Executive Officer.

The Chief Executive Officer can then exercise power under section 259 of the *Local Government Act 2009* to further delegate to other council officers. The Chief Executive Officer delegates many powers and functions to other officers of council who assist the Chief Executive Officer in ensuring that the many roles of the council (i.e. providing a service to its community while meeting its legislative responsibilities) are met in a timely, effective and efficient manner.

The instrument of delegation includes a delegation criteria and a delegation administrative procedure section which provides additional information to delegated officers to ensure that delegations are exercised within a decision-making framework that is based on great governance, risk management and within an environment of integrity and accountability.

Council's representative on council owned companies delegation

The proposed delegation allows council to appoint a representative who may exercise, on the council's behalf, all of the powers that the council could exercise at a meeting or in voting on a resolution and applies to all council owned companies. The delegation also extends to the appointment and dismissal of board members in accordance with the relevant company constitutions. In situations where it is impractical for the whole of council to attend company meetings, the proposed delegation provides another mechanism for council to exercise their powers as a member. However, where a company's constitution prohibits the appointment of a representative under the *Corporations Act 2001* (Cth), the proposed delegation will not apply.

The *Corporations Act 2001* (Cth) provides that any member which is a corporation, may appoint an individual as its representative. Therefore, council, as the sole member of all council owned companies, may appoint an individual as their representative to exercise all or any of the powers the council may exercise as the member.

This includes the authority to:

- exercise the powers of council at meetings of a company's members; or
- at meetings of creditors or debenture holders; or
- relating to resolutions to be passed without meetings; or
- in the capacity of a member's proxy appointed under subsection 249X (1) of the *Corporations Act 2001* (Cth) and
- appoint and dismiss board members of each company in accordance with the relevant company constitution.

To ensure a robust governance process exists, delegation criteria has been inserted in the instrument of delegation that necessitates the requirement for council's representative to exercise their powers in accordance with the powers and rights of members under the *Corporations Act 2001* (Cth) and any resolutions or requests from council with regards to the exercise of members powers.

While the Corporation Act 2001 provides the authority for a member to appoint more than one representative, only one representative may exercise the member's powers at any one time.

Current Council owned corporations are Quad Park Corporation Pty Ltd, the Sunshine Coast Events Centre Pty Ltd and Noosa Biosphere Limited.

Unitywater delegation

Council is a participant of the Northern SEQ Distributor-Retailer Authority Participation Agreement. The Northern SEQ Distributor-Retailer Authority trades as Unitywater.

The proposed delegation allows council to appoint a representative to sign documents to appoint and remove board members of Unitywater in accordance with clauses 6.2 and 6.3 of the Northern SEQ Distributor-Retailer Authority Participation Agreement; and to negotiate, agree and execute terms and conditions of loan and other agreements and deeds with Unitywater and Queensland Treasury Corporation (QTC).

In exercising the delegation, the delegated officer must act in accordance with the delegation criteria, which requires the following actions:

- consultation with the Mayor and, where necessary, any other councillor holding an associated portfolio responsibility;
- obtain and consider legal and/or financial advice as appropriate, in relation to any loan agreements and deeds;
- consider the financial sustainability of council and the best interests of the community; and
- consider any resolutions or requests from council with regards to exercising the powers of a Unitywater member.

Legal

The delegations attached to this report have been prepared in accordance with the requirements of the *Local Government Act 2009* and the regulation.

Section 257 (Delegation by the Local Government) of the *Local Government Act 2009* allows, by resolution, a local government to delegate its powers under a local government act to:

- the mayor; or
- the chief executive officer; or
- a standing committee, or joint standing committee, of the local government; or
- the chairperson of a standing committee, or joint standing committee, of the local government; or
- another local government, for the purposes of a joint government activity.

Policy

The delegations of authority align with the Sunshine Coast Council's Strategic Policy Framework.

Risk

The delegations attached to this report reflect council's enterprise risk management aspiration of being a reputable and highly regarded organisation that focusses on maximising opportunities, managing risks and improving quality of service.

The delegations are necessary to maintain operational effectiveness and to ensure processes are accountable, transparent and streamlined.

Previous Council Resolution

The former Caloundra City Council adopted the "*Appointment of Representative for Council in a Shareholder Capacity*" delegation on the 25 October 2005 / resolution number S05-36. The proposed 'Council's representative on council owned companies delegation' will replace the previous Caloundra City Council delegation to ensure compliance with the provisions of the *Corporations Act 2001* (Cth) and to ensure consistency of delegation instruments for Sunshine Coast Council.

