

# Agenda

## Ordinary Meeting

**Thursday 26 July 2012**

**commencing at 10.00am**

**Council Chambers, 1 Omrah Avenue, Caloundra**

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**1 DECLARATION OF OPENING**

On establishing there is a quorum, the Mayor 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 28 June 2012 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 in 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 MINUTE**  

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**6 PRESENTATIONS****6.1 PEREGIAN ORIGINALS BUSINESS PLAN**

As resolved at the Ordinary Meeting of 28 June 2012, the organisers of the Peregian Originals are invited to present their long term Business Plan and implementation strategies.

**6.2 TIDY TOWNS AWARD – CALOUNDRA**

Caloundra was named as the winner of the Keep Australia Beautiful, Australian Tidy Towns Award for 2012.

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## 7 REPORTS DIRECT TO COUNCIL

### 7.1 REGIONAL STRATEGY AND PLANNING

#### 7.1.1 KIN KIN QUARRY - AMENDED QUARRY MANAGEMENT PLAN

**File No:** TPC 1899

**Author/Presenter:** Unit Coordinator, Planning Applications North

**Appendix:** App A – [Quarry Management Plan](#) (OM Att Pg 3)  
App B – [Amendments to Quarry Management Plan](#) (OM Pg 24)

**Attachments:** [Att 1 - Planning Approval](#) (OM Att Pg 227)  
[Att 2 - Extension to Approval Term](#) (OM Att Pg 230)  
[Att 3 - Approved Site Layout](#) (OM Att Pg 234)  
[Att 4 - Proposed Site Layout](#) (OM Att Pg 235)

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#### PURPOSE

The purpose of this report is to seek council's approval of the amended Quarry Management Plan submitted for the Kin Kin Quarry.

#### EXECUTIVE SUMMARY

The Kin Kin Quarry has a lengthy history. This includes the planning approval issued in 1988, a change in lessee, the challenge made by the Kin Kin Community Group to the Planning and Environment Court, and the less than satisfactory management of stormwater on site that gave rise to the Department of Environment and Resource Management issuing an Environmental Protection Order early last year.

Notwithstanding this history, the planning approval for the Kin Kin quarry remains current and requires the operators to operate in accordance with a number of conditions, including an approved Management Plan. The operators are now seeking council's approval for an amended Management Plan to replace the approved 2005 Management Plan.

Overall, the amended Management Plan does not seek to change fundamentally the quarry's operations and legal advice received indicates that council's ability to impose additional conditions retrospectively on the quarry's operations is limited, without the operator's agreement. The amended Management Plan is an improved document to the 2005 Management Plan and will provide greater certainty on the operational aspects of the quarry. It offers a greater amount of detail and includes more contemporary environmental performance targets. The amended Management Plan maintains a degree of flexibility recognising that quarry operations are an evolving process affected by the nature of the extracted resource and market demand for material. This is considered acceptable as critical aspects of the quarry's operation are addressed and, where not, it is recommended that amendments be made, with the exception of stormwater management.

With regard to stormwater management, only the initial quarry development phase currently has a feasible conceptual stormwater management plan in place, and a further update of the management plan would be required before further quarrying stages proceed.

The key issues around this matter include:

- the approval is very old (1988) and has only minimal controls over the quarry operations, Condition 2 of which required submission of detailed management plans addressing issues such as the extent of excavation, access, buffers, location of water quality ponds and rehabilitation;
- the quarry has changed hands over time and residents are very concerned about the potential for increased operations on site and the impacts on surrounding roads and residents and the community generally;
- in 2010 local residents contested the lawfulness of the approval given in 1988, and also that the current operation by Neilsen required a fresh approval, but this was not upheld by the Court decision which found that the 1988 approval was validly operating;
- recent legal opinion confirms that council **cannot** add to the conditions of the old approval despite wording indicating this in condition 2; and
- the proposed amended management plan is a better document than the existing (2005) version and provides more contemporary performance targets. Stormwater management will be an on-going issue as the quarry progresses.

It is, therefore, recommended that the amended management plan only be approved in respect of the initial quarry development phase, subject to the amendments outlined.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled 'Kin Kin Quarry Amended Management Plan'; and
- (b) approve the amended Kin Kin Quarry Management Plan at Appendix A prepared by Groundwork Plus and dated December 2011, for the initial quarry development phase only, subject to the amendments in Appendix B.

## FINANCE AND RESOURCING

No infrastructure charges would be triggered by the approval of this amendment Quarry Management Plan, as no additional development is to occur.

## CORPORATE PLAN

Corporate Plan Theme: ***Managing Growth***

Emerging Priority: 7.1 The areas for growth and renewal are clearly defined  
Strategy: 7.1.2 Develop and implement strategies to retain the unique character of our centres, villages and towns

Corporate Plan Theme: ***Health & Wellbeing***

Emerging Priority: 4.1 Safe and healthy communities  
Strategy: 4.1.2 Provide community safety and regulatory programs that ensure the well-being of residents and visitors



**Corporate Plan Theme:** *Ecological Sustainability*

**Emerging Priority:** 2.6 Environmentally friendly infrastructure and urban design  
**Strategy:** 2.6.4 Take a proactive approach to the protection of our natural environment including the use of statutory powers

## **CONSULTATION**

### **Internal Consultation**

The following council Branches have been consulted in the preparation of this report:

- Engineering Assessment Unit, Engineering and Environment Assessment Branch;
- Hydraulics and Water Quality Unit, Engineering and Environment Assessment Branch;
- Environment and Landscape Unit, Engineering and Environment Assessment Branch; and
- Traffic and Engineering Branch, Infrastructure Services Department.

### **External Consultation**

#### Department of Environment and Resource Management

No formal comments have been received from the department, although officers have had a number of discussions with the department.

#### Mines Unit, Department of Employment, Economic Development and Innovation

The department has reviewed the amended Kin Kin Quarry Management Plan with regard to the *Mining and Quarrying Safety and Health Act 1999* and *Mining and Quarrying Safety and Health Regulations 2001*. There is no requirement for the department to approve the amended Quarry Management Plan, but the legislation requires the operator to have a plan which addresses a number of hazards and risks to persons.

The Management Plan addresses the issues of ground control, mine layout, design and construction and mine roads, as required by legislation.

The department has indicated it will continue to monitor activity at the site, particularly associated with slope stability, as the operator constructs haul roads and develops benches.

### **Community Engagement**

The Kin Kin Community Group has been invited to make submissions to the amended Quarry Management Plan. Officers and council's solicitor have also previously met with the group to discuss the proposal for a new management plan and answer the group's questions in respect of council's ability to impose new requirements on the quarry such as a limit on the quarry's output.

In February 2012, the Kin Kin Community Group was invited to make a presentation to the council about their concerns. Neilsens, the quarry operators, were similarly given an opportunity. A summary of the Group's presentation is provided later in the report.

## PROPOSAL

### BACKGROUND

The quarry was first approved in July 1987 by the former Noosa Council, subject to 12 conditions. The approval was for 3 years and made provision for subsequent extensions of the approval by council. It was also subject to some roadwork requirements and included the requirement for a Management Plan to be lodged with council.

The applicant appealed council's decision, with the Local Government Court issuing a Court Order, in May 1988, reducing the extent of roadworks required and giving an operating life of 30 years. In 1991, a Management Plan for Readymix was approved. In 2003, the term of the quarry was extended until 12 May 2033, subject to conditions, including the requirement for an updated Management Plan. In 2005, an updated Management Plan for Neilsen was approved.

Since the approval in 1988, the quarry has operated in a minor capacity but, despite the past quarry operations, the approval does not include a condition that limits the output of the quarry. Unfortunately, this means that council is not in a position to limit the quarry's output, which may change significantly over the life of the quarry due to market factors.

This is less than the Kin Kin community's expectations of council's ability, but council's actions are constrained by the limitations of law.

In early 2010, Council resolved to contact the Department of Transport and Main Roads to seek road improvements to Kin Kin Road, and enter into negotiations with the quarry operators for improvements to Shepperson's Lane. These resolutions are being acted upon by council's Infrastructure Services Department and the Manager, Transport Engineering Services, presented a report to council on 24 January 2012 on this matter.

In September 2010, officers issued a Show Cause Notice to the operators, requesting that the conditions of the development approval be complied with. At the time, there was significant community concern over the operations of the quarry, and inspections indicated that the quarry was not being operated in accordance with the approved Neilsen's Management Plan. The operators challenged council's Show Cause Notice and, due to the non specificity of the 2005 Management Plan, council could not proceed further with this action.

In late 2010, the Kin Kin Community Group contested the lawfulness of the approval given in 1988 and also that the current operation by Neilsen required a further application for a material change of use in court. The judge dismissed the Group's claims and did not find any fault in council's handling of the matter.

In early 2011, the Department of Environment and Resource Management issued an Environmental Protection Order to the operators of the quarry through a Permit for an Environmentally Relevant Activity. The Environmental Protection Order specified that no further material was to be extracted from the quarry on a commercial basis until a number of steps had been undertaken, including the implementation of appropriate stormwater management measures. The Department of Environment and Resource Management informed the applicant, by letter dated 30 January 2012, that the department was satisfied all actions had been completed regarding the Environmental Protection Order, and all activities must be undertaken in accordance with the Environmentally Relevant Activity permit.

## SITE DETAILS

### Site Description

The location of the subject site in relation to its surrounds is shown on the image below:



### AMENDED QUARRY MANAGEMENT PLAN

An amended Management Plan has now been submitted by the quarry operator. The Plan provides a greater amount of detail to that contained in the previous approved plan for the site, but seeks to maintain a degree of flexibility in relation to the operation and is not prescriptive in every aspect of the works. The Plan notes that quarry operations are an evolving process affected by the nature of the extracted resource and market demand for the material (Section 1.3 of the Plan refers). This is considered acceptable, provided that critical aspects of the operation are adequately addressed.

This evolving quarry process was recognised in the judgement handed down in *Kin Kin Community Group Inc v Sunshine Coast Regional Council & Ors*. His Honour observed that:

*'The purpose of a quarry is to obtain the resource being quarried. The resource is a valuable community commodity. As earlier observed establishing a quarry and quarrying is expensive and the full extent and quality of the resource, where it is buried rock can only be known as the quarrying operation proceeds. It is not akin to a building plan or subdivision which may be presented with clear boundaries on a plan...'*

The primary areas of concern are detailed below.

### **Proposed 'Bottom-Up' Initial Extraction**

The amended Management Plan seeks to quarry the site in a number of stages similar to the 2005 Management Plan, with the exception that the initial quarry development phase will include extraction at the base of the hill commencing in 2012 which is expected to last between 3-7 years. The operators indicate that this initial bottom up extraction method is to reduce the area of disturbed land during the initial development of the quarry and to avoid the need to build an extended haul road access to the top of the deposit at the outset, which is particularly relevant in order to minimise erosion and slope instability during wetter periods.

The area to be excavated in this initial quarry development phase includes an area shown on the 2005 Management Plan as being for a topsoil bund, diversion drain and gravel filter and the original workings commenced by the former Noosa Council.

This change to the amended Management Plan does not constitute a material change to the scale and intensity of the quarry, nor does it conflict with any of the approval conditions. The proposed amended Management Plan is similar in footprint to the 2005 Management Plan, with the proposed initial extraction area unlikely to raise any additional or new adverse impacts for nearby residents and the environment. The extraction area is also generally not visible to nearby residents, or the surrounding area in terms of scenic amenity of Kin Kin. Further, as previously advised to council, the 2005 Management Plan is very conceptual in nature, does not prohibit extraction works from occurring in this top soil bund area and does not stipulate that extraction only occur in the identified benching area.

### **Stormwater Management**

#### Erosion and Sediment Control

Section 3.6 of the amended Management Plan deals with stormwater management and erosion and sediment controls.

The performance targets specified in Section 3.6.3 are a confusion of standards and do not fully reflect either the Environmental Protection Order or Environmentally Relevant Activity permit requirements. It is considered that the performance targets should be amended to simply refer to the Environmentally Relevant Activity permit conditions. In this way, the standards applicable will exceed council requirements specified in the extension to the term of approval, and will also align council's and the department's requirements even if the Environmentally Relevant Activity permit conditions change over time.

The management procedures and practices section of the Plan is supported by Figure 3A entitled 'Conceptual Short Term Quarry Development Plan', Figure 4 entitled 'Development Stages', and Figures 7A-7C. The 'Conceptual Short Term Quarry Development Plan' corresponds to the 'short term quarry extent' in the amended Management Plan drawings and also with the disturbed extent currently present on site. This equates to a disturbed area of 8.6ha and the sediment basin which has been constructed on site is sized for this catchment area. The Environmental Protection Order issued by the Department of Environment and Resource Management also related to this short term quarry extent and the Department has now confirmed that the requirements of the Environmental Protection Order have been complied with. Hence, no further detail is requested for the management of the short-term quarry extent as the management of this extent is considered acceptable.

However, it is important to note that, as the quarry moves into stages 1-3, the disturbed extent will expand and the sediment basin currently constructed on site will be inadequate to meet the requirements of the Environmentally Relevant Activity permit for stormwater capture. Therefore, during stages 1-3, additional sediment basin storage will be required and is conceptually shown as 'sumps' in Figure 4 and Figures 7A–7C. However, the sediment basins located at the 'sumps' will need to be far larger than indicated in Figures 4 and 7A–7C in order to comply with the Environmentally Relevant Activity permit. It is also questionable whether such large sediment basins will be able to be constructed on such steep terrain and prior to the benching operations occurring in that section of the quarry. Essentially, an innovative and as yet unknown system for stormwater treatment will be required if the quarry is to progress with the extent of disturbed areas indicated in the amended Management Plan. Alternatively, far smaller disturbance extents (and more rapid rehabilitation) may be required.

For these reasons it is considered that only the short-term quarry extent currently has a feasible conceptual stormwater management plan in place. In this respect, any approval of the amended Management Plan will require a further update following the initial quarrying stage or, if there are major departures from the Management Plan to consider, among other things, the erosion and sediment control and stormwater management for future quarrying stages.

#### Water Quality Monitoring

Section 3.6.5 of the amended Management Plan and associated Figure 8 detail the intended stormwater runoff water quality monitoring methodology and associated monitoring locations. Figure 8 does not show all the monitoring locations mentioned within Section 3.6.5. In particular, only one upstream monitoring location is shown on the Plan, whereas Section 3.6.5 describes 3 locations. It is assumed that these monitoring locations are intended to establish 'background' stormwater run-off quality from the undisturbed areas of the site. However, it is considered that the single monitoring location shown is likely to be compromised and contaminated by on site activities and should not be solely relied on to establish the 'background' stormwater run-off quality. Figure 8 should be revised to indicate the additional upstream monitoring locations. However, it is noted in Section 3.6.8 of the amended Management Plan that these monitoring points will be reviewed and moved if they are considered to be compromised by site activities.

The amended Management Plan has indicated that the water quality within the sedimentation basin will be treated and tested prior to any releases. Any releases are to be in accordance with the Environmentally Relevant Activity permit conditions viz Water 1 and Water 2, as well as the Environmental Protection Order issued, i.e. no greater than 50mg/L Total Suspended Solids.

#### Comparison of Relevant Approvals/Standards

The letter approving the extension of term of approval period issued by the former Noosa Council on 2 December 2003 requires (by Condition 9) that the applicant develop erosion and sediment controls in accordance with the Institute of Engineers Australia Erosion and Sediment Control Guidelines (1996). This standard is significantly outdated and is an inappropriate standard for an ongoing use such as a quarry. By this guideline, the sediment basin size required would be approximately 10% of the size required by the Department of Environment Resource Management permit. Even under current construction erosion and sediment control standards, the basin size would be around 20% of the size of the Department of Environment Resource Management requirement.

In addition, The Noosa Plan does not specifically prescribe water quality release criteria from quarries and seeks an overall outcome to ensure there is no significant environmental harm. Therefore, the standards set by the Department for the Environmentally Relevant Activity are a reasonable measure and generally represent best practice for a quarry and ensure the planning scheme outcomes are met.

### **Noise/Blasting**

Council's approval to the extension of the term of the quarry in 2003 requires the operator's Management Plan to include specific performance targets and detail how these performance targets will be achieved, monitored and corrected if required. The performance targets within the amended Management Plan specify the Environmental Protection (Noise) Policy 2008 and conditions of approval which are considered appropriate for the operation of the quarry. Furthermore, the ongoing monitoring of noise from the operation is stipulated within the amended Management Plan with triggers for noise surveys to be provided upon request from council or the Department of Environment and Resource Management. Corrective actions for noise nuisance are appropriately detailed within the amended Management Plan provisions for the engagement of specialist consultants in determining the most appropriate action to achieve the performance targets.

Additionally, under the Environmentally Relevant Activity approval for the quarry, the Department of Environment Resource Management has set stringent noise and vibration limits in relation to the quarry activities including limits in relation to blasting activities. The conditions also require the operator of the quarry to carry out monitoring of noise and blasting activities. The amended Management Plan further details how noise and blasting activities will be carried out and monitored to ensure the limits specified by the Department of Environment Resource Management will be achieved and how any complaints will be responded to. Noise impacts are unlikely to be an issue for nearby residents given the significant separation distances, and with only day time operation proposed. Blasting activities are proposed to occur between 9.00am and 3.00pm Monday to Friday but, if special circumstances arise, to 5pm. The amended Management Plan anticipates that only one blast per month will be required, but several blasts per month may be required from time to time. Nearby residents will be contacted approximately 1 to 2 days in advance of any blast activities and ongoing measurement of blast vibration will be carried out by the quarry manager.

The noise management section (Section 3.5) of the amended Management Plan indicates that one of the major sources of noise from the quarry will be the crushing and screening plant, but no management procedures have been included to ensure that the plant will be designed, constructed and shielded so as to achieve the noise criteria. It is critical that all plant and equipment for the quarry be selected and located so as to prevent environmental harm to noise sensitive receivers as it is often difficult to retrofit plant and equipment to manage noise. It is, therefore, recommended that Section 3.5.4 of the amended Management Plan be altered to include additional provisions in relation to the selection, design, construction and shielding of all mobile and stationary mechanical plant including the crushing and screening plant to ensure that the noise criteria will be achieved.

### **Air Quality**

In accordance with council's extension of the term of approval period issued in 2003, the applicant is required to specify air quality performance targets and detail how these targets will be achieved. The amended Management Plan details air quality performance targets and monitoring and management procedures for the quarry operations including the permanent monitoring of air contaminant emissions.

The most likely air contaminants from the operation are dust and particulate matter. Management of air contaminants from a quarry are readily achievable using a variety of control measures such as enclosing crushing plant, covering loads, reducing vehicle movements, limiting vegetation clearing and wetting down of cleared areas and stockpiles, all of which are proposed at the site. The amended Management Plan also indicates a number of dams for the storage of water to ensure that enough water will be available to carry out dust suppression. In addition, the Department of Environment Resource Management Environmentally Relevant Activity conditions set the specific air quality emission limits for the operation of the quarry and detail the air quality monitoring requirements.

### **Landscape and Buffer Areas**

The amended Management Plan indicates a number of landscape and buffer areas to reduce the visual impact of the quarry and, to a lesser extent, reduce dust emissions from the quarry and provide additional habitat for local fauna. The buffers will progressively be established on the site, with the first buffer established along the north-western boundary near to the quarry entrance road during 2012 to provide screening to the quarry stockpile and workshop areas, and the remainder of the north-western boundary buffer established over the following 2 years. The north-western boundary buffer is also to be realigned slightly towards the western-most extent to align with vegetation associated with an existing waterway, thus improving water quality and providing a more functional ecological corridor. While this realignment has been discussed within the amended Management Plan, it is not reflected on the landscape plans attached to the Plan (Figures 9 and 10) and it is, therefore, recommended that the plans be amended to accommodate this.

Buffers are to be maintained around the perimeter of the property and include a 20 metre vegetated buffer to Murrays Road as required by council in extending the term of the approval. Additional landscaping is also proposed on the batters of the sediment dam, sediment drying bays and adjacent to the primary and secondary crushers, and these buffers will be established progressively as each of these pieces of infrastructure are established.

### **Quarry Rehabilitation**

The amended Management Plan details that the rehabilitation of the quarry will be progressive and will see each quarry bench rehabilitated upon completion of the extraction from that bench in compliance with the conditions of council's extension to the term of approval. This will ensure that the land is returned to a stable, non-erosive condition as soon as is practicable and will reduce any visual impact of the cut face while returning fauna habitat. Figure 10 of the amended Management Plan shows the final extent of quarry rehabilitation. The progressive rehabilitation of the quarry is also required under site specific Department of Environment Resource Management Environmentally Relevant Activity conditions for Extractive Industry.

### **Motor Vehicle Workshop**

The Department of Environment Resource Management Environmentally Relevant Activity approval provides for ancillary servicing of vehicles at the site under a Motor Vehicle Workshop approval. The site does not currently have sufficient infrastructure such as a workshop or bunded hardstand areas to accommodate any major vehicle service activities. The amended Management Plan indicates that workshops and service bays will be constructed on-site on an 'as need' basis. Until formal infrastructure is established, only minor, low risk servicing of vehicles will be able to be carried out at the site.



**Traffic**

Haulage from Kin Kin Quarry is anticipated to be by a range of truck configurations. Product haulage will be along the existing quarry access road to Shepperson's Lane, then to the Pomona-Kin Kin Road. From Pomona, the major road network or the Bruce Highway will be utilised, depending on the final destination of the product. Apart from Shepperson's Lane, all roads are sealed State Controlled Roads.

The amended Management Plan specifies that the operators will seal the existing quarry access road to Shepperson's Lane and contribute to widening and sealing of Shepperson's Lane past neighbouring residences in the first half of 2012.

The Department of Transport and Main Roads has commenced work on the widening of the state controlled Pomona Kin Kin Road project over the Kin Kin range, with the project being accelerated due to the impending Kin Kin Quarry operations and council's request seeking the required state road improvements.

The use of Pomona Kin Kin Road as the haul route is one of the primary issues of concern for the community, as it is narrow, winding and contains numerous hills, 3 single lane bridges and other less desirable conditions. The local school bus also travels this route, which raises additional traffic safety concerns.

This haul route is the main road into Kin Kin, with no real suitable alternatives. The amended Management Plan contains actions to try to address the haul route concerns, including a Road Transport Protocol and a Driver's Code of Conduct, with requirements for restriction on speeds, no overtaking of other vehicles, covering of loads, discouraging practices such as convoying and early truck arrivals, and avoiding cartage during times when the school bus is using the road system.

In accordance with council's previous resolutions, council have approved an allocation of \$500,000 in the capital works program for the upgrade of Sheppersons Lane based on a equivalent contribution being provided by the operators. A formalised legal agreement is currently being developed between the 2 parties.

Given there is a current approval in place, council is not lawfully able to restrict the number of trucks on the roads or prohibit them during school bus times, etc. However, it is considered reasonable for council to ensure the measures proposed by the operators are more prescriptive in nature. Further, some additional measures are recommended in the event that the haul route is unavailable for a period and times loaded trucks are permitted to leave the site.

Recently, the Kin Kin Community Group submitted that the haul route should be via the north western arm of Shepperson's Lane rather than the current approved north-eastern arm of Shepperson's Lane, as both The Noosa Plan and State Planning Policy 2/07 Protection of Extractive Resources identify the north-western arm of Shepperson's Lane as a haul route.

A condition altering the haul route now would be a fundamental change for the quarry operators and be a significantly expensive imposition. This route is not constructed, has difficult terrain, is likely to raise objection from other residents, and may require possible land resumptions, and be subject to Main Roads intersection requirements. Such an imposition would not be reasonable as a response to this amended Management Plan as there is no correlation between the haul route and the proposed Management Plan amendments. Also, the quarry has a current approval, and roadworks have already been undertaken to the north-eastern arm of Shepperson's Lane as part of the original Town Planning Consent conditions.



### Future Updates

The operators have indicated that, to address the evolving nature of quarries and the need for ongoing risk management and review of controls, they propose to update the amended Management Plan every 5 years over the life of the quarry's resources. The operators propose that future updated Management Plans will be submitted to council as part of the conditions of approval for the quarry site.

This is satisfactory, providing council has an opportunity to review each revision to ensure the Management Plan continues to meet the conditions of approval and that the additional stormwater management measures proposed after the first initial quarry development phase are satisfactory.

### Public Comment

Given the significant community interest around the quarry's operations, the draft and final copy of the amendments to the Management Plan were provided to the Kin Kin Community Group for review and comment. 4 submissions were received to the amended Management Plan, including one from the Kin Kin Community Group, with the remainder from nearby residents.

The following table provides a summary and comment on the issues raised in the submissions.

Issues	Comments
The revised plans 'dumb down' the original plans and move the project further away from best practice.	The revised plans build on the 2005 Management Plan, include more recent performance targets and subject to the amendments recommended will provide more certainty.
The revised plans only seek approval for short term extraction of between 5-10 years. No specificity for the long term.	Agreed, there is no specificity for operations after the initial quarry development phase, but future updates will be submitted to council for review and approval.
No rehabilitation possible for initial stage of extraction area, reducing the capacity of sediment control.	The initial quarry development area will not be rehabilitated until the final stage is completed, as it forms part of the final benching areas. Additional stormwater management measures will need to be installed progressively as the quarry develops.
Stormwater releases must be monitored to ensure sediment does not exceed standards.	Agreed. The Management Plan details the intended stormwater runoff water quality monitoring methodology and associated monitoring locations, subject to some amendments to clearly identify all monitoring locations. The Management Plan proposes that the water quality within the sedimentation basin will be treated and tested prior to any releases. Any releases are to be in accordance with the Environmentally Relevant Activity permit conditions.

<b>Issues</b>	<b>Comments</b>
Slopes should not be worked during wet weather.	Agreed. An increase in sediment transfer is highly likely to occur when slopes are worked during wet weather. Slope instability could also occur during such times. Work on exposed slopes should therefore, be avoided during prolonged or heavy rainfall events. The Management Plan indicates that works on these areas should be avoided in the wet season.
The sediment control measures are a minimum standard being from a 24hr 1 in 5 ARI storm compared to the Verrierdale approval of 1 in 100 ARI, and will be exceeded many times.	See detailed comments under the section of this report titled 'Kin Kin Community Group Presentation'.
The settlement dams do not have the capacity to contain the required outflows from the main sediment dam. The main sediment dam is inadequate for stage 1 extraction.	The amended Management Plan acknowledges that the primary sedimentation basin will need to be supplemented for further Quarry Stages 1 – 4 through the addition of extra sediment and erosion controls including sediment dams and sumps to treat contaminated water. It is agreed that the amended Management Plan does not adequately demonstrate how this additional storage will be able to be provided. Council should therefore require the submission of an updated Management Plan following the initial quarrying stage for future stages.
The monitoring point is incapable of establishing genuine run-off quality from undisturbed areas into the future.	Agreed. Figure 8 which is referenced in section 3.6.5 of the Management Plan needs to be updated to include upstream monitoring locations US2 and US3 to establish further water quality of runoff from undisturbed areas. Section 3.6.8 of the Management Plan does indicate that monitoring locations will be reviewed to ensure that they are not contaminated from site works and where potential for this exists these will be moved.
The revised plans include a portable plant for crushing and screening for the first 5–10 years. This increases the risk of dust and noise nuisance.	Portable crushing and screening plants can be designed to manage noise and dust emissions as well as permanent plants. The Management Plan includes targets for dust and noise in accordance with the Environmental Relevant Activity permit.
The state of the haul route is of concern, and will be a financial burden to council.	The haulage route, excepting Shepperson's Lane, is on Pomona Kin Kin Road (a DTMR road) to Pomona. The haulage route from Pomona will be on DTMR roads to the Bruce Highway. Therefore, apart from Shepperson's Lane, it is expected that there will be no financial burden on Council as the majority of the route is on DTMR roads.

<b>Issues</b>	<b>Comments</b>
Shepperson's Lane is unsealed and poorly maintained, as is the driveway through the quarry property creating large dust clouds for residents.	In accordance with council's previous resolutions, officers have been negotiating with the quarry operators for improvements to Shepperson's Lane. The Management Plan stipulates the driveway through the quarry property will be sealed by mid 2012, as part of the initial construction works before commercial production of the quarry can commence. Separately, council has budgeted \$500,000 in this year's capital works budget and it is expected that this will be matched by the quarry operators under an anticipated legal agreement.
The operators may use other haulage routes such as Dr Pages Road.	The haulage route is described in section 3.9.2 of the Management Plan and does not include Dr Pages Road. It is recommended that the Management Plan be amended to clearly specify the haulage route is the Pomona Kin Kin Road.
Telecommunications are limited on site and no proper safety procedures can be put in place until this is addressed. No permanent toilet facilities are proposed in the initial extraction phase.	This is a workplace health and safety matter administered by the State Government.
The use of alternative fuels and other sources of energy, as well as carbon off-setting are not proposed. Diesel generators are proposed in initial stages.	There is no requirement for the quarry to utilise alternative fuels or provide carbon off-setting. Diesel generators generally have higher emissions of contaminants than cleaner forms of fuel such as gas, however, the separation distance from the nearest receivers does not warrant the use of gas generators.
10% of the site includes of concern vegetation.	The full extent of works proposed for the quarry are outside the area mapped by Department of Resource Management as 'endangered' regional ecosystem. The remainder of the vegetation on the site is mapped as 'of least concern'. The progressive rehabilitation of the quarry face and bench along with landscape buffers will provide additional habitat. Any clearing of remnant vegetation on the site must be carried out in accordance with approval from Department of Environment Resource Management. The quarry footprint identified in the proposed Management Plan is generally in accordance with the approved 2005 Management Plan.
Most of the quarry face is outside the Key Resource Area. Only minor buffers proposed.	The quarry was approved prior to the State Planning Policy which identified Key Resource Areas and buffers and, therefore, this is not relevant to the assessment of the Management Plan, which addresses operational aspects of the quarry. The proposed buffers are generally consistent with the buffers approved in the 2005 Management Plan.

Issues	Comments
No future plans are included for the large water storage area to be safely managed post extraction.	Agreed. The Management Plan includes no future plans for the large water storage area post extraction and will require addressing.
The reasons cited for refusal of the Verrierdale quarry could be applied equally to the Kin Kin quarry.	The application by the Verrierdale quarry was for a new quarry, whereas this request seeks approval for amendments to a management plan. It is not for council to decide now whether the site is suitable for a quarry's operation, as the site has a current approval for a quarry.
Operations are proposed within the conservation area on top of the ridge, close to residents	The quarry excavation is generally located as approved under the original town planning consent issued in 1987 and subsequent quarry management plans lodged in 1991 and 2005. A clearwater diversion drain is located partly within 20m buffer on the ridge. It is recommended that this be relocated to maintain a 20m buffer on the ridge.
Water storage dams will stop the flow of water, which is the main source of domestic and stock water, and any flow may be contaminated.	Water quality release limits have been imposed by Department of Environment and Resource Management Environmentally Relevant Activity permit and the Environmental Protection Order, which require discharged waters to have a TSS of no more than 50mg/L which is current best practice.
Adversely impacting on property values.	There is a current approval for the quarry.
The Noosa Trail is being used by the quarry operators to access the top of the block. This trail should not be shared with drilling rigs and heavy earth moving machinery.	It is agreed that it is not appropriate for quarry operators to access the top of their block with drilling rigs and heavy earth moving machinery via the Noosa Trail. The approval also identifies the access point being from Shepperson's Lane.
Notice of blasting events has been inadequate, and blasting has the potential to cause accidents while working with stock. Phone calls a few hours before a blast is unacceptable.	The amended Management Plan indicates that a list of nearby residents will be utilised to advise of upcoming blasting 1 to 2 days prior to any blasting activities.

### **Kin Kin Community Group Presentation**

The Kin Kin Community Group gave a presentation to council's Ordinary Meeting on 15 February 2012. The Group's presentation raised a number of key points for council's consideration and submitted that the amended Management Plan 'dumbs down' the 2005 Management Plan. These are summarised below:

#### Condition 2

The Group submits that council can exercise its ability under condition 2 to impose further conditions on the approval and requested council to seek a second legal opinion. Condition 2 reads as follows:-

2. Detailed management plans are to be submitted to council for approval by the Shire Engineer and Shire Planner following further investigation by the applicant. Such management plans shall address:

- (i) the location of siltation ponds;
- (ii) the extent of proposed excavations;
- (iii) the proposed access locations;
- (iv) the proposed location of the gravel crusher and site office;
- (v) provision of buffer areas to adjoining property boundaries;
- (vi) the location of the area proposed to be leased to Council; and
- (vii) rehabilitation procedures.

No construction or excavation works are to be commenced, without prior approval of the Shire Engineer, until such times as management plans are approved. Council reserves the right to expand upon the conditions contained with this approval following submission of detailed management plans.

#### RESPONSE

Council officers had previously received advice from a council solicitor that additional conditions could not retrospectively be imposed on the quarry's operations, despite the wording of condition 2.

Since the Group's presentation, officers have sought a second legal opinion from an external barrister on condition 2 of the Town Planning Consent Permit. The external barrister concludes in summary that:

1. there is a prospect that condition 2 could be challenged by way of declaratory proceeding;
2. Condition 2 of the Town Planning Consent may be subject to challenge on the basis of uncertainty, particularly if the condition is used to impose restrictions on the operation of the Quarry; and
3. for the above reasons, unless the operators of the quarry are willing to voluntarily accept the further obligations sought to be imposed by the council, there are risks for the council in seeking to use condition 2 of the Town Planning Consent to impose further obligations on the use and operations of the quarry.

The Barrister in his response also advised that he was of the view that a Court would more likely find that Condition 2 of the Town Planning Consent contemplated allowing for the council to 'tinker' with the conditions as a result of being provided with further detailed management plans. That, however, is very different to allowing the condition to fundamentally alter or restrict the use that is approved by the Town Planning Consent.

The Barrister, in responding to officer's questions to impose further requirements on the quarry to limit the annual output on material extracted from the site, concluded that **'...any such restriction is likely to be successfully challenged by the quarry operator'**.

#### Capacity of Detention Basin

The Group submits that the basin is not suitably sized being designed only for a 1:5 storm event, and that it should be sized to cater for bigger events.

#### RESPONSE

There appears to be a misconception by the community that the sizing of the basin for a 1 in 5 year 24 hour duration storm event will in effect ensure that stormwater will only discharge from the site without treatment an average of once every 5 years.

This is not correct. The actual ability of the basin and treatment system to capture and treat runoff is a function of both the basin size/volume and also the speed with which the basin can be emptied in readiness for the next runoff event. In other words, it is no good having a massive basin if there is no ability to rapidly treat the water and empty the basin, as the basin will just sit full of water and when runoff next occurs the basin will overtop and contaminated/untreated water will be released downstream.

The size of the basin is specified through the Environmentally Relevant Activity and Environmental Protection Order conditions as being sized to capture a 1 in 5 year, 24 hour duration storm event and it is understood that this is what has been constructed on the site, based on the short-term quarry extent. The rate at which the basin is required to be emptied is not specified in any of the approvals and is not documented in the amended Management Plan. Through discussions on site with the quarry operator it is understood that the current treatment system will allow the basin to be emptied from full in approximately 40 days.

What this combination of basin volume and treatment rate actually means in terms of downstream discharges is not immediately apparent. To understand what the consequences of these design parameters are, it is necessary to undertake a water balance of the system. This has not been done by the applicant, though preliminary calculations have been undertaken by council officers which indicate that the treatment system as currently implemented on site is expected to discharge untreated water downstream approximately 7 times a year on average. This would equate to approximately 15% of the average annual site runoff volume not being treated.

There are many assumptions implicit with these predictions and it is acknowledged that such factors such as over-sizing of the basin, use of captured water for on-site reuse and improved performance of the treatment system could improve the overall level of treatment achieved. However, the above predictions demonstrate that the system as proposed will not result in rare untreated discharges and, in fact, untreated discharges are likely to occur relatively frequently and up to several times a year. These predictions appear to be consistent with the observations of the Community Group.

Given the topography of the site and size of contributing catchment, it is not considered possible to have a requirement for no discharge of untreated runoff from the site. However, the degree of untreated runoff can be significantly reduced by improving the rate at which the sediment basin is emptied (i.e. the rate at which captured water is treated and discharged). By reducing the time required to empty the basin to 10 days, water balance calculations indicate that the average frequency of discharge can be reduced to less than once per year and the percentage of long-term annual average runoff from the site which will be discharged untreated downstream is reduced to only 2%.

It is understood that the Department of Environment and Resource Management and the applicant are currently in discussions regarding changes to the Environmentally Relevant Activity permit for release criteria of stormwater. The Department of Environment and Resource Management has been informed of the above preliminary findings by council officers and has indicated a willingness to pursue improvements to the release criteria to include a minimum treatment rate for the basin dewatering system.

#### Enforceability of Rehabilitation

Under the 2005 Management Plan, benches were to be rehabilitated within 12 months of completion of extraction in a progressive manner. No time limits are identified under the amended Management Plan for rehabilitation.

## RESPONSE

The amended management plan indicates that progressive rehabilitation will occur within 6 months of terminal batters and benches being reached (pg 46).

Department of Environment and Resource Management's Environmentally Relevant Activity conditions also require progressive rehabilitation of the extraction areas.

On Site Utilities

Under the 2005 Management Plan, the required utilities included an effluent disposal system, telecommunications, connection to the electricity grid, potable and non-potable water storage and waste disposal areas. The Management Plan provides no timeframe for effluent disposal, no telecommunications plan, no timetable to connect to grid, with power supplied by diesel generator and no inclusions for alternate energy or carbon offsets.

## RESPONSE

The inclusion of the above infrastructure has no consequence in relation to the environmental performance of the quarry in relation to the *Environmental Protection Act 1994*. The volume of wastewater produced from domestic activities can be accommodated with self-contained portable toilets or pump out systems until a permanent effluent disposal system is installed with no additional risk to the environment. While it would be desirable to utilise alternate energy sources and provide carbon offsets, there is no mandatory requirement under the existing approval or the *Environmental Protection Act 1994* to include these measures.

Crushing Plant

Under the 2005 Management Plan, there were precise specifications for processing to mitigate dust and noise pollution, including erection of a processing plant within 3 to 4 months, permanent crusher incorporating receiving bin, scalping screen and primary, secondary and tertiary crushers with associated control switch rooms. A mobile crusher is proposed for a least the first 5 years under the amended Management Plan.

## RESPONSE

The noise and air quality criteria must be met regardless of the type of plant installed and there is no reason why a mobile plant will have lesser environmental performance than a permanent plant, providing it is designed to achieve the noise and air quality criteria. The Department of Environment and Resource Management has specified air and noise criteria within the Environmentally Relevant Activity permit and conditions requiring the operator to carry out monitoring when requested. If non-compliance is identified, the operator will have to upgrade plant and equipment or introduce management measures to ensure compliance.

Hornsby Council Experience

In 2001, CSR Limited served notice on Hornsby Council to acquire the Hornsby Quarry which council was obliged to pay CSR \$26 million in acquiring the land. The amended Management Plan will leave council without the normal protections provided by guarantees or bonds to cover the expenses of rehabilitation, maintenance of lakes, ensuring proper water flow and road maintenance.

## RESPONSE

The Hornsby Shire Council rezoned the site of the Hornsby Quarry to 'Local Open Space' in 1994. Under New South Wales Planning Legislation, the rezoning to Open Space carried with it an obligation for council to acquire the property upon receipt of a notice in writing from the owner to do so. This provision does not apply to the Kin Kin Quarry and does not exist in Queensland legislation.

### Perched Dam and High Rock Face

What planning does council have in place to control and manage this body of water perched above Wahpunga Creek and has council considered the rock face above the lake is 180 metres high in an area known for landslip?

#### RESPONSE

The proposed amendments to the Management Plan to reference the Department of Environment and Resource Management Environmentally Relevant Activity permit will mean that the basin is subject to the Department of Environment and Resource Management requirements and appropriate treatment of the water captured in the basin occurs.

The comments in relation to the steep rock face is noted and it is agreed that the 'sumps' shown in Figures 7A-7C of the Quarry Management Plan on this rock face for Stages 1-3 are likely to be required to be far bigger than shown and may not be able to be constructed on such steep terrain and prior to the benching operations occurring in that section of the quarry. This is of concern and it is considered that further conceptual and detailed stormwater management plans are required for Stages 1-3.

It is also considered that a design Average Recurrence Interval for the sediment basin spillways should be nominated in order to ensure structural stability of the basins.

### Proposed Operating Capacity

The amended Management Plan seeks approval for a short-term extraction program of 5 to 10 years at between 200,000 and 300,000 tonnes per year. Neilsens also reserves the right to increase these levels based on market need up to 1,000,000 tonnes per annum.

### World's Best Practice

How does council intend to ensure that the quarry is operated at absolute World's Best Practice, and how will you ensure ratepayers of the future are protected?

#### RESPONSE

There is no requirement in the Environmentally Relevant Activity, Environmental Protection Order, The Noosa Plan Codes or former Noosa Council approvals to implement 'absolute world's best practice'.

However, as discussed previously, the proposed stormwater treatment system exceeds the requirements of the Noosa Plan Codes and the former Noosa Council approval conditions. Further, the proposed amendments to the Environmentally Relevant Activity permit conditions to require a minimum time to empty the basin will ensure that the level of stormwater treatment and hence protection to downstream waterways is significantly improved beyond the current requirements.

The operator will need to employ appropriate technology and management measures to ensure that, at a minimum, they achieve the performance criteria stipulated under the Environmentally Relevant Activity permit conditions. Additionally, the *Environmental Protection Act 1994* and Environmentally Relevant Activity permit conditions require that '*all reasonable and practicable measures must be taken to prevent and/or minimise the likelihood of environmental harm being caused*'. Throughout the life of the quarry, the operator must ensure that all plant and equipment and management measures are adequate to minimise the likelihood of environmental harm.



**Legal**

Advice has been previously sought from council's solicitor that indicates council is not lawfully able to impose any limits on the output of the quarry or impose additional requirements. Recent legal advice from an external barrister concludes similarly, unless the additional requirements are agreed to by the operator.

**Policy**

There are no policy implications to this report.

**Risk**

The amended Quarry Management Plan offers a greater level of detail and updated performance targets compared with the currently approved 2005 Management Plan. If council does not support adoption of the amended Plan, then the current 2005 Management Plan will continue to apply.

**Previous Council Resolution**

At council's Ordinary Meeting held on 25 February 2010, council made the following resolution (OM10/31):

*That Council:*

- (a) *receive and note the report titled 'Extractive Industry, 150 Shepperson's Lane, Kin Kin';*
- (b) *request the Chief Executive Officer to enter into negotiations with the quarry operator with a view to seeking their commitment to carry out road improvements and traffic improvements to Shepperson's Lane and Kin Kin Range Road to improve its suitability for heavy vehicle movement and traffic management options including embargos on movements during school bus times;*
- (c) *request the Chief Executive Officer to contact the Department of Transport and Main Roads to seek road improvements in the form of seal maintenance, line marking and reduced speed limits to improve the road safety of the Kin Kin Road; and*
- (d) *request the Chief Executive Officer to continue to monitor quarry operations to ensure the requirements of the development approval are met, including the implementation of management measures to mitigate impacts for residents and road users.*

**Related Documentation**

There is no related documentation for this report.

**Critical Dates**

There are no critical dates that relate to this report, although it is noted that the amended Management Plan was submitted to council in late December 2011.

**Implementation**

There are no implementation details to include in this report.

**CONCLUSION**

Overall, the amended management plan does not seek to change fundamentally the quarry operations from what has been previously approved and the changes will not result in a material change to the intensity and scale of the quarry. Legal advice received also indicates that council, through Condition 2, is not able to retrospectively limit the quarry's output or require upgrading to Shepperson's Lane or Pomona Kin Kin Road, unless agreed to by the operator.

The assessment further finds that the amended Management Plan is consistent with the planning approval and council's approval to extend the term of approval in 2003. However, the proposed stormwater management plans are only satisfactory and consistent with the Environmentally Relevant Activity permit conditions for the initial quarry construction phase and further updates are required before works in future stages proceed.

Therefore, it is recommended that the amended Management Plan be approved only in respect of the initial quarry development phase, subject to the amendments in Appendix B.

**APPENDIX A**

**AMENDED MANAGEMENT PLAN**

Due to the size of the document, the amended Management Plan is attached via hyperlink on the front page of this report.

**APPENDIX B****AMENDMENTS TO BE INCORPORATED INTO THE AMENDED QUARRY MANAGEMENT PLAN**

1. Section 1.3 shall be revised to specify that an updated Quarry Management Plan must be submitted to Council for further consideration and approval prior to proceeding with any further works beyond the initial quarry development phase (the initial quarry development phase being as referred to in Section 2.4.2). The Quarry Management Plan shall, otherwise, be updated every 5 years over the quarry's term of approval, with future updates submitted to Council for review.
2. Additional wording must be included to stipulate that the quarry extraction area must be generally in accordance with Figures 4 and 5 of the Management Plan.
3. Figures 9 and 10 of the Quarry Management Plan must be amended to indicate that the 20 metre wide buffer along the north-western boundary is to follow the waterway closest to the western corner of the subject site.
4. The clean water diversion drains must be entirely outside of the required 20 metre wide vegetated buffer to Murrays Road.
5. The noise management procedures and practices contained in Section 3.5.4 are to be amended to include the requirement that all mobile and stationary mechanical plant including the crushing and screening plant must be selected, designed, constructed and shielded to ensure that the noise criteria specified in Section 3.5.3 will be achieved. Noise from the processing plant is to be similarly addressed in Section 2.6.1.
6. Amend the performance targets in section 3.6.3 such that it simply references the DERM ERA permit conditions relating to water plus includes a requirement that states "All runoff captured by the sediment basin(s) is to be treated and discharged as soon as practicably achievable in order for capacity to be available for subsequent runoff events".
7. Amend section 3.6 to include a design ARI and freeboard for the sediment basins spillways.
8. Delete Figures 7A – 7 C and include notes in section 3.6 that additional conceptual and detailed stormwater management plans will be prepared and submitted to Council for approval and DERM prior to works commencing in those stages.
9. Amend section 3.6.5 as follows:-
  - a) There is potential for upstream monitoring location US1 to be contaminated should the clean water diversion drains fail or areas above the drains become inadvertently disturbed. Additionally monthly upstream monitoring locations should be provided on the drainage line east of US1 as this drainage line does not have the potential to become contaminated by the quarry.
  - b) A monthly upstream monitoring location should be located to the west of the quarry.
  - c) Monitoring locations US2 and US3 are quoted in the report but not identified on plan.

- d) The method of sampling the ephemeral waterways during a runoff event should be identified (i.e. auto samplers or stage-height samplers).
10. An updated Quarry Management Plan must be submitted to Council for further consideration of the erosion and sediment control and stormwater management strategy for future quarrying stages 1 to 4 as shown on Figure 4 following the initial quarrying or sooner if there are major departures from the Management Plan during the first 5 years.
  11. Section 3.6 shall be revised to include a requirement that the quarry manager will make available to Council upon request, the results of water monitoring tests.
  12. Inclusion of a clause that prohibits the use of The Noosa Trail by heavy equipment/machinery such as drilling rigs and earth moving machinery.
  13. Section 2.7 must be revised to be consistent with Section 3.9.4 to ensure all loads are covered, except large rock boulder loads.
  14. Section 2.7 and the Road Transport Protocol must be revised to specify that the approved haul route is Pomona Kin Kin Road. Where this approved haulage route is not available due to exceptional circumstances, prior approval is required from Council to deviate from the approved route.
  15. Section 3.9.4 must be revised to include that cartage is to be avoided, where practicable, during times when the school bus is using the local road system, and drivers must exercise extreme caution when arriving at, or departing the quarry site at times when school buses are operating along the haul route.
  16. Sections 3.9.4 and 3.9.9, and the Road Transport Protocol must be revised to acknowledge the site is in a rural environment and that trucks must not arrive at the quarry site prior to the approved operating hours and must not leave the site with a load after the approved operating hours. Parking of trucks in the area is also prohibited.
  17. Section 3.10 must be revised to include the requirement for additional signage to be included along the Noosa Trail network alerting trail riders of an impending blast. This additional signage is to be removed promptly at the completion of each blast.
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**7.1.2 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR VISITOR ACCOMMODATION TYPE 4 (TO INCLUDE JULIETTE BALCONIES) AND EXTENSION TO ENTERTAINMENT & DINING BUSINESS TYPE 1 (TO INCLUDE OUTDOOR DINING) AT 215 DAVID LOW WAY, PEREGIAN BEACH**

**File No:** MCU12/0023  
**Author:** Development Planner, Planning Assessment  
**Presenter:** Coordinator Planning Applications (North)  
**Appendices:** App A – Conditions of Approval (OM Pg 39)  
**Attachment:** [Att 1 – Proposal Plans](#) (OM Att Pg 237)

**Link to PD Online:**

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Scanlon Property Group
<b>Proposal</b>	Development Permit for Material Change of Use of Premises Visitor Accommodation Type 4: Conventional (to include Juliette Balconies) and Extension to Entertainment & Dining Business Type 1: Food and Beverages (to include Outdoor Dining)
<b>Properly Made Date:</b>	28 February 2012
<b>Information Request Date:</b>	26 March 2012
<b>Information Response Received Date:</b>	19 April 2012
<b>Decision Due Date</b>	7 August 2012
<b>Number of Submissions:</b>	210 – 198 properly made, 12 not properly made
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	11
<b>Property Address:</b>	215 David Low Way, Peregian Beach
<b>RP Description:</b>	Lot 77 SP 231615
<b>Land Area:</b>	23.12ha
<b>Existing Use of Land:</b>	Caravan Park

<b>STATUTORY DETAILS</b>	
<b>SEQRP Designation:</b>	Urban Footprint
<b>Planning Scheme</b>	The Noosa Plan (8 August 2011)
<b>Locality:</b>	Eastern Beaches
<b>Zone:</b>	Semi-Attached Housing and Open Space Recreation
<b>Assessment Type:</b>	Impact

## **PURPOSE**

The purpose of this report is to seek council's determination of an application for 70m<sup>2</sup> of outdoor dining and 13 juliette balconies to an approved development known as "Essence of Peregian".

The application is before council on the basis of significant public interest, with 198 properly made submissions (81 objecting to, and 117 supporting the proposal).

## **EXECUTIVE SUMMARY**

The application seeks approval for the inclusion of 70m<sup>2</sup> of outdoor dining and the addition of 13 juliette balconies to the Peregian Beach Caravan Park redevelopment approval "Essence of Peregian" located at 215 David Low Way, Peregian Beach.

The "Essence of Peregian" approval includes a commercial building, with frontage to the David Low Way, consisting of retail and restaurant uses at ground/podium level and low cost visitor accommodation located on the first floor. The proposed outdoor dining and juliette balconies are associated with these uses within the commercial building.

The planning scheme supports outdoor dining when located, designed and operated to avoid significant adverse effects on the amenity of adjoining or nearby uses having regard to noise, light, air quality and accessibility. The planning scheme allows restaurants to operate to 10pm Sunday to Thursday, and to 12 midnight, Friday and Saturday.

The 70m<sup>2</sup> of outdoor dining area comprises 40m<sup>2</sup> to the northern side of the restaurant adjacent to the Peregian Beach Hotel's car park, and 30m<sup>2</sup> to the front of the restaurant overlooking a landscape buffer to the David Low Way. The outdoor dining area is some 50 to 70 metres to the nearest residential uses. Each juliette balcony is 3.84m<sup>2</sup> in size, overlooks the David Low Way or an unnamed road, provides articulation and adds to the streetscape appeal of the building.

The applicant provided a Noise Amenity Report, assessed by council's environmental officer which concluded that the outdoor dining and the juliette balconies are likely to generate some additional noise, but this noise is unlikely to be significant or adversely affect the amenity of nearby residents. The proposal, therefore, meets the provisions of The Noosa Plan and is recommended to be approved.



## OFFICER RECOMMENDATION

That Council **APPROVE WITH CONDITIONS** Application No. MCU12/0023 and grant a **Development Permit for Visitor Accommodation Type 4: Conventional (to include Juliette Balconies) and Extension to Entertainment and Dining Business Type 1: Food and Beverages (to include Outdoor Dining)** situated at 215 David Low Way Peregian Beach 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 has provided the following estimate of the infrastructure charges required by this development (which excludes infrastructure charges to Unitywater):

<b>Allocation of Adopted Infrastructure Charges</b>	<b>Amount</b>
Transport	\$9,104.00
Public parks & land for Community Facilities	\$1,607.00
<b>TOTAL</b>	<b>\$10,711.00</b>

## PROPOSAL

The application seeks approval for a Development Permit for Material Change of Use for Visitor Accommodation Type 4: Conventional (to include Juliette Balconies) and an Extension to the Entertainment & Dining Business Type 1: Food and Beverages (to include Outdoor Dining).

The proposal is for additions to the commercial building of the Peregian Beach Caravan Park redevelopment "Essence of Peregian" approval, which has frontage to the David Low Way and is part of Stage 1 of the development. The proposal consists of the addition of 13 juliette balconies to the upper level visitor accommodation, and 70m<sup>2</sup> of outdoor dining located on the ground/podium level of the restaurant tenancy.

The 3.2 x 1.2 metre juliette balconies (being 3.84m<sup>2</sup> each) are proposed for the first floor visitor accommodation rooms that overlook David Low Way and an unnamed road adjacent to a hardware store. The proposed 70m<sup>2</sup> of outdoor dining comprises 40m<sup>2</sup> to the north side of the restaurant tenancy, which is adjacent to the Peregian Beach Hotel's car park, and 30m<sup>2</sup> to the east side or the front of the restaurant tenancy overlooking a landscape buffer to David Low Way.

## SITE DETAILS

### Background/Site History

A previous application for a Material Change of Use for visitor accommodation, restaurants, shops and office was originally refused by council in August 2009, but subsequently settled in February 2010 before proceeding to trial. The application attracted 2 properly made and 4 not properly made submissions. The approval was over 4 lots, 3 with frontage to David Low Way, and a larger lot to the rear of these lots, all of which are accessed from the unnamed road.

The court-approved development comprises a commercial building fronting David Low Way, which includes 306m<sup>2</sup> of restaurant, 387m<sup>2</sup> of retail uses on the ground/podium level and a low cost 58-bed visitor accommodation use on the first floor. To the rear of the site and behind the Peregian Beach Hotel, 2 accommodation buildings consisting of 32 x 3-bedroom units, pool/BBQ area and 30 individual 2, 3 and 4 bedroom “beach shacks” are approved. The most western portion of the site is to be dedicated to council as parkland for environmental purposes.

A Development Permit for Reconfiguring a Lot was approved by council in October 2010. The approval created the portion of the lot required to be dedicated to council for parkland and other allotments such that the commercial uses could be separately titled from the majority of the visitor accommodation uses on site.

A permissible change was issued by the Planning and Environment Court on 24 January 2012. The primary changes included:

- staging of the development into 3 stages, being:
  - Stage 1 – commercial building fronting David Low Way and rehabilitation and dedication of the parkland to Council;
  - Stage 2 – the 2 larger visitor accommodation buildings (32 x 3-bedroom units) to the rear of the site;
  - Stage 3 – 30 Beach Shacks (2, 3 and 4 bedroom individual buildings); and
- update of the Stormwater Management Plan.

The Juliette balconies and the outdoor dining area were proposed at the time of this change, but were not approved by the court, as the court did not agree that the changes constituted a permissible change pursuant to the *Sustainable Planning Act 2009*.

### **Site Description**

The location of the subject site in relation to its surrounds is shown on the image below:



The greater site (Lot 77 SP 231615) was formerly the Peregian Beach Caravan Park and is now vacant except for an amenities block, manager's residence and an office/recreation building, the latter having frontage to David Low Way.

### **Surrounding Land Uses**

The site is located opposite the Peregian Beach Village square, which comprises various residential, commercial and retail uses (restaurant, real estate agent, surf shop, bottle shop, medical centre, newsagency, post office and the like). Immediately adjoining the site to the north is the Peregian Beach Hotel, to the south and across a small, unnamed road is a Mitre 10 hardware store. Diagonally opposite the south-east corner of the site are a number of residential dwellings.

## 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:

- State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils;
- State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide; and
- State Planning Policy 3/11 Coastal Protection.

Of these, State Planning Policy 1/03 and State Planning Policy 2/02 have been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, do not warrant a separate assessment.

State Planning Policy 3/11 Coastal Protection is not reflected in The Noosa Plan. The site is located within the Coastal Zone, with the rear of the site having vegetation mapped as High Ecological Significance. However, the proposed development does not trigger assessment as there is no clearing of the mapped vegetation. The mapped vegetation is not within the area of Stage 1 and will be dedicated for conservation as part of Stage 1.

#### 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 activity within the Urban Footprint, which is consistent with the

regional land use intent, regional policies and desired regional outcomes for the Urban Footprint.

#### State Planning Regulatory Provisions

For the purpose of the *Sustainable Planning Act 2009* the regulatory provisions contained within the South East Queensland Regional Plan are defined as State Planning Regulatory Provisions.

The South East Queensland Koala State Planning Regulatory Provisions and the South East Queensland Regional Plan are not applicable to the site.

### **Statutory Instruments – Planning Scheme**

The applicable planning scheme for the application is The Noosa Plan (8 August 2011). The following sections relate to the provisions of the Planning Scheme.

#### Local Area Provisions

The subject site is located in the Eastern Beaches Locality within the Semi-Attached Housing Zone and Open Space Recreation Zones. The proposed commercial building fronting the David Low Way is sited generally within the Semi-Attached Housing Zone. The Code seeks to ensure uses are located, designed and operated to avoid significant adverse effects on the amenity of adjoining or nearby uses having regard to noise, light, air quality and accessibility. Both the visitor accommodation use and the restaurant use have been previously approved and, therefore, do not warrant further discussion. An assessment specifically of the proposed juliette balconies and outdoor dining is discussed below.

#### *Juliette Balconies*

The juliette balconies are proposed for each of the visitor accommodation units to the David Low Way frontage. The balconies improve the flow through ventilation by providing a larger opening to the rooms and provide some additional articulation to the front and southern facades, adding visual interest and contributing positively to the streetscape.

Any noise generated from the balconies would be minor given the balconies' small size (3.84m<sup>2</sup>), which is suited for only 2 persons rather than for groups or parties, and noise generated from the juliette balconies would be dominated by noise from the surf and the traffic noise of David Low Way. The common games/media room and kitchen areas are also located to the rear of the building encouraging social activities to these areas and, as such, are away from nearby residential uses. The Noise Amenity Report provided by the applicant, and reviewed by council's environment officer, has assessed the potential noise impact of the juliette balconies and concluded that the balconies are unlikely to generate any significant noise.

#### *Outdoor Dining area*

Residents have raised concerns that the proposed 70m<sup>2</sup> of outdoor dining for the approved restaurant may impact on the amenity of nearby residents. The planning scheme allows business uses to operate to 10pm 7 days per week, except for entertainment and dining businesses which may operate to midnight on Friday and Saturday. The submitted Noise Amenity Report defines and addresses the acoustic impacts of the use of the outdoor dining areas. The Noise Amenity Report indicates that noise at the nearest residential uses, which are some 50 and 70 metres from the outdoor dining, should not exceed the ambient background noise by more than 5dB(A).

The outdoor dining area to the north meets this criterion, but the outdoor dining area to the east that fronts David Low Way slightly exceeds the criterion between 10pm and midnight as the ambient background noise is lower at that time. The Noise Amenity Report further added the potential internal (within the restaurant) noise to the calculation which demonstrated that both outdoor dining areas meet the criterion to 10pm but only the northern 40m<sup>2</sup> continued to meet the 10pm to midnight criterion. The Noise Amenity Report recommends the eastern 30m<sup>2</sup> outdoor dining area is restricted to operating to 10pm and the northern 40m<sup>2</sup> be permitted to operate to midnight.

#### Land Use and Works Provisions

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

- Business Uses Code;
- Visitor Accommodation Code; and
- Driveways and Car Parking Code.

The application has been assessed against each of the above applicable codes and is 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.

<b>Code</b>	<b>Discussion</b>
Business Uses Code	<p>Probable Solution S7.3 requires that outdoor dining areas comply with Planning Scheme Policy PSP14 – Outdoor Dining.</p> <p>The Noosa Planning Scheme Policy PSP 14 – Outdoor Dining provides guidance in the assessment of applications for outdoor dining. The Policy seeks to encourage outdoor dining in areas that will not result in significant adverse impacts on adjacent uses and provide protection from the elements for users of the premises. It is determined that the applicant has sufficiently demonstrated in the submitted Noise Amenity Report that the noise impacts have been reasonably defined and meet the guidelines provided in the Planning Scheme Policy PSP14 – Outdoor Dining.</p>
Visitor Accommodation Code	<p>With regard to the addition of the juliette balconies to the existing visitor accommodation, the balconies are minor changes that provide additional articulation to the building facade and the submitted Noise Amenity Report concludes that the balconies will not generate adverse or significant noise impacts. Council's environment officer has reviewed the documentation raising no concerns and, therefore, the proposal meets the provisions of the Visitor Accommodation Code.</p>
Driveways and Car Parking Code	<p>The car parking for the commercial building has been previously assessed as part of the original court approval. The car parking for the visitor accommodation is calculated by the number of guests and staff members and therefore the juliette balconies do not trigger any additional car spaces. The 70m<sup>2</sup> of outdoor dining area triggers an additional 7 spaces (1 space per 10m<sup>2</sup>) of which have been provided as part of Stage 1.</p>

### Overlay Provisions

The Overlays were addressed as part of the original approval. The current proposal does not affect these provisions and, as such, no further assessment is required.

### **Other Matters for Consideration**

#### Sunshine Coast Council Policy Framework - Strategies

The proposed development has not been assessed against the Strategies for the following reasons:

- it is not a Section 242 Application Overriding the Planning Scheme to create a planning assessment framework fundamentally different from that which currently exists;
- the planning impacts of the proposal are not of regional significance; and
- it is not a use which is so unusual, unknown and/or un contemplated in nature that it warrants a wider assessment.

#### Economic Implications

There are no significant economic implications as a result of the application.

#### Traffic and Transport

The traffic and transport matters have been addressed as part of the original approval and, as such, no further discussion is provided.

### **CONSULTATION**

#### **IDAS Referral Agencies**

The application was referred to the following IDAS referral agencies:

##### Concurrence

###### *Department of Environment and Resource Management*

The department is a concurrence agency for the site for Unexploded Ordinance. The department responded by letter dated 5 April 2012 stating that the site has a substantial risk of residual UXO contamination and has provided conditions accordingly.

##### Advice

###### *Department of Environment and Resource Management*

The department is an advice agency for land in or near a wetland and near a conservation estate. The department responded by letter dated 5 April 2012 stating that the development should maintain habitat and biodiversity values by minimising adverse impacts on the

ecological values of the site. The department has provided conditions that are reflected in the current approval for the development as a whole.

### Other Referrals

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

- 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*. 198 properly made and 12 not properly made submissions were received. Of the 198 properly made submissions, 81 objected to and 117 supported the proposal. It should be noted that the development was originally advertised for 15 days but this was incorrect and, prior to the comment period ending, the applicant readvertised indicating a further 15 days was applicable.

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

Issues	Comments
Noise nuisance created from additional patronage created as a result of the outdoor dining area.	It is agreed that the outdoor dining area will create some additional noise but it is unlikely to be a noise nuisance. The adjacent Peregrian village square affords many outdoor dining opportunities which generally do not result in noise nuisance. It is noted that some of the Peregrian village square outdoor dining opportunities are closer to nearby residential uses than that proposed. The Noise Amenity Report demonstrated that noise from the outdoor dining area would not exceed a maximum of 5dB(A) above the conservative ambient background noise level used. Council scrutinised the submitted Noise Amenity Report.
Already have to deal with the noise from neighbouring hotel.	The noise from the hotel is not relevant to this application.
Analysis was not made with regard to the noise generated by additional balconies. The noise currently contained within the building now being transferred outside.	The Noise Amenity Report concluded the resultant noise from the small balconies would be only marginally higher than if persons were talking within the building with the windows open. Social gathering facilities have been provided to the rear of the building, which encourages groups away from the proposed balconies. All noise generating social activities are encouraged to the rear of the building where the common kitchen facilities and games/media room are located and, as such, are farther away from nearby residential uses.



<b>Issues</b>	<b>Comments</b>
Outdoor dining was previously refused because of the noise factor.	A condition was imposed on the original approval for no outdoor dining on the grounds that there were not the car parking spaces to support the additional Use Area. The car parking numbers have now been provided and any noise concerns have been addressed in the Noise Amenity Report.
Groups of persons on balconies drinking and carousing causing unacceptable noise.	The Juliette balconies are 3 x 1.2 metres (3.84m <sup>2</sup> ) limiting the number of persons using the balconies at any one time. Given their small size it is unlikely that parties would occur, particularly when social facilities are provided elsewhere in the accommodation building.
Noise from truck deliveries and traffic noise associated with the increased patronage created by the additional seats to the restaurant.	It is unlikely additional deliveries would be created by the increase in the number of seats. However, a condition could be imposed in accordance with the Eastern Beaches Locality Code to ensure business deliveries are undertaken between the hours of 7am and 7pm.
The devaluation of asset value of nearby premises due to associated noise impacts.	It has been demonstrated that no adverse or significant noise will be generated by the proposal.
Loss of customers to existing eating establishments in the immediate area.	This is an operational issue not regulated by planning scheme; however, restaurant uses usually cluster to attract diners to an area.
Layout not a budget low cost accommodation option.	The layout has previously been approved and does not form part of this application. However, the accommodation rooms are small and the layout includes all the elements of budget low cost accommodation such as common kitchen, laundry facilities and a media/games room.
Departure of diners after 10pm until midnight will result in unacceptable noise and the closure of the outdoor dining area will not be enforced.	The planning scheme permits business uses to operate to 10pm, 7 days per week except for entertainment and dining business, which may operate to midnight Friday and Saturday.
Noise levels were taken on Tuesday night between 6.15 and 10.05pm. The noise is a different type of noise.	Tuesday night, a quieter night, was used intentionally to provide a conservative (low) ambient background noise level. Voices, clattering of plates/cutlery and glassware from previous studies was used as the source noise level. The author of the Noise Amenity Report, Mr Paul King, is a well respected senior engineer at MWA Environmental and council has no reason to doubt the source noise quality or level. It is noted that council's environment officer reviewed the submitted documentation and raised no concerns.

<b>Issues</b>	<b>Comments</b>
Layout of accommodation rooms has poor passive design.	The layout of the accommodation rooms has been previously approved and does not form part of this application. However, it is noted that the current layout is generally in accordance with the original approved plans and the addition of the balconies improve the air flow within the rooms and add further streetscape appeal with the added articulation.
<p data-bbox="252 517 735 551">Summary of Submissions in Support</p> <p data-bbox="252 584 1461 739">Submissions in support of the outdoor dining generally outlined that part of the Peregian experience/lifestyle consisted of outdoor dining and was consistent with the other dining offerings in the Peregian village square and would further add to the village atmosphere. The additional patronage is good for business in the area and the balconies add to the street appeal and break up the built form.</p>	

## CONCLUSION

The proposed Juliette balconies provide streetscape appeal and, given their small size, are not likely to attract groups to generate significant noise that might adversely impact on nearby residents. The outdoor dining area has created some of the Peregian Beach community concern, but the submitted Noise Amenity Report has demonstrated significant or adverse noise will not be generated. The applicant has adequately demonstrated that potential noise is unlikely to adversely impact on nearby residential uses and, therefore, the proposed additions are consistent with The Noosa Plan requirements. The proposal is recommended to be approved subject to conditions to limit the hours of operation of the eastern outdoor dining area to 10pm, 7 days per week. The applicant has not adequately addressed the inclusion of any live or amplified entertainment and, therefore, a condition is also recommended not to permit live or amplified entertainment.

## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No:	MCU12/0023
Street Address:	215 David Low Way, Peregrin Beach
Real Property Description:	Lot 77 SP 231615
Planning Scheme:	The Noosa Plan (8 August 2011)

### 2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for Visitor Accommodation Type 4: Conventional (to include Juliette Balconies) and Extension to Entertainment & Dining Business Type 1: Food and Beverages (to include Outdoor Dining)

### 3. RELEVANT PERIOD OF APPROVAL

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

### 4. ASSESSMENT MANAGER CONDITIONS

#### PLANNING

##### 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. The approved outdoor dining use area must not exceed 70m<sup>2</sup>; comprising 40m<sup>2</sup> to the north side of the tenancy and 30m<sup>2</sup> to the east side of the tenancy as shown on the Approved Plans.
4. The approved outdoor dining use must comply with the following;
  - (a) The 40m<sup>2</sup> of outdoor dining located to the northern side of the tenancy must not operate outside the hours of:
    - (i) 7am to 10pm Sunday to Thursday;
    - (ii) 7am to 12am (midnight) Friday and Saturday; and
  - (b) The 30m<sup>2</sup> of outdoor dining located to the eastern side of the tenancy (fronting David Low Way) must not operate outside the hours of 7am to 10pm Monday to Sunday.

The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

5. The approved use must not involve live and/or amplified entertainment at any time.
6. Service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 7pm Monday to Sundays. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

#### **Car Parking**

7. Car Parking must be generally in accordance with Approved Plans, with 7 car parks provided for the outdoor dining use.

### **5. REFERRAL AGENCIES**

The referral agencies applicable to this application are:

<b>Referral Status</b>	<b>Referral Agency and Address</b>	<b>Referral Trigger</b>	<b>Response</b>
Concurrence	Department Of Environment & Resource Management GPO Box 2454 BRISBANE QLD 4001	Unexploded Ordinance	The agency provided its response on 5 April 2012 (Reference No. C0312NAM0023_SC14262_489281). A copy of the response is attached.
Advice	Department Of Environment & Resource Management GPO Box 2454 BRISBANE QLD 4001	Wetland and Conservation Estate	The agency provided its response on 5 April 2012 (Reference No. C0312NAM0023_SC14262_489281)

A copy of any referral agency conditions is attached.

### **6. APPROVED PLANS**

The following plans are Approved Plans for the development:

#### **Approved Plans**

<b>Plan No.</b>	<b>Rev.</b>	<b>Plan Name</b>	<b>Date</b>
TP 1001		Site/Staging Plan, prepared by Carl Brunskill Architects	15 February 2012
TP 2002		Commercial Building Floor Plan – Ground Floor Level, prepared by Carl Brunskill Architects	15 February 2012
TP 2003		Commercial Building Floor Plan – First Floor Level, prepared by Carl Brunskill Architects	20 February 2012
TP 2008 A		Commercial Building Elevations , prepared by Carl Brunskill Architects	28 March 2012

### **7. REFERENCED DOCUMENTS**

Not Applicable.

## 8. ADVISORY NOTES

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

### Equitable Access and Facilities

1. 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

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

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

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

## 9. PROPERTY NOTES

Not Applicable.

## 10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Building Work (All Building Works)

**12. SELF ASSESSABLE CODES**

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

- Advertising Devices Code

**13. SUBMISSIONS**

There were 198 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

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

Not Applicable.

**15. RIGHTS OF APPEAL**

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

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

**16. OTHER DETAILS**

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

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### 7.1.3 REQUEST FOR NEGOTIATED DECISION NOTICE FOR RECONFIGURING A LOT AND MATERIAL CHANGE OF USE FOR A NEW MASTER PLANNED COMMUNITY, OLD EMU MOUNTAIN ROAD, PEREGIAN SPRINGS

**File No:** MCU07/0197 & REC07/0141  
**Author/Presenter:** Principal Development Planner, Planning Assessment  
**Appendices:** Appendix A – Conditions of Approval (OM Pg 93)  
 Appendix B – Summary of Recommended Changes (OM Pg 123)  
**Attachments:** [Att 1 - Proposal Plans](#) (OM Att Pg 241)

**Link to PD Online:**

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Mrs Pam W Cox
<b>Proposal</b>	Request for Negotiated Decision Notice in relation to Reconfiguring a Lot and Material Change of Use for a master planned community
<b>Original Application Made Date:</b>	22/11/2007
<b>Original Approval Date:</b>	29/10/2009
<b>Representations Received Date:</b>	10/12/09, 09/02/11 and 05/09/11
<b>No. of Submissions to Original Application:</b>	3
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	11
<b>Property Address:</b>	Old Emu Mountain Rd PEREGIAN SPRINGS
<b>RP Description:</b>	Lot 4 RP 854650
<b>Land Area:</b>	33.59 ha
<b>Existing Use of Land:</b>	Single Detached House
<b>STATUTORY DETAILS</b>	
<b>SEQRP Designation:</b>	Urban Footprint
<b>Planning Scheme</b>	Maroochy Plan 2000 (1 November 2007)
<b>Strategic Plan Designation:</b>	<ul style="list-style-type: none"> <li>▪ Urban</li> <li>▪ Conservation</li> </ul>
<b>Planning Area / Locality:</b>	No. 12 – South Peregian
<b>Planning Precinct / Zone:</b>	No. 1 – Lakelands/Coolum Ridges (Master Planned Community)
<b>Assessment Type:</b>	Impact

## PURPOSE

The purpose of this report is to seek council's determination of a request for a Negotiated Decision Notice in relation to council's approval of a new master planned community at Old Emu Mountain Road, Peregrin Springs. The approval was granted by council at its Ordinary Meeting on 29 October 2009.

The request is before council because it seeks to modify conditions that were specifically imposed by council at its Ordinary Meeting.

## EXECUTIVE SUMMARY

Following council's decision on 29 October 2009 to approve a new master planned community at Peregrin Springs, representations were made by the applicant on 10 December 2009, 9 February 2011 and 5 September 2011 stating that many of the conditions were either unreasonable or required clarification and, therefore, ought to be modified or, in some cases, deleted altogether. The conditions of most concern to the applicant relate to external road and footpath connections, infrastructure contributions and requirements to delete lots to accommodate additional open space. These are the conditions likely to have the biggest impact on the development yield and the cost of delivery.

The focus of this report is:

- those additional conditions that were specifically imposed by council at its Ordinary Meeting, including deletion of lots, additional park and open space requirements and the requirement to have a local store built and operational prior to release of the final 25% of allotments;
- the upgrading of road and footpath infrastructure generally to the south of the site, all of which are complicated by future Department of Transport and Main Roads plans to eventually duplicate the Sunshine Motorway and upgrade its interchanges in the vicinity of the site; and
- infrastructure contributions, including the quantifying of a partial offset against public parks contributions for the provision of a local park as trunk infrastructure on the site.

The balance of the conditions against which representations were made are also detailed herein. Most were considered to have reasonable grounds for modifying, but some are recommended to remain unchanged. A summary table is provided in Appendix B for use as a quick reference guide to the recommendations of this report.

It should be noted that an unusually long period of time has elapsed since the original decision on the application in October 2009. The applicant has indicated willingness to negotiate with council officers over the many conditions that are in dispute. The applicant has requested, on multiple occasions, for the application to be deferred to allow the evolution of those negotiations including, notably, to allow the Department of Transport and Main Roads to revisit its motorway upgrade planning in the vicinity of the subject site. Given the costly and complicated nature of some of the infrastructure requirements, the lengthy negotiation period has likely served to avoid the need for a Court appeal.



## OFFICER RECOMMENDATION

That Council issue a Negotiated Decision Notice in relation to Development Approval No. MCU07/0197 and REC07/0141 for a new master planned community at Old Emu Mountain Road, Peregrin Springs in accordance with the conditions of approval outlined in Appendix A.

## FINANCE AND RESOURCING

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

Infrastructure Network	Amount Payable (current at CPI)
DC2 - Provision of Bikeways and Bicycle Facilities	\$29,961.17
DC3 - Roads Infrastructure	\$1,279,263.61
DC4 - Stormwater Quality	\$1,271,721.46
DC5 - Public Parks Infrastructure	\$3,299,639.00 (offset included)
DC6 - Land for Community Facilities	\$366,820.86

Note: These estimates would change if the applicant were to enter into an infrastructure agreement with Council to take advantage of the new infrastructure charging regime.

## PROPOSAL

The approved development is a new master planned residential housing estate, of 393 lots, including 20 nominated duplex lots and 2 lots to accommodate a local convenience centre and child care centre respectively.

The applicant made representations on 10 December 2010 to the development approval conditions, with further representations made on 9 February 2011 and 5 September 2011.

The representations are detailed below, but primarily relate to:

- the relevant (or currency) period;
- amendments required to the approved plans, including the removal of 6 lots from the approval;
- development contributions;
- subdivision staging requirements;
- roadworks, intersections and pedestrian pathways;

- the requirement for additional open space and park embellishments;
- the requirement for the local centre to be operational prior to completion of the development; and
- detailed subdivisional design matters.

## SITE DETAILS

### Site Description

The site is located on Old Emu Mountain Road, generally mid-way between Murdering Creek Road and Emu Mountain Road (the road which connects the Sunshine Motorway to the David Low Way). The site has an area of 33.59 ha and a frontage of approximately 800 metres to Old Emu Mountain Road.

The location of the subject site in relation to its surrounds is shown on the image below:



## ASSESSMENT

An assessment in relation to each of the submitted representations is provided below, starting with those conditions mentioned in the Executive Summary that are considered the most pertinent matters for council's consideration. A summary table is also provided in Appendix B for use as a quick reference guide to the recommendations of this report.

**Condition 17(e) – Local Centre to be Operational**

17 *The applicant must, prior to the lodgement of the first development application for Operational Works, provide and have endorsed by Council's Delegate a revised staging plan and supporting documentation as necessary to address the following issues(refer to Advisory Note 4):*

- (e) A general store and associated off-street car parking must be built and operational within the local centre allotment prior to the release of the final 25% of residential allotment*

Applicant's Representation

While the applicant agrees with a local centre allotment to be accommodated within the subdivision layout as shown on the approved plans, it submits that 17(e) is unreasonable insofar as it requires a local centre to be built and operational at a particular point in time. The applicant states that Condition 17(e) interferes with normal market factors because a local centre may not be profitable and economically viable at the specified point in time.

Assessment of Representation

Agree.

Condition 17(e) did not form part of the original recommendation and was imposed by council at its Ordinary Meeting on 29 October 2009. The condition was imposed out of a desire to ensure residents of the estate are not isolated from basic grocery needs which would otherwise be provided by the Coles supermarket in Peregrin Springs.

The applicant's representations that forcing a commercial operator (in this case a general store) to establish at a point in time, potentially before it can be made economically sustainable, is a relevant but also not a reasonable imposition on the development. The condition has the potential to sterilise development of the later stages if market conditions are not favourable to finding a willing operator.

The condition is also unnecessarily prescriptive for its intended purpose. As discussed in the report to council in October 2009, the planning considerations associated with the local centre are to do with the future residents' perceived remoteness, more so than its actual separation to established commercial and community uses (noting that the Peregrin Springs shopping centre is within 1.8km driving distance of the estate). The establishment of a local centre would be desirable as a local gathering point to create a sense of place for the community but, given the proximity of the Peregrin Springs shopping centre, it is not so critical as to warrant preventing the last 25% of lots from being released until one is built and operational. Importantly, external economic advice received has confirmed that, in general terms, a 500m<sup>2</sup> local centre could be economically sustained by the total size of the proposed development. Therefore, while not required as a prerequisite to the development, the eventual establishment of a local centre remains likely.

Recommendation

It is recommended that Condition 17 (e) be deleted.

**Condition 43 (l)(i) and (l)(ii) – Open Space Provision**

43 *Prior to release of the Plan of Survey for the first stage of the development, the applicant must provide and embellish land suitable for a local park in accordance with the following:*

- (l) Park and open space area shown on Layout Plan 0917-DA-S-01C is accepted as minimum subject to the following amendments:*
  - (i) The removal of lots 261-266 from the attached housing and dedication of this site for open space and future possible community centre and garden is required. This area will be turfed to the satisfaction of council.*
  - (ii) The identification of four small scale “gathering spaces” are to be provided for residences on the western side of the development, and a small shelter provided on each location.*

**Applicant’s Representation**

The applicant submits that Conditions 43(l)(i) and (ii) are unreasonable and outside the requirements of the planning scheme and, therefore, should be deleted.

With regard to Condition 43(l)(i) which requires Lots 261-266 be deleted and converted into open space, the applicant submits that there is no requirement of the planning scheme to provide land for a future community centre or community garden. Further, the applicant states that they have met their open space obligation by provision of a 4,200m<sup>2</sup> local park, together with a 20m wide recreational open space and revegetated buffer that separates the development from the Noosa National Park for its entire frontage. To provide for the possibility of a future community centre, the applicant has proposed to increase the size of the local park to 5,500m<sup>2</sup>, which can be achieved without affecting the lot or road layout. The applicant has also modified plans to allow possible locations for provision of a future community garden.

With regard to Condition 43(l)(ii) which requires provision of 4 small scale gathering places and associated shelters amongst lots on the western side of the development, the applicant submits that such places would be both unnecessary and a long term maintenance burden for council. The applicant submits that all proposed lots have adequate proximity to the local park and the recreational open space adjacent to the National Park.

**Assessment of Representation**

Agree.

Conditions 43 (l)(i) and 43 (l)(ii) did not form part of the original recommendation and were imposed by council at its Ordinary Meeting of 29 October 2009.

***Condition 43 (l)(i)***

The planning scheme (and infrastructure policies) do not contain requirements for subdivision developers to provide land for community purposes. Instead, subdivision developers are required to pay infrastructure contributions toward the acquisition of community land elsewhere.

Council's social infrastructure needs assessment for the region, embodied in the recently adopted Sunshine Coast Social Infrastructure Strategy 2011 and council's Adopted Infrastructure Charges Resolution No. 2, does not identify the need for trunk community facilities on the subject site. A community facility at the site would exceed the justifiable needs of the community and would unnecessarily contribute to council's maintenance costs. Advice from council's Social Policy Branch is that the projected population of the Peregrin Springs district is fully serviced by community facilities, particularly given the yet to be developed 4,000m<sup>2</sup> council-owned site at Coolum Ridges. The Sunshine Coast Social Infrastructure Strategy 2011 identifies that only 1 local level community centre is required for the Peregrin Springs district, and states the minimum population catchment for such infrastructure is 6,000 people. By comparison, the proposed estate is expected to introduce a new population of only 1,000 people.

As an alternative to donating Lots 261-266 to council, the applicant proposes to increase the size of the local park to 5,500m<sup>2</sup> so that additional land is available for a small community facility in the parkland should council decide to build one in the future. Given the lack of need for additional community facilities, the applicant's proposal is considered to be a reasonable response to this issue.

*Condition 43 (l)(ii)*

The subdivision is well designed with its higher densities clustered around a centralised local centre and neighbourhood park, together with a 20 metre open space zone around the site's perimeter that serves as both a buffer to the national park and a linear recreational parkland linking the extremities of the development. The estate is designed such that all lots are within 440 metres walking distance of the public open space network. By comparison, both the former Maroochy Plan policy for public parks infrastructure and the recently adopted Sunshine Coast Open Space Strategy 2011 articulate a desire to deliver public parks within 500 metres of most houses (a 5 – 10 minute walk).

The development proposes a total of 3.66 ha of parkland and open space (excluding the wetland). While a component of this will be revegetated and not accessible to park users, a significant proportion will still be available for active recreational use centred around a 2.5 metre wide path that runs for the entire length of the National Park frontage.

Given the proposed quantum of useable open space, and the subdivision layout design which meets the desired walking distance of any one dwelling to useable open space, sufficient open space has been provided for the development. The additional parkland and shelters required by Condition 43 (l)(ii) are unnecessary and an unreasonable impost on the applicant. In particular, the shelters required by the condition would create a maintenance burden to council and are not recommended.

As an alternative to providing additional parks and shelters, the applicant has amended the plans to increase the size of the road reserve at several key locations, namely at the cul-de-sac heads of Roads N and L and in 2 locations along Road D. These spaces would provide opportunity for additional tree plantings and informal gathering space.

Recommendation

It is recommended that Conditions 43 (l)(i) and 43 (l)(ii) be deleted and new Conditions 43(m) and 43A be added as follows:

- 43 Prior to release of the Plan of Survey for the first stage of the development, the applicant must provide and embellish land suitable for a local park in accordance with the following:
- ...
- (l) **Deleted.** ~~Park and open space area shown on Layout Plan 0917-DA-S-01C is accepted as minimum subject to the following amendments:~~
- ~~(i) The removal of lots 261-266 from the attached housing and dedication of this site for open space and future possible community centre and garden is required. This area will be turfed to the satisfaction of council.~~
- ~~(ii) The identification of four small scale "gathering spaces" are to be provided for residences on the western side of the development, and a small shelter provided on each location.~~
- (m) Hose connections must be provided in locations suitable to provide for a future community garden**
- 43A Widened road reserves for social gathering purposes must be provided in the locations shown on the Approved Plans and with the minimum dimensions shown on the approved plans. At least one large feature tree must be provided in each location**

**Condition 68 – Upgrade to Old Emu Mountain Road**

- 68 *Prior to the release of the Plan of Survey of the first stage of the proposed development, the applicant must upgrade Old Emu Mountain Road to an Urban District Collector Street in accordance with the requirements of Maroochy Plan 2000 from the end of the existing sealed road adjacent to the Peregian Beach College north-west of the subject site to the intersection of Old Emu Mountain Road with Emu Mountain Road south of the subject site. The road design and layout must incorporate the following elements:*
- (a) *The overall sealed two-lane carriageway width must be at least 9 metres, incorporating at least 3 metre wide traffic lanes and 1.5 metre wide sealed shoulders / bike lanes on both sides, except that the sealed shoulder / bike lane on the opposite side of Old Emu Mountain Road to the subject site should be at least 2 metres wide for the length of the site frontage*
- (b) *The road alignment must taper to the southern end of the reserve width in the vicinity of Lots 380 – 384 so as to allow maximised retention of existing vegetation through that area*
- (c) *A concrete shared path must be constructed on the northern / eastern side of the carriageway for the length of the required works. The path should be at least 2.5 metres wide between the Peregian Beach College and the pathway connection to the required pedestrian / cycle overpass of the Sunshine Motorway. The path should be at least 3 metres wide between the pathway connection to the required pedestrian / cycle overpass of the Sunshine Motorway and the intersection of Old Emu Mountain Road with Emu Mountain Road.*

- (d) *A parking lane, at least 2.5 metres wide, and kerb and channel must be constructed along the Old Emu Mountain Road frontage of the site. The verge width along the Old Emu Mountain Road frontage of the site should be at least 5 metres, measured between the kerb face and site boundary. Raised concrete median islands should be installed at the bends in the carriageway between proposed Lots 377 and 391. No other specific traffic management treatments, except those associated with proposed intersections, are required on Old Emu Mountain Road along the frontage of the site. Where possible, the road carriageway alignment should be altered and the parking lane discontinued over short sections as necessary along the Old Emu Mountain Road frontage to retain significant trees within the road reserve.*
- (e) *Bus bays must be provided on the southern side of Old Emu Mountain Road west of the southern intersection with Road B and east of the northern intersection with Road B. Pathway connections must be provided between the bus bays and refuge islands incorporated into the adjacent roundabouts.*

#### Applicant's Representation

The applicant submits that Condition 68 is an unreasonable impost on the development and requests that the condition be modified to significantly downgrade the extent of works. Of particular concern to the applicant is the requirement to seal Old Emu Mountain Road south from the site to its intersection with Emu Mountain Road (a distance of approximately 1.2km). The grounds put forward by the applicant include that the site need only be serviced by a sealed road in one direction, and that the Department of Transport and Main Roads intends to eventually close, or at least realign, Old Emu Mountain Road south of the site as part of its future duplication of the Sunshine Motorway. The applicant states that, in the event of future realigning works or even a possible future closure of Old Emu Mountain Road, the upgrade works required by the approval would be redundant and, therefore, a waste of the applicant's resources. The applicant instead proposes to delay construction of Old Emu Mountain Road until 5 years after completion of the estate in order to allow an opportunity for the Department of Transport and Main Roads realignment works to precede the sealing works, and possibly remove the need for any further works altogether. The applicant also proposes to support the delayed construction with a \$780,000 bank guarantee (or bond) to provide council with security that the works would be completed.

#### Assessment of Representation

Disagree.

An external traffic expert was engaged to assist staff to determine a reasonable outcome in relation to Condition 68. The applicant's proposal involving delayed construction is discussed at the end of this section.

The condition as currently worded requires sealed construction (to differing standards) of all unsealed sections of Old Emu Mountain Road located between Murdering Creek Road to the north and Emu Mountain Road to the south. The works would enable residents of the new community (approximately 1,000 persons) to travel in either a northerly or southerly direction on roads that are fit for urban residential purposes.

To allow the community to establish with only one urban sealed road access to the north would likely cause the following problems:

- excessive travel times, cost and inconvenience for residents travelling to, or returning from, the south. The majority of vehicle trips from the site are expected to be to southern destinations (forecast to be in the order 70%), which would equate to something in the order of 1,800 to 2,400 vehicles per day. If the southern section of Old Emu Mountain Road were not upgraded, vehicles would be forced to travel north to the Murdering Creek Road interchange before heading south, adding approximately 2.7km to every journey. This same issue would be faced by emergency vehicles needing to access the site;
- as an unsealed road already exists to the south, residents may instead opt to travel south anyway to avoid the extra 2.7km travel distance. This would place increasing numbers of vehicles onto a narrow, unsealed and potentially unsafe road network. It would also accelerate council's road maintenance costs; and
- not upgrading the southern leg of Old Emu Mountain Road would substantially reduce the likelihood of a future bus route servicing the site due to the inefficiency of the road network and the relatively low demand expected for a bus service at that location.

Allowing a new community of this size to proceed in the absence of a sealed road to the south would be inconsistent with the policy aspirations of the planning scheme about the desired standard of service for new urban communities. To this end, the planning scheme provisions include:

*“the need to develop a road hierarchy which meets the following objectives:*

- ...
- *the need to optimise the efficiency of arterial and other traffic distributing roads, thereby minimising travel times and expenditure on upgrading, duplication and by-passes”* (Transport strategy of the Strategic Plan)

and

*“Where appropriate, development provides for upgrades or contributes to the construction of road network improvements in accordance with the requirements of the Transport, Traffic and Parking Planning Scheme Policy”* (Element (2) A4.1 of the Code for Transport, Traffic and Parking)

The applicant's submission about wasted resources due to the possibility of the Department of Transport and Main Roads eventually realigning, sealing or even closing the road to facilitate motorway upgrades is not agreed for 3 key reasons:

18. despite earlier advice, the Department of Transport and Main Roads has now advised by letter dated 24 August 2011 (which attaches road alignment drawings) that its preliminary corridor planning could accommodate retention of Old Emu Mountain Road;
19. the Department of Transport and Main Roads has advised it would only replace “like for like”, meaning the Department of Transport & Main Roads would not seal Old Emu Mountain Road as part of its future realignment works if the applicant or council have not already done so; and



20. the Department of Transport and Main Roads has advised that major motorway upgrade works at Peregrine are unlikely to occur within the foreseeable future.

At the time the application was lodged, this particular section of the motorway duplication was identified in the Government's *Southeast Queensland Infrastructure Plan and Program 2009-2026* as a lower priority that may be delivered at the end of the Plan's timeframe (i.e. possibly sometime between 2021 and 2026). Since then, this document has been replaced by *Connecting SEQ* as the document which guides the future enhancement plans for the motorway. Unlike the previous document, *Connecting SEQ* does not provide any commitment to a timing or priority for the project.

The department advises that the motorway upgrade works will be subject to priority and funding and any duplication works north of Coolumbia would be likely to be sequenced after future upgrades from Pacific Paradise to Coolumbia. The department further advises that its funding program to 2015 does not include any upgrade works north of Pacific Paradise.

Given the importance of the southern road section for the reasons explained above, the applicant's proposal to delay construction until 5 years after completion of the estate is considered an unacceptably long period of time. Depending on the health of the housing market (which is currently subdued), it may be many years before the estate is completed. Further, the premise of the applicant's proposal is flawed because it assumes the Department of Transport and Main Roads' realignment works are more imminent than they actually are. The applicant's proposal to wait for the Department of Transport and Main Roads upgrade works would have had more merit if the timing of works were known to be imminent.

As mentioned, an external traffic expert was engaged to assist staff determine a reasonable outcome for the development. The expert agrees that some delaying of the works would be reasonable, but not for the period proposed by the applicant and not for the Department of Transport and Main Roads-related reasons submitted by the applicant. Given that the importance of the road would be less during the early stages of the development, one suggestion put forward by the expert is to delay the requirement until the 101<sup>st</sup> lot is created. In the intervening time, the applicant can always lodge a later request to revisit the condition should the Department of Transport and Main Roads upgrade works suddenly become more imminent.

The expert's opinion is agreed to be a balanced outcome for the development and it is recommended Condition 68 be modified accordingly. Other associated wording changes are also recommended to improve the clarity of the condition.

#### Recommendation

It is recommended that Condition 68 be replaced by new Conditions 68, 68A, 68B and 68C as follows:

- 68 Prior to the release of the Plan of Survey of the first stage of the development, Old Emu Mountain Road must be upgraded from the northern intersection with Road B to the existing sealed road adjacent to the Peregian Beach College north-west of the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) A sealed 6.5 metre wide two-lane central carriageway with a 1.25 metre wide unsealed shoulder on each side
  - (b) A concrete shared path, at least 2.5 metres wide, on the northern side of the carriageway
- 68A Prior to the release of the Plan of Survey of the first stage of the development, Old Emu Mountain Road must be upgraded along the frontage of the site from the northern intersection with Road B to the intersection with Road A. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) An overall sealed carriageway width of 12.5 metres, incorporating 2 x 3 metre wide traffic lanes, a 1.5 metre wide bicycle lane and 2.5 metre wide parking lane on the development side, and a 2 metre wide sealed shoulder on the opposite side. Where possible, the road carriageway alignment should be altered and the parking lane discontinued over short sections as necessary along the Old Emu Mountain Road frontage to retain significant trees within the road reserve. Short sections of raised concrete median island should be installed at the bends in the carriageway between proposed Lots 377 and 391 to help maintain driver lane discipline
  - (b) Kerb and channel on the development side
  - (c) A verge on the development side at least 5 metres wide, measured between the kerb face and site boundary
  - (d) A concrete shared path, at least 2.5 metres wide, on the development side of the carriageway
  - (e) A bus bay on the southern side of Old Emu Mountain Road east of the northern intersection with Road B. A pathway connection must be provided between the bus bay and pedestrian refuge island incorporated into the adjacent roundabout
- 68B Prior to the release of the Plan of Survey of the fourth stage of the development or prior to the release of the Plan of Survey creating the 101<sup>st</sup> lot, whichever occurs sooner, Old Emu Mountain Road must be upgraded along the frontage of the site from the intersection of Road A to the southern intersection of Road B. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) An overall sealed carriageway width of 12.5 metres, incorporating 2 x 3 metre wide traffic lanes, a 1.5 metre wide bicycle lane and 2.5 metre wide parking lane on the development side, and a 2 metre wide sealed shoulder on the opposite side. Where possible, the road carriageway alignment should be altered and the parking lane discontinued over short sections as necessary along the Old Emu Mountain Road frontage to retain significant trees within the road reserve;
  - (b) Kerb and channel on the development side
  - (c) A verge width on the development side at least 5 metres wide, measured between the kerb face and site boundary

- (d) A concrete shared path, at least 2.5 metres wide, on the development side of the carriageway
  - (e) A bus bay on the southern side of Old Emu Mountain Road west of the southern intersection with Road B. A pathway connection must be provided between the bus bay and refuge island incorporated into the adjacent roundabout
- 68C Prior to the release of the Plan of Survey creating the 101<sup>st</sup> lot of the development, Old Emu Mountain Road must be upgraded from the southern intersection of Road B to Emu Mountain Road south of the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) A sealed 6.5 metre wide two-lane central carriageway with a 1.25 metre wide unsealed shoulder on each side
  - (b) A concrete shared path, at least 2.5 metres wide, on the eastern / northern side of the carriageway

### Conditions 69 and 70 – New Intersections on Old Emu Mountain Road

- 69 *Single-lane roundabouts must be constructed at the proposed Road A / Old Emu Mountain Road intersection and at both proposed intersections between Road B and Old Emu Mountain Road. The roundabouts must be designed in accordance with Queensland Department of Transport and Main Roads' Road Planning and Design Manual and Maroochy Plan 2000 and accommodate a turning articulated vehicle. Buses should be able to negotiate the roundabouts without encroaching upon any raised central island or apron*
- 70 *Prior to the release of the plan of survey of the first stage of the proposed development, the applicant must construct at least a Type CHR(S) right turn treatment on Emu Mountain Road at its intersection with Old Emu Mountain Road. The intersection works must be designed in accordance with the requirements of the Queensland Department of Transport and Main Roads and their Road Planning and Design Manual*

#### Applicant's Representation

The applicant requests that these intersection requirements be deleted. The applicant submits that neither intersection upgrades are required on the basis that the applicant also submits that constructing Emu Mountain Road to the south is not required.

#### Assessment of Representation

The requirement for these intersection treatments go hand-in-hand with the requirement to upgrade Old Emu Mountain Road to the south. The expected traffic usage of the 2 roads warrants the required upgrades.

Council's external traffic expert recommends the conditions be retained, but that the works be delayed until the 101<sup>st</sup> lot is created (commensurate with construction of the southern leg of Old Emu Mountain Road). The current condition wording requires alteration to allow the delayed construction.

Recommendation

It is recommended that Conditions 69 and 70 be amended as follows:

- 69 Single-lane roundabouts must be constructed at the proposed Road A/Old Emu Mountain Road intersection and at both proposed intersections between Road B and Old Emu Mountain Road. **Of these, the roundabout at the southern intersection of Road B and Old Emu Mountain Road must be constructed at the same time as the works required by Condition 68C.** The roundabouts must be designed in accordance with Queensland Department of Transport and Main Roads' Road Planning and Design Manual and Maroochy Plan 2000 and accommodate a turning articulated vehicle. Buses should be able to negotiate the roundabouts without encroaching upon any raised central island or apron
- 70 Prior to the release of the plan of survey ~~of the first stage~~ **creating the 101<sup>st</sup> lot** of the ~~proposed~~ development, ~~the applicant must construct~~ at least a Type CHR(S) right turn treatment **must be constructed** on Emu Mountain Road at its intersection with Old Emu Mountain Road. The intersection works must be designed in accordance with the requirements of the Queensland Department of Transport and Main Roads and their *Road Planning and Design Manual*

**Conditions 71 and 72A – Pedestrian Overpass and External Footpath**

- 71 *Prior to the release of the plan of survey of the 100<sup>th</sup> lot of the proposed development, the applicant must construct a pedestrian / cycle overpass of the Sunshine Motorway north of the motorway intersection with Peregian Springs Drive. The clear width of the overpass for pedestrian and cycle travel must be at least 4 metres. The design and location of the overpass must be in accordance with the requirements of the Queensland Department of Transport and Main Roads, Maroochy Plan 2000, and Austroads' Guide to Traffic Engineering Part 14 (Bicycles). Shared pathway connections, at least 3 metres wide, must be constructed between the overpass and the required shared pathway along the eastern side of Old Emu Mountain Road, as well as between the overpass and Peregian Springs Drive. The pathway connections must be located at least 0.5 metres clear of any vertical obstructions or fences. Shared pathways, must also be constructed at the following locations:*
- (a) *A pathway at least 3 metres wide on the northern side of Peregian Springs Drive from the motorway to Ridgeview Drive to connect with existing pathways*
  - (b) *A pathway at least 2.5 metres wide on the eastern side of Ridgeview Drive from Peregian Springs Drive to the existing mid-block signalised pedestrian crossing, including incorporation of a pedestrian refuge crossing treatment of Peregian Springs Drive at the Ridgeview Drive roundabout.*
- 72A *Prior to release of the Plan of Survey of the first stage of the development, the applicant must pay to Sunshine Coast Regional Council a monetary contribution for the provision of a 3 metre wide footpath along the length of Emu Mountain Road between the David Low Way and the intersection with Old Emu Mountain Road.*

*The amount of the contribution must be equivalent to 15% of the cost of providing the footpath (subject to indexation), with the cost of providing the footpath to be as determined by Council.*

### Applicant's Representation

The applicant submits that Condition 71 is an unreasonable impost on the development and requests that it be deleted. The grounds put forward by the applicant are the likely expense of the overpass and the fact that a pedestrian crossing would form part of the future duplication of the Sunshine Motorway by the Department of Transport and Main Roads. The applicant also states that the requirement cannot be justified by the provisions of the planning scheme.

With respect to Condition 72A, the applicant requests that the cost of the 15% monetary contribution is offset against its infrastructure contributions for bikeways and bicycle facility infrastructure.

With regard to external footpaths for the development (generally), the applicant proposes to make a one-off monetary contribution of \$270,000 to council to go toward pathway networks in the general vicinity of the site.

### Assessment of Representation

Agree in part.

Conditions 71 and 72A formed part of the original decision for the application on the basis that the development did not propose any form of pedestrian linkage to external urban facilities such as the Peregrin Springs shopping centre. As explained in the report to council in October 2009, external footpath linkages would overcome, in part, the perceived remoteness of the site from adjoining urban development and alleviate planning concerns about the success of the community as a result of its location.

With regard to **Condition 71**, it is accepted that the cost of a motorway overpass would be high. Preliminary estimates from council's Infrastructure Services Department indicate that the bridge structure alone would be in the order of \$1 million (not allowing for any future motorway duplication). Once the required earthworks, ramp structures and external footpath linkages are added to that, the costs would at least be that amount again.

It is also accepted that the future Department of Transport and Main Roads road planning for the Peregrin Springs interchange involves a pedestrian crossing of the Motorway. As such, the desired footpath connection will ultimately be provided, although not within the foreseeable future. While the future Department of Transport and Main Roads upgrade plans could not be factored into the assessment of Condition 68 (sealing the southern access road) for the reasons explained earlier, it could reasonably be factored into the consideration of the overpass requirement. Unlike the overpass, sealing the southern access is required for road safety, maintenance reduction and network efficiency concerns and, therefore, the need for it is both more pertinent and immediate.