Related Documentation

- The *Local Government Act 2009* can be accessed at <http://www.legislation.qld.gov.au>.
- The *Corporations Act 2001 (Cth)* can be accessed at http://www.austlii.edu.au/au/legis/cth/consol_act/ca2001172/
- The *South-East Queensland Water (Distribution and Retail Restructuring Act 2009* and Regulation can be accessed at <http://www.legislation.qld.gov.au>.
- The Northern SEQ Distributor-Retailer Authority Participation Agreement.
- Constitutions of Quad Park Corporation Pty Ltd; Sunshine Coast Events Centre Pty Ltd and Noosa Biosphere Limited.

Critical Dates

It is important that council gives consideration to this report as soon as possible to allow the delegations to be implemented.

Debt instruments with Unitywater must be finalised and signed prior to 30 June, 2013.

Implementation

Following adoption of the report, implementation will occur as detailed below:

- Delegation Register updated;
- On-delegation by Chief Executive Officer to relevant council officers in accordance with s.259 of the *Local Government Act 2009*;
- Delegated officers notified and advised of obligations accordingly.

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DELEGATION OF AUTHORITY**TITLE:** *Council's representative on council owned companies***Delegation by Council to:**

Chief Executive Officer

Council Resolution date & No.:**Source of Authority:***Corporations Act 2001 (Cth) - Part 2G.2**Local Government Act 2009 (Qld) – Section 257***Delegated Power:**

1. The Authority:
 - (a) to act as council's representative to exercise all the powers that council, as the member of each company, may exercise at a meeting or in voting on a resolution; and
 - (b) to appoint and remove or replace board members of each company in accordance with the relevant company's Constitution.

Delegation Criteria:

2. When exercising this delegation the delegated officer must consider:
 - (a) the powers and rights of members under the *Corporations Act 2001 (Cth)* and those powers contained in the relevant constitution; and
 - (b) any resolutions or requests from council with regards to exercising the powers of members.
3. Only one representative may exercise the powers of the member at any one time.

Delegated Administrative Procedure:

3. The delegated officer shall:
 - (a) maintain a record of all instances where this delegation has been exercised.

DELEGATION OF AUTHORITY

TITLE: *Unitywater*

Delegation by Council to:

Chief Executive Officer

Council Resolution date & No.:

Source of Authority:

Corporations Act 2001 (Cth) - Part 2G.2

Local Government Act 2009 (Qld) – Section 257

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and Regulations

Northern SEQ Distributor-Retailer Authority Participation Agreement – Clauses 6.2 & 6.3

Delegated Power:

1. The Authority:

- (a) to sign documents to appoint and remove board members of Unitywater in accordance with clauses 6.2 and 6.3 of the Northern SEQ Distributor-Retailer Authority Participation Agreement; and
- (b) to negotiate, agree and execute terms and conditions of loan and other agreements and deeds with Unitywater and Queensland Treasury Corporation (QTC).

Delegation Criteria:

2. When exercising this delegation the delegated officer must:

- (a) consult with the Mayor and, where necessary, any other councillor holding an associated portfolio responsibility;
- (b) obtain and consider legal and/or financial advice as appropriate, in relation to any loan agreements and deeds;
- (c) consider the financial sustainability of council and the best interests of the community; and
- (d) comply with any resolutions from council with regards to exercising the powers of a Unitywater member.

Delegated Administrative Procedure:

3. The delegated officer shall:

- (a) maintain a record of all instances where this delegation has been exercised.

7.2.4 ITEM WITHDRAWN

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7.2.5 AMENDED DELEGATION - ROAD CLOSURES

File No:	14.7.1
Author:	Manager Corporate Governance Finance & Business Department
Appendices:	App A - Delegation - Road Closures 2009-32 v2 (Pg 147)
Attachments:	Att 1 - Delegation - Road Closures 2009-32 v1 (Pg 149)

PURPOSE

The purpose of this report is to present to council for consideration an amended delegation in relation to powers to close roads.

EXECUTIVE SUMMARY

As a result of a recent review Council must now amend the road closure delegation to incorporate the provisions of the *Local Government Act 2009* (the Act) that deal with roads.