An external traffic expert was engaged to assist staff determine if the overpass requirement is reasonable. The expert advises that it might possibly be reasonable to require the overpass by the 300<sup>th</sup> lot, but that it would be more reasonable to allow the motorway crossing to occur as part of the future Department of Transport and Main Roads upgrade works, with the applicant to construct instead a footpath south along Old Emu Mountain Road to connect to it. As the southern footpath is already required by Condition 68, it is recommended that Condition 71 simply be deleted.

With regard to **Condition 72A**, the applicant estimates the total cost of a footpath east along Emu Mountain Road to the David Low Way would be \$567,855, meaning the applicant's 15% contribution would come to approximately \$85,000. Both council's Infrastructure Services Department and Engineering and Environmental Assessment Branch have reviewed the applicant's preliminary estimate and advise the cost of works would be more likely to be in the order of \$1,538,000 (meaning a 15% applicant contribution of \$230,700). Council's specialists consider the applicant's preliminary estimate not conservative enough in the absence of more detailed information being available. As such, it is recommended that council's preliminary estimates be used for the purpose of calculating a contribution amount. The contribution could be paid on a per-lot basis as each successive stage is constructed (\$578 per lot).

It is recommended that council disagrees with the applicant's request to have the Condition 72A contribution offset against its standard infrastructure contributions for bikeways infrastructure on grounds that:

- a footpath along Emu Mountain Road is not identified as trunk infrastructure in council's policy documents; and
- it is considered reasonable to require the site to be connected to the trunk footpath network given its location, particularly now that it is recommended to delete the overpass requirement.

#### Recommendation

It is recommended that Condition 71 be deleted and Condition 72A be amended as follows:

- 72A Prior to release of the Plan of Survey ~~of the first~~ **for each** stage of the development, the applicant must pay to Sunshine Coast Regional Council a monetary contribution **of \$578 per lot toward** ~~for~~ the provision of a 3 metre wide footpath along the length of Emu Mountain Road between the David Low Way and the intersection with Old Emu Mountain Road. The amount of the contribution **must be indexed quarterly from March 2012 until the time of payment by the application of the Consumer Price Index (Brisbane)**. ~~must be equivalent to 15% of the cost of providing the footpath (subject to indexation), with the cost of providing the footpath to be as determined by Council.~~

### **Conditions 13 & 14 – Development Contributions**

- 13 *The applicant must pay contributions towards infrastructure in accordance with the following Planning Scheme Policies*
- (a) *Planning Scheme Policy DC1 – Water Supply and Sewerage Infrastructure*
  - (b) *Planning Scheme Policy DC2 – Provision of Bikeways and Bicycle Facilities*
  - (c) *Planning Scheme Policy DC3 – Roads Infrastructure*
  - (d) *Planning Scheme Policy DC4 – Stormwater Quality*
  - (e) *Planning Scheme Policy DC5 – Public Parks Infrastructure*
  - (f) *Planning Scheme Policy DC6 – Land for Community Facilities*
- The contributions must be paid at or before the time of lodgement of the Plan of Survey with Council for each. The actual amount of the contribution must be in accordance with the relevant Policy at the time of payment, and must include contributions for a Dual Occupancy for any identified duplex sites shown on the approved plans*

- 14 *In relation to Condition 13(e) above, costs associated with the construction of the local park may be offset against the contributions payable for public parks infrastructure, to a maximum of 34 Chargeable Units under the Policy. The offset may not be redeemed until after the local park is handed over to Council ownership and all works associated with the local park are accepted 'on-maintenance'*

#### Applicant's Representation

With regard to Condition 14, the applicant queries how 34 Chargeable Units was arrived at, given that it seems disproportionate to the total number of approved lots.

The applicant is also concerned that council's calculation of credit would not cover the full cost of embellishment works as required by the approval (which includes in Conditions 44A, 44C and 44D embellishments to areas other than just the local park).

#### Assessment of Representation

Agree in part.

Council's Infrastructure Policy Branch was consulted regarding the representations on this matter.

The infrastructure contributions offset referred to in Condition 14 stems from council's resolution for the original decision on the application, which included that council:

- require the applicant to provide a local park as trunk infrastructure for the development, despite one not being identified in Planning Scheme Policy No. DC5 – Public Parks Infrastructure; and
- identify the local park as trunk infrastructure in any future Council review of Planning Scheme Policy No. DC5 – Public Parks Infrastructure.

The resolution was recommended by officers for the reasons explained in the October 2009 report to council; namely that a trunk local park should be identified as a necessary requirement for the development due to its physical separation by the motorway and its isolation from adjoining urban land. As a consequence of the applicant providing a local park, and council agreeing to recognise this park as trunk infrastructure, council agreed to a partial offset against the applicant's monetary contributions under the Parks Policy.

For developments that provide parks as trunk infrastructure, the credits recognised for the provision of the park include both a land cost and an embellishment cost component. The Infrastructure Policy Branch has provided an estimate of the 'value' of this park, based on dollar values used to estimate the trunk parks network cost. The current dollar value of the land plus nominal embellishment costs is \$691,484, which equates to 73.98 Chargeable Units under the Policy. This exceeds the 34 Chargeable Units (equivalent \$317,794) referred to in Condition 14, which was based on nominal embellishment costs only.

In dealing with the applicant's representations on this matter, it is recommended that council disagree to include the additional embellishment costs required by Conditions 44A, 44C and 44D into the offset (instead keeping the offset calculation to only those nominal embellishment costs under the policy), but agree to increase the scope of the offset to include the land value of the park. Such approach would be consistent with the giving of an offset under the Parks Policy if the park were included in the proposed network. By granting the offset, the applicant's current overall monetary contributions toward parks infrastructure would reduce from \$3,991,123 to \$3,299,639.

In agreeing to credits for park projects currently not identified in the Parks Policy, council should note that this may create a shortfall in the overall costs required to provide the identified trunk infrastructure network. However, the impact of that shortfall on an individual basis is not significant and would further diminish should the local park be factored into a future review of council's park network and infrastructure charging model as foreshadowed in the council resolution for the original decision.

### Recommendation

It is recommended that Condition 13 remain unchanged, and that Condition 14 be amended to read:

- 14 In relation to Condition 13(e) above, costs associated with the ~~construction~~ **provision** of the local park may be ~~offset~~ **credited** against the contributions payable for public parks infrastructure. **The credit allowed for the local park is 73.98 to a maximum of 34 Chargeable Units** under the Policy. The ~~offset~~ **credit** may not be redeemed until after the local park is ~~handed over~~ **transferred** to Council ownership and all works associated with the local park are accepted 'on-maintenance'.

### **Relevant Period of Approval**

*With respect to the Development Permit for Reconfiguring a Lot, the relevant period of this Development Permit is 4 years from the date that this approval takes effect.*

*With respect to the Preliminary Approval for Material Change of Use (Overriding the Planning Scheme), the relevant period of this Preliminary Approval is 10 years from the date that this approval takes effect.*

### Applicant's Representation

The applicant requests the Relevant Period (or currency period) for the Reconfiguring a Lot component be extended to 10 years and the Material Change of Use component be extended to 15 years, given the likely duration to fully develop the estate in stages.

### Assessment of Representation

Disagree.

The applicant has confused the Relevant Period with the sunset requirements of Conditions 4 and 12. The Relevant Period is the period in which the first plan of subdivision must be lodged and the first change of use must have taken place to avoid the approval lapsing (in accordance with Section 341 of the *Sustainable Planning Act 2009*). That is, it deals with when the development must start, whereas the sunset conditions deal with when the development must be completed.

The Relevant Period will automatically restart in accordance with the 'roll-over' provisions of Section 341 of the *Sustainable Planning Act 2009*, thereby allowing a longer period for the development to start (e.g. up to 6 years), provided that subsequent Operational Works applications are lodged within 2 years of the approval taking effect.



Recommendation

It is recommended that the Relevant Period for the development remain unchanged.

**Conditions 2 and 6 – Approved Plans**

- 2 *The development must be generally in accordance with the Approved Plans and Documents (as amended)*
- 6 *The development must be generally in accordance with the approved plans and documents (as amended). The numbering for all approved lots must remain as indicated on the approved plans unless otherwise amended or approved by Council*

Applicant's Representation

The applicant requests the words 'as amended' be deleted and that the plans and documents be approved in full.

Assessment of Representation

Agree.

The applicant has provided a full suite of updated plans and documents which reflect the recommendations of this report. As a result of this Negotiated Decision Notice, no further amendments are required to be made to the plans and documents.

Recommendation

It is recommended that Conditions 2 and 6 be amended as follows:

- 2 The development must be generally in accordance with the Approved Plans and Documents ~~(as amended)~~
- 6 The development must be generally in accordance with the approved plans and documents ~~(as amended)~~. The numbering for all approved lots must remain as indicated on the approved plans unless otherwise amended or approved by Council

**Condition 4 – Sunset Clause for Completion of Development**

- 4 *Pursuant to s3.5.21A of the Integrated Planning Act 1997, this development approval lapses if the whole of the approved use has not happened within 10 years of the date that the approval takes effect*

Applicant's Representation

The applicant requests the sunset clause for the Material Change of Use component be extended to 15 years due to the currently subdued housing market and the number of approved lots that would be required to be sold within the currently stipulated 10 years.

Assessment of Representation

Disagree.

10 years is already a substantial amount of time for the approval to remain current without needing any further consideration by council. Within that time, a new planning scheme would most likely be in effect, possibly as well as new State legislation, requirements or policies. Further, the urban fabric and social make-up of the local area would likely have changed within 10 years and the public's awareness of the approval would likely have diminished substantially (remembering that the application was publicly notified in 2008). Given these factors, and that the applicant has already been afforded extra years of currency by virtue of the time taken between the original decision and the Negotiated Decision Notice, it is considered there are not sufficient grounds for a longer currency period.

#### Recommendation

It is recommended that Condition 4 remain unchanged.

### **Condition 5 – Number of Approved Lots**

- 5      *Development Permit is granted for the subdivision of 1 lots into 393 lots and open space reserve land*

#### Applicant's Representation

The applicant queries the correct number of approved lots because the Decision Notice refers both to 393 and 398 lots in different places. The applicant also requests that the originally proposed 399 lots be reinstated for the reasons identified in response to Condition 43(l)(i).

#### Assessment of Representation

Agree.

Condition 43(l)(i) of the Decision Notice required the deletion of 6 lots from the plans, making the correct number of approved lots 393. However, as a result of the recommendations of this report, Condition 5 should be modified to change the number of approved lots to 397 residential housing lots, 2 local centre lots, 1 local park lot and open space reserve.

#### Recommendation

It is recommended that Condition 5 be amended as follows:

- 5      *Development Permit is granted for the subdivision of 1 lots into ~~393 lots and open space reserve land~~ **397 residential housing lots, 2 local centre lots, 1 local park lot and open space reserve***

### **Condition 11 – Amended Plans and Documents**

- 11      *The applicant must, prior to lodgement of the first Operational Works application associated with the development, provide to Council amended plans and documents which incorporate the amendments listed within this Decision Notice*

#### Applicant's Representation

The applicant requests that the condition be deleted and that all plans and documents are approved in full.

Assessment of Representation

Agree.

The applicant has provided a full suite of updated plans and documents which reflect the recommendations of this report. As a result of this Negotiated Decision Notice, no further amendments are required to be made to the plans and documents.

Recommendation

It is recommended that Condition 11 be deleted.

**Condition 12 – Sunset Clause for Completion of Development**

- 12 *Pursuant to s3.5.21A of the Integrated Planning Act 1997, this development approval lapses if the last plan of survey for the approved development is not submitted within 10 years of the date that the approval takes effect*

Applicant's Representation

As for the Material Change of Use component in Condition 4, the applicant requests the sunset clause for the Reconfiguring a Lot component of the approval be extended to 15 years due to the currently subdued housing market and the number of approved lots that would be required to be sold within the currently stipulated 10 years.

Assessment of Representation

Disagree.

For the same reasons explained in response to Condition 4, it is recommended the applicant's request in relation to this condition not be accepted.

Recommendation

It is recommended that Condition 12 remain unchanged.

**Conditions 16 and 17 – Subdivision Staging**

- 16 *The subdivision may be staged in accordance with the Approved Plans (as amended). If staged, the development must occur sequentially in the stage order indicated on the revised staging plan as required by Condition 17 below*
- 17 *The applicant must, prior to the lodgement of the first development application for Operational Works, provide and have endorsed by Council's Delegate a revised staging plan and supporting documentation as necessary to address the following issues(refer to Advisory Note 4):*
- (a) The revised staging plan is to show a logical timing for handover of the proposed park and reserve*
  - (b) The revised staging plan must be accompanied by details of the proposed timing of the construction of landscape works including:*
    - (i) Local park*
    - (ii) Revegetation and landscape works*
    - (iii) Wetland and WSUD devices*
    - (iv) Pathway associated with park and reserve*

- (c) *The revised staging plan must be accompanied by an Erosion and Sediment Control masterplan which is to demonstrate how the staging will facilitate best practice erosion and sediment control throughout the development*
- (d) *The revised staging plan must be accompanied by details of the proposed timing of the construction, landscaping and dedication of the Water Sensitive Urban Design assets and must demonstrate how these assets will be able to be delivered without compromising the provision of effective erosion and sediment control and without being impacted by construction sediment. The revised staging plan must also demonstrate how adequate stormwater quality treatment measures will be provided with each stage of the development in order to meet Council's pollutant load reduction targets progressively for each stage*
- (e) *A general store and associated off-street car parking must be built and operational within the local centre allotment prior to the release of the final 25% of residential allotment*

#### Applicant's Representation

The applicant requests amendment of Condition 16 and deletion of Condition 17 on the basis of a revised staging plan and an erosion and sediment control masterplan being submitted.

#### Assessment of Representation

Agree.

With regard to 17(a) and (b), the revised staging plan depicts the delivery of the local park in Stage 1, the eastern half of the national park buffer in Stage 6, and the western half of the national park buffer and wetland in Stage 9 (the last stage of the development). Thus, the park and open space delivery is proposed to occur in 3 stages, in large manageable components (rather than in a piecemeal manner) and with a logical timing commensurate to the completion of the adjoining lots. The delivery of the wetland to council in the last stage is also appropriate. However, council's hydraulics and water quality specialist recommends that civil works components of the wetland be constructed in their entirety in the first stage of the development so that the water quality objectives of the estate can be managed as it develops, and also to minimise the risk to council of essential infrastructure not being completed should subsequent stages not progress.

With regard to 17(c) and (d), council's hydraulics and water quality specialist is generally satisfied with the submitted erosion and sediment control masterplan, which demonstrates how construction sediment can be properly managed with each proposed stage. In particular, it is noted the applicant has switched Stages 7 and 8 to achieve this.

#### Recommendation

It is recommended that:

- Condition 17 be deleted;
- Advisory Note 4 be deleted; and
- Conditions 16, 35 and 91 be amended as follows:

- 16 The subdivision may be staged in accordance with the Approved Plans (as amended). If staged, the development must occur sequentially in the stage order indicated on the ~~revised staging plan as required by Condition 17 below~~ **approved staging plan, noting in particular that:**
- (a) **The local park must be provided and embellished with the first stage**
  - (b) **The local centre and child care centre allotments must be provided with the first stage**
  - (c) **The civil works component of the wetland must be constructed and accepted “on-maintenance” with the first stage. The wetland must be provided within a drainage easement within the first stage and then transferred to Council ownership as drainage reserve with the stage involving the last contributing catchment**
  - (d) **The eastern half of the national park buffer must be established and embellished by completion of the sixth stage**
  - (e) **The western half of the national park buffer must be established and embellished by completion of the final stage**

**Landscape Works Associated with Wetland and ~~WSUD~~ Devices Generally**

- 35 Concurrent with ~~the each~~ Operational Works (Landscaping) application for the **wetland** development, a Landscape Design Plan must be included ~~for all water sensitive urban design devices~~. The plan must be in accordance with the *Healthy Waterways Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands 2009* and include the following:
- (a) A species palette and planting density over the total area **of the wetland** ~~for all of the water sensitive urban design devices~~
  - (b) Management and maintenance specifications outlining the timing of all planting, water level control and weed control over a three year “on-maintenance” wetland establishment period. This maintenance period begins after **the completion of the last contributing stage and following dedication of the wetland as drainage reserve** ~~the civil construction and building (80% dwelling construction) phases where sediment impacts from these phases may occur~~
  - (c) Measurable performance criteria on which the establishment of the wetland planting and weed control strategy can be assessed annually over the establishment period
  - (d) The requirement that the area be weed free at the end of the re-vegetation period where weed includes declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and subordinate Regulation 2003, and *Maroochy Pest Management Plan 2006-2010* pest species of significance in Group 1, Group 2 and Group 6
  - (e) A schedule of works estimate of costs (plus GST), including maintenance, for establishment of the **planting components of the wetland**. ~~and a total performance bond amount of 1.5 times the estimate of costs. The schedule must include the timing for the release of this bond at the three year ‘on-maintenance’ establishment period in addition to compliance with the performance criteria.~~

- (f) Prior to survey plan release **for the first stage** the applicant must lodge a performance bond with council **based on 1.5 times the estimate of costs of incomplete works (plus GST) plus maintenance costs for the establishment of the planting components of the wetland. Until such time as the landscape plantings are implemented following completion of the last contributing stage, the performance bond will be held as an uncompleted works bond for the plantings.**
- 91 Concurrent with ~~any~~ **the** application for Operational Works ~~involving a~~ **for the first stage** of the development ~~that is associated with a specific cell of the constructed wetland or the wetland in its entirety,~~ the applicant must lodge detailed **landscape and** engineering drawings and details **for the constructed wetland** along with appropriate and technical supporting documentation. The wetland must be designed and comply with the current Wetland Design Guidelines under the *WSUD Technical Design Guidelines for South East Queensland*. The following wetland design requirements must be specifically addressed:
- (a) Full wetland design drawings showing finished levels for all elements of the wetland (weirs, sediment ponds, bypass channel, pipes, etc)
  - (b) Detailed hydraulic calculations for all elements of flow control devices through the wetland (i.e. pipes, inlets, weir flows, bypass channel, etc)
  - (c) All design aspects associated with the wetland must be in strict accordance with the latest *WSUD Technical Design Guidelines for South East Queensland*
  - (d) Where design elements of the wetland are not specifically stated in the latest *WSUD Technical Design Guidelines for South East Queensland* document, the appropriate provisions as detailed under the QUDM must be adopted
  - (e) An updated Integrated Water Management Plan for ~~each cell or stage of~~ the wetland
  - (f) All wetlands including individually constructed wetland cells must be provided with an appropriate clay liner of sufficient permeability and thickness to prevent groundwater ingress to the wetland
  - (g) The hydrologic effectiveness of the wetland and/or wetland cell must be detailed and must satisfy the WSUD requirements (please refer *WSUD Technical Design Training Notes for South East Queensland – Version 1 – June 2007 - Constructed Stormwater Wetlands – Course Notes*)
  - (h) The wetland design must incorporate appropriate maintenance access provisions to all elements of the wetland

### **Condition 18 – Timing of Local Centre and Local Park**

- 18 *The first stage of the development must include the local centre allotment, child care centre allotment and the local park fully constructed and embellished in accordance with the conditions contained herein*

#### Applicant's Representation

The applicant requests the condition wording be modified to clarify that full construction and embellishment only applies to the local park and not to the local centre or child care centre allotments.

Assessment of Representation

Agree.

The applicant's request is in keeping with the intent of the condition. In fact, the condition is superseded by the new drafting of Condition 16 and, therefore, could be deleted.

Recommendation

It is recommended that Condition 18 be deleted.

**Condition 20 – Lot Sizes for Local Centre and Local Park**

- 20 *The size of the local centre lot, child care centre lot and neighbourhood park lot must not be diminished from that shown on the approved plans, namely:*
- (a) *The local centre lot must have a minimum area of 2110m<sup>2</sup>*
  - (b) *The child care centre lot must have a minimum area of 2765m<sup>2</sup>*
  - (c) *The local park lot must have a minimum area of 4200m<sup>2</sup>*

Applicant's Representation

The applicant submits that the condition is unnecessarily restrictive by referring to the allotment areas in addition to referring to the approved plans. The applicant requests that the condition simply require the allotment areas to be in accordance with the approved plans. The applicant states there may be a need for slight adjustments to boundary alignments as a result of the detailed design.

Assessment of Representation

Agree.

The purpose of the condition was to ensure the allotment areas are not diminished over time by evolution of the design phases (such as requirements for drainage reserves and the like). However, the approved plans can sufficiently control the size of the allotments and simpler condition wording can allow a small degree of flexibility for the final design detail. Removing the specific land area references will have no bearing on the integrity of the condition.

Recommendation

It is recommended that Condition 20 be amended as follows:

- 20 The size of the local centre lot, child care centre lot and neighbourhood park lot must not be diminished from that shown on the approved plans, namely:
- (a) ~~The local centre lot must have a minimum area of 2110m<sup>2</sup>~~
  - (b) ~~The child care centre lot must have a minimum area of 2765m<sup>2</sup>~~
  - (c) ~~The local park lot must have a minimum area of 4200m<sup>2</sup>~~

**Condition 21 – Estate Entrance Features**

- 21 *Details of any proposed entrance features or statements for the subdivision be submitted with the first application for Operational Works (Landscaping) and must:*
- (a) *Reflect a subdued local character, rather than an overbearing or contrived statement*
  - (b) *Feature vegetation (either existing or planted) in preference to built forms*
  - (c) *Integrate with the landscape design of the balance of the estate*
  - (d) *Be constructed of durable and low maintenance materials*
  - (e) *Not restrict pedestrian access*
  - (f) *Be located entirely within privately owned land*

Applicant's Representation

The applicant requests the word 'generally' be added to recognise the subjectivity of the listed items (a) to (f) and allow proper flexibility to deal with the specifics of any entrance feature design with the Operational Works application.

Assessment of Representation

Agree.

The applicant's suggestion reflects the original intent of the condition drafting.

Recommendation

It is recommended that Condition 21 be amended as follows:

- 21 Details of any proposed entrance features or statements for the subdivision **must** be submitted with the first application for Operational Works (Landscaping) and ~~must~~ **should generally**:
- (a) Reflect a subdued local character, rather than an overbearing or contrived statement
  - (b) Feature vegetation (either existing or planted) in preference to built forms
  - (c) Integrate with the landscape design of the balance of the estate
  - (d) Be constructed of durable and low maintenance materials
  - (e) Not restrict pedestrian access
  - (f) Be located entirely within privately owned land

**Conditions 24, 25 and 26 – Street Tree Landscaping**

- 24 *Landscape works generally must be completed prior to the release of the plan of survey for each subsequent stage of the development, or prior to the commencement of the use on the subject land, whichever is applicable*
- 25 *Streetscape works associated with residential allotments must be bonded as incomplete works for a minimum period of 12 months following plan release to allow builders access and reduce tree damage*
- 26 *Temporary landscape or street trees may be located on the residential allotment to assist with marketing*



### Applicant's Representation

The applicant points out that Condition 25 does not meet standard bonding requirements, although acknowledges the intent to allow street trees to be planted after dwelling construction phases are complete in order to avoid damage to trees once planted. The applicant requests the intent of both conditions be clarified (such that there is no conflict between Conditions 24 and 25), and that Condition 25 provide flexibility for the developer to opt for standard upfront tree planting if desired for presentation and marketing purposes.

### Assessment of Representation

Agree.

Condition 25 was drafted to allow a period where house builders could utilise footpaths for their normal building activity (e.g. portaloos, skips, deliveries, car parking, etc.) without causing damage to street trees planted upfront with the subdivisional construction. Such arrangement would prevent the need for council to audit stringently the quality of all trees while builders are most active and then require replacement of damaged or underperforming trees.

However, given Condition 25 is not a standard policy requirement, it is reasonable to allow the developer to opt out of this arrangement if street trees are desired for marketing and presentation purposes.

### Recommendation

It is recommended that Condition 26 be deleted, and that Conditions 24 and 25 be amended as follows:

- 24 **Subject to Condition 25**, landscape works ~~generally~~ must be completed prior to the release of the plan of survey for each subsequent stage of the development, or prior to the commencement of the use on the subject land, whichever is applicable
- 25 **The street tree component of streetscape works associated with residential allotments must be bonded as incomplete works for a minimum period of 12 months following plan release to allow builders access and reduce tree damage may, at the applicant's discretion, be deferred until after 80% of dwellings in the respective stage have been completed. In the event that the applicant elects to defer the street tree component of streetscape works:**
- (a) **the works must be bonded as incomplete works until such time as they are completed**
  - (b) **Council will accept a reduction of the maintenance period from 12 months to 6 months; and**
  - (c) **Temporary landscaping or street trees may be located on residential allotments to assist with marketing**

### **Condition 27 – Legacy Costs of Landscaping Works**

- 27 *Landscaping and planting works must be designed to match Council's provision of service for local parks and streetscape and contain no legacy cost at 'off-maintenance'*

Applicant's Representation

The applicant submits that the term 'legacy cost' is not clear, and that the term should be deleted in favour of standard maintenance requirements.

Assessment of Representation

Agree.

The intent of the condition was to ensure there would be no additional refurbishment costs to council over and above standard maintenance costs by virtue of the applicant providing and maintaining a higher than normal standard of landscape works for marketing purposes (for example).

It is agreed the intent is adequately captured in the first part of the condition which requires landscaping works to match council's provision of service for local parks and streetscapes. The specific design of the works can be assessed for avoidance of legacy costs at the Operational Works application stage.

Recommendation

It is recommended that Condition 27 be amended as follows:

- 27 Landscaping and planting works must be designed to match Council's provision of service for local parks and streetscape ~~and contain no legacy cost at 'off-maintenance'~~

**Condition 28 (i) – Retention of Existing Trees in Old Emu Mountain Road**

- 28 *As part of the required Operational Works (Landscaping) application for each stage, the applicant must submit for approval by Council, a Vegetation Management Plan prepared by a qualified Arborist addressing the following:*

- (i) *Retention of trees within Old Emu Mountain Road in the vicinity of lots 380-384 must be maximised. Works associated with this will area will include hand excavation to protect root zones. These works must be specifically addressed as part of the associated Operational Works engineering civil application*

Applicant's Representation

The applicant submits that the wording of the condition has the potential to cause problems if taken out of context. The applicant requests the wording be modified to limit hand excavation methods to isolated sections where specifically defined by the Operational Works assessment and approval.

Assessment of Representation

Agree.

The applicant's submission meets the intent of the condition and is, therefore, agreed.

Recommendation

It is recommended that Condition 28 be amended as follows:

- 28 As part of the required Operational Works (Landscaping) application for each stage, the applicant must submit for approval by Council, a Vegetation Management Plan prepared by a qualified Arborist addressing the following:
- (i) Retention of trees within Old Emu Mountain Road in the vicinity of lots 380-384 must be maximised. Works associated within this ~~will~~ area ~~will include~~ **may require isolated sections of** hand excavation to protect root zones **where appropriate**. These works must be specifically addressed as part of the associated Operational Works engineering civil application **and further clarified at the construction pre-start meeting**

**Condition 29 (e), (g) and (j) – Streetscape Works**

29 *The following applies to all works within road reserves:*

- (e) *Small medians where stable soil moisture content can not be achieved must be hard paved with decorative stone insets or exposed concrete*
- (g) *Decorative lighting or irrigation must not be installed in the road reserve or future park. Temporary irrigation may be install for plant establishment only but must be decommissioned and removed prior to on maintenance*
- (j) *With respect to the Old Emu Mountain Road reserve, supplementary native plantings (including koala habitat trees) must be provided to both sides of the road to reinstate, as much as possible, the existing natural boulevard effect along the road, and to provide visual screening to the Sunshine Motorway*

Applicant's Representation

The applicant requests that Condition 29 (e) be made more flexible by addition of the words 'or other approved finish'.

With regard to Condition 29 (g), the applicant seeks clarity over what is meant by use of the words 'decorative lighting', and further seeks clarification that quick connect valve irrigation would meet the intent of the condition.

With regard to Condition 29 (j), the applicant submits that supplementary planting should only apply to the development side of the road and in particular areas only.

Assessment of Representation

Agree.

The applicant's submission about Condition 29 (e) meets the intent of the condition and is, therefore, agreed.

Regarding Condition 29 (g), 'decorative lighting' is intended to refer to such lighting as up-lighting of entry walls, medians or street trees. It is agreed the condition should clarify what is meant by 'decorative lighting'.

Regarding Condition 29 (j), the condition intends to require plantings on both sides of Old Emu Mountain Road to ensure the natural boulevard effect is retained as much as possible. However, given the development occurs on one side of the road only, it is agreed the scope of works should be limited to only those areas that are not canopied and are immediately adjacent to the constructed road.

#### Recommendation

It is recommended that Condition 29 be amended as follows:

29 The following applies to all works within road reserves:

- (e) Small medians where stable soil moisture content cannot be achieved must be hard paved with decorative stone insets, or exposed concrete **or other approved finish**
- (g) Decorative lighting (**being lighting other than approved street lighting, such as up-lighting of entrance features or feature trees for example**) or **and permanent** irrigation must not be installed in the road reserve or future park. Temporary irrigation may be installed for plant establishment only but must be decommissioned and removed prior to on maintenance
- (j) With respect to the Old Emu Mountain Road reserve, supplementary native plantings (including koala habitat trees) must be provided to both sides of the road to reinstate, as much as possible, the existing natural boulevard effect along the road, and to provide visual screening to the Sunshine Motorway. **For the non-development side of the road, supplementary planting works are limited to only those areas which are immediately adjacent to the constructed road and are lacking in canopy cover**

#### **Condition 31 – Streetscaping of Rear Access Lanes**

31 *The following applies to landscape works associated with rear access lanes:*

- (a) *Areas adjacent to the rear boundary must include landscaping to provide visual amenity to the predominately hard paved access*
- (b) *Fences must be recessed and articulated to provide amenity and allow adequate area for landscaping*
- (c) *Evergreen shade trees to be included as a key feature element of the access lanes*

#### Applicant's Representation

The applicant requests that Condition 31 be modified to reference the example sketches contained in the approved Code for Contemporary Living Lots that are applicable to new dwellings constructed on the lots that front laneways. The applicant also requests it be clarified that Condition 31 only applies to future lot purchasers and not to the developer at the subdivisional stage.

Assessment of Representation

Agree.

Landscaping along the rear laneways is required by the Code for Development of Contemporary Living Lots. The Code was created for (and given statutory weight by) the subdivision approval to provide regulatory control of future dwellings on the laneway configuration lots.

Council's landscape specialist advises that it is not practical, sustainable or serviceable to require instead that the subdivision developer plants street trees in the narrow 0.5 metre verge width that would exist on the southern side of the laneways only. The more sustainable strategy for achieving a leafy laneway appearance in the longer term is to require future landowners to plant landscaping in accordance with the Code.

Given the regulating effect of the Code for Development of Contemporary Living Lots, it is recommended Condition 31 be deleted altogether so that there is no confusion as to the requirements imposed on the subdivision developer.

Recommendation

It is recommended that Condition 31 be deleted.

**Condition 34 (d) and (i) – Slope Gradients of Open Space Areas**

34 *The following applies to all landscape works associated with future park or reserve. As part of associated Operational Works (Landscaping) application:*

- (d) *All fill batters on land adjacent to generally finish and remain beyond the boundaries of the reserve. Fill batter that enter the reserve must be a maximum of 1:8. Where fill batters impact upon existing trees protection measures including retaining walls must be provided to protect the existing vegetation*
- (i) *All stormwater outlets located within the park or reserve must be designed such that they do not visually detract from the park or reserve. Batters greater than 1:6 must be landscaped. All stormwater outlets must be stone pitched*

Applicant's Representation

The applicant submits that the maximum grades specified in Condition 34 (d) and (i) are unnecessarily flat and should be amended to 1:4.

Assessment of Representation

Disagree.

The specified maximum grades were deliberately chosen to ensure all open space and park areas are flat enough to fulfil their desired appearance and function. Since the time of initially making the representations, the applicant has now accepted officers' stance about the desired appearance and function of the open space and park areas.

Recommendation

It is recommended that Condition 34 remain unchanged.

**Condition 35 (e) – Performance Bond for Water Sensitive Urban Design Devices**

35 *Concurrent with each Operational Works (Landscaping) application for the development, a Landscape Design Plan must be included for all water sensitive urban design devices. The plan must be in accordance with the Healthy Waterways Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands 2009 and include the following:*

- (e) *A schedule of works estimate of costs (plus GST), including maintenance, for establishment of the wetland and a total performance bond amount of 1.5 times the estimate of costs. The schedule must include the timing for the release of this bond at the three year 'on-maintenance' establishment period in addition to compliance with the performance criteria.*

Applicant's Representation

The applicant submits that Condition 35 (e) should be modified to refer to a maintenance bond amount rather than an incomplete works bond of 1.5 times the estimate of costs. The applicant submits that the bonding issue is linked to the timing of handover of the wetland, which is not clear.

Assessment of Representation

Agree.

Condition 35 was reviewed in conjunction with Condition 17. It is agreed the timing issues must be clarified and, as discussed earlier, it is appropriate that the civil works component of the wetland be constructed with stage 1, and the performance bond limited to only the planted component of the wetland and released following completion of the last stage of the development.

Recommendation

As mentioned in response to the representations on Condition 17, it is recommended that Condition 35 be amended as follows:

- Landscape Works Associated with Wetland and WSUD Devices Generally**
- 35 Concurrent with ~~the each~~ Operational Works (Landscaping) application for the ~~wetland development~~, a Landscape Design Plan must be included for ~~all water sensitive urban design devices~~. The plan must be in accordance with the *Healthy Waterways Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands 2009* and include the following:
- (a) A species palette and planting density over the total area **of the wetland** ~~for all of the water sensitive urban design devices~~

- (b) Management and maintenance specifications outlining the timing of all planting, water level control and weed control over a three year "on-maintenance" wetland establishment period. This maintenance period begins after **the completion of the last contributing stage and following dedication of the wetland as drainage reserve** ~~the civil construction and building (80% dwelling construction) phases where sediment impacts from these phases may occur~~
- (c) Measurable performance criteria on which the establishment of the wetland planting and weed control strategy can be assessed annually over the establishment period
- (d) The requirement that the area be weed free at the end of the re-vegetation period where weed includes declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003, and *Maroochy Pest Management Plan 2006-2010* pest species of significance in Group 1, Group 2 and Group 6
- (e) A schedule of works estimate of costs (plus GST), including maintenance, for establishment of the **planting components of the wetland**. ~~and a total performance bond amount of 1.5 times the estimate of costs. The schedule must include the timing for the release of this bond at the three year 'on-maintenance' establishment period in addition to compliance with the performance criteria.~~
- (f) Prior to survey plan release **for the first stage** the applicant must lodge a performance bond with council **based on 1.5 times the estimate of costs of incomplete works (plus GST) plus maintenance costs for the establishment of the planting components of the wetland. Until such time as the landscape plantings are implemented following completion of the last contributing stage, the performance bond will be held as an uncompleted works bond for the plantings**

### Condition 36 – Revegetation of National Park Buffer Areas

- 36 *As part of the lodgement of the first Operational Works (Landscaping) application, a Vegetation Management and Revegetation Plan must be submitted for Council approval over the park and reserve area identified on the Approved Plan: Landscape Concept Plan. The revegetation works are two distinct areas and must include the following:*
- (a) *Area A – All park area on the development side of the nominated path: revegetation must include clumps of native vegetation of approximately 25m<sup>2</sup> in area (clumps must include canopy trees suitable of koala habitat and fodder, understorey shrubs and native grasses). Clumps must be spaced at approximately 50 metre centres. Smaller clumps of trees may also be included*
  - (b) *Area B – All park area on the National Park side of the nominated path: the buffer must be fully revegetated with fire retardant species and in such a manner to reduce the infiltration of weeds into the National Park in accordance with advice from the Department of Environmental Resource Management and the Queensland Parks & Wildlife Service*

### Applicant's Representation

The applicant requests that the 'Area A' type revegetation works apply to the whole of the National Park buffer so that a more open and useable look and function is achieved. The applicant submits that Area A type revegetation will deliver a more attractive outcome and Area B type full revegetation is not required because dense vegetation is located immediately adjacent in the form of the National Park.

### Assessment of Representation

Agree in part.

Council's landscape specialist advises the most critical component of the condition is that the proposed footpath is the dividing line between the recreational and non-recreational parts of the open space buffer. This is to ensure there is a clear edge to define council's maintenance area and maintenance equipment such as mowers are not required to cross the footpath.

Council's specialist is supportive of allowing the footpath to be located as close as practicable to the National Park boundary which would increase the size of 'Area A' type revegetation for an improved look and function. However, such allowance must be on the proviso that the path deviates in strategic locations to allow areas for Area B type revegetation adjacent the National Park.

### Recommendation

It is recommended that Condition 36 be amended as follows:

- 36 As part of the lodgement of the first Operational Works (Landscaping) application, a Vegetation Management and Revegetation Plan must be submitted for Council approval over the park and reserve area identified on the Approved Plan: *Landscape Concept Plan*. The revegetation works are 2 distinct areas and must include the following:
- (a) Area A – All park area on the development side of the nominated path: revegetation must include clumps of native vegetation of approximately 25m<sup>2</sup> in area (clumps must include canopy trees suitable of koala habitat and fodder, understorey shrubs and native grasses). Clumps must be spaced at approximately 50 metre centres. Smaller clumps of trees may also be included
  - (b) Area B – All park area on the National Park side of the nominated path: the buffer must be fully revegetated with fire retardant species and in such a manner to reduce the infiltration of weeds into the National Park in accordance with advice from the Department of Environmental Resource Management and the Queensland Parks & Wildlife Service.

**The nominated path dividing Area A and Area B may be located as close as practicable to the National Park boundary, providing that regular deviations are included to allow for Area B type revegetation. The final alignment of the path must be agreed by Council through an application for Operational Works (Landscaping)**



### Condition 37 (i) and (l) – Bonding of Revegetation Works and National Park Fencing

- 37 The Vegetation Management and Revegetation Plan must be in accordance with Planning Scheme Policy No. 3 – Rehabilitation Plans and the following:
- (i) Removal of all fences within the 20m buffer and along the boundary of the property to the Noosa National Park
  - (l) Prior to survey plan release the applicant must lodge a performance bond equal to 1.5 times the total cost of works and maintenance

#### Applicant's Representation

The applicant requests that the words 'or as otherwise agreed' be added to Condition 37 (i) to allow flexibility for the fence issue to be considered at a later time when Operational Works designs are being prepared and assessed, and to consider the requirements of the Queensland Parks and Wildlife Service with regard to the National Park.

With regard to Condition 37 (l), the applicant submits that the performance bond requirement is unreasonable because it requires bonding equal to 1.5 times both the cost of the works and maintenance. The applicant requests that the condition be reworded to require the performance bond to be equal to the maintenance costs of the work only and that bonding equal to 1.5 times the costs of works only applies when there are incomplete works.

#### Assessment of Representation

Agree.

It is agreed that adding the words 'or as otherwise agreed' are appropriate for Condition 37 (i) for the reasons outlined in the applicant's representation.

Regarding Condition 37 (i), council's landscape specialist advises that it is operational practice to ensure the bond amount adequately covers council's costs to replace revegetation areas in the event that it is not properly managed by the applicant during the maintenance period. However, council's specialist advises that, in this case, the revegetation works would be more akin to that which would be required in a local park setting (as opposed to expansive revegetation of non-recreational open space). As such, the condition wording proposed by the applicant is acceptable.

#### Recommendation

It is recommended that Condition 37 be amended as follows:

- 37 The Vegetation Management and Revegetation Plan must be in accordance with Planning Scheme Policy No. 3 – Rehabilitation Plans and the following:
- (i) Removal of all fences within the 20m buffer and along the boundary of the property to the Noosa National Park, **or as otherwise agreed**
  - (l) Prior to survey plan release **for each relevant stage**, the applicant must lodge a performance bond equal **to the maintenance costs plus** 1.5 times the ~~total~~ cost of **any incomplete** works and maintenance

### Condition 38 (a) – National Park Educational Signage

38 *Durable pole mounted signs must be provided in accordance with the following:*

- (a) *A0 in size facing the development at approximate 100m intervals adjacent to the path*

#### Applicant's Representation

The applicant submits that placing educational signage at 100m intervals would be excessive given the length of the National Park frontage and, instead, signage should be placed at more appropriate key locations such as gathering nodes.

#### Assessment of Representation

Agree.

Council's landscape specialist agrees that the condition could be modified to require educational signage at key locations along the pathway. However, it is recommended that proposed sign locations are depicted on the submitted landscape plans for the Operational Works application so that the matter can be assessed and approved at that time.

#### Recommendation

It is recommended that Condition 38 be amended as follows:

- 38 Durable pole mounted signs must be provided in accordance with the following:
- (a) A0 in size facing the development ~~at approximate 100m intervals adjacent to the path~~ **and at key locations along the pathway**
  - (b) Educative in nature noting proximity of the Noosa National Park
  - (c) Wording and images to include the words: *"Dogs and cats are not permitted within the National Park"*
  - (d) Signs to be weather resistant and visually complementary to the natural environment
  - (e) The exact **location**, wording, **colours and design** of the signs ~~and their colours and design must be negotiated with, and approved by,~~ **included in the relevant Operational Works applications for the development and approved by** Council in consultation with the Queensland Parks Wildlife Service

### Conditions 44 (j)(v) – Soft Fall Treatment of Playground

44 *The applicant must provide and embellish land suitable for a local park in accordance with the following:*

- (j) *Playground of high standard that includes:*
- (v) *Wet pour rubber under all impact areas*

#### Applicant's Representation

The applicant submits that Condition 44 (j)(v) should be made more flexible to allow other forms of soft fall material such as sand or bark mulch.

Assessment of Representation

Agree in part.

Council's landscape specialist agrees the condition may be made more flexible to contemplate other forms of soft fall materials in lower impact areas, provided that a rubberised mat is also installed in high impact areas when other soft fall materials are used. Council's specialist advises that in high impact areas soft fall materials such as sand and bark mulch tend to displace over time which reduces its effectiveness as a safety mechanism.

Recommendation

It is recommended that Condition 44 (j)(v) be amended as follows:

- 44 The applicant must provide and embellish land suitable for a local park in accordance with the following:
- (j) Playground of high standard that includes:
    - (v) ~~Wet pour rubber under all impact areas~~ **Compliant soft fall material within the confines of the general playground area, and wet pour rubber or matting under high impact areas to reduce soft fall displacement**

**Conditions 44A, 44C and 44D – Additional Park Embellishments**

- 44A *Embellishments for the local park must include a shelter for large gatherings equal to 'Landmark' 304 and contain:*
- (a) *Two platform seats equal to 'Landmark' K003*
  - (b) *Rubbish bin,*
  - (c) *Power connection (GPO and security light)*
  - (d) *Water bubbler*
  - (e) *Covered double BBQ equal to 'Landmark' KB 102*
- 44C *A total of two shade shelters must be provided within the linear parkland in close proximity to the intersection of Roads B and C, and Roads B and Road J. The shade shelters must be:*
- (a) *Linked to the park path by way of a separate concrete path*
  - (b) *Located to reduce conflict between pathway users*
  - (c) *Equal to 'Landmark' K303 and include aluminium picnic table and bench seats*
  - (d) *Inclusive of a rubbish bin, power connection (GPO and security light) and water bubbler*
- 44D *A total of five fitness stations must be provided within the linear parkland adjacent to the proposed pathway in accordance with the following:*
- (a) *Durable and suitable in a marine environment*
  - (b) *Consist of a combination of lifting, stretching and balancing items*
  - (c) *Entire under surface to be edged and infilled with wet pour rubber*
  - (d) *Contain educational and instructional signage*

Applicant's Representation

The applicant requests that the costs associated with the additional park embellishments required by Conditions 44A, 44C and 44D are recovered by the offset allowed under Condition 14.

Assessment of Representation

Disagree.

As discussed in response to the representations on Condition 14, it would be an incorrect use of the Parks Policy to allow offsets for the park embellishments costs under Conditions 44A, 44C and 44D. Instead, as discussed earlier, it is recommended council increases the scope of the park offset to include the land value of the park.

Recommendation

It is recommended that Conditions 44A, 44C and 44D remain unchanged and that Condition 14 be amended as discussed earlier.

**Condition 46 – *Allocasuarina Emuina* – Federally Listed Tree Species**

- 46 *Prior to lodgement of any Operational Works application for the development, the applicant must provide certification from a qualified ecologist that no *Allocasuarina Emuina* is present on the site. If *Allocasuarina Emuina* is found within the property, whether being retained or not, the applicant must take the necessary steps to determine if approval is required from the Federal Department of the Environment, Water, Heritage and the Arts for any impacts and offsets associated with the impact upon the species. If required, this approval and associated conditions must be provided to Council prior to any lodgement of any Operational Works, together with any amendments to plans required by the Department*

Applicant's Representation

The applicant submits that the ecological assessment report lodged with the original application identifies that no *Allocasuarina Emuina* were identified on the site and, therefore, the condition is onerous and unnecessary.

Assessment of Representation

Agree.

*Allocasuarina Emuina* is a species listed under the *Environmental Protection and Biodiversity Conservation Act 1999* (commonwealth legislation). The species are known to exist in the local area evidenced by the fact that the Peregian Springs development opposite the Sunshine Motorway was required to obtain approval from the federal government for species located on that site, resulting in the transplanting of the species to another location.

The submitted ecological assessment report states that there are 21 state and federally listed plant species known to exist within a 5km radius of the site (including *Allocasuarina Emuina*). The report states that all species were searched on the site, but none were observed. Given the documented evidence that the species was searched for but not encountered, it is unnecessary to require a later certification of this fact. Further, matters to do with species listed under the *Environmental Protection and Biodiversity Conservation Act 1999* are a commonwealth jurisdiction and it is the applicant's responsibility to report any proposed action involving the listed species.

#### Recommendation

It is recommended that Condition 46 be deleted.

#### **Conditions 47 and 48 – Road Traffic Noise**

- 47 *Acoustic covenants must be registered against the titles for all the traffic noise affected lots (category 2 or greater) in accordance with the conclusions of the Approved Document: Road Traffic Noise Impact Report. The covenant must be lodged with the Plan of Survey prior to endorsement of approval. The covenant must include Sunshine Coast Regional Council as covenantee and be in a form that enables registration of a covenant pursuant to Section 97A (3)(a)(i) of the Land Title Act 1994.*
- 48 *Acoustic treatments must be incorporated into the construction of detached or dual occupancy dwellings via the application of a covenant using the Department of Natural Resources Standard Terms Document No. 712386947. The following specific requirements must be addressed by the covenant and described on an approved Acoustic Covenant Plan referenced by covenant documentation:*
- (a) The lot number*
  - (b) The finished ground floor level not to be exceeded from the Acoustic Report*
  - (c) The traffic noise level (LAeq, T) over the respective lot from the Acoustic Report*
  - (d) The construction category in accordance with Appendix A of AS 3671-1989 'Acoustics – Road traffic noise intrusion – Building siting and construction' required to achieve the indoor sound levels recommended as satisfactory in AS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors*
  - (e) The external noise limit to be achieved for a formal outdoor recreation area on the lots of 50dBA Leq (16hr)*

#### Applicant's Representation

The applicant's representations relate only to Condition 48(e) and the need to achieve acceptable noise levels for outdoor recreation areas on the approved lots.

#### Assessment of Representation

Agree in part.

Condition 48 (e) stems from the applicant's acoustic report submitted with the application which states:

*Each lot should have at least one formal external recreation screened from the Sunshine Motorway by the lot's dwelling or surrounding dwellings.*

Irrespective of the external noise limit issue, the regulatory framework for mitigating road traffic noise for housing lots has changed since the condition was first imposed. Under the new framework, dwellings located near to a State-controlled road (within a 'Transport Noise Corridor') are required to comply with new mandatory building requirements contained in the Queensland Development Code. As such, there is no longer a need to require acoustic covenants to be registered against the lots (as required by Conditions 47 and 48) because the building requirements that would be stipulated by the covenants are already regulated under the Queensland Development Code.

It is recommended that the development be allowed to switch to the new regulatory framework by deletion of Conditions 47 and 48, and instead inserting a new Property Notation for all noise affected lots that would advise individual purchasers about potential noise impacts and the need to comply with the mandatory requirements of the Queensland Development Code.

#### Recommendation

It is recommended that Conditions 47 and 48 be deleted, and that a new Property Notation 5 be inserted as follows:

#### **ROAD TRAFFIC NOISE**

**5** The following notation applies to approved Lots 1-12, 18-44, 60-65, 118-149, 172-179, 219-220, 267-399:

***"This lot has been identified within a Council approved Road Traffic Noise Impact Assessment Report to be affected by road traffic noise for a ground level only dwelling and/or a ground level plus one storey and greater dwelling. A building application for a dwelling on the lot will necessitate the building certifier to ensure that the Queensland Development Code (QDC) Mandatory Part 4.4 "Buildings in the Transport Noise Corridors" is addressed as part of the application. The QDC delineates the acceptable materials for floors, walls, roofs, windows and doors for habitable rooms within the dwelling to achieve the appropriate noise reduction between the outside of the room to the inside of a room. It is recommended as part of dwelling construction or renovation that the building certifier refer to Appendix D of the approved report and the L10 (18 hour) dB(A) level for the respective lot in the application of the QDC.***

***The approved report further recommends that each lot have at least one formal external recreation area screened from the Sunshine Motorway by the dwelling on the lot and, if needed, a fixed screen (masonry, timber or other suitable material) attached to the dwelling. An acoustic consultant can be engaged to advise on the best configuration of a dwelling and recreation area on the lot at the time of building design to minimise road noise. It is recommended the acoustic consultant refer to Appendix D of the approved report as part of any design for the configuration of a dwelling."***

**Conditions 50 and 51 – Reserve Width of Road B**

- 50 *Subject to Condition 51 below, Road B must be designed and constructed as a Neighbourhood Collector Street (Bus Route) in accordance with Maroochy Plan 2000. The general minimum road reserve width must be 20 metres with an 11 metre wide road pavement consisting of a 6 metre wide carriageway and 2.5 metre wide parking lanes on both sides. Concrete footpaths, at least 1.8 metres wide, should be provided on both sides of the street*
- 51 *Where Road B has frontage to a proposed open space reserve (excluding the proposed Neighbourhood Park (Lot 500)), the parking lane and concrete footpath on that side of Road B may be omitted and replaced with indented car parking bays, at least 2.5 metres wide, in groups of at least two bays at approximately 80 to 100 metre spacings. The car parking spaces must be 6.3 metres long with 2.5 metre kerb tapers at each end of a group. In addition, indented pavement areas suitable for use as indented bus bays must be provided on Road B adjacent to the proposed open space reserve east of the proposed roundabout at the Road J intersection, and south of the proposed roundabout at the Road C intersection. The clear verge width of Road B adjacent to a proposed open space reserve must be at least 4 metres. The overall reserve width of Road B may be adjusted accordingly. A yellow no stopping line must be installed on Road B where there are no parking lanes or indented parking bays*

Applicant's Representation

The applicant requests the Conditions be modified to ensure it is clear that Road B does not need to be 20m wide where it adjoins the open space buffer. The current plans show Road B at 17m wide adjacent the open space buffer. The applicant submits the current drafting of Condition 50 gives the impression that Road B must be 20m wide for its entire length.

Assessment of Representation

Agree.

Council's transport specialist advises the submitted plans already depict the outcome required by the conditions and agrees that the condition wording could be clarified to that end.

Recommendation

It is recommended that Conditions 50 and 51 be amended as follows:

- 50 Subject to Condition 51 below, Road B must be designed and constructed as a Neighbourhood Collector Street (Bus Route) in accordance with Maroochy Plan 2000. **Except where stated in Condition 51 below**, the general minimum road reserve width must be 20 metres with an 11 metre wide road pavement consisting of a 6 metre wide carriageway and 2.5 metre wide parking lanes on both sides. Concrete footpaths, at least 1.8 metres wide, should be provided on both sides of the street

- 51 Where Road B has frontage to a proposed open space reserve (excluding the proposed Neighbourhood Park (Lot 500)), the parking lane and concrete footpath on that side of Road B may be omitted and replaced with indented car parking bays, at least 2.5 metres wide, in groups of at least two bays at approximately 80 to 100 metre spacings. The car parking spaces must be 6.3 metres long with 2.5 metre kerb tapers at each end of a group. In addition, indented pavement areas suitable for use as indented bus bays must be provided on Road B adjacent to the proposed open space reserve east of the proposed roundabout at the Road J intersection, and south of the proposed roundabout at the Road C intersection. The clear verge width of Road B adjacent to a proposed open space reserve must be at least 4 metres, **inclusive of the indented car parking bays and indented bus bays required by this condition on an open space reserve frontage**. The overall reserve width of Road B may be adjusted accordingly, **to at least 17 metres**. A yellow no stopping line must be installed on Road B where there are no parking lanes or indented parking bays

### **Condition 54 – Roundabout Design**

- 54 *All roundabouts constructed on Road A and Road B must have a minimum outside diameter of 30 metres, with pedestrian refuge islands incorporated into splitter islands on all roundabout approaches. The island width at each refuge location must be at least 2 metres, with the opening in the island for pedestrians at least 3 metres wide. The proposed road reserves and lot layout must be modified as necessary to accommodate the works*

#### Applicant's Representation

The applicant initially requested that the requirement for pedestrian refuge islands be deleted, but has since indicated acceptance of the requirement.

#### Assessment of Representation

The requirement for pedestrian refuges on Neighbourhood Collector Street roundabouts is consistent with planning scheme codes and policies with regard to the design of new roads.

#### Recommendation

It is recommended that Condition 54 remains unchanged.

### **Condition 59 – Internal Pedestrian Footpaths**

- 59 *Collector streets or above must be provided with paths on both sides and further, and these pathways are to be provided with extensive shading through intensive street tree planting, designed to give 80% shade cover to the pathway at maturity (where indented carparking bays are proposed on residential streets)*

#### Applicant's Representation

The applicant requests modification of the wording for the purposes of clarity.

#### Assessment of Representation

Agree.



It is agreed the condition wording lacks clarity. Minor wording changes are recommended to clarify the intent. The phrase at the end of the condition is unnecessary because the design of street tree planting will be properly assessed as part of the later applications for Operational Works.

#### Recommendation

It is recommended that Condition 59 be amended as follows:

- 59 Collector streets or above must be provided with paths on both sides ~~and further,~~ and these pathways are to be provided with extensive shading through intensive street tree planting, designed to give 80% shade cover to the pathway at maturity. ~~(where indented carparking bays are proposed on residential streets)~~

#### **Condition 67 – Access to Lots 381, 382 and 383**

- 67 *To maximise vegetation retention within the Old Emu Mountain Road reserve, no direct vehicle access is permitted from proposed Lots 381, 382 and 383 to Old Emu Mountain Road. Access to these lots must be taken from Road L as shown on the approved plans. The developer must include a clause in the contract of sale for proposed Lots 381, 382 and 383 which prevents the location for a residential driveway to Old Emu Mountain Road*

#### Applicant's Representation

The applicant requests that the word 'access' be replaced with 'vehicle access'.

#### Assessment of Representation

Agree.

It was not the intent of the condition to restrict pedestrian access to Old Emu Mountain Road from Lots 381, 382 and 383. Adding the clarifying word 'vehicle' is in keeping with the intent of the condition.

#### Recommendation

It is recommended that Condition 67 be amended as follows:

- 67 To maximise vegetation retention within the Old Emu Mountain Road reserve, no direct vehicle access is permitted from proposed Lots 381, 382 and 383 to Old Emu Mountain Road. **Vehicle** access to these lots must be taken from Road L as shown on the approved plans. The developer must include a clause in the contract of sale for proposed Lots 381, 382 and 383 which prevents the location for a residential driveway to Old Emu Mountain Road

#### **Condition 75A – High Speed Telecommunications**

- 75A *The applicant must ensure that each lot is connected to high-speed telecommunications facilities in accordance with the acceptable standards of Telstra or nominated carrier. If such provision is not currently available, conduit must be provided to each lot to allow for future delivery of the infrastructure.*

Applicant's Representation

The applicant is accepting of the intent of the condition, but requests use of the words 'provided to' instead of 'connected to' given that the actual connection of individual houses to the network would happen at the dwelling construction stage.

Assessment of Representation

Agree.

The condition wording could be clarified to refer to the provision of high-speed telecommunications to each lot, as opposed to the connection of each lot to that network.

Further, since the time of the drafting of the original condition, the rollout of the National Broadband Network has commenced. Under federal legislation, all new development must now be constructed 'fibre ready' to allow NBN Co. to roll out the network. In this case it is recommended the condition wording be modified to reflect new standard condition wording in use since the National Broadband Network came into effect.

Recommendation

It is recommended that Condition 75A be replaced with the following:

**75A 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 provision of optic fibre technology telecommunications to each lot. Certification must be submitted to Council from the relevant service provider which certifies that the development has met the requirements of all applicable legislation at the time of construction**

**Conditions 78 and 82 – Unitywater Infrastructure**

78 *Any construction works to be undertaken in the vicinity of Council's existing water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of existing infrastructure must be met by the applicant*

82 *The applicant must provide a computer generated sewerage network analysis with the application for Operational Works. The analysis must be prepared by a suitably qualified and experienced consultant and must determine:*

- (a) *The impact of the development on Council's existing sewerage infrastructure*
- (b) *The internal infrastructure requirements of the development*
- (c) *Any upgrading requirements to Council's existing infrastructure necessary to service the development*

*The analysis must consider short, medium and ultimate development phases and must include details of anticipated population growth rates proposed for the development*

Applicant's Representation

The applicant requests the condition be modified to clarify that offsets to infrastructure charges will be applicable for the construction of trunk infrastructure associated with the development.

Assessment of Representation

Agree.

Unitywater has provided written confirmation that offsets would be applicable against developer contributions associated with the works. It is recommended that the condition wording be modified to match the wording requested by Unitywater.

Although the applicant has requested the changes be made to Condition 78 and 82, the new offset wording would be better placed in a new Condition 14A under the 'Fees and Contributions' heading.

Recommendation

It is recommended that Conditions 78 and 82 remain unchanged, and that a new Condition 14A be inserted as follows:

**14A In relation to Condition 13(a) above, costs associated with the construction of infrastructure identified as water and sewerage headworks may be credited against developer contributions payable, in accordance with Unitywater Procurement Policy and Council Policy**

**Condition 92 – Construction Management Plan**

92 *In conjunction with each application for Operational Works, a Construction Management Plan must be submitted in accordance with Section 6 of Planning Scheme Policy No. 5 – Operational Works. The Construction Management Plan must specifically address the requirements of Section 6.1.1 as well as the following:*

- (a) *Traffic management during all aspects of the construct 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) *Proposed fencing to the site during the construction phase of the development*
  - (iv) *Approval of the Traffic Management Control Plan by the Department of Main Roads (DMR) for any works on State controlled roads*
- (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) *Details on the location of external fill sites and 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*

#### Applicant's Representation

The applicant states the current drafting of the condition does not recognise that the information contained in the construction management plan requires knowledge of particular contractors working on the site, which are not known at the time of submitting an Operational Works application. The applicant requests the condition be reworded such that the submitted construction management plan need only be of a preliminary nature.

#### Assessment of Representation

Agree.

Council's engineering specialist recommends the condition be reworded to address the timing issue raised by the applicant.

#### Recommendation

It is recommended that Condition 92 be replaced with the following:

- 92 A preliminary Construction Management Plan must be submitted with the Operational Work applications for each stage of the development. The Plan must be prepared in accordance with Section 6 of Planning Scheme Policy No. 5 – Operational Works, including the provision of a preliminary Traffic Management Plan. While the Plan must be submitted with the Operational Work applications, variations to the Plan may be submitted to Council for endorsement prior to the commencement of construction (e.g. following the appointment of a Principal Contractor for the project)**

#### **Condition 96 – Earthworks**

- 96 *All earthworks must be undertaken in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments, with geotechnical testing undertaken in accordance with Section 8 of the Standard, and to a minimum of 'Level 1' as defined in Appendix B. Test results as required by AS3798 and a certificate of quality and uniformity of fill must be provided by a RPEQ and submitted to Council prior to Council signing the Plan of Survey for each stage*

#### Applicant's Representation

The applicant states that requiring a Level 1 standard of works under the Australian Standard is possibly excessive in circumstances where the extent of earthworks over a particular lot is limited. The applicant requests that Level 2 be allowed where the depth of fill is less than 300mm.

Assessment of Representation

Disagree.

The difference between Levels 1 and 2 works under the Australian Standard is to do with the amount of testing and inspection required during compaction of fill. Level 1 works require a geotechnical testing authority to certify that the fill compaction is compliant with technical specifications and drawings and is fit for the intended purpose. Level 2 does not.

Council's engineering specialist recommends that all residential lots should be made to achieve Level 1 earthworks so that it can be guaranteed that the land is suitable for residential purposes and that no additional foundational works would be required for individual dwellings. Council's specialist further advises that it would not be practical to administer differing requirements for earthworks based on fill depths because fill depths will fluctuate across the estate and may even change across the length of any one individual allotment.

Recommendation

It is recommended that Condition 96 remain unchanged.

**Condition 101 – Fill Areas**

101 *Cut, fill and other stored material must be:*

- (a) *Contained wholly within the site*
- (b) *Located in a single manageable area which does not exceed 50m<sup>2</sup> in area, does not impact on a waterway or drainage line and is located at least ten metres from a property boundary*

Applicant's Representation

The applicant states that the requirement in 101(b) above for stored material not to exceed a 50m<sup>2</sup> area is unnecessary and overly restrictive. The applicant requests the condition be modified to remove the storage size requirement and the 10 metre setback to the property boundary.

Assessment of Representation

Agree.

Council's engineering specialist recommends the condition be modified as per the applicant's request.

Recommendation

It is recommended that Condition 101 be replaced with the following:

- 101 Cut, fill and other stored material must be contained wholly within the site and located so as not to impact on a waterway or drainage line**

**Condition 102 – Fill Materials**

102 *Contaminated material must not be used as fill on the site. Any filling must be undertaken using the following inert materials only:*

- (a) *Bricks/pavers/ceramics*
- (b) *Concrete (including embedded steel reinforcing rods), pulverised to a maximum 300mm nominal size*
- (c) *Clean earthen fill*

Applicant's Representation

The applicant requests that the maximum particle size in limb (b) be decreased to 75mm to match the requirements of the planning scheme.

Assessment of Representation

Agree.

Council's engineering specialist agrees the change would be appropriate and in accordance with the planning scheme requirements.

Recommendation

It is recommended that Condition 102 be amended as follows:

- 102 Contaminated material must not be used as fill on the site. Any filling must be undertaken using the following inert materials only:
- (a) Bricks/pavers/ceramics
  - (b) Concrete (including embedded steel reinforcing rods), pulverised to a maximum ~~300mm~~ **75mm** nominal size
  - (c) Clean earthen fill

**Condition 108 – Road Formation Batters**

108 *All batter slopes, retaining walls or other structures that are created to achieve the road formation must be located within the road reserve. All structures that are created to correct/adjust levels on private land must be located within the lot they are supporting*

Applicant's Representation

The applicant states that nearly all batter slopes will encroach beyond road reserves and, therefore, the current wording of Condition 108 is overly restrictive. The applicant requests that road formation batters be allowed to encroach into allotments provided that they are at a slope of no more than 1:4.

Assessment of Representation

Agree.

Council's engineering specialist agrees that the applicant's suggested changes would be appropriate.

#### Recommendation

It is recommended that Condition 108 be amended as follows:

- 108 All batter slopes, retaining walls or other structures that are created to achieve the road formation must **generally** be located within the road reserve, **and where extending beyond the road reserve must not exceed a grade of 1:4**. All structures that are created to correct/adjust levels on private land must be located within the lot they are supporting

#### **Conditions 109 and 110 – Geotechnical Certification**

- 109 *In conjunction with each application for Operational Works, geotechnical design certification which addresses the requirements of Sections 3.1 and 3.4 of Council's Planning Scheme Policy No. 4 – Preparation of Geotechnical Reports must be submitted*
- 110 *Upon completion of the works and in conjunction with the lodgement of a Survey Plan application with Council, geotechnical engineer's certification must be submitted in accordance with Sections 3.1 and 3.2.1 of Council's Planning Scheme Policy No. 4 – Preparation of Geotechnical Reports*

#### Applicant's Representation

The applicant requests the conditions be deleted on the basis that the site does not contain steep areas and earthworks are expected to be limited.

#### Assessment of Representation

Disagree.

While council's engineering specialist agrees in principle that the importance of geotechnical design certification diminishes on flatter sites involving less earthworks, this particular site will still require a degree of earthworks for road and allotment formation and the full extent of those earthworks is unknown until Operational Works drawings have been submitted. It is recommended that the conditions remain and, if necessary, revisited at the time of Operational Works applications upon the request of the applicant.

#### Recommendation

It is recommended that Conditions 109 and 110 remain unchanged.

#### **Condition 112 – Remediation of Contaminated Land**

- 112 *Prior to release of the Plan of Survey for the first stage of the development, certification must be provided to verify that the conclusions and recommendations of the Approved Document: Remediation and Validation Works have been fulfilled*

Applicant's Representation

The applicant states that the remediation works identified in the approved document have already been completed and, therefore, there is no need for the condition.

Assessment of Representation

Agree.

The site has historically been used as a rural property with a machinery shed and a cattle yards. The soil contamination associated with the previous use of the land has since been removed and documented in a report provided to council by the applicant.

Recommendation

It is recommended that Condition 112 be deleted.



**APPENDIX A - CONDITIONS OF APPROVAL****1. APPLICATION DETAILS**

Application No:	MCU07/0197 & REC07/0141
Street Address:	Old Emu Mountain Road PEREGIAN SPRINGS
Real Property Description:	Lot 4 RP854650
Planning Scheme:	Maroochy Plan 2000 (1 November 2007)

**2. DECISION DETAILS**

Council on 29 October 2009 decided to issue the following type of approval:

- Development Permit for Reconfiguring a Lot (1 Lot into 393 Lots & Open Space Reserve)
- Preliminary Approval for Material Change of Use of Premises (Overriding the Planning Scheme) for Child Care Centre, Dual Occupancy & local centre uses

In relation to representations, Council decided to:

- A. Change the number of approved lots to 397 residential housing lots, 2 local centre lots, 1 local park lot and open space reserve
- B. Refuse to change or delete Conditions 4, 12, 13, 34, 44A, 44C, 44D, 54, 78, 82, 96, 109 and 110
- C. Amend Conditions 2, 5, 6, 14, 16, 20, 21, 24, 25, 27, 28, 29, 35, 36, 37, 38, 43, 44, 50, 51, 59, 67, 68, 69, 70, 72A, 75A, 91, 92, 101, 102 and 108
- D. Delete Conditions 11, 17, 18, 26, 31, 46, 47, 48, 71 and 112
- E. Insert new Conditions 14A, 43A, 68A, 68B and 68C
- F. Delete Advisory Note 4
- G. Insert new Property Notation 5
- H. Replace the list of Approved Plans and Documents

**3. RELEVANT PERIOD OF APPROVAL**

With respect to the Development Permit for Reconfiguring a Lot, the relevant period of this Development Permit is 4 years from the date that this approval takes effect.

With respect to the Preliminary Approval for Material Change of Use (Overriding the Planning Scheme), the relevant period of this Preliminary Approval is 10 years from the date that this approval takes effect.

#### **4. ASSESSMENT MANAGER CONDITIONS**

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

#### **PRELIMINARY APPROVAL (OVERRIDING THE PLANNING SCHEME) FOR MATERIAL CHANGE OF USE FOR CHILD CARE CENTRE, DUAL OCCUPANCY AND A LOCAL CENTRE COMPRISING ANY COMBINATION OF ART & CRAFT CENTRE, FAST FOOD STORE, MEDICAL CENTRE, OFFICE, RESTAURANT, SHOP OR VETERINARY CLINIC**

##### **GENERAL**

- 1 Preliminary Approval (overriding the planning scheme) is granted for a Material Change of Use for Child Care Centre, Dual Occupancy and a local centre comprising any combination of Art & Craft Centre, Fast Food Store, Medical Centre, Office, Restaurant, Shop or Veterinary Clinic
- 2 The development must be generally in accordance with the Approved Plans and Documents

##### **APPROVAL OVERRIDES THE PLANNING SCHEME**

- 3 This approval overrides the planning scheme pursuant to s3.1.6 of the *Integrated Planning Act 1997* for the life of the approval to the extent that:
  - (a) The Approved Document: *Supplementary Table of Assessment for Old Emu Mountain Road Development* replaces the planning scheme in declaring the level of assessment for development to the extent stated within that document
  - (b) The Approved Document: *Code for Development of Contemporary Living Lots* replaces the Maroochy Plan 2000 Code for Development of Detached Houses and Display Homes to the extent identified in the Approved Document: *Supplementary Table of Assessment for Old Emu Mountain Road Development*

##### **SUNSET CLAUSE FOR COMPLETION OF APPROVED DEVELOPMENT**

- 4 Pursuant to s3.5.21A of the *Integrated Planning Act 1997*, this development approval lapses if the whole of the approved use has not happened within 10 years of the date that the approval takes effect

#### **DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (1 LOT INTO 397 RESIDENTIAL HOUSING LOTS, 2 LOCAL CENTRE LOTS, 1 LOCAL PARK LOT AND OPEN SPACE RESERVE)**

##### **GENERAL**

- 5 Development Permit is granted for the subdivision of 1 lot into 397 residential housing lots, 2 local centre lots, 1 local park lot and open space reserve
- 6 The development must be generally in accordance with the approved plans and documents. The numbering for all approved lots must remain as indicated on the approved plans unless otherwise amended or approved by Council
- 7 The Applicant must comply with all of the conditions of this Development Permit applicable to each stage prior to the submission of the Plan of Survey for Council's endorsement for the respective stage, unless otherwise stated

- 8 At the time of application for a Development Permit for Operational Works required by this Permit, all aspects of the works must be included in one (1) application and be in accordance with the requirements of Section 2.1.2 of Planning Scheme Policy No. 5 – *Operational Works*
- 9 Site development works including earthworks, roadworks, stormwater drainage, water supply and sewerage infrastructure, electrical reticulation, lighting, landscaping, revegetation and other relevant services must be designed and constructed in accordance with the Codes and Policies of the Maroochy Plan 2000 unless specifically directed otherwise in the conditions contained herein
- 10 Prior to any works commencing for each stage of the development, a combined pre-start meeting for both engineering and landscape/revegetation works must be conducted. No works are to commence on site prior to fencing of the required vegetation to be protected

### AMENDMENTS TO APPROVED PLANS AND DOCUMENTS

- 11 Deleted

### SUNSET CLAUSE FOR COMPLETION OF APPROVED DEVELOPMENT

- 12 Pursuant to s3.5.21A of the *Integrated Planning Act 1997*, this development approval lapses if the last plan of survey for the approved development is not submitted within 10 years of the date that the approval takes effect

### FEES AND CONTRIBUTIONS

- 13 The applicant must pay contributions towards infrastructure in accordance with the following Planning Scheme Policies
- (a) Planning Scheme Policy DC1 – *Water Supply and Sewerage Infrastructure*
  - (b) Planning Scheme Policy DC2 – *Provision of Bikeways and Bicycle Facilities*
  - (c) Planning Scheme Policy DC3 – *Roads Infrastructure*
  - (d) Planning Scheme Policy DC4 – *Stormwater Quality*
  - (e) Planning Scheme Policy DC5 – *Public Parks Infrastructure*
  - (f) Planning Scheme Policy DC6 – *Land for Community Facilities*
- The contributions must be paid at or before the time of lodgement of the Plan of Survey with Council for each. The actual amount of the contribution must be in accordance with the relevant Policy at the time of payment, and must include contributions for a Dual Occupancy for any identified duplex sites shown on the approved plans
- 14 In relation to Condition 13(e) above, costs associated with the provision of the local park may be credited against the contributions payable for public parks infrastructure. The credit allowed for the local park is 73.98 Chargeable Units under the Policy. The credit may not be redeemed until after the local park is transferred to Council ownership and all works associated with the local park are accepted 'on-maintenance'
- 14A In relation to Condition 13(a) above, costs associated with the construction of infrastructure identified as water and sewerage headworks may be credited against developer contributions payable, in accordance with Unitywater Procurement Policy and Council Policy
- 15 All fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to release of the Plan of Subdivision

**SUBDIVISION STAGING**

- 16 The subdivision may be staged in accordance with the Approved Plans (as amended). If staged, the development must occur sequentially in the stage order indicated on the approved staging plan, noting in particular that:
- (a) The local park must be provided and embellished with the first stage
  - (b) The local centre and child care centre allotments must be provided with the first stage
  - (c) The civil works component of the wetland must be constructed and accepted "on-maintenance" with the first stage. The wetland must be provided within a drainage easement within the first stage and then transferred to Council ownership as drainage reserve with the stage involving the last contributing catchment
  - (d) The eastern half of the national park buffer must be established and embellished by completion of the sixth stage
  - (e) The western half of the national park buffer must be established and embellished by completion of the final stage
- 17 Deleted
- 18 Deleted
- 19 Temporary vehicle turnarounds and stormwater drainage must be provided for each stage as required, in accordance with Maroochy Plan 2000

**ALLOTMENTS FOR LOCAL CENTRE, CHILD CARE CENTRE AND PARK**

- 20 The size of the local centre lot, child care centre lot and neighbourhood park lot must not be diminished from that shown on the approved plans

**ESTATE ENTRANCE FEATURES**

- 21 Details of any proposed entrance features or statements for the subdivision must be submitted with the first application for Operational Works (Landscaping) and should generally:
- (a) Reflect a subdued local character, rather than an overbearing or contrived statement
  - (b) Feature vegetation (either existing or planted) in preference to built forms
  - (c) Integrate with the landscape design of the balance of the estate
  - (d) Be constructed of durable and low maintenance materials
  - (e) Not restrict pedestrian access
  - (f) Be located entirely within privately owned land

**LANDSCAPING AND PARKS****Landscape Streetscape Generally**

- 22 The estate must be landscaped in accordance with:
- (a) An Operational Works (Landscaping) approval resulting from submission of an application for each development stage or land use
  - (b) The Code for Landscaping Design
  - (c) The conditions of this Decision Notice
- 23 The applicant must submit Operational Works applications for landscaping works as part of combined applications with civil engineering to ensure appropriate co-ordination. The scope of Landscape Works must include:
- (a) Streetscape associated with access and entry roads, local roads, medians and round-a-bouts
  - (b) Landscape associated with paths and access ways between allotments
  - (c) Landscape associated with rear access lanes
  - (d) Local Park and kick-a-round
  - (e) Revegetation area adjacent to National Park

- (f) Landscape associated with WSUD devices and central wetland
  - (g) Retention and protection of mature vegetation associated with access roads, park and revegetation areas
- 24 Subject to Condition 25, landscape works must be completed prior to the release of the plan of survey for each subsequent stage of the development, or prior to the commencement of the use on the subject land, whichever is applicable
- 25 The street tree component of streetscape works associated with residential allotments may, at the applicant's discretion, be deferred until after 80% of dwellings in the respective stage have been completed. In the event that the applicant elects to defer the street tree component of streetscape works:
- (a) the works must be bonded as incomplete works until such time as they are completed
  - (b) Council will accept a reduction of the maintenance period from 12 months to 6 months; and
  - (c) Temporary landscaping or street trees may be located on residential allotments to assist with marketing
- 26 Deleted
- 27 Landscaping and planting works must be designed to match Council's provision of service for local parks and streetscape

#### **Protection and Retention of Vegetation Generally**

- 28 As part of the required Operational Works (Landscaping) application for each stage, the applicant must submit for approval by Council, a Vegetation Management Plan prepared by a qualified Arborist addressing the following:
- (a) Nomination on a plan of tree(s) that are:
    - (i) Required to be removed due to required development works
    - (ii) Unsafe, or
    - (iii) Undesirable due to their species type (e.g. woody weeds)
  - (b) Nomination on a plan of trees that are desirable to retain and that can be retained given the impacts of the approved works
  - (c) A tree hazard assessment of trees to be retained
  - (d) Immediate maintenance requirements of trees to be retained
  - (e) Future maintenance requirements of trees to be retained
  - (f) Recommendations for preservation of trees to be retained
  - (g) Tree protection measures during construction of trees to be retained including:
    - (i) Supervision of works by a Project Arborist
    - (ii) Temporary hard fencing erected to enclose and protect the root zone
    - (iii) Exclusion of all construction activities within the root zone
  - (h) Trees identified by Council as hazardous to be removed prior to off maintenance
  - (i) Retention of trees within Old Emu Mountain Road in the vicinity of lots 380-384 must be maximised. Works associated within this area may require isolated sections of hand excavation to protect root zones where appropriate. These works must be specifically addressed as part of the associated Operational Works engineering civil application and further clarified at the construction pre-start meeting
  - (j) The requirements of the Fauna Management Plan apply to the removal of any tree or vegetation

**Streetscape Generally**

- 29 The following applies to all works within road reserves:
- (a) All road reserves must be planted with shade trees to provide, amenity, shade and improve micro climate. Streetscape plans must specifically address:
    - (i) Staged installation of street trees to minimise loss
    - (ii) Physical damage by builders or vandals
    - (iii) Relocation of street trees due to proximity of driveways
    - (iv) Bonding of streetscape works to minimise loss and/or damage
    - (v) Refurbishment of footpath plantings due to construction traffic
    - (vi) Reinstatement of turf and footpath levels due to construction traffic
    - (vii) Refurbishment of all landscape works that have declined within an extended maintenance period prior to final off maintenance
  - (b) All new batters or cuts exceeding 1 in 4 slope (25%) within road reserves must be:
    - (i) Mulched to a depth of at least 100mm and landscaped
    - (ii) Fully stabilised and weed free
  - (c) Landscaped overland flow paths must not compromise the hydraulic capacity and bark mulch must not be used
  - (d) Landscaping and planting works in medians and roundabouts must not interfere with required sight lines or required minimum sight distances while plants are growing and when fully grown
  - (e) Small medians where stable soil moisture content cannot be achieved must be hard paved with decorative stone insets, or exposed concrete or other approved finish
  - (f) Entry statements must be located entirely within privately owned land
  - (g) Decorative lighting (being lighting other than approved street lighting, such as up-lighting of entrance features or feature trees for example) and permanent irrigation must not be installed in the road reserve or future park. Temporary irrigation may be install for plant establishment only but must be decommissioned and removed prior to on maintenance
  - (h) Kerb profile adjacent to park or reserve must be vertical up-stand to reduce vehicle intrusion and reduce the number of bollards required
  - (i) Streetscape maintenance period is a minimum of 12 months following acceptance of works 'on-maintenance'
  - (j) With respect to the Old Emu Mountain Road reserve, supplementary native plantings (including koala habitat trees) must be provided to both sides of the road to reinstate, as much as possible, the existing natural boulevard effect along the road, and to provide visual screening to the Sunshine Motorway. For the non-development side of the road, supplementary planting works are limited to only those areas which are immediately adjacent to the constructed road and are lacking in canopy cover

**Streetscape Associated with Access Paths between Allotments**

- 30 The following applies to landscape works associated with access paths between allotments:
- (a) All landscape areas must be designed in accordance with CPTED principles
  - (b) All landscape areas must be designed to minimise maintenance
  - (c) No isolated small pockets of turf are permitted
  - (d) Shade trees must be included as a key feature of the access

**Streetscape Associated with Rear Access Lanes**

31 Deleted

**Plant Stock Generally**

32 All plant stock associated with landscape works must meet the following requirements:

- (a) All tree stock must meet the principles of NATSPEC Guidelines – Specifying Trees
- (b) All plants healthy and vigorous
- (c) All plants have a life span of 5 years minimum for groundcovers, 10 years for shrubs and 20+ for trees
- (d) Any street tree showing poor root development or ground attachment at 'off-maintenance' will be rejected and is required to be replaced

**Protection and Retention of Vegetation within Future Park and Reserve**

33 Prior to the commencement of any construction works adjacent to future park or reserve, a temporary fence must be erected to exclude vehicle traffic. The fencing must clearly sign the area as 'no go area'. Following Council approval of Operational Works associated with the park or reserve, the fencing may be amended to allow required construction. Fencing to be removed following successful 'on-maintenance'

**Works Associated with Future Park or Reserve Generally**

34 The following applies to all landscape works associated with future park or reserve. As part of associated Operational Works (Landscaping) application:

- (a) Temporary fencing must identify the boundaries of the reserve on-site and clearly sign the area as 'no go area' until the completion of any construction works
- (b) All dams or other non-natural in-stream impoundments must be removed and the area finished and stabilised to match the surrounding land
- (c) All vegetation, excluding vegetation to be removed as a result of rehabilitation works, must be protected from damage
- (d) All fill batters on land adjacent to generally finish and remain beyond the boundaries of the reserve. Fill batter that enter the reserve must be a maximum of 1:8. Where fill batters impact upon existing trees protection measures including retaining walls must be provided to protect the existing vegetation
- (e) Remove all declared plants (*Land Protection (Pest and Stock Route Management) Act 2002* (Queensland)) and environmental weeds (*Maroochy Pest Management Plan 2006-2010* pest species of significance in Group 1, Group 2 and Group 6) in a manner that prevents the regrowth and prevents damage to non-target species
- (f) All debris, non-essential infrastructure or stored materials must be removed from the park or reserve. This includes, but is not restricted to, green waste, general household or commercial waste, car bodies, fences, building materials and machinery
- (g) No machinery, equipment, materials or personnel are to enter the park or reserve land unless undertaking works associated with associated Operational Works landscaping
- (h) All kerb and channel fronting park or reserve must be up-stand barrier kerb to assist in the reduction of bollards that prevent vehicle access
- (i) All stormwater outlets located within the park or reserve must be designed such that they do not visually detract from the park or reserve. Batters greater than 1:6 must be landscaped. All stormwater outlets must be stone pitched

- (j) All overland flow paths within the park or reserve must be landscaped to provide a manageable edge between the flow path and the surrounding area

**Landscape Works Associated with Wetland**

- 35 Concurrent with the Operational Works (Landscaping) application for the wetland, a Landscape Design Plan must be included. The plan must be in accordance with the *Healthy Waterways Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands 2009* and include the following:
- (a) A species palette and planting density over the total area of the wetland
  - (b) Management and maintenance specifications outlining the timing of all planting, water level control and weed control over a three year “on-maintenance” wetland establishment period. This maintenance period begins after the completion of the last contributing stage and following dedication of the wetland as drainage reserve
  - (c) Measurable performance criteria on which the establishment of the wetland planting and weed control strategy can be assessed annually over the establishment period
  - (d) The requirement that the area be weed free at the end of the re-vegetation period where weed includes declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003, and *Maroochy Pest Management Plan 2006-2010* pest species of significance in Group 1, Group 2 and Group 6
  - (e) A schedule of works estimate of costs (plus GST), including maintenance, for establishment of the planting components of the wetland
  - (f) Prior to survey plan release for the first stage the applicant must lodge a performance bond with council based on 1.5 times the estimate of costs of incomplete works (plus GST) plus maintenance costs for the establishment of the planting components of the wetland. Until such time as the landscape plantings are implemented following completion of the last contributing stage, the performance bond will be held as an uncompleted works bond for the plantings

**Vegetation Management and Revegetation Plan Generally**

- 36 As part of the lodgement of the first Operational Works (Landscaping) application, a Vegetation Management and Revegetation Plan must be submitted for Council approval over the park and reserve area identified on the Approved Plan: *Landscape Concept Plan*. The revegetation works are two distinct areas and must include the following:
- (a) Area A – All park area on the development side of the nominated path: revegetation must include clumps of native vegetation of approximately 25m<sup>2</sup> in area (clumps must include canopy trees suitable of koala habitat and fodder, understorey shrubs and native grasses). Clumps must be spaced at approximately 50 metre centres. Smaller clumps of trees may also be included
  - (b) Area B – All park area on the National Park side of the nominated path: the buffer must be fully revegetated with fire retardant species and in such a manner to reduce the infiltration of weeds into the National Park in accordance with advice from the Department of Environmental Resource Management and the Queensland Parks & Wildlife Service.

The nominated path dividing Area A and Area B may be located as close as practicable to the National Park boundary, providing that regular deviations are included to allow for Area B type revegetation. The final alignment of the path must be agreed by Council through an application for Operational Works (Landscaping)



- 37 The Vegetation Management and Revegetation Plan must be in accordance with Planning Scheme Policy No. 3 – *Rehabilitation Plans* and the following:
- (a) A species palette incorporating the species selection of predominately native indigenous species of Regional Ecosystem 12.5.3, 12.2.12 and 12.2.7
  - (b) The plan must provide near to equal numbers of each species to be used within the relevant re-vegetation areas so that one species of plant is not over or under represented on the site
  - (c) The plan is to provide at least the following diversity of species: 10 species of native grasses/sedges/groundcovers, 10 species of native shrubs and or small trees, and a minimum of 5 species of native canopy trees
  - (d) Canopy trees must be appropriate for koala fodder and habitat
  - (e) The species density must be at least: grasses/sedges/groundcovers at 0.3 metre centres, shrubs at 1.5 metre centres and canopy trees at 4 metre centres
  - (f) Measurable and achievable criteria on which the performance of the floristic component of the re-vegetation strategy can be assessed annually over three years
  - (g) Measurable and achievable criteria on which the performance of the structural component of the re-vegetation strategy can be assessed annually over three years
  - (h) The requirement that the area is weed free at the end of the re-vegetation period, where weed includes declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate *Regulation 2003*, and Maroochy Pest Management Plan 2006-2010 pest species of significance in Group 1, Group 2 and Group 6
  - (i) Removal of all fences within the 20m buffer and along the boundary of the property to the Noosa National Park, or as otherwise agreed
  - (j) The maintenance period of revegetation areas must be a minimum period of 3 years following successful 'on-maintenance' inspection
  - (k) Following 'on-maintenance' the applicant must submit 6 monthly reports
  - (l) Prior to survey plan release for each relevant stage, the applicant must lodge a performance bond equal to the maintenance costs plus 1.5 times the cost of any incomplete works

**Noosa National Park Educative Signage**

- 38 Durable pole mounted signs must be provided in accordance with the following:
- (a) A0 in size facing the development and at key locations along the pathway
  - (b) Educative in nature noting proximity of the Noosa National Park
  - (c) Wording and images to include the words: "*Dogs and cats are not permitted within the National Park*"
  - (d) Signs to be weather resistant and visually complementary to the natural environment
  - (e) The exact location, wording, colours and design of the signs must be included in the relevant Operational Works applications for the development and approved by Council in consultation with the Queensland Parks Wildlife Service

**Recommendations of the Environmental Protection Agency**

- 39 The applicant must address the following with respect to works within the reserve land adjacent to the Noosa National Park:
- (a) Fire hydrants must be installed at 100 metre intervals around the length of the site's interface with the National Park
  - (b) All public lighting (including street lighting) must be designed to be low intensive and fauna sensitive whilst still achieving required standards for safe use of public land. Design details must be negotiated with, and approved by, Council in consultation with the Queensland Parks Wildlife Service

**Soil Test Report**

- 40 As part of all revegetation works within the park or reserve land, the applicant must provide a Soil Test Report to ensure the health and performance of plant stock is maximised. The following requirements apply to all revegetation works:
- (a) Soil tests must be performed and assessed by a qualified Agronomist familiar with the geology of the Sunshine Coast
  - (b) Soil tests must be performed for each distinct soil type in accordance with AS4419
  - (c) The results of testing must be assessed for any deficiency or addition that may detriment plant health. This includes but not limited to:
    - (i) Insufficient organic content to promote healthy growth or retain moisture
    - (ii) pH that will detriment the health of new or existing plants
    - (iii) The presence of toxins or excessive nutrients (e.g. N, P, K)
  - (d) If deficiencies or imbalances exist within the soil profile the Report must provide recommendations for soil amelioration and these recommendations must be implemented prior to planting
  - (e) Prior to 'on-maintenance' the Agronomist must certify that any corrective actions have been completed in accordance with the Soil Test Report

**Fauna Management Plan**

- 41 As part of the first application for Operational Works over the subject land, the applicant must lodge a comprehensive Fauna Management Plan (FMP) detailing the steps that will be taken to protect fauna species during any development activity that is undertaken on any part of the subject land. The FMP must include details of at least the following information:
- (a) The name of the fauna catchers/re-locators to be used, noting that they must be approved by the Queensland Parks and Wildlife Service, along with a copy of the fauna catchers'/re-locators' Rehabilitation Permit
  - (b) An updated Fauna Spotter Report to be undertaken two weeks before clearing works commence. This must include a fauna assessment of the site, particularly koalas and animals using hollows, including bats. This report is to provide extensive detail of the fauna likely to be impacted by the clearing works
  - (c) Provide within the FMP, certification from the principal contractor that the abovementioned Fauna Spotter Report is being provided to the clearing contractor to enable the contractor to factor the fauna removal issues into the cost of clearing works
  - (d) Confirmation that the direction of clearing is from an open area to a less open area to allow fauna to escape into neighbouring bushland
  - (e) Timing for the removal of fences to enable animals to access the national park must be included in this report, also address the retention of fences to stop or direct animals away from the Sunshine Motorway

- (f) A pre-clearing trapping and release plan, noting that any trappings and releases are to be started at least two weeks before clearing commences and continue through the clearing events. Given the large site area progressive trapping must be undertaken on a number of days over a number of weeks
- (g) Use of nesting boxes / hollow logs and branches to temporarily house translocated animals. Long term management and maintenance of these elements must be provided in the FMP
- (h) Any native bee hives must be relocated prior to clearing works into the adjacent National Park
- (i) The methodology of on site inspections for fauna including the inspection of hollow branches, logs on the ground, nests of birds and possums etc. This site contains many trees with hollows so this needs to be addressed in detail
- (j) Any special machinery requirements for inspection of hollows high up in the tree, for example, cherry pickers, pole cameras with optical fibre, lights for viewing hollows etc. This is a critical element on this site and must be included in the fauna assessment and methodology
- (k) Nomination of release area/s and the land owner's written approval for release if necessary. This site will likely require releasing of animals back into the Noosa National Park. Approval must be gained for these works
- (l) Contact details of the nearest veterinarian or other appropriate party to humanely deal with injured wildlife

#### **Final Report Spotter Catcher**

42 In association with the required FMP, a final report by the fauna spotter must be provided to Council no more than two weeks after clearing is finished, stating the following:

- (a) The length of time of the clearing
- (b) Details of any animal/s that were caught and/or sighted and released, and the placement of any release/s
- (c) Details of any animals that were destroyed due to injury, given to wildlife rescue groups etc
- (d) Confirmation of the follow up monitoring of nesting boxes/ translocated hollow logs and branches and how they are to be maintained into the future

#### **PROVISION OF A LOCAL PARK**

##### **Local Park Generally**

43 Prior to release of the Plan of Survey for the first stage of the development, the applicant must provide and embellish land suitable for a local park in accordance with the following:

- (a) Land must be suitable in terms of area and shape, and be able to cater for a variety of activities
- (b) Must have a gradient of 10% or less for at least 30% of the site
- (c) Be free of encumbrances such as services easements, pump stations, flood susceptibility, conservation or infrastructure encumbrances etc, which may inhibit recreational use
- (d) Must be designed in accordance with Crime Prevention Through Environmental Design Principles (CPTED)
- (e) Must have direct physical access to a constructed public road
- (f) Must have direct links to the pedestrian and cycle network
- (g) Be free of any declared and environmental weeds
- (h) Open areas to be free of debris, rocks and stumps and are able to be graded to alleviate any excessive mounds and depressions
- (i) Be freely and safely drained
- (j) Lighting for amenity and security

- (k) Include embellishments provided in accordance with the requirements of this Decision Notice, Council Parks and Open Space Landscape Standards Manual and an approved Landscape Plan through an application for Operational Works (Landscaping)
  - (l) Deleted
  - (m) Hose connections must be provided in locations suitable to provide for a future community garden
- 43A Widened road reserves for social gathering purposes must be provided in the locations shown on the Approved Plans and with the minimum dimensions shown on the approved plans. At least one large feature tree must be provided in each location

#### **Local Park Scope of Embellishment**

- 44 The applicant must provide and embellish land suitable for a local park in accordance with the following:
- (a) Shade tree planting
  - (b) Informal turf and landscape areas
  - (c) Kick around area of approximately 40 x 50 metres to be provided
  - (d) Water connection for maintenance activities
  - (e) Disability compliant concrete path to picnic areas and playground
  - (f) One shade shelter on concrete base equal to Landmark K602 including aluminium picnic table and bench seating
  - (g) Bike rack of stainless steel standard to accommodate 5 bikes
  - (h) One drinking bubbler
  - (i) One rubbish bin
  - (j) Playground of high standard that includes:
    - (i) 50% shade to entire play area
    - (ii) Climbing frame equal to a Kompan GXY939
    - (iii) Swinging element equal to Kompan SPME30350
    - (iv) Spinning element equal to Kompan GXY916
    - (v) Compliant soft fall material within the confines of the general playground area, and wet pour rubber or matting under high impact areas to reduce soft fall displacement
    - (vi) Durable edge to playground
    - (vii) Provision of two discrete areas for both children's playground and youth recreation
- 44A Embellishments for the local park must include a shelter for large gatherings equal to 'Landmark' 304 and contain:
- (a) Two platform seats equal to 'Landmark K003
  - (b) Rubbish bin,
  - (c) Power connection (GPO and security light)
  - (d) Water bubbler
  - (e) Covered double BBQ equal to 'Landmark' KB 102
- 44B The applicant must amend the Approved Plans to nominate a Youth Activity Space for future provision of activities such as skating and half-court basketball. The nominated area must be:
- (a) Approximately 20 x 20 metres in size
  - (b) In close proximity to the local centre
  - (c) Not located below the Q 20 ARI
  - (d) Planted with shade trees to the perimeter to establish a shade structure prior to Council installing facilities at the later date

- 44C A total of two shade shelters must be provided within the linear parkland in close proximity to the intersection of Roads B and C, and Roads B and Road J. The shade shelters must be:
- (a) Linked to the park path by way of a separate concrete path
  - (b) Located to reduce conflict between pathway users
  - (c) Equal to 'Landmark' K303 and include aluminium picnic table and bench seats
  - (d) Inclusive of a rubbish bin, power connection (GPO and security light) and water bubbler
- 44D A total of five fitness stations must be provided within the linear parkland adjacent to the proposed pathway in accordance with the following:
- (a) Durable and suitable in a marine environment
  - (b) Consist of a combination of lifting, stretching and balancing items
  - (c) Entire under surface to be edged and infilled with wet pour rubber
  - (d) Contain educational and instructional signage

#### **Transfer of Park and Reserve**

- 45 The applicant must transfer to council land shown as park and reserve in accordance with the following:
- (a) Transfer to Council must be in fee simple on trust, land for open space. No other annotation of the purpose of the allotment is to be made on the survey plan
  - (b) The applicant is responsible for all costs associated with the transfer of the land to Council
  - (c) One original signed and 'stamped' Queensland Land Registry Transfer of Ownership and Forms 1, 24 and 20 for each lot that is to be transferred to Council in fee simple on trust, together with a copy of the land valuation, must be lodged with the survey plans prior to endorsement of approval

#### **ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

- 46 Deleted

#### **ACOUSTIC COVENANTS**

- 47 Deleted  
48 Deleted

#### **MOVEMENT NETWORKS**

##### **Internal Roadworks**

- 49 Subject to the other conditions contained herein, all new roads must be designed and constructed generally in accordance with the approved plans (as amended) and in accordance with Planning Scheme Policy No. 5 – *Operational Works* and Planning Scheme Policy No. 6 – *Transport Traffic and Parking*
- 50 Subject to Condition 51 below, Road B must be designed and constructed as a Neighbourhood Collector Street (Bus Route) in accordance with Maroochy Plan 2000. Except where stated in Condition 51 below, the minimum road reserve width must be 20 metres with an 11 metre wide road pavement consisting of a 6 metre wide carriageway and 2.5 metre wide parking lanes on both sides. Concrete footpaths, at least 1.8 metres wide, should be provided on both sides of the street

- 51 Where Road B has frontage to a proposed open space reserve (excluding the proposed Neighbourhood Park (Lot 500)), the parking lane and concrete footpath on that side of Road B may be omitted and replaced with indented car parking bays, at least 2.5 metres wide, in groups of at least two bays at approximately 80 to 100 metre spacings. The car parking spaces must be 6.3 metres long with 2.5 metre kerb tapers at each end of a group. In addition, indented pavement areas suitable for use as indented bus bays must be provided on Road B adjacent to the proposed open space reserve east of the proposed roundabout at the Road J intersection, and south of the proposed roundabout at the Road C intersection. The clear verge width of Road B adjacent to a proposed open space reserve must be at least 4 metres, inclusive of the indented car parking bays and indented bus bays required by this condition on an open space reserve frontage. The overall reserve width of Road B may be adjusted accordingly, to at least 17 metres. A yellow no stopping line must be installed on Road B where there are no parking lanes or indented parking bays
- 52 Road A must be constructed with a minimum road reserve width of 24 metres, incorporating a 4 metre wide raised median, 2 x 5.5 metre wide carriageways, and verges on both sides at least 4.5 metres wide. Concrete footpaths, at least 1.8 metres wide, must be provided on both sides of the street
- 53 All roundabouts within the proposed development must have pedestrian kerb ramps constructed on all roundabout approaches, located approximately 6 metres from the roundabout holding line. Raised concrete splitter islands must also be constructed on all roundabout approaches
- 54 All roundabouts constructed on Road A and Road B must have a minimum outside diameter of 30 metres, with pedestrian refuge islands incorporated into splitter islands on all roundabout approaches. The island width at each refuge location must be at least 2 metres, with the opening in the island for pedestrians at least 3 metres wide. The proposed road reserves and lot layout must be modified as necessary to accommodate the works
- 55 Yellow no stopping lines, in accordance with the *Manual of Uniform Traffic Control Devices*, should generally be installed on both sides of all proposed laneways
- 56 Intersections of all internal roads must be designed to accommodate the swept path of a Sunshine Coast Regional Council Waste Collection Vehicle
- 57 Temporary turnaround facilities must be constructed where necessary at the end of proposed Internal Blind Roads of a size to suit the manoeuvring requirements of Council's Waste Collection Vehicles (WCV). The facility must be designed to the requirements of Queensland Streets and must include:
- (a) A turnaround area sufficient for a WCV to complete a 3-point turn, and
  - (b) A design such that a WCV does not have to drive over speed control devices or need to use driveways, private land or any other area other than the road to execute a manoeuvre

#### **Internal Pedestrian Footpaths**

- 58 Subject to the other conditions contained herein, the applicant must construct a 1.8 metre wide concrete footpath along on at least one side of all roads serving greater than 15 allotments, generally as shown on the approved plans
- 59 Collector streets or above must be provided with paths on both sides and these pathways are to be provided with extensive shading through intensive street tree planting, designed to give 80% shade cover to the pathway at maturity
- 60 The applicant must construct kerb ramps and footpath road crossings generally as shown on the approved plans

- 61 The applicant must construct the following inter-allotment concrete footpath links generally as shown on the approved plans and with a minimum width of 2.5 metres:
- (a) Between Old Emu Mountain Road and Road J
  - (b) Between Road B and Road D
  - (c) Between Road K and Road M
- 62 The applicant must construct a concrete shared path, at least 2.5 metres wide, for the entire length of the open space reserve adjacent to the Noosa National Park. Details of the shared path alignment must be provided with each application for Operational Works
- 63 Footpaths must be co-ordinated with street lighting and designed in accordance with Section 7 of Planning Scheme Policy No. 6 – *Transport, Traffic and Parking*

#### **Driveway Construction for Specific Lots**

- 64 A driveway must be constructed from the carriageway for the full length of the access strip for hatchet shaped lots. The driveway must be constructed in accordance with Section 4.2.5.4 of Planning Scheme Policy No. 5 – *Operational Works*
- 65 A driveway must be constructed from the carriageway to the allotment boundary for all lots depicted on the approved plans as having constructed driveways. The Developer must include a clause in the contract of sale for any proposed lot having a constructed driveway which prevents any alternative location being used for a driveway
- 66 Where indented parking bays are provided along the frontage of an allotment, the residential driveway to that allotment must be constructed in accordance with Council Standard Drawing SEQ R-050 to ensure that the indented parking bays are not impacted upon as part of future building works. The developer must include a clause in the contract of sale for affected allotments which prohibits a residential driveway from entering indented carparking bays

#### **Access Arrangements for Lots 381, 382 and 383**

- 67 To maximise vegetation retention within the Old Emu Mountain Road reserve, no direct vehicle access is permitted from proposed Lots 381, 382 and 383 to Old Emu Mountain Road. Vehicle access to these lots must be taken from Road L as shown on the approved plans. The developer must include a clause in the contract of sale for proposed Lots 381, 382 and 383 which prevents the location for a residential driveway to Old Emu Mountain Road

#### **External Road and Footpath Works**

- 68 Prior to the release of the Plan of Survey of the first stage of the development, Old Emu Mountain Road must be upgraded from the northern intersection with Road B to the existing sealed road adjacent to the Peregian Beach College north-west of the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) A sealed 6.5 metre wide two-lane central carriageway with a 1.25 metre wide unsealed shoulder on each side
  - (b) A concrete shared path, at least 2.5 metres wide, on the northern side of the carriageway