The review identifies that there should be improved reference to the Local Government Act provisions in Council's road closure delegation, specifically in relation to road closure and road reserve operational management.

The purpose of this delegation is to provide to the Chief Executive Officer the ability to exercise this power and ensure the appropriate operational staff have the delegated authority to continue operations. This amended delegation is necessary to maintain operational effectiveness, to ensure processes are more timely and streamlined and to ensure Council Officers are educated and operating under the correct legislative provisions.

OFFICER RECOMMENDATION

That Council:

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

FINANCE AND RESOURCING

The development of this delegation has been met through the Corporate Governance branch's core budget provisions.

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.1 - Ethical, accountable and transparent decision-making

Strategy: 8.1.2 - Ensure legislative compliance and awareness

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management

Strategy: 8.2.3 - Implement a business approach that focuses on maximising opportunities, managing risks and improving quality of service

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.5 - Advocacy and partnerships

Strategy: 8.5.1 - Establish strong partnerships with all levels of government and create alliances with peak bodies and the community

CONSULTATION

Internal Consultation

In drafting the delegation, internal consultation was undertaken with the Executive Director Infrastructure Services and Finance and Business and the Manager Corporate Governance.

External Consultation

Discussions recently held with an officer within the Office of the Queensland Ombudsman regarding the requirement for a formal delegation from council for the Chief Executive Officer or any other officer in council.

Community Engagement

There was no community engagement required in preparing this report as delegations of authority are purely an internal administrative process.

PROPOSAL

Amendments to the pre-existing delegation

Council previously delegated to the Chief Executive Officer the powers to undertake certain activities and make certain decisions under the *Local Government Act 2009* and the *Land Act 1994*. As a result of recent discussions with an officer within the Office of the Queensland Ombudsman it was established that this delegation needed amendment to include additional road closure powers under the *Local Government Act 2009*.

Attached to this report is a copy of the previous delegation and the amended delegation which now includes the road closure powers and provisions of section 69 and section 70 of the *Local Government Act 2009*.

Legal

Under Section 257 of the *Local Government Act 2009*, a Local Government can delegate its powers under an Act to the Chief Executive Officer.

The delegation attached to this report has been prepared in accordance with the requirements of the *Local Government Act 2009* and Regulation.

Policy

This delegation aligns with the Sunshine Coast Council Strategic Policy Framework.

Risk

The proposed amendment to the delegation will ensure council's operations comply with legislation.

Previous Council Resolution

The previous delegation was adopted by council at its Ordinary Meeting on 17 September 2009 (OM 4.2.1).

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

The proposed changes to the delegation are required as soon as possible to resolve some current operational concerns associated with the management of road reserves.

Implementation

Following adoption of the report, implementation will occur as detailed below:

- Delegation Register updated
- On-delegation to relevant council officers in accordance with s.259 of the *Local Government Act 2009*
- Delegated officers notified and advised of obligations accordingly.

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DELEGATION OF AUTHORITY	
TITLE:	ROAD CLOSURES
Delegation by Council to: Chief Executive Officer	Council Resolution date:
Delegation from Chief Executive Officer to:	Date approved:
Source of Authority: <i>Local Government Act 2009</i> <i>Land Act 1994</i>	

Delegated Power:

1. To exercise Council's powers under the *Land Act 1994* and the *Local Government Act 2009* (section 68) including to:
 - (a) decide whether or not to lodge an objection and, if so decided, to lodge an objection to the proposed road closure notified to council by the Minister;
 - (b) make application to the Minister for the opening or closure of roads in accordance with the *Land Act 1994*; and
 - (c) submit objection to application for opening or closing of a road in a local government area by someone other than the local government.

2. To exercise Council's powers under section 69 of the *Local Government Act (2009)* including the power to:
 - (a) Close a road (permanently or temporarily) to traffic or particular traffic.
 - (b) Close a road to traffic:
 - i. during a temporary obstruction to traffic; or
 - ii. if it is in the interests of public safety; or
 - iii. if it is necessary or desirable to close the road for a temporary purpose (including a fair, for example).
 - (c) Publish notice of closing of road.
 - (d) Do everything necessary to stop traffic using the road after it is closed.
 - (e) Permit the use of any part of a road after it is closed to traffic for a temporary purpose subject to appropriate conditions.