- 68A Prior to the release of the Plan of Survey of the first stage of the development, Old Emu Mountain Road must be upgraded along the frontage of the site from the northern intersection with Road B to the intersection with Road A. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) An overall sealed carriageway width of 12.5 metres, incorporating 2 x 3 metre wide traffic lanes, a 1.5 metre wide bicycle lane and 2.5 metre wide parking lane on the development side, and a 2 metre wide sealed shoulder on the opposite side. Where possible, the road carriageway alignment should be altered and the parking lane discontinued over short sections as necessary along the Old Emu Mountain Road frontage to retain significant trees within the road reserve. Short sections of raised concrete median island should be installed at the bends in the carriageway between proposed Lots 377 and 391 to help maintain driver lane discipline
  - (b) Kerb and channel on the development side
  - (c) A verge on the development side at least 5 metres wide, measured between the kerb face and site boundary
  - (d) A concrete shared path, at least 2.5 metres wide, on the development side of the carriageway
  - (e) A bus bay on the southern side of Old Emu Mountain Road east of the northern intersection with Road B. A pathway connection must be provided between the bus bay and pedestrian refuge island incorporated into the adjacent roundabout
- 68B Prior to the release of the Plan of Survey of the fourth stage of the development or prior to the release of the Plan of Survey creating the 101<sup>st</sup> lot, whichever occurs sooner, Old Emu Mountain Road must be upgraded along the frontage of the site from the intersection of Road A to the southern intersection of Road B. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) An overall sealed carriageway width of 12.5 metres, incorporating 2 x 3 metre wide traffic lanes, a 1.5 metre wide bicycle lane and 2.5 metre wide parking lane on the development side, and a 2 metre wide sealed shoulder on the opposite side. Where possible, the road carriageway alignment should be altered and the parking lane discontinued over short sections as necessary along the Old Emu Mountain Road frontage to retain significant trees within the road reserve;
  - (b) Kerb and channel on the development side
  - (c) A verge width on the development side at least 5 metres wide, measured between the kerb face and site boundary
  - (d) A concrete shared path, at least 2.5 metres wide, on the development side of the carriageway
  - (e) A bus bay on the southern side of Old Emu Mountain Road west of the southern intersection with Road B. A pathway connection must be provided between the bus bay and refuge island incorporated into the adjacent roundabout
- 68C Prior to the release of the Plan of Survey creating the 101<sup>st</sup> lot of the development, Old Emu Mountain Road must be upgraded from the southern intersection of Road B to Emu Mountain Road south of the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) A sealed 6.5 metre wide two-lane central carriageway with a 1.25 metre wide unsealed shoulder on each side
  - (b) A concrete shared path, at least 2.5 metres wide, on the eastern / northern side of the carriageway



- 69 Single-lane roundabouts must be constructed at the proposed Road A / Old Emu Mountain Road intersection and at both proposed intersections between Road B and Old Emu Mountain Road. Of these, the roundabout at the southern intersection of Road B and Old Emu Mountain Road must be constructed at the same time as the works required by Condition 68C. The roundabouts must be designed in accordance with Queensland Department of Transport and Main Roads' Road Planning and Design Manual and Maroochy Plan 2000 and accommodate a turning articulated vehicle. Buses should be able to negotiate the roundabouts without encroaching upon any raised central island or apron
- 70 Prior to the release of the plan of survey creating the 101<sup>st</sup> lot of the development, at least a Type CHR(S) right turn treatment must be constructed on Emu Mountain Road at its intersection with Old Emu Mountain Road. The intersection works must be designed in accordance with the requirements of the Queensland Department of Transport and Main Roads and their *Road Planning and Design Manual*
- 71 Deleted
- 72 The applicant must provide a road reserve stub to the adjoining property to the south, generally as shown on the approved plans
- 72A Prior to release of the Plan of Survey for each stage of the development, the applicant must pay to Sunshine Coast Regional Council a monetary contribution of \$578 per lot toward the provision of a 3 metre wide footpath along the length of Emu Mountain Road between the David Low Way and the intersection with Old Emu Mountain Road. The amount of the contribution must be indexed quarterly from March 2012 until the time of payment by the application of the Consumer Price Index (Brisbane)

#### UTILITIES

- 73 The applicant is responsible for the alteration, relocation or re-instatement of public utility services, stormwater drainage structures, driveways, landscaping and other features affected by the development works. Any alterations or repairs of existing infrastructure required as a result of the development are to be completed at no expense to Council or the service provider
- 74 Where public utility services traverse private property, a minimum three metre wide easement must be provided over the infrastructure in favour of the applicable service provider
- 75 Each proposed lot must be provided with reticulated electricity and telecommunication services to the satisfaction of the relevant service providers
- 75A 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 provision of optic fibre technology telecommunications to each lot. Certification must be submitted to Council from the relevant service provider which certifies that the development has met the requirements of all applicable legislation at the time of construction
- 76 Electricity reticulation and street lighting must be provided in accordance with Planning Scheme Policy No. 5 – *Operational Works* and must be designed by a Registered Professional Engineer of Queensland (RPEQ) experienced in electrical reticulation engineering. In particular, the works must include:
- (a) Provision of underground electricity reticulation within the development
  - (b) Undergrounding of all existing overhead power supply on or fronting the site
  - (c) All underground power located on Council's standard alignment as shown in Standard Drawings SEQ R-100 and R-101 and constructed in accordance with the associated specification
  - (d) Street lighting along the frontage of the site designed for the specific road hierarchy. Where applicable, street lighting must be installed on the same side of the road as concrete footpaths

- 77 Electricity/telecommunication drawings must be co-ordinated with the civil engineering design details to ensure that service clashes are avoided

#### **WATER SUPPLY AND SEWERAGE**

- 78 Any construction works to be undertaken in the vicinity of Council's existing water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of existing infrastructure must be met by the applicant
- 79 The applicant must provide reticulated water supply and sewerage services to each lot within the proposed development in accordance with Maroochy Plan 2000
- 80 The applicant must ensure any barricades constructed on the footpath do not impede the access of Sunshine Coast Water or Fire Brigade personnel to vital control structures (e.g.. valves, fire hydrants and sewer access chambers)
- 81 The firefighting water supply demand on Council's reticulation system from this development must not exceed 15 litres per second
- 82 The applicant must provide a computer generated sewerage network analysis with the application for Operational Works. The analysis must be prepared by a suitably qualified and experienced consultant and must determine:
- (a) The impact of the development on Council's existing sewerage infrastructure
  - (b) The internal infrastructure requirements of the development
  - (c) Any upgrading requirements to Council's existing infrastructure necessary to service the development
- The analysis must consider short, medium and ultimate development phases and must include details of anticipated population growth rates proposed for the development
- 83 The applicant must ensure that no stormwater, groundwater or sump pump is permitted to discharge to Council's sewerage system
- 84 Sewerage mains must be located a minimum of 1.5 metres clear of all building envelopes and be centrally located in a three metre wide easement
- 85 The applicant must ensure that on site storm water treatment tanks, soakage trenches, and gross pollutant traps maintain a minimum of 1.5 metres clearance from Council's sewerage infrastructure
- 86 The applicant must provide written approval from all property owners through which external sewers will traverse, to enter, construct and provide a 3 metre wide easement. This must be submitted with the associated development application for Operational Work

#### **INTEGRATED WATER MANAGEMENT**

##### **Stormwater Management Design**

- 87 Concurrent with each application for Operational Works, the applicant must submit detailed calculations and supporting plans/documentation prepared by a suitably experienced Registered Professional Engineer of Queensland (RPEQ) to demonstrate that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and Maroochy Plan 2000, without causing an annoyance or nuisance to any person or property. The following requirements must be addressed as part of any submission:
- (a) The incorporation of Water Sensitive Urban Design into all development site drainage
  - (b) Extension of the drainage system through the development site to cater for all external catchments
  - (c) Cut off drains where necessary to protect the development site from overland flows from upstream sources, and to protect downstream property from flow developed on the site

- (d) Registration of drainage easements over all drainage structures and concentrated flow paths on private land, including on adjoining land where required to connect to a legal point of discharge as defined in QUDM
- (e) Lodgement with Council of written permission to discharge stormwater onto adjoining property and the establishment of drainage easements where required
- (f) Construction of conventional stormwater drainage systems in accordance with Section 4.7 of Planning Scheme Policy No.5 – *Operational Works*

#### **Interallotment Drainage**

- 88 An interallotment drainage system must be designed and installed in accordance with Section 4.7.2 of Planning Scheme Policy No. 5 – *Operational Works*. In particular, residential interallotment drainage systems must be designed to Level 2 in accordance with QUDM

#### **Integrated Water Management Strategy**

- 89 Concurrent with each application for Operational Works, the final design details of the site's Integrated Water Management Strategy must be prepared and submitted by a suitably experienced Registered Professional Engineer of Queensland (RPEQ) or equivalent for Council's approval. All water management and drainage systems must demonstrate compliance with:

- (a) The Maroochy Plan 2000 *Code for Integrated Water Management*
- (b) Planning Scheme Policy No. 5 – *Operational Works*, Sections 2.2 and 7
- (c) The latest *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* published by Healthy Waterways
- (d) Queensland Urban Drainage Manual
- (e) Australian Runoff Quality

#### **Operational Management and Maintenance Report**

- 90 An Operational Management and Maintenance Report must be prepared as a separable section of the Integrated Water Management Strategy to provide an outline of the proposed long term operational and maintenance requirements of the stormwater system on the site. As a guide, the maintenance report must cover all aspects of on-site facilities associated with the management of stormwater quantity and quality, including any rainwater tanks, on-site detention tanks and stormwater quality improvement devices. The Operational Management and Maintenance report must include:

- (a) A plan showing the location of the individual components of the system (for lots less than 2000m<sup>2</sup>, an ISO A3 plan will be considered adequate)
- (b) Manufacturer's data and product information sheets for any proprietary products
- (c) Location of inspection and monitoring points shown clearly on the plan
- (d) A summary of the design water quality target acceptable criteria
- (e) A schedule or timetable for the proposed regular inspection and monitoring of the devices. (Council recommends a visual inspection at least 3 times per year with more frequent inspections to occur no greater than 3 months apart between October and May. Inspection should be made not less than 24 hours and not more than 72 hours after the cessation of rainfall if the total rainfall on any day exceeds 30mm)
- (f) Proposed action if inspection reveals the presence of water ponded within bio-filters twenty-four hours after the cessation of rain

- (g) Records to be logged and kept for verification of compliance with this condition on a needs basis
- (h) Name and contact details of relevant person responsible for the design of stormwater system

### **Constructed Wetland**

- 91 Concurrent with the application for Operational Works for the first stage of the development, the applicant must lodge detailed landscape and engineering drawings and details for the constructed wetland along with appropriate and technical supporting documentation. The wetland must be designed and comply with the current Wetland Design Guidelines under the *WSUD Technical Design Guidelines for South East Queensland*. The following wetland design requirements must be specifically addressed:
- (a) Full wetland design drawings showing finished levels for all elements of the wetland (weirs, sediment ponds, bypass channel, pipes, etc)
  - (b) Detailed hydraulic calculations for all elements of flow control devices through the wetland (i.e. pipes, inlets, weir flows, bypass channel, etc)
  - (c) All design aspects associated with the wetland must be in strict accordance with the latest *WSUD Technical Design Guidelines for South East Queensland*
  - (d) Where design elements of the wetland are not specifically stated in the latest *WSUD Technical Design Guidelines for South East Queensland* document, the appropriate provisions as detailed under the QUDM must be adopted
  - (e) An updated Integrated Water Management Plan for the wetland
  - (f) All wetlands including individually constructed wetland cells must be provided with an appropriate clay liner of sufficient permeability and thickness to prevent groundwater ingress to the wetland
  - (g) The hydrologic effectiveness of the wetland and/or wetland cell must be detailed and must satisfy the WSUD requirements (please refer *WSUD Technical Design Training Notes for South East Queensland – Version 1 – June 2007 - Constructed Stormwater Wetlands – Course Notes*)
  - (h) The wetland design must incorporate appropriate maintenance access provisions to all elements of the wetland

### **CONSTRUCTION MANAGEMENT PLAN**

- 92 A preliminary Construction Management Plan must be submitted with the Operational Work applications for each stage of the development. The Plan must be prepared in accordance with Section 6 of Planning Scheme Policy No. 5 – *Operational Works*, including the provision of a preliminary Traffic Management Plan. While the Plan must be submitted with the Operational Work applications, variations to the Plan may be submitted to Council for endorsement prior to the commencement of construction (e.g.. following the appointment of a Principal Contractor for the project)

### **EROSION AND SEDIMENT CONTROL**

- 93 A Site Erosion and Sediment Hazard Evaluation Report must be submitted in conjunction with each development application for Operational Works to enable consideration of the likely water quality risks, and the feasibility of proposed conceptual water quality control measures. The Report must be prepared by a person or persons professionally qualified and skilled in soil management, erosion and sediment control, soil mass movement and slip potential. The Report is to be prepared in accordance with the requirements of Planning Scheme Policy No. 14 and the Manual for Erosion and Sediment Control (Maroochy Shire Council, 2008)

- 94 In conjunction with each application for Operational Works approval, the applicant must provide an Erosion and Sediment Control Plan which incorporates a suite of measures designed to ensure that no sediment-laden or turbid water exceeding natural background levels at the time flow to any waters or drainage line leading to waters. For clarity of intention, there is deemed to be compliance with this condition if there is no release or flow from the site throughout the earthworks and construction period to any waterway, stormwater drain or drainage line leading to a waterway or area of native vegetation containing a concentration in excess of 50 milligrams per litre of total suspended solids (refer to Advisory Notes). This Plan must be prepared in accordance with the requirements of Planning Scheme Policy No. 14 – *Erosion & Sediment Control* and the *Manual for Erosion and Sediment Control* (Maroochy Shire Council, 2008)
- 95 In conjunction with each development application for Operational Works, the applicant must provide the completed Erosion and Sediment Control Design Compliance Certificate required by Planning Scheme Policy No. 14 – *Erosion & Sediment Control* Section 9.4

### EXCAVATION AND FILLING

- 96 All earthworks must be undertaken in accordance with the provisions of AS3798 *Guidelines on Earthworks for Commercial and Residential Developments*, with geotechnical testing undertaken in accordance with Section 8 of the Standard, and to a minimum of 'Level 1' as defined in Appendix B. Test results as required by AS3798 and a certificate of quality and uniformity of fill must be provided by a RPEQ and submitted to Council prior to Council signing the Plan of Survey for each stage
- 97 The proposed allotments must be shaped to be free-draining with minimum surface levels in accordance with the Maroochy Plan 2000 *Operational Works Code*. The allotments must also be shaped to fall to the respective street frontage. The provision of allotments which grade away from a road reserve in a 'greenfields' development is only accepted where it is a topographical necessity. That is, because the allotments physically cannot be graded to the street frontage
- 98 All fill, including fill batters, must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective landowner(s)
- 99 Where the development involves excavation or filling over, or adjacent to, water supply or sewerage infrastructure, all access chamber surface levels must be adjusted to provide a freeboard of 100mm above the finished ground surface level
- 100 In conjunction with each Operational Works application to Council, the following must be provided:
- (a) Details of the location of any material to be sourced for fill, including the volume of fill to be moved from any particular source site
  - (b) Details of the final location for any material to be exported from the site from excavations
  - (c) Details of the haulage route/s that will be used. Approval for the haulage truck sizes and the final haul route(s) must be obtained prior to works commencing
  - (d) The proposed source of fill and haulage route must be approved by Council prior to the commencement of bulk earthworks
  - (e) Details identifying the source and disposal site(s) for material imported/exported as part of the development. The site(s) must have a current development approval enabling them to export/accept any material if they are located within the area previously known as the Maroochy Shire
- 101 Cut, fill and other stored material must be contained wholly within the site and located so as not to impact on a waterway or drainage line
- 102 Contaminated material must not be used as fill on the site. Any filling must be undertaken using the following inert materials only:

- (a) Bricks/pavers/ceramics
- (b) Concrete (including embedded steel reinforcing rods), pulverised to a maximum 75mm nominal size
- (c) Clean earthen fill

**Demolition Waste Disposal**

- 103 Waste material as a result of demolition works and excavation works must not be used as fill where the material includes the following as defined within the *Environmental Protection (interim waste) Regulation 1996*:
- (a) Commercial waste
  - (b) Construction or demolition waste
  - (c) Domestic clean-up waste
  - (d) Domestic waste
  - (e) Garden waste
  - (f) Industrial waste
  - (g) Interceptor waste
  - (h) Recyclable biodegradable waste
  - (i) Recyclable waste
  - (j) Regulated waste
- 104 All waste material above as defined within the *Environmental Protection (interim waste) Regulation 1996* must only be disposed at a waste facility approved for the receipt of waste

**Retaining Walls**

- 105 Structural design certification must be provided for all retaining walls by an experienced and qualified civil engineer
- 106 All retaining walls must be designed and constructed in accordance with the requirements of Council's Planning Scheme Policy No. 5 – *Operational Works*
- 107 Fencing and barriers must be installed in accordance with AS1926 and the Maroochy Plan 2000 for any change of height greater than one metre, and on top of retaining walls within all road reserves
- 108 All batter slopes, retaining walls or other structures that are created to achieve the road formation must generally be located within the road reserve, and where extending beyond the road reserve must not exceed a grade of 1:4. All structures that are created to correct/adjust levels on private land must be located within the lot they are supporting

**GEOTECHNICAL****Geotechnical Certification**

- 109 In conjunction with each application for Operational Works, geotechnical design certification which addresses the requirements of Sections 3.1 and 3.4 of Council's Planning Scheme Policy No. 4 – *Preparation of Geotechnical Reports* must be submitted
- 110 Upon completion of the works and in conjunction with the lodgement of a Survey Plan application with Council, geotechnical engineer's certification must be submitted in accordance with Sections 3.1 and 3.2.1 of Council's Planning Scheme Policy No. 4 – *Preparation of Geotechnical Reports*

**ACID SULFATE SOILS**

111 The applicant must ensure each application for Operational Works (Engineering) includes a site based management plan for the management of disturbed acid sulphate soils in accordance with the Section 6.7 "Recommendations" of the Approved Document: *GEO-Environmental Investigation*. In accordance with the recommendations, the *SPP 2/02 Guideline for Planning and Managing Development involving Acid Sulfate Soils* requires that a Category XH site based treatment plan must be provided in regard to the excavation works

**CONTAMINATED LAND**

112 Deleted

113 The applicant must ensure that all contractors involved with construction activities on the site are issued with a copy of the Approved Document: *Advisory Note Unexploded Ordnances* for the advice and information purposes

**5. REFERRAL AGENCIES**

The referral agencies applicable to this application are:

<b>Referral Trigger</b>	<b>Referral Status</b>	<b>Referral Agency</b>	<b>Referral Address</b>
State-controlled Road	Concurrence	Department of Main Roads	North Coast (Gympie) PO Box 183 GYMPIE QLD 4570
Remnant Vegetation	Concurrence	Department of Natural Resources & Water	South East Region Attention: Jeff Guinea PO Box 573 NAMBOUR QLD 4560
Public Passenger Transport	Concurrence	Queensland Transport	Principal Manager (Land Use) Transport Planning Branch GPO Box 213 BRISBANE QLD 4001
Acid Sulfate Soils	Advice	Department Of Natural Resources & Water	South East Region Attention: Jeff Guinea PO Box 573 NAMBOUR QLD 4560
Preliminary Approval (Overriding the Planning Scheme)	Advice	Department Of Infrastructure & Planning	PO Box 15031 CITY EAST QLD 4002
Referrable Wetlands	Advice	Environmental Protection Agency	Ecoaccess Customer Service Unit PO Box 15155 CITY EAST QLD 4002
Contaminated Land Matters	3rd Party	Environmental Protection Agency	Contaminated Land Unit GPO Box 2771 BRISBANE QLD 4001

A copy of any referral agency conditions is attached.

## 6. APPROVED PLANS

The following plans are Approved Plans for the development:

### Approved Plans

Plan	Rev.	Plan Name	Date
0917-DA-S0-1E Sheet 1 of 14	E	<i>Subdivision Layout Plan</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-1.1C Sheet 1.1 of 14	C	<i>Part Subdivision Layout Plan – Sheet 1.1</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-1.2C Sheet 1.2 of 14	C	<i>Part Subdivision Layout Plan – Sheet 1.2</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-1.3C Sheet 1.3 of 14	C	<i>Part Subdivision Layout Plan – Sheet 1.3</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-2D Sheet 2 of 14	D	<i>Subdivision Staging Layout Plan</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-6D Sheet 6 of 14	D	<i>Layout Plan</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-7C Sheet 7 of 14	C	<i>Typical Road Cross Sections</i> , prepared by Subdivisions (Qld) Pty Ltd	24/08/11
0917-DA-S0-13E Sheet 13 of 14	E	<i>Concept Services Plan (Contemporary Living Lots)</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
0917-DA-S0-14D Sheet 14 of 14	D	<i>Concept Services Plan (Insets 1 &amp; 2)</i> , prepared by Subdivisions (Qld) Pty Ltd	22/05/12
09045 LC 01 [G]	-	<i>Landscape Concept Plan</i> , prepared by Gamble McKinnon Green	29/05/09
M07.017 Sheet PD.02	C	<i>Plan of Development Contemporary Lots</i> , prepared by Greenway (S.C.) Pty Ltd	10/06/09

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

### Plans Requiring Amendment

Nil

## 7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

### Referenced Documents

Document No.	Rev.	Document Name	Date
MCU07/0197_ TODA	A	<i>Supplementary Table of Assessment for Old Emu Mountain Road Development</i> , prepared by Sunshine Coast Regional Council	02/10/09
077682046(AH)	-	<i>Remediation and Validation Works</i> , prepared by Golder Associates Pty Ltd	Nov 2007



Document No.	Rev.	Document Name	Date
077682046-1000(AC)	-	<i>Geo-Environmental Investigation</i> , prepared by Golder Associates Pty Ltd	Sept 2007
06/05	-	<i>Advisory Note Unexploded Ordnances</i> , prepared by the Department of Defence and the Environmental Protection Agency	-
-	-	<i>Code for Development of Contemporary Living Lots</i> , prepared by Greenway (S.C.) Pty Ltd	23/05/12
Project No. 12BRA0098	5	<i>Road Traffic Noise Impact Assessment Report</i> , prepared by TTM Consulting (SC) Pty Ltd	08/05/12

## 8. ADVISORY NOTES

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

### DEVELOPMENT CONTRIBUTIONS PAYMENT ADVICE

- 1 A letter outlining an estimate of contributions payable under the current Planning Scheme Policies will be forwarded by Council's Infrastructure Charges Officer, within 5 business days of the date of this Decision Notice. Any stage of development involving lots nominated for dual occupancy purposes on the approved plans will trigger payment of contributions equal to the chargeable rates for each dual occupancy.

Please contact Council's Development Contributions Officer at least 3 days prior to payment for issue of a payment advice (which is to accompany the payment).

### GENERAL OPERATIONAL WORKS MATTERS

- 2 This Decision Notice requires further application/s for Operational Works to be submitted to Council for assessment.
- 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 Integrated Planning Act 1997, 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

### STAGING LAYOUT

- 4 Deleted.

**ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

- 5 The applicant should be aware that they may be required to seek approval from the Commonwealth Government in relation to the proposal. The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC), which came into operation in July 2000, relates to actions that may have a significant impact on matters of 'national environmental significance' (NES) or the environment generally if on Commonwealth land. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

The EPBC provides that a person must not take an action that has, will have or is likely to have a significant impact on the matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether, or not, approval is required under the EPBC.

The applicant may wish to contact the Community Information Unit at Environment Australia on 1800 803 772 to discuss any obligations under the EPBC.

**EROSION AND SEDIMENT CONTROL**

- 6 Soil management and erosion and sediment control must be carried out by a person qualified as a Registered Professional Engineer (Queensland), and holding a Certificate in Soil Erosion and Sediment Control, Hydrology and Stormwater for Designers, issued by the International Erosion Control Association, or equivalent
- 7 Mass movement/slip potential must be carried out by a Registered Professional Engineer (Queensland) who is skilled and experienced in geotechnical surveys
- 8 An acceptable Site Erosion and Sediment Hazard Evaluation Report which addresses compliance with water quality objectives, can be based on the method of the *New South Wales Landcom Managing Urban Stormwater, 2004* or equivalent is to be submitted
- 9 Any significant change to the natural hydrologic regime is likely to cause detrimental waterway impacts. These result from increased flow velocities and volumes (causing stream bed and bank scouring, sedimentary infilling of riffle zones and deep holes, and smothering of benthic organisms), and from increased run-off event frequencies (which disrupt the life cycle of aquatic organisms). Predicted impacts on existing hydrologic regime and hydraulic radius of susceptible streams should be described
- 10 The permissible water quality limit for any water released from a sediment basin is 50 milligrams litre (mg/L) of Total Suspended Solids (TSS) as a maximum concentration. This is the recognised 'best practice limit' (refer *Queensland Department of Natural Resources/Environmental Protection Agency Stormwater Quality Control Guidelines for Local Government, 1998, Brisbane City Council Best Practice Discharge Guidelines, and Soils and Construction, and New South Wales Landcom 2004*). It has been demonstrated that the TSS limit of 50 mg/L can be consistently achieved provided that control measure design, operation and maintenance are adequate. The limit will not be applied to any basin release which the applicant can substantiate occurred as a consequence of a storm event of a magnitude beyond the sediment basin design operational capacity. The water quality design goal for any water flowing from any part of the site not served by a sediment basin, is a maximum of 50 milligrams litre (mg/L) of Total Suspended Solids (TSS). Where any release exceeds this goal, enforcement action will follow only where all reasonable and practical measures to prevent environmental harm have not been adopted

- 11 Acceptable site planning procedures, and soil erosion and sediment control measures for achieving an effective 'treatment train' for complying with the required water quality objectives, can be obtained from *Maroochy Manual for Erosion and Sediment Control 2007*
- 12 The programme must involve co-ordination with trunk drainage and other design concept investigations. The requirements of various design concept factors will modify the planning for the others, so that soil and water management needs must be clearly integrated into the development process
- 13 The general environment duty of the *Environmental Protection Act 1994* may extend to managerial responsibility for ensuring all persons working on a site (including employees, agents and contractors) whose activities may result in environmental harm, receive appropriate training, and are made aware of the relevant legal requirements
- 14 For operational cost effectiveness and convenience, where the responsible person is satisfied that the turbidity/TSS measurement correlation has been obtained for the site, turbidity measurement could conveniently be used instead of TSS (for performance self-assessment only). Simple, inexpensive non-electronic turbidity measurement devices are available

#### **EQUITABLE ACCESS AND FACILITIES**

- 15 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)
  - (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
- (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**

- 16 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 3238 3838 to discuss any obligations under the *ACH Act*.

**BENEFITED AREA LEVY**

- 17 Council will be considering the introduction of a Benefited Area Levy over this estate as part of its 2010/11 Budget considerations in order to provide funding for a small local hall within this estate.

**9. PROPERTY NOTES****SUPPLEMENTARY TABLE OF ASSESSMENT**

- 1 The following property notation is to be placed on all proposed lots following sealing of the respective Plan of Survey:

*“Development and use of this allotment is subject to a “Supplementary Table of Assessment” which replaces, and takes precedence over, the assessment tables contained in the planning scheme. Land owners should be aware that the Supplementary Table of Assessment may contain different regulating requirements to the planning scheme including, in the instance of development on a ‘contemporary living lot’, a new code provisions that must be complied with for dwelling construction. The Supplementary Table of Assessment and new code are attached to Council Approval No. MCU07/0197.”*

**BUSHFIRE PRONE AREAS ADJACENT TO SITE**

- 2 The following property notation is to be placed on all proposed lots within 150m of the National Park following sealing of the respective Plan of Survey:

*“A Bushfire Management Plan has not been prepared for this allotment as the site itself is designed so that lots are at least 30m away from the adjacent bushland and is therefore not considered subject to direct bushfire threat. However, the adjacent National Park bushfire hazard may still trigger requirements under AS3959 Construction of buildings in bushfire-prone areas. Therefore building certification must take into account the potential bushfire risk in relation to the proximity to the National Park. Landowners must monitor and manage fuel loads within their property to reduce bushfire hazards to their own and surrounding assets.*

***Disclaimer***

*While every effort has been taken to require the developer to design the property so as to reduce the bushfire risk for residents, a degree of risk will always remain when housing and other assets are located near to Australia’s flammable vegetation. Sunshine Coast Regional Council takes no responsibility for any outcomes, actions or losses resulting from the implementation of the AS 3959 Construction of buildings in bushfire-prone areas”*

**DRIVEWAY LOCATION**

- 3 The following property notation is to be placed on any proposed lot requiring a constructed driveway by the conditions of this Decision Notice following sealing of the respective Plan of Survey:

*“The driveway to serve the future dwelling on this lot has been designed and constructed to avoid conflict with adjacent road infrastructure. This constructed driveway cannot be relocated.”*

**ACCESS ARRANGEMENTS FOR LOTS 381, 382 AND 383**

- 4 The following property notation is to be placed on proposed Lots 381, 382 and 383 following sealing of the respective Plan of Survey:

*“To ensure tree retention is maximised, direct vehicular access from this allotment to Old Emu Mountain Road is prohibited as required by Council approval MCU07/0197. Instead, vehicle access must be taken from the cul-de-sac only.”*

**ROAD TRAFFIC NOISE**

- 5 The following notation applies to approved Lots 1-12, 18-44, 60-65, 118-149, 172-179, 219-220, 267-399:

*“This lot has been identified within a Council approved Road Traffic Noise Impact Assessment Report to be affected by road traffic noise for a ground level only dwelling and/or a ground level plus one storey and greater dwelling. A building application for a dwelling on the lot will necessitate the building certifier to ensure that the Queensland Development Code (QDC) Mandatory Part 4.4 “Buildings in the Transport Noise Corridors” is addressed as part of the application. The QDC delineates the acceptable materials for floors, walls, roofs, windows and doors for habitable rooms within the dwelling to achieve the appropriate noise reduction between the outside of the room to the inside of a room. It is recommended as part of dwelling construction or renovation that the building certifier refer to Appendix D of the approved report and the L10 (18hour) dB(A) level for the respective lot in the application of the QDC.*

*The approved report further recommends that each lot have at least one formal external recreation area screened from the Sunshine Motorway by the dwelling on the lot and, if needed, a fixed screen (masonry, timber or other suitable material) attached to the dwelling. An acoustic consultant can be engaged to advise on the best configuration of a dwelling and recreation area on the lot at the time of building design to minimise road noise. It is recommended the acoustic consultant refer to Appendix D of the approved report as part of any design for the configuration of a dwelling.”*

**10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

A preliminary approval under section 3.1.6 of the *Integrated Planning Act 1997* has been granted. The level of assessment and applicable codes for any development approval resulting from this approval are identified in the approval.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work (Engineering Works associated with Reconfiguring a Lot)
- Development Permit for Operational Work (Landscaping)
- Development Permit for Operational Work (Extraction, Excavation and Filling)
- Development Permit for Material Change of Use (Child Care Centre and local centre uses)

**12. SELF ASSESSABLE CODES**

Not Applicable.

**13. SUBMISSIONS**

There were 3 properly made submissions about the application. In accordance with *Integrated Planning Act 1997*, the name and address of the principal submitter for each properly made submission is provided within Table 1.

**TABLE 1**

First Name	Surname	Address	Locality
Robert	Beck	Baked Poetry Cafe	PEREGIAN BEACH QLD 4573
Sutla	Dyrds-Jausen	54 Podargus Pde	PEREGIAN BEACH QLD 4573
Wildlife Preservation Society of QLD		PO Box 275	CALOUNDRA QLD 4551

**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.

Please note that the development approval does not take effect and cannot be acted upon, until the end of the submitter's appeal period.

**16. OTHER DETAILS**

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

**APPENDIX B – SUMMARY OF RECOMMENDED CHANGES**

<b>Condition</b>	<b>Relating to</b>	<b>Recommendation</b>	<b>Summarised Reason</b>
Relevant Period	Currency of the Approval	Disagree to extend the Relevant Period	The Relevant Period will automatically restart in accordance with the 'roll-over' provisions of the <i>Sustainable Planning Act 2009</i> .
2 & 6	Approved Plans	Agree to modified wording.	The words "as amended" can be deleted because there will be no plan amendments required as a consequence of this Negotiated Decision Notice.
4 & 12	Sunset Clause for Completion of Development	Disagree to extend life of the approval.	10 years is already a substantial life for the approval. Within that time, a new planning scheme and State legislation will likely be in effect.
5	Number of Approved Lots	Agree to increase to 397 residential housing lots.	Condition 43(l)(i) had required deletion of 6 lots, but is now recommended to be deleted.
11	Amended Plans and Documents	Agree to delete.	There will be no plan amendments required as a consequence of this Negotiated Decision Notice.
14	Development Contributions	Agree to increase the value of the offset.	The revised offset calculation accords with the standard methodology under the developer contribution policies.
16 & 17	Subdivision Staging	Agree to modify 16 and delete 17.	Further information submitted by applicant resolves staging issues.
17(e)	Local Centre to be Operational	Agree to delete.	The condition interferes with normal market factors and could sterilise the latter stages of the development.
18	Timing of Local Centre and Park	Agree to delete.	Condition now superseded by revised wording of Condition 16.
20	Lot Sizes for Local Centre and Park	Agree to delete specified lot sizes in condition wording.	The approved plans can sufficiently control the size of the allotments.
21	Estate Entrance Features	Agree to add the word "generally" to the condition.	The applicant's request adds flexibility without affecting the original intent of the condition.
24, 25 & 26	Street Tree Landscaping	Agree to modify 24 & 25, and delete 26.	Revised wording is more in keeping with standard policy requirements in the planning scheme.
27	Legacy Costs of Landscaping Works	Agree to modify wording by deleting reference to "legacy costs".	The term "legacy costs" is not well understood, and the matter can be addressed at the Operational Works application stage.
28(i)	Retention of Existing Trees in Road Reserve	Agree to minor wording modifications.	The current condition wording could be misinterpreted where it refers to "hand excavation" for some of the works.

Condition	Relating to	Recommendation	Summarised Reason
29(e), (g) & (j)	Streetscape Works	Agree to minor wording modifications.	Minor wording modification is required to improve flexibility and condition clarity.
31	Streetscape Works in Rear Access Lanes	Agree to delete.	Landscaping to the laneway will be achieved by future property owners in accordance with the new <i>Code for Development of Contemporary Living Lots</i> .
34(d) & (i)	Slope Gradients of Open Space Areas	Disagree to modify.	The specified maximum grades (1:8) are necessary to ensure that park areas meet their desired appearance and function.
35(e)	Performance Bond for Wetland	Agree to modify.	The bonding requirements of the condition require clarification and modification to accord with the planning scheme requirements.
36	Revegetation of National Park Buffer	Agree to modify.	Reducing the amount of "full" revegetation will improve the look and function of the linear open space.
37(i)	National Park Fencing	Agree to add the words "or as otherwise agreed".	The revised wording would allow flexibility for the matter to be considered in more detail at the Operational Works application stage, in consultation with the Queensland Parks and Wildlife Service.
37(i)	Bonding of Revegetation Works.	Agree to modify.	The applicant's proposed bonding arrangement would be appropriate now that it is recommended to reduce the amount of "full" revegetation works.
38(a)	National Park Educational Signage	Agree to reduce the total number of signs required and other minor wording changes.	It is agreed that educational signs could be placed at key locations, rather than at every 100m.
43(l)(i)	Provision for Community Centre	Agree to delete.	There is no identified need for a community centre on the subject site.
43(l)(ii)	Provision of additional open space	Agree to delete/modify.	The development is already designed with sufficient open space. Notwithstanding this, the applicant offers additional informal gathering spaces by widening road reserves in four locations.
44(j)(v)	Soft Fall Treatment of Playground	Agree to delete reference to "wet pour rubber".	The revised wording would allow greater flexibility for choice of soft fall materials without affecting the intent of the condition.
44A, 44C & 44D	Additional Park Embellishments	Disagree to offset works against developer contributions.	It would be incorrect use of the developer contribution policies to allow offsets for the required park embellishments.



Condition	Relating to	Recommendation	Summarised Reason
46	Federally Listed Tree Species	Agree to delete.	It has been determined in a report submitted by the applicant that the particular tree species does not exist on the site.
47 & 48	Road Traffic Noise	Agree to delete and replace with a property notation.	The regulatory framework for dealing with road traffic noise has changed such that the conditions are no longer necessary.
50 & 51	Reserve Width of Road B	Agree to minor wording changes.	The current wording requires clarity to accurately convey the intended road reserve widths.
59	Internal Pedestrian Footpaths	Agree to minor wording changes.	The current wording requires clarity to accurately convey its intent.
67	Access to Lots 381, 382 & 383	Agree to clarify that "access" should be "vehicle access".	It was never intended for the condition to restrict pedestrian access, only vehicle access.
68	Road Upgrades to the South	Disagree to delete, but delay timing of works and clarify wording.	Sealing the road to the south is required to avoid excessive travel times, cost, inconvenience, safety concerns and Council maintenance costs; and also to increase the likelihood of public transport.
69 & 70	New road intersections	Disagree to delete, but delay timing of works.	The works are necessitated by sealing and use of the road to the south in Condition 68.
71	Pedestrian Overpass over Motorway	Agree to delete.	The motorway crossing will eventually be delivered by the Department of Transport & Main Roads.
72A	Contribution to External Footpath Connection	Disagree to contribution amount specified by applicant	The applicant's preliminary estimate of cost of works is not conservative enough.
75A	High Speed Telecommunications	Agree to minor wording changes.	The rollout of the National Broadband Network has commenced since the original drafting of the condition. The condition requires modification to reflect new federal legislation.
78 & 82	Unitywater Infrastructure	Agree to modify.	Unitywater has provided written confirmation that offsets would be applicable against developer contributions associated with the required works.
92	Construction Management Plan	Agree to modify.	The current wording contains an anomaly with the timing for identification of works contractors.
96	Earthworks	Disagree to modify.	All residential lots should be made to achieve a Level 1 standard of earthworks, not Level 2.
101	Fill Areas	Agree to modify.	It is agreed that confining stored material to a single manageable area of 50m <sup>2</sup> is unnecessary on this site.

<b>Condition</b>	<b>Relating to</b>	<b>Recommendation</b>	<b>Summarised Reason</b>
102	Fill Materials	Agree to modify.	A nominal particle size of 75mm is more in keeping with the requirements of the planning scheme.
108	Road Formation Batters	Agree to modify.	It is appropriate to allow some extension of batter slopes beyond road reserves and into allotments, provided they do not exceed a slope of 1:4.
109 & 110	Geotechnical certification	Disagree to delete.	The exact quantum of earthworks will not be known until the Operational Work application stage. It is reasonable to require geotechnical certification for earthworks in subdivisional estates.
112	Remediation of Contaminated Land	Agree to delete.	Previous land contamination has already been documented and removed from the site.
List of Approved Plans and Documents	List of Approved Plans and Documents	Agree to modify.	The list of Approved Plans and Approved Documents needs to be amended to reflect the recommendations of this report.

### 7.1.4 REPRESENTATIONS FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT APPROVAL FOR RECONFIGURATION OF A LOT (2 INTO 63 LOTS) AT COONOWRIN ROAD, GLASS HOUSE MOUNTAINS

**File No:** 2007/520037  
**Author/Presenter:** Principal Development Planner, Planning Assessment  
**Appendices:** Appendix A – Conditions of Approval (OM Pg 140)  
**Attachments:** [Att 1 - Proposal Plan](#) (OM Att Pg 245)  
**Link to PD Online:**  
<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Application Number:</b>	2007/520037
<b>Applicant:</b>	Ghemima Pty Ltd
<b>Proposal</b>	Development Permit for Reconfiguration of a Lot (2 into 63 Lots)
<b>Development Permit Approval Date:</b>	27 October 2010
<b>Representations Submitted:</b>	23 November 2010 12 October 2011 - Additional Representations submitted
<b>Number of Submissions:</b>	19 Properly Made Submissions
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	1
<b>Property Address:</b>	Coonowrin Road, Glass House Mountains
<b>RP Description:</b>	Lot 2 RP 7643 Lot 10 RP 182273
<b>Land Area:</b>	6.88 ha
<b>Existing Use of Land:</b>	Vacant (previously used for pineapple farming)
<b>STATUTORY DETAILS</b>	
<b>SEQRP Designation:</b>	Urban Footprint
<b>Planning Scheme</b>	Caloundra City Plan 2004 (27 July 2007)
<b>Strategic Plan Designation:</b>	Not Applicable
<b>Planning Area / Locality:</b>	Glass House Mountains Township (formerly Pumicestone)
<b>Planning Precinct / Zone:</b>	Township Residential (formerly Rural Residential Settlement)
<b>Assessment Type:</b>	Impact

**PURPOSE**

The purpose of this report is to seek council's determination of representations for a Negotiated Decision Notice in relation to council's Preliminary Approval to Reconfigure a Lot (2 into 63 Lots) at Coonowrin Road, Glass House Mountains. The preliminary approval was granted by council at its Ordinary Meeting on 27 October 2010, subject to numerous conditions.

The request is before council because it seeks to modify conditions that were specifically imposed by council at its Ordinary Meeting.

**EXECUTIVE SUMMARY**

Following council's decision on 27 October 2010 to grant a Preliminary Approval to Reconfigure a Lot (2 into 63 Lots) at Coonowrin Roads, Glass House Mountains, representations were made by the applicant regarding the conditions of the preliminary approval.

The preliminary approval contained 6 amendments to the submitted plan including:

- vegetation buffers to Coonowrin Road;
- vegetation buffers to Fullertons Road;
- minimum lot size;
- provision of park area of 3,730m<sup>2</sup>;
- suitable drainage reserve; and
- pedestrian connection to Fullertons Road.

The Planning Scheme required vegetated buffers to Coonowrin Road and Fullertons Road of 10 and 5 metres respectively. The applicant has proposed a 3 metre vegetated buffer. It is recommended that increased buffers are provided to both roads to attain a minimum of 6.5 metres of vegetated buffer within the existing road reserve and the subject site.

The applicant has provided a plan that shows the minimum lot size of 650m<sup>2</sup>, a suitable drainage reserve, pedestrian connection to Fullertons Road and a park of 3,730m<sup>2</sup>.

As such, a development permit for the development is recommended.

Previously, the method of calculating the infrastructure charges for park allowed for the applicant to provide either 10% of the site area or a financial contribution through the Planning Scheme Policies. As from 1 July 2011, the Adopted Infrastructure Charges Resolution applies, and no reference can be made to the superseded Planning Scheme Policies in subsequent decision notices.

Given that council requested the provision of open space through its Decision Notice, it would be unreasonable for council now to refuse to offset the apportioned value of the provided park. Accordingly, officers recommend that the public parks and community facilities network be offset by 50%, or \$112,850, for this development.

### **OFFICER RECOMMENDATION**

**That Council:**

- (a) **AGREE to delete Condition 1 Application No. 2007/52037;**
- (b) **APPROVE with Conditions Application No. 2007/520037 and grant a Negotiated Decision Notice for a development permit for a Reconfiguration of a Lot (2 into 63 Lots) at Coonowrin Road, Glass House Mountains, in accordance with the conditions of approval outlined in Appendix A; and**
- (c) **ADVISE the applicant that Council agrees to offset the value of the Land for Parks and Community Facilities aspect of the Adopted Infrastructure Charges to a maximum value of \$112,850; and**

### **FINANCE AND RESOURCING**

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

At the time of the original decision, infrastructure charges were calculated on the basis of the previous Planning Scheme Policies for each network. The previous council report advised that the likely infrastructure charges would be \$1,205,724.

Since that report, the Adopted Infrastructure Charges Resolution now applies to all development applications where the original Decision Notice did not apply conditions requiring infrastructure charges to be based on the previous Planning Scheme Policies.

Given the above, Council's Infrastructure Policy Branch has estimated that the infrastructure charges required by this development are \$1,647,000 under the Adopted Infrastructure Charges Resolution.

Further discussion on the requirement for infrastructure charges for public parks and community facilities is discussed in this report.

### **SITE DETAILS**

#### **Background/Site History**

In October 2007, the former Caloundra City Council received an application for a development permit to reconfigure 2 lots into 68 residential lots. At the time, the subject site was located within a Rural Residential Settlement precinct.

The application was presented to council in January 2009 and council resolved to defer consideration to allow it to consider the implications of the Local Growth Management Strategy.

In December 2009, council considered a range of sites, including this site, previously identified for future development in the Caloundra Local Growth Management Strategy. Council resolved to endorse a planning scheme amendment to change the zoning of the subject site from Rural Residential Settlement to Township Residential and include the sites within the Glass House Mountains Township Planning Area.

It was on this basis that approval was granted for the development. However, insufficient information was provided to guarantee the design layout of the development. Accordingly, in October 2010, council granted a preliminary approval for the reconfiguration of a lot subject to the following condition:

1. *Submit an amended plan for reconfiguration of a lot, generally in accordance with Drawing Number 7417 – PRO-10 Rev C drawn by Definium dated 10 March 2008, showing the following:*
  - (a) *A 10 metre buffer inside the property boundary from Coonowrin Road;*
  - (b) *A 5 metre buffer inside the property boundary from Fullertons Road;*
  - (c) *All lots having a minimum lot size of 650 m<sup>2</sup>;*
  - (d) *A park area of 3,730 m<sup>2</sup> in a similar location to that shown on the above plan;*
  - (e) *a suitable Drainage Reserve to service the development; and*
  - (f) *Provision of Pedestrian Access linking the development to Fullertons Road between Lots 25 and 26 consistent with Caloundra City Plan 2004.*

*Any such plan is to be generally consistent with the Caloundra City Plan codes and policies.*

At the time the application was publicly notified, 19 properly made submissions were received. The submitters were primarily concerned with density, overlooking, rural character and setting, impact on local infrastructure, traffic, rural views to Glass House Mountains, safety of residents and wildlife.

### **Site Description**

The location of the subject site in relation to its surrounds is shown on the image below:



The site is triangular shaped and is bounded by Coonowrin Road to the south and Fullertons Road to the north. The site covers a total area of 6.88ha and is relatively flat with a gentle slope towards the Fullertons Road frontage. An existing stand of mature Melaleuca and Eucalypt trees is located half way along the Fullertons Road frontage.

### **Surrounding Land Uses**

The subject site is bordered by rural residential development consisting of approximately 2,000m<sup>2</sup> lots to the south, west and north east. Glass House Mountains State School is located east of the subject site. Glass House Mountains National Park is located immediately north of the subject site.

### **PROPOSAL**

The application seeks approval for a development permit to reconfigure a lot (2 into 63 Lots).

The proposal involves reconfiguring 2 existing lots into 63 lots, ranging in size from 650m<sup>2</sup> to 1,280m<sup>2</sup>. A 3,730m<sup>2</sup> park is proposed as part of the application.



The applicant made representations on 23 November 2010 to the development approval conditions. Further representations were received on 12 October 2011. The representations request a development permit be issued based on the applicant addressing the conditions of the preliminary approval.

## **ASSESSMENT**

The assessment below considers the applicant's representations against council's Decision Notice issued on 22 November 2011. The assessment of these representations also considers any relevant State Planning Policy and the South East Queensland Regional Plan, in addition to the Caloundra City Plan 2004.

### **Condition 1 - Submission of Amended Plan**

1. *Submit an amended plan for reconfiguration of a lot, generally in accordance with Drawing Number 7417 – PRO-10 Rev C drawn by Definium dated 10 March 2008, showing the following:*

- (a) A 10 metre buffer inside the property boundary from Coonowrin Road;*
- (b) A 5 metre buffer inside the property boundary from Fullertons Road;*
- (c) All lots having a minimum lot size of 650 m<sup>2</sup>;*
- (d) A park area of 3,730 m<sup>2</sup> in a similar location to that shown on the above plan;*
- (e) a suitable Drainage Reserve to service the development; and*
- (f) Provision of Pedestrian Access linking the development to Fullertons Road between Lots 25 and 26 consistent with Caloundra City Plan 2004.*

*Any such plan is to be generally consistent with the Caloundra City Plan codes and policies.*

### Applicant's Representation

The applicant originally made representations in 2010. These effectively provided no additional information, but sought a Development Permit on the basis that a development permit should have been issued.

After a meeting held in early 2011, further representations were finally lodged on 12 October 2011.

The applicant also sought to ensure that the infrastructure charges should be calculated on the basis of the 2005 Planning Scheme Policies given the date of lodgement.

An assessment of each aspect of the above condition can be found below.



### Condition 1 (a) and 1 (b) – Vegetation Buffer

1. *Submit an amended plan for reconfiguration of a lot, generally in accordance with Drawing Number 7417 – PRO-10 Rev C drawn by Definium dated 10 March 2008, showing the following:*
  - (a) *A 10 metre buffer inside the property boundary from Coonowrin Road;*
  - (b) *A 5 metre buffer inside the property boundary from Fullertons Road;*
  - (c) *...;*
  - (d) *...;*
  - (e) *...;and*
  - (f) *....*

#### Assessment of Representation

As part of the consideration of the scheme amendment for the subject sites, the specific outcome sought by the Glass House Mountains Township Planning Area Code required a 10 and 5 metre vegetated buffer, within the property boundary, to Glass House Mountains-Coonowrin Road and Fullertons Road respectively to preserve the landscape character of the area of the locality given the proximity to the Glass House Mountains.

The applicant proposes a vegetated buffer of 3 metres, in lieu of the 10 and 5 metre buffers required by the Planning Scheme.

The associated Specific Outcome states as follows:

#### **O14** *Development in the Township Residential Precinct:*

- (a) *is sympathetic to the rural township character of Glass House Mountains;*
- (b) *avoids development of land subject to constraints on the site;*
- (c) *provides for appropriate road connections, pedestrian and bicycle links and open space;*
- (d) *provides for safe and effective on-site effluent disposal (until such time as sewerage is connected);*
- (e) *provides effective buffering to adjoining rural areas and uses;*
- (f) *provides effective acoustic and visual buffering to heavily trafficked roads; and*
- (g) *provides effective visual buffering to development on scenic routes.*

The proposed development satisfies points (a) to (d) above for the following reasons:

- the development does not immediately abut rural development. However, rural development does exist on the northern side of Fullertons Road, and southern side of Glass House Mountains–Coonowrin Road;
- the development is not proposed on constrained land;
- appropriate road and pedestrian connections can be conditioned to comply; and
- the development is proposed to be connected to sewer.

However, the planting proposed by the applicant is not considered to meet the intent of the planning scheme, which requires landscaped buffers to visually screen residential development from rural areas, heavily trafficked roads and scenic routes.

Essentially, the intent of the planning scheme is to create a sense of entrance to the Glass House Mountains National Park and ensure that the development is screened from view.

While the depth of planting proposed by the applicant is insufficient, the imposition of a 5 and 10 metre wide vegetated buffer, exclusive of any existing verge area, would exceed the desired outcomes above and result in a loss of residential lots. The existing road reserves already have a verge area of 4 metres to Fullertons Road and 5 metres to Glass House Mountains–Coonowrin Road, which can be included in the ultimate design of the verge area inclusive of footpaths and vegetated buffers.

Council officers have reviewed the width of the buffers and recommend a 6.5 metre wide planted buffer to Glass House Mountains–Coonowrin Road, and a 6 metre wide vegetated buffer to Fullertons Road. This would result in the design from the road pavement to the property boundary being:

- 1 metre grassed area with street trees;
- 0.5 metre clearance space;
- 2 metre wide footpath (for Fullertons Road), and 2.5 metre footpath for Glass House Mountains–Coonowrin Road;
- 0.5 metre clearance space; and
- 6 metre vegetated buffer to Fullertons Road, and 6.5 metre vegetated buffer to Glass House Mountains–Coonowrin Road. The Negotiated Decision Notice can specify the location and type of species used in the buffer.

This requires a total area of 10 metres of verge area to Fullertons Road, and 11 metres for Glass House Mountains–Coonowrin Road. Therefore, to achieve the above road verge design outcome, an additional 5 metres of road reserve is required for Fullertons Road, and 6 metres is required for Glass House Mountains–Coonowrin Road, from the property.

These planted buffers will be added to the road reserves and will not form part of the lots, preserving them from clearance by homeowners in the future. Thus, the road reserves will be significantly widened on both frontages.

This recommended width will allow for a sufficiently dense vegetated buffer to screen the development from view, and to ensure that large, dense trees can be accommodated without risk to the future dwellings.

It is noted that an Acoustic Report has been prepared which states that no acoustic barrier is required. This Acoustic Report can form a Referenced Document on any Decision Notice issued.

It is considered that the development complies with the Specific Outcome outlined in the Glass House Mountains Planning Area Code.

**Condition 1 (c) – Lot Size**

1. *Submit an amended plan for reconfiguration of a lot, generally in accordance with Drawing Number 7417 – PRO-10 Rev C drawn by Definium dated 10 March 2008, showing the following:*

- (a) ...;
- (b) ...;
- (c) *All lots having a minimum lot size of 650 m<sup>2</sup>;*
- (d) ...;
- (e) ...; and
- (f) ....

*Any such plan is to be generally consistent with the Caloundra City Plan codes and policies.*

Assessment of Representation

The submitted plan shows all lots above 650m<sup>2</sup> in accordance with the council resolution.

This aspect of the resolution has been met.

**Condition 1 (d) - Park**

1. *Submit an amended plan for reconfiguration of a lot, generally in accordance with Drawing Number 7417 – PRO-10 Rev C drawn by Definium dated 10 March 2008, showing the following:*

- (a) ...;
- (b) ...;
- (c) ...;
- (d) *A park area of 3,730 m<sup>2</sup> in a similar location to that shown on the above plan;*
- (e) ...; and
- (f) ....

*Any such plan is to be generally consistent with the Caloundra City Plan codes and policies.*

Assessment of Representation

The submitted plan shows a park area of 3,730m<sup>2</sup> in the same location as that previously submitted.

This aspect of the resolution has been met.

*Applicability of Offsets for the provision of Park*

When the application was first considered by council, the infrastructure charges were to be based upon the Planning Scheme Policies in place at the time of lodgement, including the Open Space Planning Scheme Policy. The planning report referred to these, but the preliminary report did **not** apply the charges. The following table shows the infrastructure charges applicable under the Planning Scheme Policies.

<b>Network</b>	<b>Current Amount</b>
Bike Lane, Pathway and Coastal Path	\$ 55,089.00
Biting Insects	\$ 13,945.00
Community Facility	\$ 96,908.00
Open Space	\$ 567,993.00
Water	\$ 383,146.00
Sewerage	\$ 489,935.00
Road Network	\$ 50,701.00
<b>TOTAL</b>	<b>\$1,657,717.00</b>

The Open Space Planning Scheme Policy allowed the applicant to provide either 10% of open space, or the payment of infrastructure contributions, or a combination of open space and contribution. Given the site area of 6.88 hectares, 6,880m<sup>2</sup> of open space would have been required. The application proposes 3,730m<sup>2</sup> of open space, representing approximately half (54%) of the required open space contribution.

Since the time council issued a Decision Notice, the infrastructure charging regime has changed and no reference can now be made to Planning Scheme policies in any future Decision Notice for this site. Thus, as the preliminary approval did not reference any charges, the new infrastructure charging regime must be applied.

The new infrastructure charging regime (or Adopted Infrastructure Charges Resolution) identifies the location of future open space areas. This site does not contain a future open space reserve. As such, no offset would typically be available for the applicant. The following shows the Infrastructure Charges applicable under the Adopted Infrastructure Charges Resolution.

<b>Apportionment of Adopted Infrastructure Charge</b>	<b>Current Amount</b>
Water	\$ 478,240.00
Sewerage	\$ 717,360.00
Transport	\$ 135,420.00
Public Parks and Land for Community Facilities	\$ 225,700.00
Stormwater	\$ 90,280.00
<b>TOTAL</b>	<b>\$1,647,000.00</b>

However, the applicant provided a plan based on the previous planning scheme policies, and has also complied with council's resolution regarding the provision of this open space. It is unreasonable now to require the provision of open space **and** require a financial contribution to future local open space areas.

Given the proposal provides approximately half of the open space contribution as per the previous planning scheme policies, it is recommended that council grants an offset of 50% of the Public Parks and Land for Community Facilities aspect of the contribution. This equates to an offset of \$112,850.

### Condition 1 (e) – Drainage Reserve

1. *Submit an amended plan for reconfiguration of a lot, generally in accordance with Drawing Number 7417 – PRO-10 Rev C drawn by Definium dated 10 March 2008, showing the following:*

- (a) ...;
- (b) ...;
- (c) ...;
- (d) ...;
- (e) *a suitable Drainage Reserve to service the development; and*
- (f) ....

#### Assessment of Representation

A drainage reserve of 1,800m<sup>2</sup> has been located on the northern side of the development. The assessment of this component has demonstrated that stormwater from the site can be managed in this reserve as proposed, with some modification as discussed below.

A bioretention basin is proposed to treat the majority of stormwater on the subject site. The sizing of the bioretention basin proposed in the Stormwater Management Plan is incorrect. A subsequent letter and amended drawings were prepared by the applicant which show the correct filter media area and depths of layers in the device. Hence, these drawings have been referenced with regard to the stormwater quality system design rather than the Stormwater Management Plan.

A wet sump gross pollutant trap is proposed to treat stormwater from the remaining section of the development (Lots 8-13). Given the development is low density residential, gross pollutants are not of concern. The gross pollutant trap has the potential to leach nutrients and, therefore, the gross pollutant trap is not approved.

Construction of the bioretention/detention basin has been conditioned to be part of Stage 1 to ensure no worsening, for the downstream property owner, occurs at all times.

Given the above, this aspect of the resolution has been met.

### Condition 1 (f) – Provision of connecting footpath

1. *Submit an amended plan for reconfiguration of a lot, generally in accordance with Drawing Number 7417 – PRO-10 Rev C drawn by Definium dated 10 March 2008, showing the following:*

- (a) ...;
- (b) ...;
- (c) ...;
- (d) ...;
- (e) ...; and
- (f) *Provision of Pedestrian Access linking the development to Fullertons Road between Lots 25 and 26 consistent with Caloundra City Plan 2004.*

*Any such plan is to be generally consistent with the Caloundra City Plan codes and policies.*

### Assessment of Representation

The submitted plan shows a pathway between Lot 23 and the drainage reserve connecting to Fullertons Road.

This aspect of the resolution has been met.

### Recommendation of Representations

The applicant has satisfied the condition of the preliminary approval. As such, it is recommended that the Preliminary Approval be amended to reflect the issue of a Development Permit with associated conditions.

## **CONSULTATION**

### **IDAS Referral Agencies**

No external referral agencies were applicable at the time of the application.

### **Other Referrals**

#### Unitywater

The application was forwarded to Unitywater and its 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:

- Infrastructure Policy Branch;
- Civil Engineering, Engineering and Environment Assessment Branch;
- Hydraulics and Water Quality Unit, Engineering and Environment Assessment Branch; and
- Environment and Landscape Unit, Engineering and Environment Assessment Branch

### **Public Notification**

The application was publicly notified in accordance with requirements of the *Integrated Planning Act 1997*. 19 properly made submissions were received (18 against and 1 for the proposal), in addition to 2 petitions with a combined total of 151 signatures.

Of these, 7 issues were raised by the submitters, relating to density, overlooking, rural character, impacts on local infrastructure, increased traffic, views to Glass House Mountains and safety for residents and pedestrians.

The issues raised by the submitters have been considered in this report.

## CONCLUSION

The representations made by the applicant request the issue of a development permit on the basis of satisfying the conditions of the preliminary approval.

The Preliminary Approval included the following amendments:

- vegetation buffers to Coonowrin Road;
- vegetation buffers to Fullertons Road;
- minimum lot size;
- provision of park area of 3,730m<sup>2</sup>;
- suitable drainage reserve; and
- pedestrian connection to Fullertons Road.

The applicant has made the required changes, with the exception of the vegetated buffers. As described in this report, a minimum of a 6.5 metre wide vegetated buffer to both Coonowrin Road and Fullertons Road is recommended.

The previous Planning Scheme Policies for infrastructure charges allowed for the applicant to either make a financial contribution, or provide 10% of the site area for park. The applicant chose to provide the land, which council accepted and conditioned in the preliminary approval.

The charging regime has since changed and reference cannot be made to the now superseded Planning Scheme Policies. The new Adopted Infrastructure Charges Resolution does not identify a park on this site and, as such, no offset could be provided under this resolution.

However, given that council requested the land at the time of the original decision, it would be unreasonable to require payment of a financial contribution and provision of the land. Accordingly, it is recommended that the parks aspect of the adopted charges resolution be offset by 50% of the apportioned contribution value, being \$112,850.

## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No:	2007/520037
Street Address:	Coonowrin Road, Glass House Mountains
Real Property Description:	Lot 10 RP182273 and Lot 2 RP7643
Planning Scheme:	Caloundra City Plan 2004 (27 July 2007)

### 2. DECISION DETAILS

Council, on 27 October 2010, decided to issue the following type of approval

- (a) Preliminary Approval for Reconfiguration of a Lot (2 into 63 Lots)

In relation to the representations, Council decided to:

- (a) agree to delete condition 1 and issue a Development Permit for Reconfiguration of a Lot (2 into 63 lots subject to the conditions herein.

### 3. RELEVANT PERIOD OF APPROVAL

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

### 4. ASSESSMENT MANAGER CONDITIONS

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

#### PLANNING

#### When conditions must be complied with

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

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



**Subdivision Staging**

4. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.

**Boundary Encroachments**

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

**Sunset Clause for Completion of Approved Development**

6. Pursuant to s342 of the Sustainable Planning Act 2009, this development approval lapses if the subdivision plan for the last stage of the development has not been registered by the relevant titles authority by 26 July 2018.

**Electricity and Telecommunication Services**

7. The existing powerlines along Fullertons Road are to be realigned (underground) into the estate roads.
8. 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.
9. 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.
10. Certification must be submitted 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.

**Damage to Services and Assets**

11. 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.

**Dedication of Open Space**

12. The land area identified as Open Space (Park) on the Approved Plans as Lot 102 must be transferred to Council in fee simple on trust for Recreation purposes.
13. The land area to be transferred must be unencumbered by services such as pump stations, services easements or similar operational uses.
14. The land owner/developer must be responsible for all costs associated with the transfer of the land, including the requirement to obtain a valuation for the land from a registered property valuer and to pay all stamp duty upon transfer.
15. One original signed and 'stamped' Queensland Land Registry Transfer of Ownership and Forms 1, 24 and 20 must be lodged with Council for endorsement prior to the registration of title, together with a survey plan and a copy of the land valuation.

**Dedication of Road Reserve**

16. The land area identified as Open Space (Buffer) on the Approved Plans as Lot 103 must be dedicated to the Crown as a reserve for Road purposes.
17. The entire section of Lot 103 which fronts the Glass House Mountains Coonowrin Road is to be widened (off the adjoining Lots) to a minimum width of 6 metres.
18. The entire section of Lot 103 which fronts Fullertons Road is to be a minimum width of 5 metres.
19. The land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses.

**Dedication of Drainage Reserve**

20. The land area identified as Drainage Reserve on the approved plans as Lot 101 must be dedicated to the Crown as a reserve for Drainage purposes.
21. The land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses.

**CIVIL ENGINEERING****Property Access and Driveways**

22. A residential driveway must be constructed to Lots 5, 9, 10, 32, 33, 37, 40, 41 (constructed to avoid indented parking bays) and 50. The works must be undertaken in accordance with an Operational Works approval.
23. The residential driveway to Lots 19 and 26 must be constructed to ensure that maximum separation from the intersection can be achieved. The works must be undertaken in accordance with an Operational Works approval.
24. Vehicle access to Lots 5, 9, 10, 19, 26, 32, 33, 37, 40, 41 and 50 is limited to the constructed driveway only. A clause must be included in the contract of sale for Lots 5, 9, 10, 19, 26, 33, 37, 40, 41 and 50 which requires vehicle access to be from the constructed driveway only, and which prohibits the driveway from being relocated without Council agreement.

**New Roads**

25. The new roads shown on the Approved Plans must be constructed in accordance with the conditions of this Decision Notice and dedicated as road reserve at no cost to Council.
26. New road/s Road 1, Road 2, Road 3 and Road 4 as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - (a) a reserve width of 14 metres;
  - (b) sealing, kerbing and channelling;
  - (c) for Road 1, a cross-section profile matching that of an Access Street in accordance with Queensland Streets;
  - (d) for Road 2, Road 3 and Road 4, a cross-section profile matching that of an Access Place in accordance with Queensland Streets;
  - (e) construction of pedestrian footpaths in accordance with the conditions of this Decision Notice;
  - (f) provision of on-street carparking, including indented on-street parking bays in cul-de-sacs and/or turning heads in accordance with the Caloundra Planning Scheme Policy No. 11.9;
  - (g) installation of street lighting matching Table 3.15 of the Caloundra Planning Scheme Policy No. 11.9; and
  - (h) for Road 2, Road 3 and Road 4, termination in a turning area of sufficient size to accommodate the 3-point turn manoeuvre of a Waste Collection Vehicle (WCV) clear of private driveways and on-street parking.
27. A temporary turnaround facility must be constructed at the end of each road, including Road 1 at the boundary of Lot 2 on SP136948, left temporarily incomplete as a result of the development staging. The temporary turnaround facility/ies must be in accordance with an Operational Works approval must be of sufficient size to accommodate the 3-point turn manoeuvre of a Waste Collection Vehicle (WCV).

**Pedestrian and Bicycle Facilities**

28. 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 2.5 metre wide footpath within the road verge for the entire length of the site's frontage to Coonowrin Road prior to sealing of the survey plans. Stage 1 must include the construction of the pathway from Stage 1 to the intersection of Coonowrin Road and Fullertons Road. The remainder of the footpath must be constructed prior to sealing of Stage 3;
  - (b) a 2.0 metre wide footpath within the road verge of Fullertons Road from Coonowrin Road to the eastern boundary of Lot 101 (Drainage Reserve) prior to sealing of the survey plans for Stage 2;
  - (c) a 1.5 metre wide footpath from Coonowrin Road to Fullerton Road at the turning head to Road 2 prior to sealing of the survey plans for Stage 2;
  - (d) a 2.0 metre wide footpath within the road verge of Fullertons Road from the eastern boundary of Lot 101 (Drainage Reserve) to the western boundary of the site prior to sealing of the survey plans for Stage 3;
  - (e) a 1.5 metre wide footpath from the turning head of Road 3 to Coonowrin Road prior to sealing of the survey plans for Stage 3; and
  - (f) a 1.5 metre wide footpath from Road 1 to Fullerton Road through Lot 101 (Drainage Reserve) prior to sealing of the survey plans for Stage 3.

**Stormwater Drainage**

29. 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 must include in particular:
- (a) collection and discharge of stormwater to existing drainage structures in Fullertons Road, including the provision of Level II interallotment drainage and/or connection to kerb for all new lots; and
  - (b) extension of the site stormwater system to accommodate stormwater from Lot 1 on RP191220 and Lot 2 on SP136948 external to the site, including registration of drainage easements.

**Easements**

30. 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. Draft easement documentation must be submitted to Council for endorsement.
31. 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**

32. 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.

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**TRAFFIC & TRANSPORT****External Works**

33. Coonowrin Road must be upgraded for the length of its frontage to the subject site prior to sealing of the survey plans for Stage 1. The works must be undertaken in accordance with an Operational Works approval, generally in accordance with approved plan 0267-P05 prepared by Contour Consulting Engineers, and must include in particular:
- (a) construction of kerb and channelling and underground stormwater drainage to the development side only;
  - (b) widening and sealing of the existing eastbound carriageway road pavement to at least 5.5 metres, with additional widening to allow for the intersection works in accordance with the conditions of this Decision Notice;
  - (c) construction of a pedestrian footpath in accordance with the conditions of this Decision Notice;
  - (d) reinstatement of the verge area to match the balance of the site frontage, including the provision of topsoil and seed/turf for grassed verges;
  - (e) re-alignment of the existing Coonowrin Road property boundary to accommodate the necessary roadworks and to achieve safe intersection distance in both directions at the proposed access intersection to the site;
  - (f) truncation of the existing property boundary at the eastern end of the site at the intersection of Coonowrin Road with Fullertons Road, as indicated on the approved plan of reconfiguration;
  - (g) installation of street lighting; and
  - (h) relocation of the existing overhead electricity to an underground alignment in accordance with the conditions of this Decision Notice.
34. A new intersection must be constructed joining Coonowrin Road with the access road to the development prior to sealing of the survey plans for Stage 1. The works must be undertaken in accordance with an Operational Works approval, generally in accordance with approved plan 0267-P05 prepared by Contour Consulting Engineers, designed in accordance with the requirements of Austroads' Guide to Road Design and must include in particular:
- (a) establishment of 3.5 metre wide right turn lanes on Coonowrin Road at the access road intersection and the adjacent Poole Road intersection;
  - (b) provision of sight distances adequate for the design speed of the road;
  - (c) maintenance of at least the existing westbound (southern) carriageway width on Coonowrin Road. The westbound carriageway is not to be reduced in width to accommodate the intersection works;
  - (d) provision of a raised concrete pedestrian refuge island, with associated kerb ramps, on Coonowrin Road on the western side of the access road intersection. The refuge island is to be located clear of existing driveways;
  - (e) relocation of the existing footpath, services and property accesses;
  - (f) truncation of the subject site and dedication to road reserve where necessary to provide adequate space for all required road works.

35. Fullertons Road must be upgraded from Coonowrin Road to the eastern boundary of Lot 101 (Drainage Reserve) prior to sealing of the survey plans for Stage 2. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) construction of table drain to the development side only;
  - (b) construction of a pedestrian footpath in accordance with the conditions of this Decision Notice; and
  - (c) re-alignment of the existing Fullertons Road property boundary to accommodate the necessary roadworks and pedestrian footpath.
36. Fullertons Road must be upgraded from the eastern boundary of Lot 101 (Drainage Reserve) to the western boundary of the site prior to sealing of the survey plans for Stage 3. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) construction of table drain to the development side only;
  - (b) construction of a pedestrian footpath in accordance with the conditions of this Decision Notice; and
  - (c) re-alignment of the existing Fullertons Road property boundary to accommodate the necessary roadworks and pedestrian footpath.

#### HYDRAULICS & WATER QUALITY

37. A stormwater quantity management system must be provided for the development as part of Stage 1. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual, and must include in particular the detention basin and works associated with the detention basin described in Section 5 of the Stormwater Management Plan listed in this Decision Notice.
38. A stormwater quality treatment system must be provided for the development as part of Stage 1. 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 of a size and location generally in accordance with those shown on Drawing No. DE07726/03A and DE07726/04A listed in this Decision Notice, with the exception of the following:
    - (i) outlet scour protection shall not be located over filter media but located on compacted fill. Filter media area of 800m<sup>2</sup> is still required.
    - (ii) the filter media surface shall be level and not include a swale
    - (iii) the proposed GPT for catchment B is not approved
  - (b) A bioretention basin which:
    - (i) is designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001
    - (ii) incorporates scour protection and flow spreading devices (in addition to the required filter media surface area) at locations where stormwater enters and exists the basin
    - (iii) has safe, unobstructed and all weather access from Road 1 for maintenance purposes, particularly for the filter media surface
    - (iv) are provided with a free-draining outlet from the sub-soil drainage system

39. A Maintenance Manual\* must be prepared for the stormwater quality treatment system by a qualified person\* and submitted to Council prior to the issue of any Development Permit for Operational Works for Stage 1.  
\*(Refer to Advisory Note)
40. Permanent educational signage\* must be erected to educate the residents of the development about the function of the bioretention basin. The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval for Stage 1.  
\*(Refer to Advisory Note)

#### LANDSCAPE & ECOLOGY

41. No clearing of native vegetation indigenous to the Park (and buffer reserves) as identified on the approved plan(s) is permitted without the prior written approval of Council's delegate.
42. The common boundary between the Park (designated as Lot 102 on the approved plans) and all adjoining residential lots is to be fenced with a 1.2 metre high dog proof fence.
43. At the time of plan sealing, all environmental weeds as listed in Section 9.7 of the Caloundra City Plan are to be removed. In addition, a certificate from Council's delegate is to be provided stating that declared plants pursuant to the *Land Protection Pest and Stock Route Management Act 2002* have been satisfactorily managed from the whole of the land subject to this development approval in accordance with the provisions of this Act.
44. Landscaping within the Reserve for Park and the Drainage Reserve is to comprise of Australian Native plants endemic to the Glass House Mountains area.
45. The following tree species are to be planted within the street network:-  
(a) Entrance road fronting Lots 1 to 3 and 60 to 63 *Grevillea baileyana* (White Oak) at 10 metre spacings;  
(b) Roads 1, 2 and 4 – *Buckinghamia celsissima* (Ivory Curl Flower) at 10 metre spacings;  
(c) Road 3 and to the eastern frontage to the Park (Lot 102) and Lots 44 to 46 – *Banksia integrifolia* (Coast Banksia) at 5 metre spacing's; and  
(d) Clumps of *Allocasuarina littoralis* (Black She-oak) are to be distributed throughout the street planting network and within Park Lot 102.
46. Two metre high screening fences are to be provided within all lots fronting Glass House Mountains - Coonowrin Road and Fullertons Road. These fences are to be located immediately inside the adjoining allotment boundaries.

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## Vegetation Buffers

47. Screen/buffer plantings are to be provided as follows:-
- (a) The entire frontage to Glass House Mountains - Coonowrin Road to a width of 6.5 metres (measured from the property boundaries as per the Approved Plan) leaving the balance 3.5 metres of road verge to accommodate a 2.5 metre wide (plus 2 x 0.5 metre offsets) pedestrian/cycleway; and
  - (b) The entire frontage to Fullertons Road to a minimum width of 6 metres (measured from the property boundaries as per the Approved Plan) leaving a balance of 3 metres of road verge to accommodate a 2 metre wide pedestrian/cycleway plus 2 x 0.5 metre wide offsets.

48. The screen/buffer plantings for Glass House Mountains Coonowrin Road (from the pedestrian/cycle path) are to comprise of the following species:-
- (a) *Harpullia pendula*;
  - (b) *Orthosiphon aristatus* (under/surrounding the *Harpullia*);
  - (c) *Petalostigma triloculare*; and
  - (d) *Pittosporum rhombifolium*.

The understory/groundcover species are to include the following:

- (a) *Lomandra longifolia*;
- (b) *Dianella revolute*;
- (c) *Dianella longifolia*;
- (d) *Dianella caerulea*;
- (e) *Austromyrtus dulcis*;
- (f) *Myoporum ellipticum* 'Prostrate'; and
- (g) *Plumbago zeylanica*.

49. The screen/buffer plantings for Fullertons Road (from the pedestrian/cycle path) are to comprise of the following species:
- (a) *Eucalyptus tindaliae*;
  - (b) *Eucalyptus racemosa*
  - (c) *Corymbia intermedia*
  - (d) *Lophostemon confertus* (mixed plantings);
  - (e) *Orthosiphon aristatus* (under and surrounding the *Eucalypt* planting next to the pedestrian/cycleway)

Followed by mixed plantings within the central zone of:

- (a) *Acacia disparrima*;
- (b) *Acacia concurrens*;
- (c) *Allocasuarina littoralis*;
- (d) *Alphitonia excelsa*; and
- (e) *Banksia integrifolia*.

Followed by mixed plantings adjacent to the adjoining screen fence(s) of:

- (a) *Acacia complanata*;
- (b) *Elaeocarpus reticulatus*;
- (c) *Grevillea banksii*;
- (d) *Clerodendrum floribundum*;
- (e) *Banksia spinulosa*;
- (f) *Petalostigma triloculare*;
- (g) *Leptospermum luehmannii*;
- (h) *Hibiscus divaricatus*; and
- (i) *Pittosporum revolutum*.



The understory/groundcover species are to include the following:

- (a) Hibbertia scandens;
- (b) Austromyrtus dulcis;
- (c) Myoporum ellipticum 'Prostrate';
- (d) Lomandra longifolia;
- (e) Dianella revolute;
- (f) Dianella longifolia; and
- (g) Dianella caerulea.

## ENVIRONMENTAL HEALTH

50. Prior to or at the time application is made for Operational Works for any stage of development, the applicant shall develop an Environmental Management Plan which shall be implemented during the operational works phase of the development. This plan is to be prepared by a suitably qualified person in accordance with section 2.0 of the Council's Development Design Planning Scheme Policy and is to address, as a minimum, the following:
- (a) air quality and dust;
  - (b) flora and fauna
  - (c) hazardous substance management
  - (d) light management
  - (e) mosquito and biting midge control
  - (f) noise control (including the hours of operation detailed in section 440R of the *Environmental Protection Act 1994*)
  - (g) site management
  - (h) traffic management
  - (i) waste management
  - (j) off-site impacts associated with trucks and machinery, i.e. sediment and soil deposition on roads and dust control
  - (k) incorporation of a lawfully felled vegetation disposal plan consistent with the "Waste Management Hierarchy" principles. This reference point shall by default require the EMP to be drafted in a way to prohibit the burning of lawfully felled vegetation on the site;
51. The layout and design of the development shall be designed and constructed to allow safe, easy and unobstructed access and manoeuvring for the design refuse collection vehicle to service the development.

## UNITYWATER

52. 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) an approved water meter for each lot in accordance with Unitywater Standard Drawings SCW 350,355 and 360; and
  - (c) works in accordance with the approved findings of the water supply network analysis by MWH, dated February 2008, including a 150mm diameter water main connecting the existing 300mm diameter water main in Fullertons Road to the existing 150mm diameter water main in Coonowrin Road.

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53. 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) provision of sewerage infrastructure to the North – Eastern property boundaries of Lot 2 SP 136948 and Lot 1 RP191220 to enable future mains extensions; and
    - (c) connection to the existing sewerage system by way of an external gravity sewer generally in accordance with Plan No. 0267-P07 Rev A, dated 03-04-08 by V.B for Contour Consulting Engineers.
  54. 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.
  55. Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
  56. 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.
  57. 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.
  58. The provision of water service pipework for the full length of the access strips serving Lots 5, 9, 33, 40 and 50 (25mm NB minimum).
  59. The provision of a sewer house drain for the full length of the access strips serving Lots 5 and 9.
  60. Water meters must be located on alternative boundaries to electrical pillars.
  61. 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.
  62. Written approval to enter and construct must be obtained from the owners of properties through which external watermains will traverse. This must include approval for a 3.0 metre wide easement over the mains, and be submitted with lodgement of the associated development application for Operational Works.
  63. A minimum clearance of 1.5 metres must be maintained between Unitywater sewers and proposed building envelopes.

**5. REFERRAL AGENCIES**

No referral agencies are applicable to this application

**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
7417-PRO-13.1	A	<i>Plan of Reconfiguration</i> prepared by Definium	8 September 2011
<b>Amendments</b>	1.	The entire section of Lot 103 which fronts the Glass House Mountains Coonowrin Road is to be widened (off the adjoining Lots) to a minimum width of 6 metres.	
	2.	The entire section of Lot 103 which fronts Fullertons Road is to be a minimum width of 5 metres.	

**7. REFERENCED DOCUMENTS****Referenced Plans**

Document No.	Rev.	Document Name	Date
0267-P05	A	<i>Coonowrin Road Conceptual Roadworks &amp; Linemarking</i> , prepared by Contour Consulting Engineers	21 January 2008
DE07726/03	A	<i>Bioretention Detail Plan</i> prepared by Duke Environmental	9 April 2008
DE07726/04	A	<i>GPT &amp; Bioretention Detail Plan</i> prepared by Duke Environmental	9 April 2008

**Referenced Documents**

Document No.	Rev.	Document Name	Date
AF07726SMP	A	Stormwater Management Plan	April 2008

**8. ADVISORY NOTES**

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

**Co-ordination of Operational Works Assessment**

1. 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.

**Lawful Point of Discharge**

2. 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.

**Preparation of a Maintenance Manual**

3. To ensure expedient assessment of any Operational Works application, the applicant is advised that the Maintenance Manual required by this Decision Notice must include:
  - (a) a plan showing the location of the individual components of the system
  - (b) location of inspection and monitoring points shown clearly on the plan
  - (c) a schedule or timetable for the proposed regular inspection, maintenance and monitoring of the devices.

**Bioretention Basin Educational Signage**

4. 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 Coonowrin Creek".*

**Road Naming Procedure**

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

**Unitywater**

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

**Preparation of a Preliminary Construction Management Plan**

7. 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.

#### **Preparation of a Landscape Plan**

8. 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.

\*(Refer to Advisory Note)

#### **Environmental Harm**

9. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.

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

### **Equitable Access and Facilities**

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

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

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

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

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

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

**9. PROPERTY NOTES**

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

**2007/520037 – Property Access Driveway**

*The following notation applies to approved lots 41:*

To ensure that the integrity of on-street parking is maintained, vehicle access to this lot must be from the constructed driveway only. The driveway must not be relocated without Council agreement (refer to Council Approval 2007/520037).

**2007/520037 – Property Access Driveway**

*The following notation applies to approved lots 19 and 26*

To ensure that maximum separation from the intersection can be achieved, vehicle access to this lot must be from the constructed driveway only. The driveway must not be relocated without Council agreement (refer to Council Approval 2007/520037).

**10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

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

**12. SELF ASSESSABLE CODES**

Not Applicable.

**13. SUBMISSIONS**

There were 19 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**

Council find the following are sufficient planning grounds to justify the decision despite the conflict with the Planning Scheme:

- (a) council resolved in December 2009 to amend the Caloundra City Plan 2004 to change the designation of the subject allotment from Rural Residential Settlement to Township Residential;
- (b) the site is located between existing Township Residential and Rural Residential Settlement development;
- (c) the proposal complies substantially with the minimum lot size and intent of the Township Residential Precinct designation;

- (d) the constraints on the site can be appropriately managed through the layout and design of development;
- (e) the site can be connected to all urban services as required; and
- (f) the primary school being within easy walking distance of the site.

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

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

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

#### **16. OTHER DETAILS**

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

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### 7.1.5 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH MULTIPLE DWELLING UNITS (17 UNITS) AND A RESTAURANT, AT 34 ESPLANADE HEADLAND, KINGS BEACH

File No: **MCU12/0018**  
 Author/Presenter: **Principal Development Planner, Planning**  
 Appendices: **App A – Conditions of Approval (OM Pg 174)**  
 Attachments: **[Att 1 - Proposal Plan](#) (OM Att Pg 247)**

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Carbone Developments, C/- Tam Dang Planning
<b>Proposal</b>	Development Permit for Material Change of Use of Premises Multiple Dwelling (17 Units), and Restaurant
<b>Properly Made Date:</b>	13 February 2012
<b>Information Request Date:</b>	9 March 2012
<b>Information Response Received Date:</b>	21 May 2012
<b>Decision Due Date</b>	1 August 2012
<b>Number of Submissions:</b>	Nil properly made submissions
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	2
<b>Property Address:</b>	Kings Court 1/34 Esplanade Headland, Kings Beach
<b>RP Description:</b>	Lot 1 – 8 BUP 3010
<b>Land Area:</b>	1020m <sup>2</sup>
<b>Existing Use of Land:</b>	Multiple Dwelling Unit, consisting of 8 units.
<b>STATUTORY DETAILS</b>	
<b>SEQRP Designation:</b>	Urban
<b>Planning Scheme</b>	Caloundra City Plan 2004 (8 August 2011)
<b>Strategic Plan Designation:</b>	Not applicable
<b>Planning Area / Locality:</b>	Caloundra Central Planning Area Kings Beach Revitalisation Area
<b>Planning Precinct / Zone:</b>	Mixed Use Residential Key Site J – Kings Beach Shops and adjacent properties
<b>Assessment Type:</b>	Code

## PURPOSE

The purpose of this report is to seek council's determination of an application for a Material Change of Use to Establish a Multiple Dwelling (17 Units) and Restaurant. The application is before council at the divisional councillor's request.

## EXECUTIVE SUMMARY

This report considers a code assessable application for a Material Change of Use to establish a Multiple Dwelling (17 Units) and Restaurant (90m<sup>2</sup>) at 34 Esplanade Headland, Kings Beach. The units are accommodated within an 18.5m high residential tower with 2 levels of car parking at ground and basement level accommodating 38 parking spaces. The proposed restaurant at the ground floor provides active street frontage to Esplanade Headland. Ingress and egress from the site is from Princess Lane.

The site is in the Kings Beach Revitalisation Area and is identified in the Caloundra Planning Scheme as one of the sites making up Key Site J – Kings Beach Shops and adjacent properties. Special provisions apply to Key Site J to allow development to have increased height of 2.5m, from 16m to 18.5m, if active street frontage is provided. In addition, other special provisions apply such as increased coverage at podium level.

Council officers were initially concerned with how the provisions relating to the Key Site J would be applied. In other words *'can the special provisions applicable to Key Site J be applied to an individual site within Key Site J or do these special provisions only apply to the whole of Key Site J as an amalgamated site?'* Advice from the Strategic Land Use Planning Branch was that, although it would be beneficial for the sites to be amalgamated and developed as an integrated development, the provisions do not explicitly require properties in the key site to be amalgamated to achieve these additional development entitlements.

The building has been designed to minimise its physical and visual impacts. It is acknowledged that some overshadowing will be created and some views from adjacent buildings will be impacted. In addition, the side setbacks do not comply with the probable solution minimum setback requirements. However, the assessment of the proposed development has found that impacts on views, overlooking and overshadowing are the same as a fully compliant development. In addition, the assessment has found that the reduced side setbacks will not cause an unreasonable loss of amenity to neighbours.

Despite the side setbacks not complying with the code requirements, and a minor increase in the coverage on level 3, the applicant has demonstrated that the proposal is not over-development and is appropriate for the subject site. It has also been demonstrated that the potential for the balance of Key Site J to be developed has not been compromised, and Key Site J can be developed to achieve the intent of the Kings Beach Revitalisation Area Code as an integrated development, despite it comprising separate development applications.

The proposed development satisfies the overall planning intent for the Key Site J and generally complies with the relevant codes of the Caloundra City Plan 2004. It is, therefore, recommended that the application be approved.

## OFFICER RECOMMENDATION

**That Council APPROVE WITH CONDITIONS Application No. MCU12/0018 and grant a Development Permit for a Multiple Dwelling (17 Units) and Restaurant situated at Kings Court, 1/34 Esplanade Headland Kings Beach, in accordance with Appendix A.**

## FINANCE AND RESOURCING

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 Charges	Amount
Transport	\$53,777.00
Public Parks & Land for Community Facilities	\$72,597.00
Stormwater (applicable to Residential development)	\$28,232.00
Stormwater (applicable to Non-Residential development)	\$520.00
<b>TOTAL</b>	<b>\$155,126.00</b>

## PROPOSAL

The application seeks approval for a multiple dwelling development consisting of 17 units and a restaurant with a gross floor area of 90m<sup>2</sup>. It is proposed that the existing building will be demolished and will be replaced by the new building. The proposed units will provide a range of unit types, including 1 x 1-bedroom unit, 8 x 2-bedroom units and 8 x 3-bedroom units. These units are accommodated in a residential tower (Level 2 to Level 6). The proposed building is 18.5m, or 6 storey's, high.

A restaurant is proposed in the south-western corner of the site at ground floor level. This will provide active street frontage to Esplanade Headland Parade and will ultimately form the easternmost extension of the commercial development, wrapping around the corner of Esplanade Headland and Princess Lane. An awning is proposed over the pedestrian path.

A communal open space area, including a swimming pool, has been provided in the south-east corner of the site. This separates the commercial development from an existing unit development (The Highlander) farther to the east.

Vehicle ingress and egress is from Princess Lane. Two levels of car parking are provided, accommodating a total of 38 parking spaces. The parking is split as follows – 26 vehicles for residents (secured in the basement level), 4 for residents' visitors, 6 for the restaurant, 1 van space and 1 washbay. Bicycle spaces have also been provided for the proposed uses.

## SITE DETAILS

### Background/Site History

The site contains an existing 1970/1980s, brick constructed, multiple dwelling development, 'Kings Court', consisting of 8 units. The building is in a state of disrepair and has been secured for safety reasons.

### Site Description

The location of the subject site in relation to its surrounds is shown on the image below:



The subject site is located centrally almost at the heart of Kings Beach, Caloundra. It is rectangular in shape with 2 street frontages to Esplanade Headland and Princess Lane. Both frontages are approximately 21.5m long.

### Surrounding Land Uses

- North Princess Lane and then Kings Beach Park
- East Multiple Dwelling Units (The Highlander)
- South Esplanade Headland and then Caloundra Surf Lifesaving Club
- West Multiple Dwelling Units (Pacific Coast) and then commercial tenancies on the corner of Esplanade Headland and Princess Lane forming the balance of Key Site J

## 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:

- State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities; and State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils.

The above policies have been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, do not warrant a separate assessment.

### South East Queensland Regional Plan

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

### State Planning Regulatory Provisions

For the purpose of the *Sustainable Planning Act 2009*, the regulatory provisions contained within the South East Queensland Regional Plan are defined as State Planning Regulatory Provisions. As the site falls within the Urban designation, the regulations do not apply.

## **Statutory Instruments – Planning Scheme**

The applicable planning scheme for the application is Caloundra City Plan 2004 (8 August 2011). The following sections relate to the provisions of the Planning Scheme.

### Local Area Provisions

The subject site is located in the Central Caloundra Planning Area – Kings Beach Revitalisation Area.

The main Planning Overall Outcomes sought for this area are the following:

- 2(a) *development in the Planning Area reinforces the role of Kings Beach as a pre-eminent tourist accommodation area and beachside recreation destination which performs as a magnet for foreshore leisure, community and cultural activities, and a permanent and visitor accommodation area.*

The proposed development will replace the old 1970s/1980s building with a modern new building. This will provide a range of new accommodation for permanent residents and holiday renters directly adjacent to the heart of the Kings Beach Recreational area. It will also provide a small commercial element (restaurant) which will contribute to the range of entertainment options available to the Kings Beach Precinct. The restaurant will create active visual engagement between people in the street and those on the ground floor and will promote a strong sense of leisure function and local identity.

- 2(b) *Development in the Multi Unit Residential and Mixed Use Residential Precincts provides for multiple dwellings and accommodation buildings that are sited and designed to:*
- (i) *reflect a waterfront, intermediate or ridgeline setting;*
  - (ii) *respond to the coastal climate; and*
  - (iii) *maximise energy efficiency, incorporating light weight construction, expressive roof forms (incorporating pitches, gables, skillions or other features) , wide eaves, sunhoods, and large balconies.*

The proposed development is designed to take advantage of views to the beach, Pumicestone Passage to the southwest, and to the park to the north. The design responds to the coastal climate by providing good opportunities for cross-ventilation and large outdoor living areas. Opportunities for cross-ventilation and access to natural daylight are good due to the relative narrowness of the residential tower (all but one unit have 2 or 3 sides with external walls).

Due to Building Code and construction regulations relating to fire separation, the building is generally of concrete construction with lightweight elements added for architectural expression and as shading/privacy devices. The roof is made up of a series of fairly flat skillion roofs and is not particularly expressive. This is due to the absolute height limitation and the imperative to achieve a residential yield sufficient to make the project economically feasible. The articulation of the facades by way of steps in building setbacks and angular walls, as well as additional shading devices, vertical and horizontal decorative elements and screening devices, are considered sufficient design measures to ensure the building form is interesting and the architectural expression is appropriate for the building's use and location.

- 2(d) *Development in the Mixed Use Residential Precinct provides a diverse range of activities and facilities which compliment the urban improvements associated with the Kings Beach Redevelopment Master Plan. In particular, development in the Mixed Use Residential Precinct incorporates:*
- (i) *high density permanent and tourist accommodation (above the ground storey) in an attractive and comfortable environment;*
  - (ii) *tourism, convenience, leisure and recreational related uses (at the ground storey), which create active street frontages that encourage movement and interaction between private development and adjacent public spaces; and*
  - (iii) *high quality building and streetscape design which compliments the Kings Beach Redevelopment Master Plan works and contributes to the creation of a pre-eminent beachside location.*

The proposed development will replace the old 1970s/1980s building with a well designed modern built form on the site and will encourage future redevelopment within the Kings Beach Precinct. It will provide a range of unit types from 1 bedroom to 3 bedroom units. These units are accommodated above the ground floor level, which will accommodate a small restaurant providing active street frontage to Esplanade Headland. The proposed



building and streetscape design will complement the Kings Beach Redevelopment Master Plan and beachside location sought for the area.

- 2(e) *Development on the Key Sites of the Kings Beach Shops, Shearwater Motel (and Adjoining properties) and Kings Beach Tavern incorporates signature buildings that:*
- (i) *contribute to the vibrancy of the foreshore and parkland area; and*
  - (ii) *achieve outstanding levels of architectural and landscape design befitting the location adjacent to the major activity nodes of the Esplanade and Kings Beach Park.*

The proposed mixed-use development provides an outcome in keeping with the provisions of the scheme for Key Site J. The proposed commercial element to the Esplanade Headland frontage helps to activate further the surrounding public realm and will contribute to the vibrancy of the foreshore and parkland area.

The proposed development demonstrates high architectural merit and is articulated in response to the use, climate and context of the site. With the exception of 1 Level 1 unit, which is limited to just 1 external side, all apartments are designed to allow cross-ventilation and provide ample opportunities for natural light. Shading devices, vertical architectural blades and screening help articulate the façade and mitigate potential overlooking from side balconies.

- 2(f) *Development in the Mixed Use Residential Precinct complements but does not compete with the range of facilities provided in the adjacent Caloundra Regional Business Centre Precinct.*

The proposed restaurant is only 90m<sup>2</sup> in size and will be specifically orientated to the local area residents, and tourists accommodated in the area. The small scale nature of the restaurant will not affect the Business Centre Precinct.

- 2(g) *Development in the Kings Beach Revitalisation Area provides for the refurbishment of existing multiple dwellings and accommodation buildings in a manner which contributes to the creation of a high quality and more liveable environment.*

The proposed development will replace the old 1970s/1980s building which is in a state of disrepair. The redevelopment will allow for a high quality built form on the site and will encourage future redevelopment within the Kings Beach Precinct.

- (m) *Development in the Planning Area implements best practice environmental management to achieve a high standard of water quality entering Moreton Bay Marine Park.*

The proposed building will achieve a high standard of water quality entering Moreton Bay Marine Park. All stormwater (mostly clean roof water) is to be collected and lawfully piped to kerb.

- (n) *Development in the Planning Area does not adversely affect the continued operation and viability of infrastructure*

All necessary infrastructure can be provided to the proposed development. The continued operation and viability of infrastructure will not be adversely affected.

The proposal satisfies the planning intent for the area.

#### Land Use and Works Provisions

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

- Central Caloundra Planning Area Code;
- Multi Unit Code;
- Business Code;
- Civil Works Code;
- Climate and Energy Code;
- Design for Safety Code;
- Filling and Excavation Code;
- Landscaping Code;
- Nuisance Code;
- Stormwater Management Code; and
- Parking and Access Code.

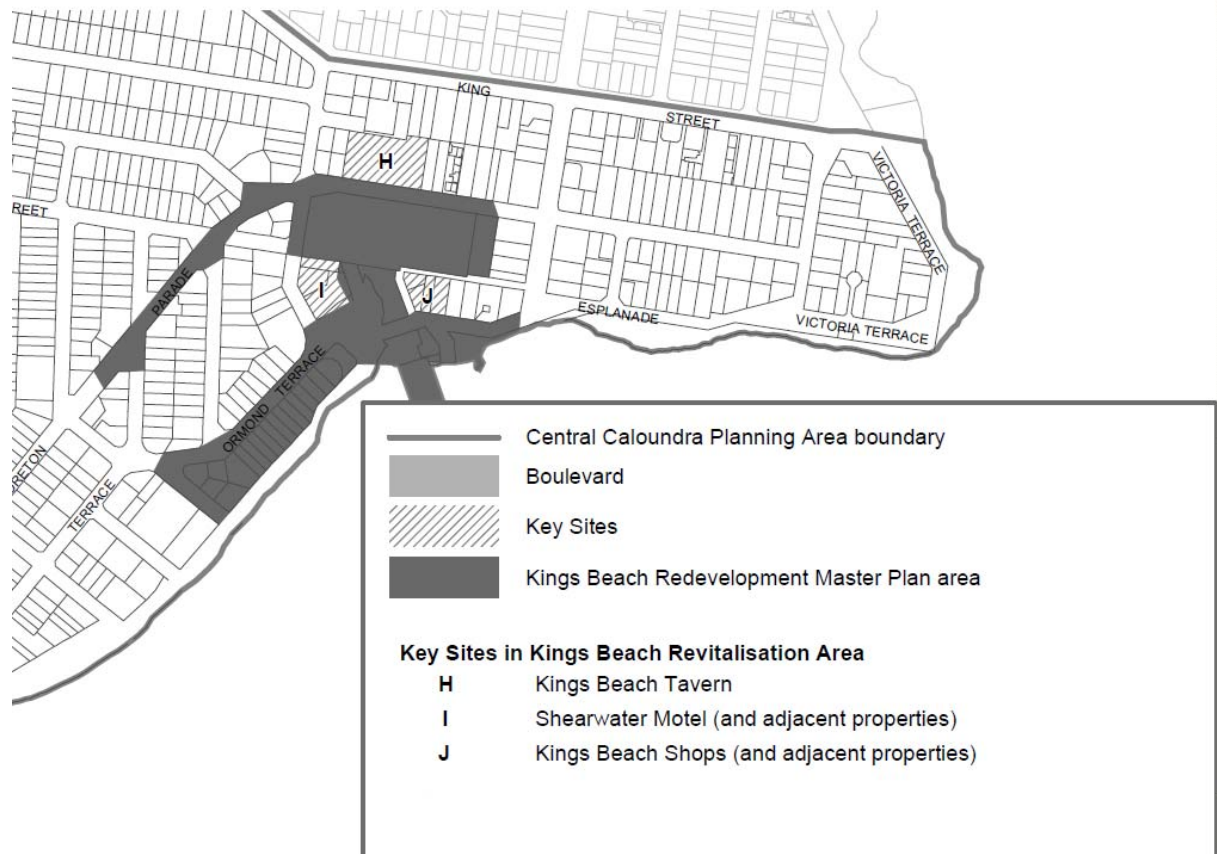
The application has been assessed against each of the above applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below.

*Central Caloundra Planning Area Code - Kings Beach Revitalisation Area*

#### **Planning Requirement**

The site forms part of the Key Site J – Shops and Adjacent Properties. See Map of Key Site J below.





Under the Kings Beach Revitalisation Area Code, the identified Key Sites are subject to special development provisions. Specific Outcome 015 of the Kings Beach Revitalisation Area outlines the specific outcomes and acceptable solutions for development on the key sites in the Kings Beach Revitalisation Area.

*015 Development on Nominated Key Sites in the Kings Beach Revitalisation Area*

- (a) demonstrates high quality outstanding architectural and landscape design;*
- (b) ensures that a building is of a height and scale that is appropriate to the desired character of the area; and*
- (c) reflects and optimises opportunities provided by the site's attributes and prominent location adjacent to Kings Beach Park.*

*S15.1 Key Sites in the Kings Beach Revitalisation Area (identified on Map CCP6a) are developed in accordance with the maximum building heights, site cover and other provisions specified in Table 6.8 (Development Provisions for Key Sites) of this code.*

<b>Table 6.8 Development Provisions for Key Sites (identified on Map CCP6a) Key Site</b>	<b>Maximum Site Cover</b>	<b>Maximum Building Height</b>	<b>Other Provisions</b>
<i>Kings Beach Shops and Adjacent Properties</i>	<i>70% for the first two storeys. 40% for the storeys above the second storey.</i>	<i>18.5 metres where the development incorporates active street frontages at the ground storey. 16 metres applies otherwise.</i>	<i>A probable solution demonstrates: (a) at least 75% of the total length of the site boundaries to the Kings Beach Master Plan Area have active street frontages at the ground storey; (b) a stepping back of the building form from all boundaries above 2 storeys; (c) a minimum setback of 7.5 metres from the Esplanade for that part of the building exceeding two storeys; (d) the principal vehicle access is provided from Princess Lane; (e) that service areas, parking areas and driveways are sited and designed to minimise disturbance to the amenity of neighbouring properties; (f) that buildings are sited and designed to ensure there is no unreasonable loss of amenity to adjacent sites (refer to Figure 6.3 – Kings Beach Shop Key Site Design Probable Solutions); and (g) that development incorporates urban design and landscape improvements at the ground storey that complement the Kings Beach Redevelopment Master Plan Works. Development may provide a zero setback for the first two storeys fronting Princess Lane provided the building incorporates an active street frontage at the ground storey with windows of habitable rooms facing Princess Lane on the second storey.</i>
<i>One probable solution for this Key Site is illustrated on Figure 6.3 (Kings Beach Shop Key Site Design Probable Solutions).</i>			

## Overview

Council officers were initially concerned with how the provisions relating to the Key Site J would be applied, i.e. 'can the special provisions listed in the table above apply to an individual site within Key Site J or do these provisions only apply to the whole of Key Site J as an amalgamated site?'

The application was referred to the Strategic Land Use Planning Branch for comment. The following advice was provided:

*Whilst amalgamation is generally encouraged on key sites, the focus of the key site provisions relating to the subject site is to encourage active street frontages and providing additional development entitlement to achieve this outcome.*

- *Generally, the intent for key site provisions is to encourage the development of significant sites in an integrated way. ...*
- *Central Caloundra Planning Area Code Division 3: Kings Beach Revitalisation Area includes the subject site in Key Site J: Kings Beach Shops (and adjacent properties).*

- *These provisions do not explicitly require properties in the key site to be amalgamated to achieve these additional development entitlements. However, Figure 6.3 shows a possible solution for the development of the entire Key Site J which recognises that there are significant benefits in amalgamating properties within the key site to achieve an integrated development.*
- *Key Site J includes a substantial existing unit development in the centre of the key site, which may not be redeveloped in the short term. On this basis, there may be demand for development to occur on individual sites within Key Site J.*
- *Development on an individual site needs to demonstrate how the proposed development will contribute to and be integrated into the overall redevelopment of the key site.*
- *It is recommended that the applicant be required to provide additional information on how the proposal will contribute to the overall redevelopment of Key Site J prior to determining the application.*

The applicant was requested to provide a strong planning justification as to how the planning scheme intent for the Key Site J would be achieved. The applicant was also requested to demonstrate how the broad objectives of the Planning Area Code would be satisfied. The following sections closely examine the Key Development Criteria applicable to the subject site and the balance Key Site J.