3. To exercise Council's powers under section 70 of the *Local Government Act (2009)* including the power to:



Delegation No: 2009-32
Version: (2)

- (f) Make a temporary road through land adjoining the road to be used while the road is being remade or repaired.

Delegation Criteria

- 4. In relation to exercising the powers under the *Local Government Act 2009* and *Land Act 1994*, the delegated Officer may exercise the powers delegated in paragraph 1 of this delegation in respect of:
 - (a) Council's approved internal processes for road closure applications.
- 5. In relation to exercising the powers under the *Local Government Act 2009*, the delegated Officer may exercise the powers delegated in paragraph 2 and paragraph 3 of this delegation in respect of the following:
 - (a) comply with the procedural requirements of section 69 and section 70 of the *Local Government Act 2009*; and
 - (b) where appropriate, give due consideration to council's plans and priorities for the immediate area and surrounds, including council's capital works program and planning scheme.

Delegation Administrative Procedure:

- 6. The following procedure is to be undertaken for this delegation in relation to the powers delegated in this delegation:
 - (a) This delegation is to be exercised in accordance with the *Local Government Act 2009* and the *Land Act 1994*;
 - (b) The extent of authority is in accordance with the delegated criteria.
- 7. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 2 and paragraph 3 of this delegation:
 - (a) Where necessary, the delegated officer should liaise with affected branches of council and local residents.

-
- 1. The powers and authorities set out above are hereby delegated to the Officer(s) designated.
 - 2. This Delegation is authorised for inclusion in the Delegation of Authority Register.

CHIEF EXECUTIVE OFFICER

DATE

DELEGATION OF AUTHORITY	
TITLE: ROAD CLOSURES	
Delegation by Council to: Chief Executive Officer	Council Resolution date: 17 September 2009 OM 4.2.1
Delegation from Chief Executive Officer to: Executive Director, Finance and Business Manager Property & Business Manager Property Corporate Property Manager Corporate Land Manager	Date approved:
Source of Authority: <i>Local Government Act 1993</i> <i>Land Act 1994</i>	

Delegated Power:

1. To exercise Council's powers under the *Land Act 1994* and the *Local Government Act 1993* including to:
 - (a) decide whether or not to lodge an objection and, if so decided, to lodge an objection to the proposed road closure notified to Council by the Minister;
 - (b) make application to the Minister for the opening or closure of roads in accordance with the *Land Act 1994*.

Delegation Criteria:

2. The delegated officer may exercise the powers delegated in paragraph 1 of this delegation in respect of:
 - (a) Council's approved internal processes for road closure applications.

Delegation Administration Procedure:

3. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 of this delegation:
- (a) This delegation is to be exercised in accordance with the *Local Government Act 1993* and the *Land Act 1994*;
 - (b) The extent of authority is in accordance with the delegated criteria.

-
1. The powers and authorities set out above are hereby delegated to the Officer(s) designated.
2. This Delegation is authorised for inclusion in the Delegation of Authority Register.



CHIEF EXECUTIVE OFFICER

12/12/11
DATE

8 NOTIFIED MOTIONS**9 TABLING OF PETITIONS**

Petitions only eligible for submission if:

- * Legible
- * Have purpose of the petition on top of each page
- * Contain at least 10 signatures
- * Motion limited to:
 - Petition received and referred to a future meeting
 - Petition received and referred to the Chief Executive Officer for report and consideration of recommendation
 - Petition not be received

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10 CONFIDENTIAL SESSION**10.1 REGIONAL STRATEGY AND PLANNING****10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MAROOCHYDORE
TRANSPORT NETWORK PLANNING****File No:** ECM**Author:** Transport Corridor Specialist
Regional Strategy & Planning Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**10.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - NAMBOUR ROAD
NETWORK UPGRADING****File No:** ECM**Author:** Transport Network Specialist
Regional Strategy & Planning Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**10.1.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MERIDAN PLAINS
CORRIDOR ACQUISITION****File No:** ECM**Author:** Principal Policy Officer
Regional Strategy & Planning Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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

File No: Statutory Meetings
Author: Executive Director
Regional Strategy & Planning Department

This item is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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

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

This report is confidential in accordance with section 275 (f) of the *Local Government Regulation 2012* as it contains information relating to starting or defending legal proceedings involving it.

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

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

This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it.

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

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

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

11 NEXT MEETING

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

12 MEETING CLOSURE