### **Active Street Frontage and Building Height**

The code allows a maximum building height of 18.5m for the Key Site J where active street frontage is proposed (a height of 16m applies otherwise). Although not specifically linked to the height, the 'Other Provisions' heading in the table above suggests that at least 75% of the total length of the site boundaries to the Kings Beach Master Plan Area should have active street frontages at the ground storey. The 75% is a Probable Solution, i.e. one possible way of achieving the Specific Outcome 015.

The percentage of active street frontage does not determine the allowable height, simply that the building must incorporate active street frontage. The applicant has provided active street frontage in the form of a restaurant and the main entry into the building, which makes up 53% of the site's narrow 21.5m wide primary frontage to Esplanade Headland. In addition, a communal open space area (swimming pool area) for residents of the development takes up the remaining 50% of the site's frontage. This communal area is not active street frontage, but it forms an active area used by residents and allows potential surveillance of the street. This area also serves as a buffer or interface between the commercial development and the neighbouring multi-unit residential site. It would not be desirable for commercial development to extend to the eastern-most boundary. The location of the commercial element (restaurant) on the western side of the site will also allow the site to form a continuous integrated linkage to the future commercial development on the balance of Key Site J to the west.

Furthermore, it is envisaged that at least 85% of the remainder of the balance of Key Site J, fronting Esplanade Headland and Princess Lane forming the corner site, could achieve an active street frontage.

The provision of an active street frontage on the subject site allows for the additional 2.5m height from 16m to 18.5m. The building, as depicted on the proposed plans, fully complies with the height requirement of 18.5m. To ensure the proposal complies with the height limit, a condition has been recommended restricting the height of the building not to exceed 18.5m. In addition, a further condition has been recommended that the building be surveyed at the completion of the basement level to demonstrate that the building complies with the approved plans and, prior to issue of the Certificate of Classification, to demonstrate that the highest point of the building complies with the approved plans.

The proposal fully satisfies Specific Outcome 015 of the Kings Beach Revitalisation Area Code in that the building is of a height and scale that is appropriate to the desired character of the area and reflects and optimises opportunities provided by the site's attributes and prominent location adjacent to Kings Beach Park. Furthermore, an additional height of 2.5m will have minimal impacts in respect of overshadowing, privacy and overlooking, and on views and vistas, when compared to a 16m high building on the same site.

### **View Analysis**

Careful consideration was given to how the additional height would impact on issues such as views and vistas, overshadowing and overlooking. A detailed view analysis was undertaken from 'The Highlander', 'Pacific Coast', and from Burgess Street. These are dealt with below.

- View analysis from 'The Highlander' to the East

The units in 'The Highlander' have been arranged on their site to maximise view opportunities over the adjacent subject site above the existing building. This results in a situation where **any** development on the subject site will have impacts from existing views of 'The Highlander'.

The lowest residential level of 'The Highlander' would receive the least impacts to their views as existing buildings on the subject site already impact on some of their views, particularly towards Kings Beach.

A building built to the probable solutions of the code for a mixed use development would have an equal or greater impact on views from 'The Highlander' than the proposed development would, i.e. a 16m high building would also be higher than 'The Highlander'.

- View Analysis from 'Pacific Coast' to the West

Major views are south-west towards Kings Beach.

South-eastern balconies and windows on the eastern façade have views to the sea.

On most levels along the eastern side, the proposed development would generally impact on views to a similar degree as a 16m high residential building built according to the probable solutions in the scheme, with the exception that the proposed development incorporates a wall on the western boundary on the Esplanade Headland side, which will have significant impacts on the views to the southeast from the 2 lowest levels of 'Pacific Coast'.

## Overlooking

The units in 'The Highlander' have been arranged on their site to maximise view opportunities over the adjacent subject site above the existing building. This results in a situation where any development on the subject site will have overlooking issues from 'The Highlander', which will be facing into the subject site.

Overlooking issues for the proposed development are generally similar to the expected issues of a 16m high residential building built according to the probable solutions in the scheme.

- Impacts to Burgess Street

A building envelope representing the extent of potential development on the amalgamated sites of Key Site J shows the greatest impact towards Burgess Street to the north, which is higher up the headland due to the possible width of the building. A representation of the proposed project with a building envelope for a potential development on the remainder of the sites of Key Site J, developed to the provisions, reduces the impacts to Burgess Street by separating the volumes of the buildings.

## Site Coverage

Development controls in Key Site J also give the opportunity to increase maximum site cover for the first 2 storeys. The Maximum Site Cover is 70% for the first 2 storeys, and 40% for storeys above the second storey.

The proposed development complies with the acceptable site cover requirements, with the exception of Level 3, which has a site cover of 49.4% (40% allowable). The increased area is due to extra large balconies on this level, as opposed to internal floor area, and is not considered to result in any adverse impact on neighbouring properties. The wider balconies also satisfy Overall Outcome 2(b) (iii), which requires buildings to be sited and designed to maximise energy efficiency incorporating, among other requirements, large balconies.

## Setbacks

The setbacks applicable to Key Site J are as follows.

- Setbacks

### Front Esplanade Headland

0m with active street frontage for the first 2 storeys and then 7.5m setback for that part of the building over 2 storeys.

### Sides

The setback requirements are in accordance with Specific Outcome 013 for the Mixed Use Residential Precinct. Where looking into neighbours, 6m is required, and stepping back a further 5m for any part of the building above 2 storeys. This reduces to 4m with a 3m step-back above 2 storeys where there is no overlooking or overshadowing of neighbours.

**Rear Princess Lane**

Principal Street Access from Princess Lane is required. There is an option where a 0m setback for the first 2 storeys fronting Princess Lane can be provided where the building incorporates an active street frontage at ground storey with windows of habitable rooms facing Princess Lane on the second storey.

The proposed development complies with the front setbacks, being built-to-boundary at ground level (for commercial tenancy only) and, stepping back, a minimum of 7.5 metres above 2 storey (the building face is set back a minimum of 11 metres from the boundary above 2 storeys).

The building does not achieve the side setbacks requirements, but a detailed assessment of the amenity impact on neighbouring properties and views from significant public spaces in proximity to the site finds that the proposed development does not represent a worse outcome than a fully compliant proposal and, in many instances, offers a solution with lesser impacts.

The building form steps back a minimum of 4m from all side boundaries above 2 storeys, with the exception of balustrades and balconies on Level 3. The side setbacks prescribed in the probable solution for Mixed-Use buildings in the precinct describe setbacks which exceed the site width and are considered impractical in this situation, i.e. the site has a width of 21m, a setback of 11m from each side would make any development on the site improbable. The probable solution for 'Key Site J requires 'no unreasonable loss of amenity to adjacent sites'. As such, there will be impacts on views, overlooking and overshadowing, but these would be the same if a fully compliant development were to be developed on the subject site.

The setback to Princess Lane is 5.5m, whereas the required setback for a purely residential development on the site would allow a 4m setback to a height of 16m.

The proposal satisfies Specific Outcome 015 of the Kings Beach Revitalisation Area Code in that the building is of a height and scale appropriate to the desired character of the area, and reflects and optimises opportunities provided by the site's attributes and prominent location adjacent to Kings Beach Park.

- Development of Balance Key Site J

The proposed development does not compromise the ability of the balance sites of Key Site J to be developed as an integrated development. The remainder of the Key Site J is still a substantial size and the proposed development does not create fragmented or isolated lots. The land to the west still has the potential to be consolidated to create a substantial key site development, while maximising the development potential envisaged by the Planning Area Code.

The applicant has demonstrated 1 possible outcome for the balance of the Key Site J, and has also demonstrated that an active commercial frontage to all street frontages can be achieved with a zero built to boundary frontage for 2 storey podium accommodating possible tourist and commercial uses, with recessed focal areas to the street corners. They have also demonstrated that 2 residential towers with approximately 16 units could be established, allowing view corridors to be maintained while maximising lighting and ventilation. The conceptual future layout would fall within the Planning Scheme guidelines of height and site coverage.

The bulk and scale of the concept plan would be consistent with other buildings facing the ocean. Shadowing would be limited to mid-winter mornings, and the smaller footprint of the tower would minimise shadow to the paved forecourt area.

Access to the adjoining lot would be from Princess Lane, similar to the proposed development.

Council officers have also undertaken detailed modelling and assessment of the balance Key Site J and are satisfied that it can be developed in accordance with the Key Site J provisions.

#### Overlay Provisions

The following Overlays are applicable to this application:

- Acid Sulphate Soils Code Area 2; and
- Aviation Affected Area Code.

The application has been assessed against each of the applicable Overlay codes and found to be compliant with both.

#### **Other Matters for Consideration**

##### Sunshine Coast Council Policy Framework - Strategies

The proposed development has not been assessed against the Strategies for the following reasons:

- it is not a Section 242 Application Overriding the Planning Scheme to create a planning assessment framework fundamentally different from that which currently exists;
- the planning impacts of the proposal are not of regional significance; and
- it is not a use which is so unusual, unknown and/or un contemplated in nature that it warrants a wider assessment.

##### Economic Implications

There are no major economic implications. The proposal is for mixed use residential development including a small restaurant in the Kings Beach Revitalisation area. This will contribute, and add, to the Kings Beach area character, which plays a major role as a recreational and tourist destination. The residential component will provide permanent and rental accommodation close to recreational facilities and the town centre and will support businesses in the area.

##### Traffic and Transport

The proposed development provides sufficient on site parking for the proposed Multiple Dwelling Units and Restaurant uses.

Vehicular ingress/egress is from Princess Lane which is a service lane and, therefore, Esplanade Headland will not be impacted on. The road infrastructure has sufficient capacity to deal with the vehicle movement that will be generated by the proposed development.

The proposed use has direct pedestrian access to the Coastal Footpath which is on the opposite side of Esplanade Headland. Public transport is close to the Kings Beach Recreation area.

## **CONSULTATION**

### **IDAS Referral Agencies**

There were no referral agencies for this application.

### **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 Officer, Engineering and Environment Assessment Branch;
- Landscape Officer, Engineering and Environment Assessment Branch;
- Urban Designer, Planning Assessment Branch;
- Environment Officer, Engineering and Environmental Branch;
- Strategic Land Use Planning Branch; and
- Economic Development Branch.

### **Public Notification**

The application is code assessable and, therefore, no public notification was required. However, a submission objecting to the proposed development was provided to the divisional councillor from the adjacent building 'The Highlander'. This submission was forwarded to the Planning Assessment Branch for review as part of the assessment.

The submitter raised a number of issues relating to building height, site coverage, views, inadequate active street frontage and building setbacks. Essentially, the submitter believes that the proposal is an over-development of the site. These issues have been dealt with in this report.



## CONCLUSION

The proposed development satisfies the overall planning intent for Key Site J. The proposal will provide additional holiday rental or permanent accommodation and attract tourists to a beachside location. The proposal creates an active street frontage to Esplanade Headland that encourages pedestrian movement and interaction between private development and adjacent public spaces, incorporates a modern building and streetscape design which complements the Kings Beach area, and contributes to the vibrancy of the foreshore and parkland area in a beachside location.

The proposed development demonstrates high architectural merit and is articulated in ways which respond to the use, climate and context of the site. With the exception of 1 Level 1 unit, all apartments are designed to allow cross-ventilation and provide ample opportunities for natural light. Shading devices, vertical architectural blades and screening help articulate the façades and mitigate potential overlooking from side balconies.

The building has been designed to minimise its physical and visual impacts. It is acknowledged that some overshadowing will be created and some views from adjacent buildings will be impacted on. In addition, the side setbacks do not comply with the minimum setback requirements. However, the assessment of the proposed development has found that impacts on views, overlooking and overshadowing are the same as a fully compliant development. The assessment has also found that the reduced side setbacks from 6m to 4m will not cause an unreasonable loss of amenity to neighbours.

It has been demonstrated that the proposal is appropriate development for the subject site. It has also been demonstrated that the potential for the balance of Key Site J to be developed has not been compromised and that Key Site J can still be developed as an integrated development to achieve the intent of the Kings Beach Revitalisation Area Code.

The proposed development can be conditioned to substantially comply with the provisions of the Caloundra City Plan 2004. The proposed development is, therefore, recommended for approval.

## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No:	MCU12/0018
Street Address:	Kings Court 1/34 Esplanade Headland, Kings Beach
Real Property Description:	Lot 1 – 8 BUP 3010
Planning Scheme:	Caloundra City Plan 2004 (8 August 2011)

### 2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit - Approval for Material Change of Use (Multiple Dwelling Units (17 Units) & Restaurant

### 3. RELEVANT PERIOD OF APPROVAL

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

### 4. ASSESSMENT MANAGER CONDITIONS

#### PLANNING

##### 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 The approved commercial tenancy use on the premises must not operate outside the hours of:
  - (a) 7am to 10pm Monday to Sunday.
 The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

##### Building Height

- 4 The maximum height of the development must not exceed 18.5 metres above ground level.
- 5 Certification must be submitted to Council from a Licensed Surveyor which certifies that the building does not exceed the maximum height requirement of this Decision Notice. All levels must be provided to Australian Height Datum (AHD).

The licensed surveyor's certificate shall be submitted at two stages of the building construction, these being:-

- (a) At completion of the basement level to demonstrate that the building complies with the approved plans at that stage; and
- (b) Prior to issue of the Certificate of Classification to demonstrate that the highest point of the building complies with the approved plans.

#### **Street Identification**

- 6 The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the building name.

#### **Building Appearance**

- 7 All air conditioning units or other mechanical equipment must be located at ground level, or otherwise fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.

- 8 All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like, except where required to satisfy any privacy condition of this Decision Notice.

#### **Fencing and Walls**

- 9 Any street fencing and walls must not exceed a maximum height of:
- (a) 1.8m, where at least 50% of the fence or wall is transparent; and
  - (b) 1.2m otherwise.

#### **Clothes Drying Areas**

- 10 Each dwelling unit must be provided with access to a clothes drying facility. Any outdoor clothes line must be screened from public view.

#### **Communal Recreation Area**

- 11 Communal recreation area/s must be provided as shown on the approved site plan.

#### **Community Management Statement**

- 12 Any proposed Community Management Statement required for the development pursuant to the *Body Corporate and Community Management Act 1997* must be submitted to Council for endorsement at the same time as submission of the Building Format Plan (or similar) to Council for compliance assessment.

- 13 All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice.

#### **Car Parking**

- 14 A minimum of 35 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) 23 parking spaces for residents, which are clearly marked for that purpose and located in a secured area;
- (b) 4 visitor parking spaces within the total, which are clearly marked for that purpose and accessible at all times for visitor use;
- (c) 6 commercial parking spaces within the total, which are clearly marked for that purpose and must be available for restaurant customers to access at all times the use is operational;
- (d) 1 disabled parking space within the total; and

- (e) provision of 1 vehicle washing bay fitted with a hosecock and a drain connected to the sewer.
- 15 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.
- 16 Bicycle spaces must be provided at the following rates:
- (a) a total of 17 bicycle spaces for the residence;
  - (b) a total of 4 bicycle spaces for residence visitors; and
  - (c) a total of 1 bicycle space for the Restaurant for employees.
- 17 Directional signage must be provided to direct visitors and customers to the car parking spaces provided on site.
- Service Vehicles**
- 18 Service vehicle movements associated with non-residential uses on the premises (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. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.
- 19 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 1 van space.
20. The building and other works must be designed and constructed so that the interface between the building and the Esplanade Headland road reserve, and from the property boundary to the kerb line, provides non-discriminatory access for persons with special needs, in accordance with AS 1428.

## ENGINEERING

### External Works

21. Princess Lane and Esplanade Headland 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 in Princess Land and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage; and
  - (c) retention of the existing Loading Zone in Esplanade Headland capable of accommodating an HRV as a minimum.

**Site Access and Driveways**

22. A sealed access driveway must be provided from Princess Lane to all parking and manoeuvring areas 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 IPWEAQ standard drawing SEQ R-051;
  - (b) a driveway width of 6.5 metres; and
  - (c) suitable safety measures, including warning signage, to improve driver awareness of pedestrians and enhance pedestrian safety. Warning signage must be provided near the exit ramp from the underground parking area to warn motorists of pedestrian movement along the frontage street.

**Pedestrian Facilities**

23. 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 1.5 metre wide concrete footpath within the road verge for the entire length of the site's frontage to Princess Lane;
  - (b) a footpath in Esplanade Headland, generally in accordance with the *Landscape Concept Plan – Headland Esplanade* and incorporating:
    - (i) the style and colours of the existing footpath treatment in the Kings Beach Redevelopment Master Plan area for the area described as 'paved or exposed aggregate footpath to front of commercial tenancy' in the *Landscape Concept Plan – Headland Esplanade* plan
    - (ii) a minimum 1.5 metre wide concrete footpath east of the Entry Passage; and
  - (c) signage and lighting at strategic locations to direct people to building entry.

**Stormwater Drainage**

24. 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 must include in particular collection and discharge\* of stormwater to existing underground drainage in Esplanade Headland.

\* (Refer to Advisory Note)

**Water and Sewerage**

25. An underground connection to reticulated water and sewerage must be provided to the development site in accordance with the standards and requirements of Unitywater.

**Electricity and Telecommunication Services**

26. 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.
27. 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.
28. 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.

**Earthworks and Retaining Walls**

29. All excavation and associated retaining structures must be contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.

**Damage to Services and Assets**

30. 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.

**UNITYWATER**

31. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.
32. The existing 100mm diameter AC watermain within Esplanade Headland must be replaced for the full frontage of the development site with 100mm oPVC or DICL pipes. The replacement works must be completed prior to placing construction materials/site offices over or adjacent to the water main alignment.
33. 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.
34. Water meters must be located on alternative boundaries to electrical pillars.
35. Buildings and other structures must maintain a minimum clearance of 1.0 metre from the sewerage inspection opening within the development site.
36. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.
37. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

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**LANDSCAPE & ECOLOGY****Landscape Works**

38. The development site must be landscaped\*. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) the works shown on the three approved Landscape Concept Plans – Headland Esplanade/Princess Lane and Level 1. The proposed planting schedule is not approved; and
  - (b) a planting schedule that must provide through function, form, texture and colour a relationship to the immediate site context. The planting schedule must reflect, enhance and integrate with the architectural built form and the Kings Beach location. *\*(Refer to Advisory Note).*
39. 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.
40. All landscape works must be maintained generally in accordance with the approved design for the life of the development.
41. All street trees shall conform to CCC/Natspec specification and are to be positioned, staked and mulched in accordance with Council's current guidelines and specifications, as contained in the Council's Development Design Planning Scheme Policy.
42. Any damage to turf, street trees or footpath within the adjacent road reserves as a result of construction activities is to be repaired and made good prior to the use commencing.
43. The landscape areas on the Princess Lane and Headland Esplanade road reserves adjacent to the allotment boundaries must be maintained and managed for the life of the development by the Body Corporate, their agents or delegates in accordance with the following:
- (a) The scope of works includes:
    - (i) regular mowing, weeding and fertilizing of turf verge;
    - (ii) mulching, fertilizing and aeration of landscape areas;
    - (iii) cleaning of all external surfaces including prompt removal of graffiti;
    - (iv) replacement of dead or poorly performing plants;
    - (v) inspection and assessment of all vegetation such that it does not adversely affect adjoining property or pedestrians;
    - (vi) remedial action if any vegetation poses a health or safety risk to site users or adjoining property; and
  - (b) The management and maintenance of landscape areas, including landscape areas adjacent to the allotment boundary must be included in the Community Management Statement (CMS) with reference to an annual budget allowance to perform such works.

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**ENVIRONMENTAL HEALTH****Waste Management**

44. Refuse storage, removal and collection facilities must be provided in accordance with the following:
- (a) Provision of 240L of bulk bin storage volume for each dwelling unit;
  - (b) Provision of 480L of bulk bin storage volume, or equivalent wheelie cart volume for the commercial tenancy;
  - (c) Provision of separate bins for general and recyclable waste for the site;
  - (d) Provision of a communal hardstand impervious area for the permanent storage location and collection of all bulk bins, having minimum dimensions of 1.5 m<sup>2</sup> (1200mm x 1300mm) per bin and located close to the site frontage and adjacent to the site access point;
  - (e) Provision of safe, efficient and unobstructed access for the cleansing contractor on bin collection day;
  - (f) Provision of a smooth concrete path and access way crossover must be provided and maintained for the movement of bulk bins to and from the bin enclosure to the collection point when bulk bin servicing occur;
  - (g) Provision of a 1.8m high purpose built enclosure to the bin store, which is screened from the street and adjoining properties by landscaping; and
  - (h) Provision of a wash-down area in the vicinity of the permanent storage location fitted with a hosecock and a drain lawfully connected to the sewer.

**Acoustic Amenity**

45. Any fixed plant and equipment that causes either tonal sound (e.g. from basement car-park exhaust, air conditioning unit or pool filtration unit), must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the levels specified in Table 9.6 of the City Plan Nuisance Code.
46. Certification must be submitted from a qualified person which certifies that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice. This condition does not apply to operational fixed plant & equipment that does not emit audible noise beyond the boundary of the premises.

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*'.

47. The approved commercial tenancy use must not involve live and/or amplified entertainment at any time. The requirements of this condition must be included in the Community Management Statement for any and all bodies corporate for the subject site.
48. Service vehicle movements associated with the approved commercial tenancy (including loading and unloading) must not occur outside the hours of 7am to 6pm. The requirements of this condition must be included in the Community Management Statement for any and all bodies corporate for the subject site.



**Outdoor Lighting Devices**

49. 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. Certification must be submitted from a qualified person which certifies that all outdoor lighting devices comply with the requirements of this Decision Notice.

**Kitchen Exhaust**

50. Kitchen exhaust points for the development must be located and operated in accordance with Australian Standard AS1668.2-2002 '*The use of ventilation and air conditioning in buildings*' (specifically Section 5.10 – *Air Discharges*).
51. The development must be constructed with reticulated ducting inside the building to transfer kitchen exhaust fumes to a discharge point on the roof.
52. A Vehicle Wash Bay is to be provided in accordance with the approved plan and lawfully drained to sewer. The vehicle wash bay catchment area shall be at least 2.6m wide x 5.4m long. The vehicle wash bay catchment area shall be clearly line marked.

**5. REFERRAL AGENCIES**

Not Applicable.

**6. APPROVED PLANS**

The following plans are Approved Plans for the development:

**Approved Plans**

Plan No.	Rev.	Plan Name	Date
TP - 01	B	<i>Site Plan</i> , prepared by cdi Architects	April 2012
TP - 02	B	<i>Floor Plans</i> , prepared by cdi Architects	April 2012
TP - 03	B	<i>Floor Plans</i> , prepared by cdi Architects	April 2012
TP - 04	B1	<i>Elevations</i> , prepared by cdi Architects	June 2012
TP - 05	B1	<i>Elevations</i> , prepared by cdi Architects	June 2012
TP - 14	B	<i>Street Design</i> , prepared by cdi Architects	April 2012
TP-17	B	<i>Parking Diagrams</i> , prepared by cdi Architects	April 2012
1201 - 01	B	<i>Landscape Concept Plan Headland Esplanade</i> , prepared by Mark Baldock Landscape Architect Pty Ltd	16/05/2012
1201 - 02	B	<i>Landscape Concept Plan Princess Lane</i> , prepared by Mark Baldock Landscape Architect Pty Ltd	16/05/2012
1201 - 03	B	<i>Landscape Concept Plan Level 1</i> , prepared by Mark Baldock Landscape Architect Pty Ltd	16/05/2012

## 7. REFERENCED DOCUMENTS

The following are reference documents :

Document No.	Rev.	Document Name	Date
1201 - 04	B	<i>Planting Schedule - Typical Plants</i> , prepared by Mark Baldock Landscape Architect Pty Ltd	16/05/2012

## 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

#### 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.

#### Nature and Extent of Approved Development

2. The applicant is advised that this development approval comprises:
  - Material Change of Use for Multiple Dwelling Units (17 Units) and Restaurant (90m<sup>2</sup>).

#### 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*.

#### Equitable Access and Facilities

4. 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**

5. 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*.

## **ENGINEERING**

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

6. 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**

7. 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**

8. 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) 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; and
  - (g) 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**

9. 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**

10. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicant's cost.

#### **LANDSCAPE**

##### **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.

##### **Preparation of a Landscape Plan**

12. 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; and
  - (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.
- \*(Refer to Advisory Note)*

**Qualified Person**

13. 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.

**Landscape Intent**

14. In terms of finer design details required for an Operational works submission, council officers are willing to meet (at no cost to the applicant) with your consultant to clarify and discuss the required intent of the landscape outcome. Should you consider the discussion to be of benefit, please contact 07 5475 9866 for further details.

**ENVIRONMENT****Qualified Person**

15. 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; and
  - (b) an environmental consultant with a minimum of 3 years current experience in the field of acoustics.
16. For the purpose of certifying outdoor lighting devices for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland; and
  - (b) an environmental or electrical design consultant with a minimum of 3 years current experience in the field of outdoor lighting.

**Waste Management**

17. This Decision Notice contains detailed conditions regarding waste management storage areas. Council is seeking to minimise existing long term problems associated with servicing of waste containers, specifically issues associated with bulk bins standing on road reserves, traffic issues, and work place health and safety considerations for the cleansing contractor.

**Environmental Harm**

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

**Trade Waste Permit – Unitywater**

19. A Trade Waste Permit from Unitywater must be obtained prior to proceeding with any plumbing or drainage work that involves the sewerage system receiving liquids from any pre-treatment system or discharge to sewer. The applicant should contact a Trade Waste Officer from Unitywater directly with any enquiries.

**Rainwater Tanks – Public Health Act 2005**

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

**Food Act 2006**

21. All areas where food is to be stored, handled or prepared for sale or sold must be constructed and equipped in accordance with the provisions of the *Food Act 2006* and the *Food Standards Code*. The premises must be registered and the operators licensed with Council under the aforementioned Act prior to the use commencing. Contact Council's Healthy Places Unit via the Customer Service Centre for further information.

**Noise**

22. The applicant is advised to ensure that during the detailed building design and construction phase, including the design, selection and installation of fixed plant and equipment, A/C units and refrigeration plant, mechanical exhausts, acoustic enclosures/plant rooms and the like, that the ongoing advice and design input of a qualified acoustic consultant is sought and implemented to ensure that the operation of such plant and equipment complies with statutory and planning noise limits. Mechanical plant and equipment must be provided with appropriate acoustic enclosures/screening and located away from adjacent noise sensitive premises.

**9. PROPERTY NOTES**

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

**1. MCU12/0018 - Ongoing Landscape Maintenance**

This property and the landscape areas on the Princess Lane and Esplanade Headland road reserves adjacent to the allotment boundaries are maintained and managed by the Body Corporate, their agents or delegates to aesthetically compliment the surrounding local area for the life of the development. Maintenance must include:

- (a) regular mowing, weeding and fertilizing of turf verge
- (b) mulching, fertilizing and aeration of landscape areas
- (c) cleaning of all external surfaces including prompt removal of graffiti
- (d) replacement of dead or poorly performing plants
- (e) inspection and assessment of all vegetation so that it does not adversely affect adjoining property or pedestrians
- (f) remedial action if any vegetation poses a health or safety risk to site users or adjoining property.

**10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

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

**12. SELF ASSESSABLE CODES**

Not Applicable.

**13. SUBMISSIONS**

Not Applicable.

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

Not Applicable.

**15. RIGHTS OF APPEAL**

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

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

#### **16. OTHER DETAILS**

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

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## 7.2 COMMUNITY SERVICES

### 7.2.1 SUNSHINE COAST CEMETERY PLAN 2012-2027

**File No:** ECM 260712

**Author:** Planning Officer, Community Planning and Strategy  
Cemetery Services Manager  
Community Services

**Appendices:** [App A - Sunshine Coast Cemetery Plan 2012-2027](#) (OM Att Pg 255)

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#### PURPOSE

The purpose of this report is to present the *Sunshine Coast Cemetery Plan 2012-2027* to council for adoption. The Cemetery Plan is provided as Appendix A.

#### EXECUTIVE SUMMARY

The *Sunshine Coast Cemetery Plan 2012-2027* (the Plan) has been prepared to guide the management, operations and planning of the region's 19 cemeteries and two historical sites over the next 15 years.

The Plan has been prepared to align with council's existing policy framework. Of note, the Plan directly responds to the recommendations of the *Sunshine Coast Social Infrastructure Strategy 2011*, which outlined:

*Strategy 6.1: Ensure that social infrastructure responds to the diverse and changing needs of our communities.*

*Action 6.1.1 Complete detailed planning for specific facilities (e.g. cemeteries, libraries and arts facilities) and update the social infrastructure facility blueprint accordingly.*

The literature review, research and consultation which informed the Plan has identified a number of key considerations that will impact on the delivery of cemetery services in the future. These include:

- the region's evolving demographic profile, particularly the growth and ageing of the population;
- cemetery-related trends, such as those relating to burials and cremations;
- the requirement for additional land for cemetery purposes in the southern end of the region;
- the need to protect the cultural heritage of cemeteries and provide cultural opportunities for the community;
- the identification of efficiencies in the provision of cemetery services; and
- the option of exploring business and economic opportunities.

To proactively respond to these key considerations, the Plan introduces a policy framework to:

- Ensure that council's cemetery services are responsive to change, and maintain sufficient land and facilities to meet the current and future needs of the region.
- Maintain and improve the provision of cemetery facilities as an essential community service, and enhance the cultural value, community awareness and benefits of cemetery services and facilities.
- Continue to investigate and implement efficiency targets relating to operational, administrative and management roles.
- Take advantage of business and economic opportunities to advance cemetery services.

## **OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled "Sunshine Coast Cemetery Plan 2012-2027"; and**
- (b) adopt the Sunshine Coast Cemetery Plan 2012-2027 (Appendix A).**

## **FINANCE AND RESOURCING**

The majority of recommendations contained within the Plan will primarily direct 'core business' activities for council's Cemetery Services Team and as such are accommodated within the operational budget for the program.

The few recommendations contained within the Plan that do require additional financial resources in council's operational budget are highlighted and estimated costs are provided. These recommendations are estimated to cost \$155,000 over the medium term (within the next 5-9 years), and \$50,000 over the long term (within the next 10-15 years). The allocation of resources to these recommendations will be a matter for council's consideration as part of the annual budget process. Following council's adoption of this Plan, the capital recommendations will be referred to the Community Facilities and Parks and Gardens capital works sub program for prioritisation and will be considered by Council in annual budget deliberations.

The Plan also recommends the need to acquire new land for cemetery purposes. *The Sunshine Coast Social Infrastructure Strategy 2011* identifies land for cemeteries as trunk infrastructure. As such, the purchase of land for cemetery purposes is eligible for Priority Infrastructure Plan (PIP) contributions within the ten year capital works sub program for land acquisition. However it should be noted that following the capping of PIP contributions by the State government the availability of funds for such land acquisitions is likely to be very limited.

The council adopted operational budget for the provision of Cemetery Services across the region is contained in Table 1 below.

TABLE 1: ORIGINAL BUDGET 2012-13 CEMETERY SERVICES

STATEMENT OF FINANCIAL PERFORMANCE	Original Budget 2012-2013 \$000
<b>Operating Revenue</b> Fees & Charges	977
<b>Total Operating Revenue</b>	<b>977</b>
<b>Operating Expenses</b> Employee costs	570
Materials & Services	533
Internal Expenditure	143
Depreciation	51
Other Expenses	108
<b>Total Operating Expenses</b>	<b>1,404</b>
<b>Operating Surplus/(Deficit)</b>	<b>(427)</b>

## CORPORATE PLAN

Corporate Plan Theme: *Managing Growth*

<b>Emerging Priority:</b>	7.4	Timely and appropriate infrastructure and service provision
<b>Strategy:</b>	7.4.3	Ensure the provision of parks, open space and community infrastructure consistent with identified local and regional needs
<b>Emerging Priority:</b>	7.5	Council's services and assets meet the needs of our growing community
<b>Strategy:</b>	7.5.1	Determine the types and levels of services provided by council

## CONSULTATION

### Internal Consultation

Consultation with council's key internal stakeholder branches was completed. This included:

- Social Policy Branch (Regional Strategy & Planning)
- Property and Business Branch (Finance & Business)
- Parks and Gardens Branch (Infrastructure Services)
- Building and Facility Services Branch (Infrastructure Services)
- Community Facilities Branch (Community Services)
- Community Development Branch (Community Services)
- Legal Services Branch (Executive Office)

### External Consultation

In order to gather data and information to inform the Cemetery Plan, the following external parties were consulted:

- Other cemetery providers - Nudgee Catholic Cemetery, Bundaberg Regional Council, Gold Coast City Council and Ipswich City Council
- Local funeral service providers
- The Sunshine Coast Ministers Fraternal (Ordained Clergy)

### Community Engagement

The Plan has been prepared to align with the Sunshine Coast Social Infrastructure Strategy 2011 which underwent significant community engagement. The Plan transforms the endorsed strategies of the Sunshine Coast Social Infrastructure Strategy 2011 into operationally-focused recommendations. Undertaking external consultation for the content of the Plan, which is based on already endorsed directions, is therefore not required in this instance.

## PROPOSAL

Cemeteries are an essential community service provided by council. Council's Cemetery Services team manage the 19 cemeteries and 2 historical sites located across the region. Council accommodates an average of 280 burials and 180 ash interments per year.

To enhance the delivery of cemetery services into the future, the Plan has been prepared to guide the management, operations and planning of council's cemeteries over the next 15 years. The Plan has been prepared in direct response to the policy directions contained within the *Sunshine Coast Social Infrastructure Strategy 2011*.

The Plan identifies that a number of factors will impact council's cemeteries in the future. These include the region's evolving demographic profile, and other trends relating to burials and cremations. Other key considerations explored within the Plan are the need for additional land for cemetery purposes; the need to value our community and cultural heritage; operational and cost efficiency considerations, and the option of exploring business and economic opportunities.

Capturing the key considerations identified within this Plan, the vision for council's cemeteries services for the following 15 years is:

*“Sunshine Coast Council is committed to long term provision of cemetery facilities that are responsive to the communities needs and promotes community well being and involvement.”*

To proactively respond to this vision and the key considerations, the Plan introduces four guiding principles with corresponding strategies. These are outlined in the following with supporting rationale.

#### Principle 1: Responsive to Demand and Change

*Corresponding Strategy:* Ensure that the Sunshine Coast Council cemetery services team are responsive to change, and maintain sufficient land and facilities to meet the current and future needs of the community.

*Rationale:* The *Sunshine Coast Social Infrastructure Strategy 2011* identifies the need for acquiring additional land for cemetery purposes in the short term, which is recommended to be located in the southern end of the region. The Plan identifies a framework for acquiring new land and gaining additional burial capacity.

#### Principle 2: Provide Value to the Community

*Corresponding Strategy:* Maintain and improve the provision of cemetery facilities as an essential community service, and enhance the cultural value, community awareness and benefits of cemetery services and facilities.

*Rationale:* A cemetery is a valuable social and historical resource for the community. The Plan triggers the ongoing protection and conservation of council's cemeteries. This includes the continuation of building partnerships with external groups to benefit both council and the community.

#### Principle 3: Be Operationally & Cost Efficient

*Corresponding Strategy:* Continue to investigate and implement efficiency targets relating to operational, administrative and management roles.

*Rationale:* The operational expenditure involved in the provision of cemetery services currently outweighs revenue (by approximately \$660,000 in 2011/2012). In particular, the perpetual maintenance of council's cemeteries, especially if a cemetery is closed to new burials, presents a large ongoing cost for council. The Plan identifies opportunities for reducing the operational expenditure of the cemetery services team and contributing to a more cost effective environment.

#### Principle 4: Maximise Opportunities

*Corresponding Strategy:* Take advantage of business and economic opportunities to advance cemetery services.

*Rationale:* Trends emerging within the cemetery industry raise opportunities for council to diversify its operations. The Plan recommends exploring these economic opportunities to respond to evolving community demands. This can also introduce additional revenue streams, therefore reducing the operational expenditure of cemetery services

**Legal**

Recommendations of the Plan include exploring the feasibility of reclaiming unused burial sites and limiting the tenure of a burial site. The feasibility study required for these recommendations will include an analysis of any legal implications

**Policy**

The Plan forms council's policy direction for cemetery services, and provides a clear direction on how these will be provided. The Plan has been prepared to reflect council's existing policy framework, and is therefore consistent with the directions of the *Community Plan, Corporate Plan* and the *Sunshine Coast Social Infrastructure Strategy 2011*

**Risk**

The Plan establishes a clear direction on how cemetery services will be delivered over the next 15 years. There is a risk that without an endorsed Sunshine Coast Cemetery Plan, an uncoordinated and unresponsive approach for the delivery of cemetery services will occur. Failure to respond to the emerging needs of the region and improving the efficiency of cemetery services may lead to inadequate service provision, which can have potential social and financial implications.

The Plan also identifies that additional land for cemetery purposes is needed in the southern end of the region. The cost of acquiring this land will be significant. However, as burial capacity continues to decline, it is considered timely to secure land as the opportunity arises. This is to ensure that the burial needs of the region are appropriately met over the long term.

**Previous Council Resolution**

There are no previous council resolutions in relation to this report.

**Related Documentation**

- Sunshine Coast Social Infrastructure Strategy 2011
- Caloundra Cemetery Strategy 2002 – 2022
- Maroochy Business Strategy 2001 – 2031
- Noosa Business Plan 2005 – 2015

**Critical Dates**

It is imperative that a policy framework for cemeteries is adopted, so council has the ability to enhance the delivery of this service to the community.

The Plan's recommendations have nominated timeframes for delivery, and these are broken down into immediate, short term (within 4 years), medium term (five to nine years) and long term (10 to 15 years) actions.

### Implementation

The Plan will be implemented by council's Cemetery Services team.

A number of the Plan's recommendations do require assistance from other internal council departments, including:

<u>Recommendation</u>	<u>Assisting Council Department</u>
Pursuing additional land for cemetery purposes	Finance and Business Regional Strategy and Planning
The development of planting plans for council's cemeteries	Infrastructure Services
Development of regulations for cemetery operations requires	Finance and Business

The Cemetery Plan is recommended to be reviewed every five years to track the progress of the Plan's implementation, and identify new opportunities to improve cemetery services.

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## 7.3 INFRASTRUCTURE SERVICES

### 7.3.1 ANNUAL KERBSIDE WASTE COLLECTION SERVICE POTENTIALLY FUNDED BY DIVISIONAL FUNDS

**File No:** 1-14054

**Author:** Manager, Waste and Resources Management  
Infrastructure Services

**Attachment:** [Att 1 - Capital Works Program 2012 /2013 \(Adopted\)](#) (OM Att Pg 291)

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#### PURPOSE

To report on service delivery options and possible funding sources for the delivery of a kerbside collection service for bulky waste items to enable Councillors to elect to receive the service within their division funded from cancelling capital works projects proposed for the specific division.

#### EXECUTIVE SUMMARY

This report is in response to a council resolution, *“That Council request the Chief Executive Officer to provide a report to the July 2012 Ordinary Meeting looking at options for a kerbside collection service including funding and the ability to undertake the service on a divisional basis so long as the funds to be allocated for the divisional kerbside collection are derived from budget allocations for that division.”*

The report details that funding an operational kerbside waste collection service from divisional allocations under the “Councillor Emergent Capital Works and Minor Operational Works Policy”, falls outside the scope of the policy. A kerbside bulk waste collection service could be delivered using regional capital funding but there are important constraints to be considered if council wishes to use capital funding for this purpose.

Included in the report under “Finance and Resourcing” is a full listing of the number of properties in each division and costs associated with performing the service using councils 3 existing waste contractors. The costs are based upon the contractors’ service areas (pre amalgamation shire boundaries) and current tendered prices. A range of other service delivery options are examined including the existing service model of service direct to the public by private contractors.

The estimated costs include segregation of waste before disposal to landfill and this will be funded by the costs for disposal of waste based on the current disposal cost of \$130 per tonne.

The report includes details by division of capital projects funded from general revenue that have been regionally prioritised and allocated to a specific division which could potentially be used to fund the service. **Table 2** gives a summary of these funds in each division with the full list of the capital projects and costs detailed in **Attachment 1** attached to the report.

Risks associated with provision of the service are examined including political risks involving public perception of inequity by residents who may not be included in the service.

The known services available for assistance with removal of waste for disadvantaged groups such as aged and people with a disability are listed for consideration if the council resolves not to implement a service.

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As the proposed service model does not align with the current waste collection contracts which provide for servicing of the whole contracted area, each of the three waste contractors have highlighted that they cannot accept to perform the service at the tendered rates until they know which divisions are proposed to be serviced. Further negotiation with contractors would be required if council resolves to proceed with the provision of a service by division.

Councillors should note that the cancellation of specific capital projects will create pressure on the following years capital program, as the projects used to fund the service will be added to the following years listing as a priority, unless staff are directed otherwise, at the expense of projects, potentially, from other divisions.

Given the significant impacts on the developed capital works program, which has already been reduced by \$9.5 million, the implications of changes to funding priorities, unknown costs by waste contractors, conflicts with the waste minimisation strategy, absence of a user pays philosophy, inequity across divisional boundaries and a range of other disadvantages listed in Part 4 of the report, staff do not support the provision of a divisional service using capital funding.

## **OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled “Annual Kerbside Waste Collection Service Potentially Funded by Divisional Funds”; and**
- (b) not proceed with provision of an annual kerbside bulk waste collection service on a divisional basis funded by capital funds allocated to divisions due to costs, overheads, localised implications and impacts upon the prioritisation of the current and future capital works program.**

## **FINANCE AND RESOURCING**

Funding a kerbside bulk waste collection service from divisional allocations under the “Councillor Emergent Capital Works and Minor Operational Works Policy”, falls outside the scope of what is permitted under that policy and would require a formal council resolution or amendment to the policy. To fund the service this way would undermine the integrity of the process and is not recommended without amending the Policy to support such actions.

The estimated costs of providing the kerbside collection service by Division are detailed in **Table 1** below. **Table 1** details the number of domestic premises by division, the contractors cost of providing the service within each division, kerbside collection costs by the relevant contractor, segregation and land filling of estimated volumes of waste to be collected and the total cost of the service. These costs are indicative only as the contractors have indicated that the tendered prices are subject to negotiation as they do not fall within the terms of the current contract, which provide for a service to be provided to the whole of the contractors’ service area.

Table 1

Annual Kerbside Collection and Disposal Indicative Costs by Division				
Division	Domestic Premises	Kerbside Collection Cost	Land filling and Waste Segregation Cost at \$130/tonne	Indicative Total Cost *
1	9,261	\$90,400	\$83,600	\$174,000
2	13,287	\$129,900	\$120,000	\$249,900
3	10,731	\$105,100	\$96,900	\$202,000
4	14,758	\$96,100	\$133,200	\$229,300
5	9,331	\$65,100	\$84,200	\$149,300
6	9,984	\$45,900	\$90,100	\$136,000
7	8,267	\$38,000	\$74,600	\$112,600
8	13,034	\$59,900	\$117,700	\$177,600
9	11,470	\$52,800	\$103,500	\$156,300
10	8,926	\$41,100	\$80,600	\$121,700
11	16,368	\$75,800	\$147,800	\$223,600
12	9,882	\$45,800	\$89,200	\$135,000
Totals	135,299	\$845,900	\$1,221,400	\$2,067,300

\* subject to contractor negotiations and terms.

Note – Commercial premises are not included in the number of premises. The southern Contract includes commercial premises however they have been removed from the table.

The Finance Branch has reviewed the possible capital funding sources for a divisionally funded kerbside bulk waste collection service. Finance Branch has provided a listing of the capital funds that could be used as detailed in **Table 2** below.

**Table 2** provides a summary list of 2012/2013 capital works by division, funded by the general revenue. Capital projects that have been identified as renewals have been excluded along with other capital funding streams such as projects funded by loans, PIP, Levies and Reserves.

There are also administrative costs associated with arranging and delivering a service per division as proposed requiring substantial contract negotiation, advertising and supervision of the various contractors. It is not possible to apportion these costs to the division being provided with the kerbside collection service and this workload would need to be absorbed within the existing staff budget.

#### **CAPITAL WORKS PROGRAM:**

**General Revenue Funded, i.e. Excludes Renewals, Loans, PIP, Levies, Reserves**

#### **Summary: Capital Funds Available by Division**

During the development of the annual capital works program each project is carefully evaluated by a staff evaluation team who score the projects based on a range of criteria endorsed by council. Many of these projects are also aligned with a progressive delivery program of scoping, design and then construction over a period of years. There is some potential for the lowest or lower ranking projects to be allocated to fund the kerbside service. Current policy is for projects deferred in the current year to become the highest priority for the following year. These low priority projects may not be the most desirable to undertake in the following year. (They may displace another project in another division that should have a higher priority for delivery.)

Many capital projects listed in divisions are also of significance to the whole region and their listing within a division does not necessarily indicate that they are only of benefit to that division. It should be noted that the current 2012/2013 capital program has already been substantially reduced by \$9.5 Million and any further reduction will place additional pressure on the capital program.

These concerns need to be considered when reviewing any changes or reduction to the current capital program.

**Table 2.**

<b>DIVISION</b>	<b>Budget 2012/2013 (\$'000)</b>
1	\$1,891
2	\$1,670
3	\$1,048
4	\$1,772
5	\$1,490
6	\$1,140
7	\$1,196
8	\$1,071
9	\$2,760
10	\$1,189
11	\$1,896
12	\$3,217
<b>Mayor</b>	<b>\$125</b>
<b>Grand Total</b>	<b>\$20,465</b>

A complete list of all the capital works listed above is available for review in **Attachment 1** attached to this report. Infrastructure Services staff have provided comments where relevant to highlight the impact of works not being undertaken as a result of funding removal.

If the council resolves to perform a service by division, the council will need to nominate the particular capital projects that will be cancelled to allow for the transfer of funds to perform the annual kerbside service. It should be noted that many projects may have already had some pre work, consultation or designs commenced and staff can advise council of impacts of cancelling any particular project, if selected.

## **CORPORATE PLAN**

**Corporate Plan Theme:** *Ecological Sustainability*

**Emerging Priority:** 2.5 Innovative programs to protect our ecology  
**Strategy:** 2.5.1 Develop a waste management and recycling strategy targeted to the goal of zero waste

**Corporate Plan Theme:** *Great Governance*

**Emerging Priority:** 8.7 Excellence in customer service  
**Strategy:** 8.7.3 Enhance existing customer service and explore improved methods of service delivery

## **CONSULTATION**

### **Internal Consultation**

The following internal staff were consulted during preparation of this report:

- Executive Director Infrastructure Services
- Manager Finance
- Senior Management Accountant, Waste

### **External Consultation**

There has been no external consultation undertaken in relation to this item.

### **Community Engagement**

Some councillors have reported significant community demand for reinstatement of the annual kerbside collection service, during their recent council election campaign. There has been no other community engagement during the preparation of this report.

## **PROPOSAL**

### **BACKGROUND INFORMATION**

#### **Council's Waste Minimisations Strategy**

During preparation of the "Waste Minimisation Strategy 2009-2014", there was significant discussion about the annual kerbside service. The general view was that it did not implement a user pays philosophy, did not maximize the opportunity for recycling of waste and would not lead council to achieve waste minimisation goals prescribed in the strategy.

#### **Summary of the Existing Waste Collection Contracts**

There are 3 Waste Collection contractors who provide waste collection services to the council. Each of those contracts includes provision for the council to require the contractor to perform a kerbside bulk waste collection service either annually or upon request. Tendered rates include a price for performing the kerbside service throughout the whole of the contractors' service area, which is based on the council shire areas, pre amalgamation.

Importantly:

- Contractor's rates differ significantly between the three contractors for annual kerbside service.
- The southern contract includes collection from commercial premises.
- All contractors charge per premises irrespective of whether the occupier places waste out for collection.
- The typical take up rate is only 25%, meaning that 75% of the community who do not use the service subsidize the remaining 25% of the community who take advantage of the service.
- Contractors base their price on past knowledge that only a low ratio of properties will take advantage of the service resulting in a relatively low cost per premises.
- The service is a large undertaking and requires additional plant and human resources as the contractor is required to also continue his contracted work 7 days per week.
- To perform a service over one Division would take at least 6 weeks

### **Waste Segregation and Recycling Practices**

The service could be delivered using a second truck to collect whitegoods and steel in advance of the collection of remaining material, or alternatively, the waste can be segregated at the landfill after collection in a single truck. Experience has shown the cost of running the second vehicle is not viable as the removal of the most valuable materials from the footpath by scavengers is increasing. However, segregation at the landfill is made more difficult due to the compaction of waste at up to 5:1 in the collection vehicle. Many recyclables are damaged beyond recovery or reuse.

### **Waste Contract Service Areas Cross Over Electoral Divisional Boundaries**

The current waste collection contracts are structured on the pre amalgamated council boundaries. Consequently there may be 2 waste contractors servicing one council division. Current contract prices for providing the annual kerbside service differ by almost 100% between the lowest and highest prices. This will impact on the costs of providing the service in some divisions.

### **Contractual Negotiations Required for a Divisional Service**

Each of the three waste contractors were contacted regarding annual kerbside servicing by division and implications of some divisional areas being serviced by two waste contractors. The general response from the contractors is that the price may need to be renegotiated depending upon which divisions are to be serviced. Until the service areas are known, the contractors are reluctant to agree to their tendered rates. Servicing only rural areas may cause them to bear a loss due to distance travelled to perform a limited number of collections. The higher density areas would likely be serviced at the tendered rates but there is no guarantee given to this.

In order to present this report the prices used are the tendered prices by division and using two contractors' prices where contract boundaries overlap. If council resolves to perform the service in certain divisions then staff will need to negotiate with the relevant contractor to obtain the best service structure and price and if necessary report back to council for a decision on the revised price.

## **SERVICE OPTIONS FOR KERBSIDE COLLECTION**

There are a range of service models available to council and the community for the removal of bulky items of waste.

1. **Regional Service** in which Council's contractors provides a kerb side bulk refuse collection service usually at a programmed time throughout the year to all premises (the past pre amalgamation system.) Such services are generally provided at a lower cost due to the large number of services collectively provided within a shorter period of time.
2. **Divisional Service** similar to the regional service above but the service is provided by Division. The price needs to be negotiated and is likely to be higher than the regional service, depending upon the Division being serviced. This is the model under consideration.
3. **On call** collection services provided by council's contractor or another private contractor arranged by council where the resident requests a service from Council at a particular time either by phone or on line. The resident is billed directly "user pays" by Council for this type of service. Experience in one council shows that when waste is placed out for collection on the footpath under this system and observed by other residents, they place their waste in the pile and this creates neighbourly conflict.

This would require renegotiation with the waste contractors or a tender with a private contractor. The price is likely to be much higher than the current service charge for the whole region. The price is likely to be a similar price to the Private Service model listed below and is not recommended due the high administration costs of arranging collections.

4. **Private Waste Collection by Council's Contractors.** Each of Council's Waste Collection Contractors can provide and service a range of bulk waste collection containers to remove bulky waste items at the occupiers cost. The bin is delivered to the resident who loads the waste into the bin. When it is filled the contractor is contacted and he collects the bin, disposes at the landfill and pays the dumping fees and charges the resident.
5. **Private Waste Collection by a range of private waste contractors** from the yellow pages without Council involvement. This service has advantages of minimizing council resources required to manage the significant number of customer calls to book collections, and allows small private operators to build a viable business. Most of these companies provide skip bins or rubbish bags to building sites and private premises. There has been a significant move recently by these companies to segregate waste and sell the recyclables, sending the residual waste to low cost landfills outside the region to reduce their costs. Charitable organisations can continue to collect items of interest to them under this category, with or without charge to the resident. This is the current model.
6. **Not for profit organisations** have previously been contacted regarding the provision of an annual kerbside service to the community. They have responded advising that they are not adequately resourced with vehicles or staff to provide a service on the scale required, either on call or whole of Division. They are limited to collecting useful items that are offered for free for resale or reuse.

## **EXTERNAL ASSISTANCE AVAILABLE FOR ELDERLY/INFIRM**

If the Council decides not to provide a service there is a range of Government Agencies that can assist the aged or people with a disability to remove waste and clean up their properties. The services listed below are those known to the Waste and Resources Management Branch but there may be others.

- The Home and Community Care program (HACC) is a joint Commonwealth, State and Territory initiative. It funds basic maintenance and support services to help frail older people and younger people with disabilities.
- Many community groups provide similar services but without the limitation of "frail" or "younger" focusing more on the disadvantaged or those unable to help themselves. Some receive government subsidies, while others exist purely on public donations or the good will of their participants and the community.

The local charities/community groups that currently receive waste disposal exemptions because of their community service are:

- Maroochy Home Assist
- Catholic Parish Caloundra Home Assist

- Glasshouse Country Care
- Church on the Rise
- Blackall Range Care Group Inc
- Gateway Care
- Kabbarli Home & Community Care
- Noosa Home Assist Secure
- St Andrew's Care
- Suncoast Christian Care

Charities such as Endeavour Foundation, Lifeline, Aid for the Blind, Salvation Army & St Vincent de Paul will collect reusable goods from anyone.

Most service clubs will also help those who are disadvantaged in the community.

## **SUMMARY OF THE ADVANTAGES AND DISADVANTAGES OF PROVIDING A KERBSIDE SERVICE WITHIN SOME DIVISIONS**

### **Benefits of the annual Kerbside Service**

- It meets the community expectation of approximately 25% of the community who enjoy the ease of placing waste out for collection at a perceived minimal cost.
- Aged or people with a disability without an appropriate vehicle to transport bulky waste to the landfill are catered for with minimal inconvenience.
- The service is more convenient and less costly per individual than arranging a service with a private waste company.
- The service is suggested by some residents to minimize illegal dumping.

### **Disadvantages of the Annual Kerbside Service by Division.**

- Potential for the waste contractor to overcharge for a service outside the current tendered rates due to current prices based on servicing a whole region.
- Current policy prevents the use of funding from councillors divisional allocations for emergent capital works.
- Severe impacts upon the methodology of prioritisation of the regional capital works program if capital funds are used. Capital projects used to fund the service will become the highest priority in the following year's capital program, at the risk replacing higher priority projects from other divisions.
- Many capital projects are of benefit to the region and not limited to benefit the division they are located in.
- The actual costs of performing the service and disposing of the waste are high when compared to the number of residents who use the service.
- The visual appearance of our high profile tourist area is impacted over a significant period of time while unsightly goods are stored on the footpath awaiting collection.
- Strong wind and heavy rainfall have significantly impacted upon the service in the past. A recent cyclone required residents to remove items from the footpath and later place them out for collection. Significant additional costs were imposed requiring civil works branch to perform the collection when goods were later put out for service, disrupting the council works program.



- Negative perception of residents in divisions that do not receive a service, who will consider the divisional service, is unfair.
- Prohibited items are placed on the footpath leading to conflict when the contractor fails to remove them.
- The service does not comply with “user pays” and waste minimisation criteria detailed in Council’s Waste Minimisation Strategy 2009-2014.
- Reduced ability to recycle products due to compaction in the collection vehicle.

The disadvantages of providing a kerbside bulk waste collection service far outweigh the advantages of providing the service. This is why many local governments have turned away from providing an annual kerbside service from previous years when it was more popular. Based upon the above information the council staff recommend against providing a service to divisions, using capital funding. The current system of user pays where residents arrange a service with a private waste company without council intervention is preferred and should continue.

### **Service Funding**

Each of the three collection contracts includes a different price for providing the kerbside service. This will influence the cost of providing the service by Division, depending upon which division and which contractor is responsible for providing the service.

**Table 1** provided under the heading Finance and Resourcing, details the number of “domestic premises” by Electoral Division, and the estimated cost of performing a service in each Division. The costs include the cost of collecting the waste, the costs of disposing of the waste to landfill and the total cost. The disposal cost of \$130 per tonne includes the costs of segregating the waste to recover some of the recyclable products.

### **Legal**

Waste contracts have specific conditions for the provision of the annual kerbside collection service and some negotiation is required to ensure that the arrangements entered into by council do not breach contract conditions. Contractors may have an opportunity to object to council engaging another contractor to perform the service if they have tendered in good faith and their tender has been accepted. In the past contractors have been agreeable to vary the service area, not provide the service as provided in the contract and have collected the waste using a second vehicle to intercept the steel and white goods to promote recycling of valuable products.

### **Policy**

The current policy of the council is to not provide a kerbside collection service following a decision in December 2010 and require residents to make their own arrangement for the removal of bulky items through private arrangements.

This report also makes comment on the Councillor Emergent Capital Works and Minor Operational Works Policy, which would require an amendment to the policy if funds from this source were to be used.

### **Risk**

Divisional boundaries can sometimes divide a street. There is a risk that residents on the unserved side of a street (in a different division) may object to not being provided with a

collection service and place waste on the opposite side of the street where the service is being provided, resulting in objections by the contractor.

Servicing by Division may also cause a public perception that council is being unfair if it provides a collection service to some divisions and not others.

*(Example to demonstrate this risk). If one division is provided with a kerbside service but not the adjoining division, the divisional Councillor for the unserviced division may be criticised for not implementing the service. The perceptions of an unserviced resident, paying the same garbage rate and the same general rate as the division receiving the service needs to be considered. Funding the service from divisional capital funds may not be seen as relevant to complainants.*

In the past residents have placed out prohibited (dangerous) items such as fuel containers, gas bottles, chemicals and paints, etc which are left behind by the collection contractor. This can result in the items remaining on the footpath for extended periods of time as staff attempt to resolve the removal and correct disposal of the prohibited items by the occupier. In the past councilors have intervened and requested civil works to collect the waste to clean up the footpath.

There are Workplace Health and Safety risks associated with the placing of waste items on the footpath awaiting collection as pedestrians walking at night can trip over these items, some of which are sharp and potentially dangerous. In practice, investigations have not shown any previous insurance claims in regard to this risk, despite the performance of the service in some areas over many years.

Asbestos sheeting placed out for collection is a significant risk as the cost and correct practices of disposal to landfill are high. Residents are tempted to use the free kerbside service.

### **Previous Council Resolution**

There are two previous council resolutions that are relevant to this report.

#### **Council Resolution SM12/03 - Special Budget Meeting 13<sup>th</sup> June 2012 -**

*That Council request the Chief Executive Officer to provide a report to the July 2012 Ordinary Meeting looking at options for a kerbside collection service including funding and the ability to undertake the service on a divisional basis so long as the funds to be allocated for the divisional kerbside collection are derived from budget allocations for that division."*

#### **Council Resolution OM10/351 8th December 2010 (PSC) item 4.1.11 Kerbside Collection Of Bulk Refuse**

*That Council:*

- (a) note the report titled "Kerbside Collection of Bulk Refuse";*
- (b) discontinue the provision of an annual kerbside bulk waste collection service to residents in the 2011/2012 budget;*
- (c) request the Chief Executive Officer to liaise with private waste contractors who can provide an "on call" service to residents to remove bulk waste items through private arrangements with residents, and to implement an advisory service to residents who*

*request a kerbside clean up, to direct them to an appropriately qualified operator and/or community groups; and*

- (a) *request the Chief Executive Officer to implement a communication strategy and provide information on council's website to inform residents of the change in council policy for the annual kerbside bulk waste service and options available for waste removal through private waste contractors and/or community groups.*

#### **Related Documentation**

- Waste contract Thiess – Caloundra Council
- Waste contract JJ Richards – Maroochy Council
- Waste contract Cleanaway Transpacific Industries – Noosa Council
- Local Law Noosa, Maroochydore, Caloundra (Roads)
- Report to Performance and Service Delivery Committee Meeting 30th November 2010 titled “Kerbside Collection of Bulk Rubbish”.
- Briefing Paper “Kerbside Cleanup/Vouchers” distributed to Councillors at the Council Budget Workshop 4<sup>th</sup> June 2012.
- Report by Manager Waste and Resource Management to Special Budget Meeting 13<sup>th</sup> June 2012 titled “Waste and Resources Management Budget”.

#### **Critical Dates**

If changes to the 2012/2013 Capital Works Program budget are to be made, then this information is required as soon as possible to enable rescheduling and delivery of works to be programmed.

If Council resolves to perform a service it is highly desirable to perform the service during colder months to avoid storms/rain/strong winds resulting in dangerous windborne items.

#### **Implementation**

If Council resolves to implement a kerbside bulk collection service by Division then council will need to resolve:

- Which Divisions are to be provided with the Kerbside service?
- What Divisional funds are to be allocated to the provision of the service from those Divisions?
- Staff will be required to negotiate with the relevant contractor to confirm the actual costs. Contractors may negotiate to increase their cost and this may require a further report to council.
- The service needs to be delivered outside school holidays and major public holiday periods if possible to avoid negative visual impact upon visitors.
- The service should be provided outside the summer storm and cyclone season to avoid damage and danger from windblown waste.

A substantial community information campaign is required to clearly inform the community of the items that will be collected, dates and times for placing items out for collection etc. This

service has been undertaken previously and the community information will be replicated, based on past successful kerbside collection services.

Useful items such as white goods will be removed from the waste stream before disposal to landfill. This will require some negotiation with the landfill contractors and will involve additional costs because the work is outside the current contract requirements. These costs will be met from the disposal cost of \$130 per tonne which includes processing of recyclable waste.

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## 7.4 FINANCE AND BUSINESS

### 7.4.1 QUARTERLY PROGRESS REPORT - QUARTER 4, 2011-2012

**File No:** 4.16.4

**Author:** Corporate Planning and Reporting Manager  
Finance and Business

**Appendices:** [App A – Chief Executive Officer’s Quarterly Progress Report](#) (OM Att Pg 303)  
[App B – Quarterly Progress Report Operational Plan Activities](#) (OM Att Pg 340)

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#### PURPOSE

This report presents the fourth and final Quarterly Progress Report for 2011-2012. The report covers the period 1 April to 30 June 2012.

The report has been prepared to inform council and the community on implementation of the activities, projects and programs set in the Operational Plan 2011-2012 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.

The 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.

Excellent progress has been made in implementing the Operational Plan 2011-2012, with 70% of projects/activities complete as at June 2012. Further details have been provided by Executive Directors in the attached reports.

Highlights from the April - June quarter include the following:

- 90% target for the delivery of the 2011-2012 capital works program achieved and in some areas this target was exceeded. This is an impressive achievement despite delays experienced in Quarter 3 as a result of severe weather conditions and flooding.
- Adoption of the 2012/2013 budget, Operational Plan and annual capital works program. The budget will provide support for the economy and investment in the future growth of the region.
- Green June, a month-long celebration of eco-focused events and festivals aimed at giving Sunshine Coast residents the skills to reduce their environmental footprint.
- Awarded the Corporate Sustainability Award at the Premier’s Sustainability Awards.

- Preparation for the arrival on the Sunshine Coast of the first international flight from New Zealand.
- Council won the inaugural Active Arts Category of the 2012 National Local Government Awards.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Quarterly Progress Report – Quarter 4, 2011-2012”;
- (b) note the Chief Executive Officer’s Quarterly Progress Report – Quarter 4, 1 April to 30 June 2012 (Appendix A); and
- (c) note the Quarterly Progress Report Operational Plan Activities (Appendix B) reporting on the implementation of the Corporate and Operational Plans.

## FINANCE AND RESOURCING

The cost of implementing the Operational Plan 2011-2012 was built into the Annual Budget 2011-2012.

A detailed report covering financial information will be presented to Council after end of financial year processing is finalised.

## 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 2011-2012 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 4 (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 2011-2012. In addition, Executive Directors have summarised their achievements in delivering the Corporate Plan.

Overall, the majority of the Operational Plan 2011-2012 has been delivered with 70% of projects/activities reported as complete. Projects and activities not completed and still to continue, will be carried forward and reported in Quarter 1, 2012-2013.

### Status of Projects

The Operational Plan Activities Report - Quarter Ended June 2012 (Appendix B) provides details on the status of the 214 projects/activities in the Operational Plan 2011-2012 and 22 projects/activities carried over from 2010-2011 (a combined total of 236 projects/activities).

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	166
Underway	69
Not started	1
<b>TOTAL</b>	<b>236</b>

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

Table 2 provides a summary on the % complete, for the 69 projects still underway.

Status	Number
less than 25% complete	2
25% - 50% complete	9
50% - 75% complete	24
75% or more complete	34
<b>TOTAL</b>	<b>69</b>

**Table 2: Summary of % complete for projects underway**

Branch managers have indicated that of the projects/activities still underway at 30 June 2012, 55% will be completed by December 2012 and the balance by June 2013. Where a project will carry forward into 2012-2013, an amended completion date and reason for the delay has been provided.

Highlights for the quarter include:

- 90% target for the delivery of the 2011-2012 capital works program achieved and in some areas this target was exceeded. This is an impressive achievement despite delays experienced in Quarter 3 as a result of severe weather conditions and flooding.
- Adoption of the 2012/2013 budget, Operational Plan and annual capital works program . The budget will provide support for the economy and investment in the future growth of the region.
- Green June, a month-long celebration of eco-focused events and festivals aimed at giving Sunshine Coast residents the skills to reduce their environmental footprint.
- Awarded the Corporate Sustainability Award at the Premier's Sustainability Awards
- Preparation for the arrival on the Sunshine Coast of the first international flight from New Zealand.

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 (Finance, Plans and Reporting) Regulation 2010*, section 122(2).

### **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 (medium risk rating).

**Legislative:** the report meets the legislative requirements of the *Local Government (Finance, Plans and Reporting) Regulation 2010*, section 122(2) (medium risk rating).

**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 (medium risk rating).

## Previous Council Resolution

Council adopted the:

- Operational Plan 2011-2012 at a Special Meeting (Budget) on 6 June 2011
- Quarterly Progress Report - Quarter 3, 2011-2012 at the Ordinary Meeting of 30 May 2012
- Quarterly Progress Report - Quarter 2, 2011-2012 at the Ordinary Meeting of 22 February 2012
- Quarterly Progress Report - Quarter 1, 2011-2012 at the Ordinary Meeting of 26 October 2011.

## Related Documentation

- Corporate Plan 2009-2014 and Operational Plan 2011-2012.
- Further 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.

## 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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## 7.4.2 POLICY FRAMEWORK IMPLEMENTATION (POLICY DISCONTINUANCE)

**File No:** ECM 26 July 2012  
**Author:** Manager, Corporate Governance  
Finance and Business  
**Appendices:** [App A – List of Sunshine Coast Council Policies for Discontinuance](#) (OM Att Pg 385)

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### PURPOSE

The purpose of this report is for council to give consideration to the discontinuance of a number of strategic policies. The primary focus is the discontinuance of the legacy policies transferred by the former three pre-amalgamated councils.

### EXECUTIVE SUMMARY

At amalgamation in 2008, 448 policy documents from the three former councils transferred to Sunshine Coast Council (SCC) and were required to continue in effect until reviewed. 294 of these were policies endorsed by the former councils and 154 were documents (known as corporate management directions) approved by the former Chief Executive Officers.

The SCC policy framework was endorsed on 27 August 2009. Applying organisation and departmental priorities, departments have been developing new policies in accordance with the framework, and reviewing the transferred policies with a view to discontinuing all legacy material so that only SCC policies are in use.

In November 2010, council agreed to discontinue the first tranche of the legacy policies in a 'bulk round' coordinated by Corporate Governance branch. Since then, departments have been approaching council separately on an 'as needs' basis. Now, another 'bulk round' is proposed. This is the final tranche of material and includes the remaining legacy policies, with the exception of three Regional Strategy and Planning documents. These documents are *Commercial use of public marine infrastructure (Jetties and boat ramps) – Noosa*, *Private jetties and pontoons construction – Caloundra*, and *Private jetties and pontoons Lake Magellan – Caloundra*.

Additionally, the Markets Policy as adopted by council in August 2010 is also recommended for discontinuance as the policy is no longer required due to the new local law approval framework.

### OFFICER RECOMMENDATION

**That Council:**

- (a) receive and note the report titled "Policy Framework Implementation"; and**
- (b) discontinue the 100 council-endorsed policies as listed in Appendix A.**

### FINANCE AND RESOURCING

The policy framework implementation project is a core operational project and the cost is funded through each department's core salary and materials annual budget.

## 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:** 8.1 Ethical, accountable and transparent decision-making  
**Strategy:** 8.1.2 Ensure legislative compliance and awareness

**Corporate Plan Theme:** *Great Governance*

**Emerging Priority:** 8.1 Ethical, accountable and transparent decision-making  
**Strategy:** 8.1.3 Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice.

## CONSULTATION

### Internal Consultation

Nominated representatives from each department (usually the Executive Officers) have worked with Corporate Governance branch to coordinate departmental reviews. Policy owners have been consulted on subject specific policies. Executive Directors have participated through the Executive Leadership Team meeting process and through internal departmental processes for policy development and approval.

### External Consultation

There was no external consultation required on this issue.

### Community Engagement

There was no community engagement required on this issue.

## PROPOSAL

### Legacy Policies

At amalgamation, the Minister for Local Government endorsed a Transition Action Plan (TAP) for Sunshine Coast Council. Part of that plan was the transfer of policy documents from the three former councils. 448 policy documents were listed in the plan: 294 were council policies endorsed by the former councils (i.e. strategic policy documents) and 154 were corporate management directions approved by the former Chief Executive Officers (i.e. administrative tools for managing the organisation). Further, section 277 of the *Local Government Act 2009* provides that all former councils' decisions 'continue in effect'.

The intention of the TAP was to allow policies to transfer from the three former councils and continue in effect. This would allow for the continuation of business until new arrangements could be made by the new council. Once new arrangements were made, the old ones should be formally 'discontinued'.

New arrangements can take a number of forms, for example, legacy material may be replaced by council, organisational or departmental policies; procedures; planning scheme arrangements; strategies or plans. In some instances, there may be no need to replace old material as it may no longer be required.

It is important to note that the legacy material from the former councils has a number of limitations including:

- its application is only possible within the geographical boundaries of the former council (i.e. Noosa or Maroochy or Caloundra), not across the whole region;
- it does not represent the amalgamated council's position;
- it may not fit within the meaning of policy in the SCC policy framework (e.g. it may be a guideline or a process); and
- it may now be covered elsewhere (e.g. new legislation, or new SCC documents).

In August 2009, council endorsed its policy framework. Subsequently the Chief Executive Officer endorsed the policy reference manual and implementation plan, and work began on reviewing the legacy material from the former councils and creating new material.

The review process has been a complex one and has been undertaken carefully and with extensive consultation to ensure good decision-making, clarity and simplicity.

In November 2010, council endorsed the discontinuance of around 50% of the former council policies. This 'bulk round' was coordinated by Corporate Governance branch on behalf of departments.

During 2011, departments made separate requests to council to discontinue policies on an ad hoc basis.

This report proposes the discontinuance of the remaining legacy policies in a coordinated 'bulk round', with the exception of three Regional Strategy and Planning documents (*Commercial use of public marine infrastructure (Jetties and boat ramps) – Noosa, Private jetties and pontoons construction – Caloundra, and Private jetties and pontoons Lake Magellan – Caloundra.*) By taking this action, council will ensure there is no ambiguity around its services and its decision-making. The community will also be clear about what to expect from council.

Separately, the Chief Executive Officer has now discontinued legacy corporate management directions with the exception of one Regional Strategy and Planning document (*Development assessment and compliance procedures for capital works – Caloundra*).

#### SCC Policy

The trend that is emerging at SCC is 'less is more'. To date, council has endorsed 38 strategic policies under its framework. The CEO has endorsed 31 organisational documents. These documents are consistent with council's endorsed framework and are focussed, robust policy material of a high standard.

As part of our organisational governance program, policies are reviewed and updated on a regular basis. Recently a review was undertaken of council's Markets Policy in light of the introduction of council's new suite of local laws which occurred following the policy's adoption. Legal advice has been sought regarding council's ability to assess and approve new markets and approve existing markets on council owned or controlled land in

accordance with operational guidelines that can be administered under council's local laws and the *Land Act 1994* and any other legislation.

Legal advice confirmed that holding public markets on local government controlled areas (e.g. parks) or roads (e.g. footpaths) would be regulated by the prescribed activity 'commercial use of local government controlled areas or roads' within *Sunshine Coast Regional Council Subordinate Local Law No. 1 (Administration) 2011*, schedule 6.

In accordance with the legal advice, Community Services has commenced drafting operational guidelines for staff to permit markets on community land as per the local law.

All markets permitted to operate on community land will be conducted by not-for-profit groups so as to ensure the use of the land remains as community use therefore maintaining the original intent of the land. No application fees for a permit will be charged for not-for-profit groups operating markets on community land.

The approach outlined above renders council's existing market policy obsolete and introduces a more expeditious process for managing market approvals. The policy is therefore included in Appendix A for discontinuance.

Council's strategic policies are available on the SCC webpage, under About Council/ Publications and News. A review of key South East Queensland local government webpages shows that SCC provides a comprehensive and quality policy access service.

### **Legal**

This report is consistent with the *Local Government Act 2009*.

### **Policy**

The policy framework implementation and the review of former policies have been and are being conducted in accordance with the Sunshine Coast Council policy framework

### **Risk**

Policy owners in each department have assessed the former council endorsed policies and made recommendations based on their knowledge and expertise and after appropriate consultation. The review has been undertaken within a controlled manner to ensure risks associated with policy recommendations are carefully considered.

Corporate Governance branch coordinates the policy framework implementation, policy review and 'bulk round' requests for discontinuance in accordance with departmental advice.

### **Previous Council Resolution**

At its ordinary meeting on 27 August 2009, council endorsed the Sunshine Coast Council Policy Framework and noted that the Chief Executive Officer would develop supporting material and an implementation plan for the application of the SCC Policy Framework.

At its ordinary meeting on 30 November 2010, council agreed to discontinue 179 nominated policies, and noted that the remaining policies were under review and to be discontinued in due course.

**Related Documentation**

Sunshine Coast Council Corporate Plan 2009-2014  
Sunshine Coast Council Governance Framework  
*Local Government Act 2009*

**Critical Dates**

There are no critical dates that relate to this report.

**Implementation**

Departments will continue to put in place alternative arrangements as required for any discontinued material.

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### 7.4.3 REVIEW OF COUNCIL DELEGATIONS IN ACCORDANCE WITH STATE GOVERNMENT LEGISLATIVE CHANGES

**File No:** ECM

**Author:** Strategy and Policy Coordinator  
Finance and Business

**Appendices:** [App A - 2009 20 Building Act v3](#) (OM Att Pg 399)  
[App B - 2009 21 Environmental Protection v2](#) (OM Att Pg 403)  
[App C - 2009 22 Integrated Planning v2](#) (OM Att Pg 410)  
[App D - 2009 27 Local Law v2](#) (OM Att Pg 413)  
[App E - 2009 27 Plumbing and Drainage v2](#) (OM Att Pg 416)  
[App F - 2009 35 Sustainable Planning v3](#) (OM Att Pg 419)  
[App G - 2012 47 SPA MasterPlan v1](#) (OM Att Pg 422)  
[App H - 2012 50 Waste Reduction and Recycling v1](#) (OM Att Pg 424)  
[App I - Delegations to be replaced](#) (OM Att Pg 428)

#### PURPOSE

The purpose of this report is to present council with the following amended delegations in response to recent legislative changes:

*2009-20 - Building Services*  
*2009-21 - Environmental Protection*  
*2009-22 – Integrated Planning*  
*2009-26 – Local Laws*  
*2009-27 - Plumbing and Drainage*  
*2009-35 - Sustainable Planning*

In addition to this, the report presents council with the following new delegations:

*2012-48 - Sustainable Planning Act - Master Plans*  
*2012-49 - Waste Reduction and Recycling*

#### 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.

The recent changes to the *Sustainable Planning Act 2009* (SPA), *Environmental Protection (Waste Management) Regulation 2000*, *Plumbing and Drainage Act 2002*, *Building Act 1975* and the adoption of the new SCC Local Laws, has prompted the review and subsequent amendments to the abovementioned delegations to ensure council can continue to meet its legal and operational obligations under these local government acts.

The new Sustainable Planning - Master Plan delegation, delegates the council's powers relating to the assessment of a master plan application, however the delegation does not provide for the determination of a master plan application. All master plan applications will be referred to council for determination. The new delegation under the *Sustainable Planning Act 2009* will ensure Council Officers have the necessary delegated authority to undertake their responsibilities with respect to the assessment of Master Plan applications to ensure Master Plans are assessed in an efficient and timely manner and in accordance with the applicable Structure Plan.

The *Waste Reduction and Recycling Act 2011* (WRR Act) came into effect on 1 December 2011. On the 22 February 2012, the Department of Environment and Resource Management (DERM) (now known as the Department of Environment and Heritage Protection) delegated various powers under the WRR Act to Local Governments across Queensland.

The new Waste Reduction and Recycling delegation is necessary to maintain operational efficiency and to ensure council can enforce breaches of the WRR Act and implement and deliver a comprehensive litter strategy across the region.

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.

## **OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled “Review of Council Delegations in Accordance with State Government Legislative Changes”;**
- (b) make the delegation as detailed 2009-20 Building Act V3 (Appendix A);**
- (c) make the delegation as detailed 2009-21 - Environmental Protection V2 (Appendix B);**
- (d) make the delegation as detailed 2009-22 - Integrated Planning V2 (Appendix C);**
- (e) make the delegation as detailed 2009-26 - Local Laws V2 (Appendix D);**
- (f) make the delegation as detailed 2009-27 - Plumbing and Drainage V2 (Appendix E);**
- (g) make the delegation as detailed 2009-35 - Sustainable Planning V3 (Appendix F);**
- (h) make the delegation as detailed 2012-49 - Sustainable Planning Act - Master Plans V1 (Appendix G);**
- (i) make the delegation as detailed 2012-50 - Waste Reduction and Recycling V1 (Appendix H); and**
- (j) replace existing delegations as detailed in (Appendix I) with the delegations detailed in Appendix A-F.**

## **FINANCE AND RESOURCING**

The delegations attached to this report have been prepared and met through existing core budget provisions within Corporate Governance.

## 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:** 8.1 Ethical, accountable and transparent decision-making  
**Strategy:** 8.1.2 Ensure legislative compliance and awareness

**Corporate Plan Theme:** *Great Governance*

**Emerging Priority:** 8.1 Ethical, accountable and transparent decision-making  
**Strategy:** 8.1.3 Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice

## CONSULTATION

### Internal Consultation

A number of officers have been consulted throughout the development and review of these delegations including:

Coordinator Collection Services  
Coordinator Infrastructure Planning  
Litter Management Officer  
Manager Building Services  
Manager Community Response  
Manager Infrastructure Policy  
Plumbing Services Manager  
Project Director - Urban Development  
Project Leader - Centres and Master Plan Projects

### External Consultation

There was a need to consult with external legal providers on the Waste Reduction and Recycling delegation and the Master Plan delegation. The following legal providers, both of which are listed on our panel of providers, were consulted:

Herbert Geer Lawyers  
King and Company

## Community Engagement

The development of delegations does not require community consultation as they are purely an administrative process that provides the Chief Executive Officer with the necessary authority under the abovementioned Local Government Acts.

## PROPOSAL

### Delegations Generally

In order for council to operate efficiently and respond more effectively to the community, council delegates some of its powers to the Chief Executive Officer, therefore enabling council to focus on policy and strategic issues.

The existence of any delegation does not prevent council from exercising its power on the relevant matter. Council is able to revoke delegations, add conditions to existing delegations or add new delegations with or without conditions at any time.

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 (Council) can delegate its powers under an Act (meaning any Act conferring jurisdiction on Local Government, and subordinate legislation under these Acts and Local Laws) to the Chief Executive Officer.

Section 257 (2) of the *Local Government Act 2009* places some limitations on the powers and functions that can be delegated by identifying a number of matters that must remain within council's decision making framework including:

- (a) An Act provides that a power must be exercised by resolution.

Direct delegation from council to officers other than the Chief Executive Officer is not possible. Once power is delegated to the Chief Executive Officer, it is then a matter for the Chief Executive Officer to 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 delegations include a delegation criteria and a delegation administrative procedure section which provide additional information to delegated officers to ensure that delegations are exercised within a decision-making framework that is based on great governance, enterprise risk management principles and within an environment of integrity and accountability.

### Amendments to current delegations

#### Environmental Protection and Plumbing and Drainage

The Environmental Protection and Plumbing and Drainage delegations were adopted by council on 17 September 2009. Recent legislative changes have instigated a review of these delegations, which includes minor administrative changes to the chapters and section references and minor changes to the existing format to ensure consistency with current delegations.

The Environmental Protection (EP) delegation confers the authority to the Chief Executive Officer for all the enforcement and regulation activities that have been devolved to council as defined under the *Environmental Protection Regulation 2008*. The powers devolved to local governments include the administration and enforcement of environmental nuisances, noise standards and water contamination. In addition to these, the administration and enforcement of the following activities have been devolved to the local government:

- poultry farming;
- asphalt manufacturing;
- plastic product manufacturing;
- abrasive blasting;
- boiler making or engineering;
- metal forming;
- motor vehicle workshop operation;
- printing; and
- concrete batching.

The *Environmental Protection Act 1994* creates a general duty for all people, companies and government bodies to take all reasonable and practicable steps to avoid harm to the environment. The EP delegation provides council officers with the authority to administer and enforce those provisions devolved to local government in order to carry out activities that protect our community and the environment.

The Plumbing and Drainage delegation confers many powers under the *Plumbing and Drainage Act 2002* to qualified officers in order for them to assess and inspect regulated plumbing and drainage works on premises and to determine compliance in the local government area.

#### Building Services

The current Building Services delegation was adopted by council on 16 November 2011. In response to changes in the *Building Act 1975*, the Building Services delegation has been amended to include the following powers:

- To approve, with or without conditions, a later day to obtain a fire safety certificate or certificate of classification for a residential care building;
- General powers relating to owners of adjoining land where a pool barrier is constructed (where council is the adjoining land owner); and
- The authority to make a complaint for an offence made under the *Building Act 1975*.

The *Building Act 1975* governs all building in Queensland. The Building Act empowers the regulation of certain aspects of buildings and structures and includes the administrative terms necessary to give effect to the laws. The Building Services delegation provides the CEO with the authority to regulate building development approvals, building work, building classification and building certifiers. This includes:

- swimming pool compliance;
- fire safety standards; and

- building development approvals (for example carports).

#### Sunshine Coast Council Local Laws

Local Laws (previously referred to as by-laws) are the mechanism Local Governments use to regulate issues in the local government area. They cover a range of responsibilities that sit within a local government's jurisdiction such as the keeping of animals, commercial use of local government owned and controlled land and regulated parking to name a few.

The new SCC Local Laws came into effect on 1 January 2012 and signified the combined efforts of the organisation and community. The result was a suite of six local laws and six subordinate local laws. The introduction of the new local laws has prompted a review of the current local law delegation to ensure alignment and consistency with the new local laws.

The local laws delegation allows council officers to administer and regulate the SCC Local Laws in order to protect the interests of community health and safety and to prevent environmental harm, property damage or loss of amenity.

The amended Local Laws delegation contains minor administrative amendments to ensure synergy with the newly adopted local laws and consistency of legal terminology.

#### Planning

The Sustainable Planning (SPA) delegation provides the CEO with the authority to:

- Exercise the powers under IDAS with regards to development applications;
- Determine compliance;
- Enter into infrastructure agreements; and
- Make documents available.

The IPA delegation was initially adopted by council on 17 September 2009 and the SPA delegation was adopted by council on the 10 December 2009. On 27 April 2011 the SPA delegation was amended and adopted by council to include the authority to assess development applications under a superseded planning scheme.

The current amendments to the SPA and IPA delegation is simply required to address the differing methods and processes associated with issuing infrastructure contributions/charges on development under Chapter 8 of SPA and Chapter 5 of IPA.

The *Sustainable Planning Act 2009* (Qld) (SPA) is Queensland's principal planning legislation that coordinates planning at the local, regional and State levels. SPA, like its predecessor the *Integrated Planning Act 1997*(Qld) (IPA), also manages the processes by which development occurs and includes laws relating to:

- The preparation of a council's planning scheme;
- What is development and when does it require council approval;
- How development applications must be lodged, notified and assessed. It preserves the Integrated Development Assessment System (known as IDAS), first developed under IPA; and
- Appeals to the Planning and Environment Court.

The Integrated Development Assessment System (IDAS) establishes a common assessment system to be followed by all State agencies and local governments involved in assessing development applications. Assessment is usually coordinated at the local government level with procedures to safeguard State interests.

### New Delegations

#### Waste Reduction and Recycling Delegation

The *Waste Reduction and Recycling Act 2011* (WRR Act) received Royal Assent on 28 October 2011 and came into effect on 1 December 2011. On 22 February 2012 the Department of Environment and Resource Management (now known as the Department of Environment and Heritage Protection) delegated various powers under the WRR Act to Local Governments across Queensland.

The WRR delegation provides the CEO with the authority to administer and enforce provisions of the WRR Act such as the authority to:

- appoint a person as an authorised person;
- enforce littering offences; and
- require a person to commission a waste audit.

The WRR delegation provides a combination of powers that allows the CEO to enforce provisions that seek to encourage waste reduction, invest in resource recovery and thereby reduce the environmental impact of waste while promoting sustainability.

The WRR Act establishes a framework to modernise waste management and resource recovery practices in Queensland. The purpose of the new legislation is to include the promotion of waste avoidance, reduction in the consumption of natural resources, and minimising the overall impact of waste generation and disposal.

The key provisions of the *Waste Reduction and Recycling Act 2011* include:

- a requirement for Queensland Government agencies and local governments to prepare waste management plans;
- introduction of product stewardship arrangements for any waste products that are identified as a growing problem for landfill in the future; and
- strengthened litter and illegal dumping offences, including public reporting of vehicle-related littering offences<sup>1</sup>.

#### Sustainable Planning – Master Plans

The *Sustainable Planning Act 2009* states that Structure Plans must be developed for declared master planned areas. A structure plan provides a long-term guide for changes to land use, buildings and public spaces in a given activity centre. Structure Plans establish strategic outcomes, levels of assessment, overall outcomes and development codes, provision of infrastructure, movement and open space networks and detail the master planning requirements for declared master planned areas.

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<sup>1</sup> Information obtained from the Department of Environment and Heritage Protection

Council's adopted Structure Plans for the Maroochydore Principal Activity Centre and Palmview provide the framework for the assessment of Master Plans and subsequent development applications such as Reconfiguring a Lot, Material Change of Use and Operational Works.

A Master Plan is a blueprint for the future. It is a comprehensive document, long range in its view that is intended to guide development in the area. A Master Plan sets public policies regarding growth and development. The information and concepts presented in the Master Plan are intended to guide local decisions on public and private uses of land, as well as the provision of public facilities.

Master Plan applications received under a Structure Plan must be consistent with the established outcomes and criteria outlined in the applicable Structure Plan.

A master plan application is currently being prepared for the Maroochydore Central Precinct Master Plan Unit in accordance with the Maroochydore PAC Structure Plan. The master plan application is intended to be lodged with council by 31 August 2012.

The new Master Plan delegation, delegates the council's powers relating to the assessment of a master plan application, however it does not provide for the determination of a master plan application. All master plan applications will be referred to Council for determination.

The new Master Plan delegation under the *Sustainable Planning Act 2009* will ensure Council Officers have the necessary delegated authority to undertake their responsibilities with respect to the assessment of Master Plan applications, where in accordance with the applicable Structure Plan, ensuring the assessment of such Master Plans in an efficient and timely manner.

## Legal

This report presents delegations prepared in accordance with the requirements of the *Local Government Act 2009* and the aforementioned Local Government Acts.

All Queensland legislation can be viewed/accessed on the Queensland Government legislation website at [Queensland Legislation](#).

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.

*257 (1) A Local Government may, by resolution, delegate its powers under this Act or another Act to:*

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

Section 259 (Delegation by the Chief Executive Officer) of the *Local Government Act* allows the chief executive officer of a local government to delegate the Chief Executive Officer's powers (including powers delegated to the Chief Executive Officer by the local government) to another employee of the local government.

*259 (1) A chief executive officer may delegate the chief executive officer's powers to an appropriately qualified employee or contractor of the local government.*



**Policy**

The Sunshine Coast Regional Council delegations register will be updated to include the amended and new delegations

**Risk**

Delegations that are kept up to date with legislation mitigate any strategic risks that may arise.

From a quadruple bottom line perspective the most dominant risk factor is within the governance quadrant whereby the organisation could be exposed to significant risk if Council Officers operate outside of their delegated authority and are not aware of their roles and responsibilities under the abovementioned Local Government Acts.

**Previous Council Resolution**

There are no previous Council resolutions that relate to this report.

**Related Documentation**

The following legislation can be accessed and reviewed at <http://www.legislation.qld.gov.au>:

- *Building Act 1975*;
- *Environmental Protection (Waste Management) Regulation 2000*;
- *Integrated Planning Act 1997*;
- *Local Government Act 2009*;
- *Plumbing and Drainage Act 2002*;
- *Sustainable Planning Act 2009*;
- *Waste Reduction and Recycling Act 2011*.

The SCC Local Laws can be accessed and reviewed at <http://dlgp.qld.gov.au/local-government/local-laws-online.html>

**Critical Dates**

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

**Implementation**

- Delegation register to be updated;
  - Delegations to officers in accordance with S.259 of the *Local Government Act 2009* be prepared; and
  - Delegated officers advised and notified accordingly.
-

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#### **7.4.4 INVESTMENT REPORT FOR PERIOD TO 30 JUNE 2012**

**File No:** ECM 26 July 2012  
**Author:** Financial Planning and Performance Manager  
Finance and Business

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#### **PURPOSE**

The purpose of this report is to advise Council of the performance of Council's investment portfolio over the quarter to 30 June 2012.

#### **EXECUTIVE SUMMARY**

Investment returns for the past quarter continue to out-perform both industry benchmarks and Council's revised budget. This is partly due to higher than anticipated cash balances, and also due to having secured higher interest rates that were available before the market responded to reductions in the official cash rate by the Reserve Bank of Australia.

The official cash rates were reduced at both the May and June meetings of the Reserve Bank Board, and the current rate of 3.5% is at the same level as November 2009. The futures market and economic commentators are predicting further reductions before the end of the year, although the Reserve Bank commentary following their July Board meeting indicated that all economic indicators are within the target ranges expected.

Included in the report is some analysis as to the risk of possible interest rate reductions on the 2012/13 budgeted investment returns.

#### **OFFICER RECOMMENDATION**

**That Council receive and note the report titled "Investment Report for the Period to 30 June 2012".**

#### **FINANCE AND RESOURCING**

The return on invested cash for the 2011/2012 financial year is \$15,991,704 compared to a revised annual budget of \$15,520,000. Whilst the 2011/2012 returns are lower than the \$18,043,729 achieved for 2010/2011, the actual rate of return achieved represents a strong result when considering the reduction in interest rates and cash available for investment.

Total funds invested as at 30 June 2012 were \$244,815,499. This cash balance represents the total of reserve funds; trust and other constrained funds held; provisions for future expenditure; and working capital. The corresponding balance as at 30 June 2011 was \$273,041,316 with the reduction generally in accordance with budget projections.

Interest revenue shown in the Statement of Financial Performance for the period to 30 June 2012 includes revenue from the investment of surplus cash, as outlined above, together with contributions received from Unitywater under the Participation Agreement.

## 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:** 8.2.1 Develop indicators and measure the performance of council and the success in achieving its vision

**Corporate Plan Theme:** *Great Governance*

**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

### Internal Consultation

The draft report has been distributed to members of the investment Oversight Committee for review.

### External Consultation

Queensland Treasury Corporation was consulted for information relating to economic forecasts and statistical benchmarking data used in the compilation of this report.

### Community Engagement

There has been no community consultation in the compilation this report, although Council's Investment Policy is adopted as part of the annual budget process and the views of the community are garnered through the input of Councillors at that time.

## PROPOSAL

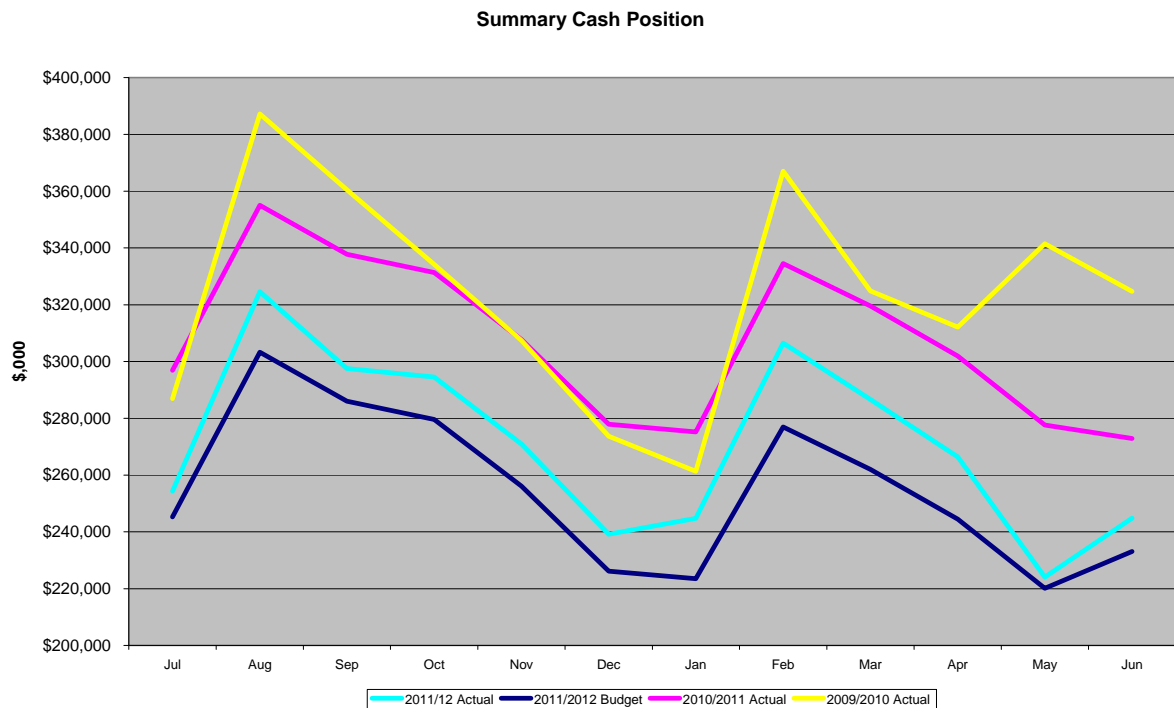
Council's investment performance for the 2011/2012 financial year has again provided better than forecast returns. Total revenue received from investments exceeded the revised budget, partly due to having additional funds available for investment, but also due to having locked-in higher interest rates prior to the market reductions following the Reserve Bank of Australia's decisions in May and June to cut the official cash rate.

The following Table provides a comparison of Council's overall portfolio performance against the previous year, using total investment revenue as a percentage of the average daily cash balance to provide a weighted average performance for the whole year.

	2011/2012	2010/2011
Average Daily Cash Balance	\$273,795,318	\$306,962,543
Total Interest Yield	\$15,991,704	\$18,043,729
SCRC Average Annual Interest Rate	5.84%	5.88%
Average UBS Bank Bill Index	4.68%	4.98%
SCRC Average Margin Above Benchmark	1.16%	0.90%

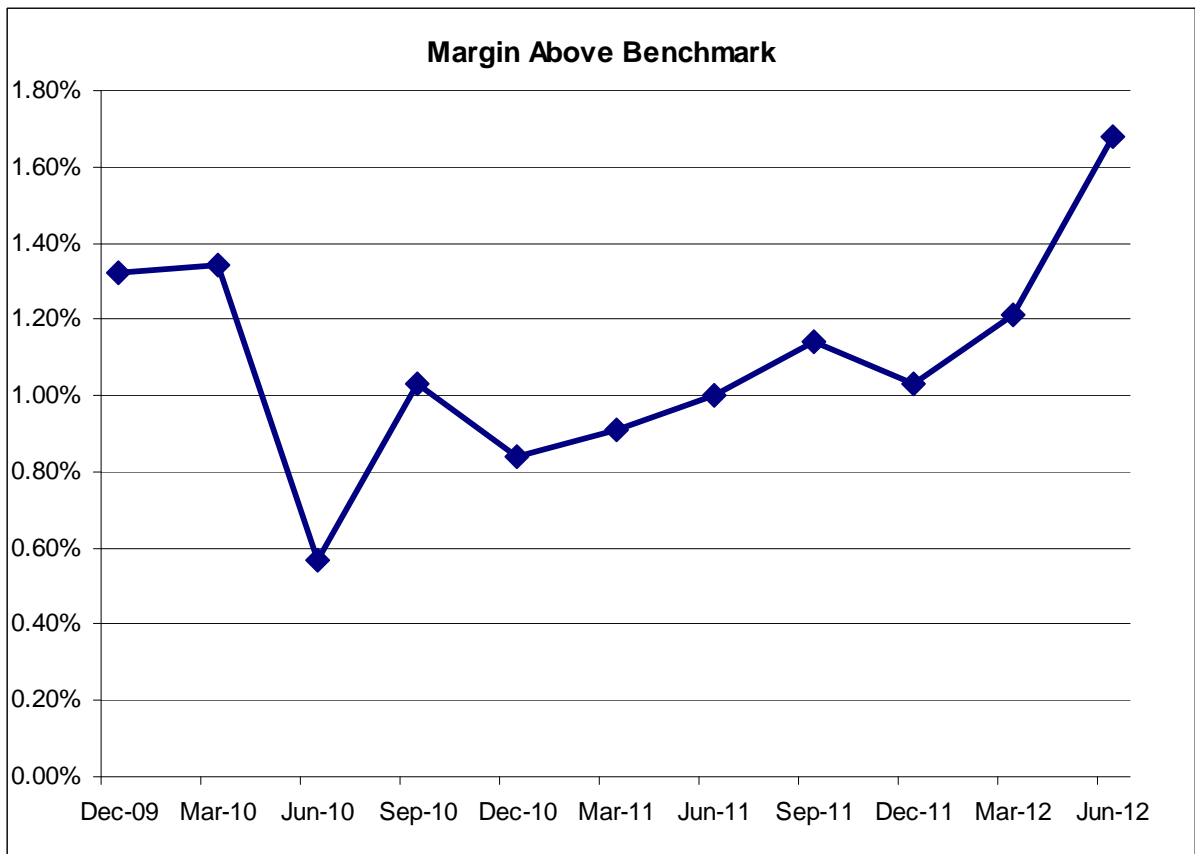
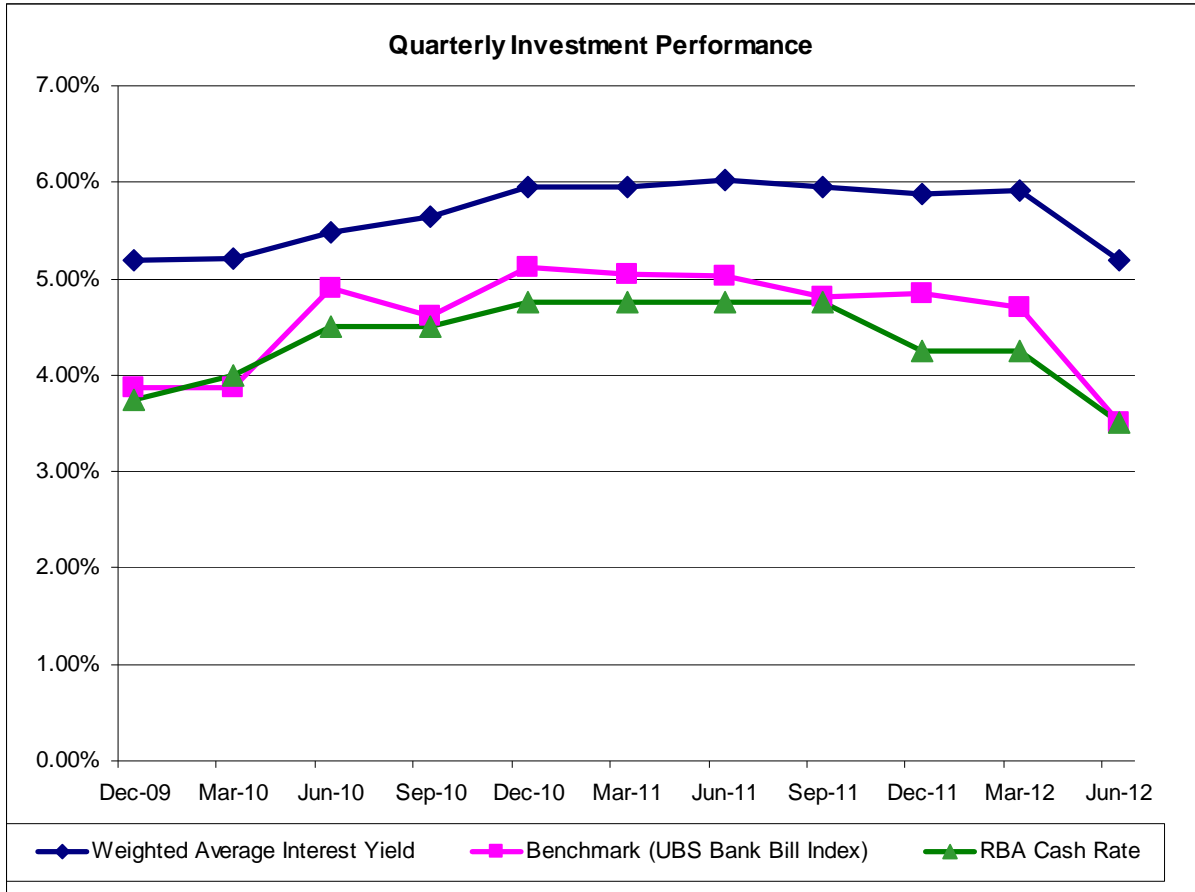
All investment parameters remain within the thresholds established in the Investment Policy.

The graph below shows the actual funds available for investment (light blue) against the original budget (dark blue), and compares the equivalent cash balance from previous years.



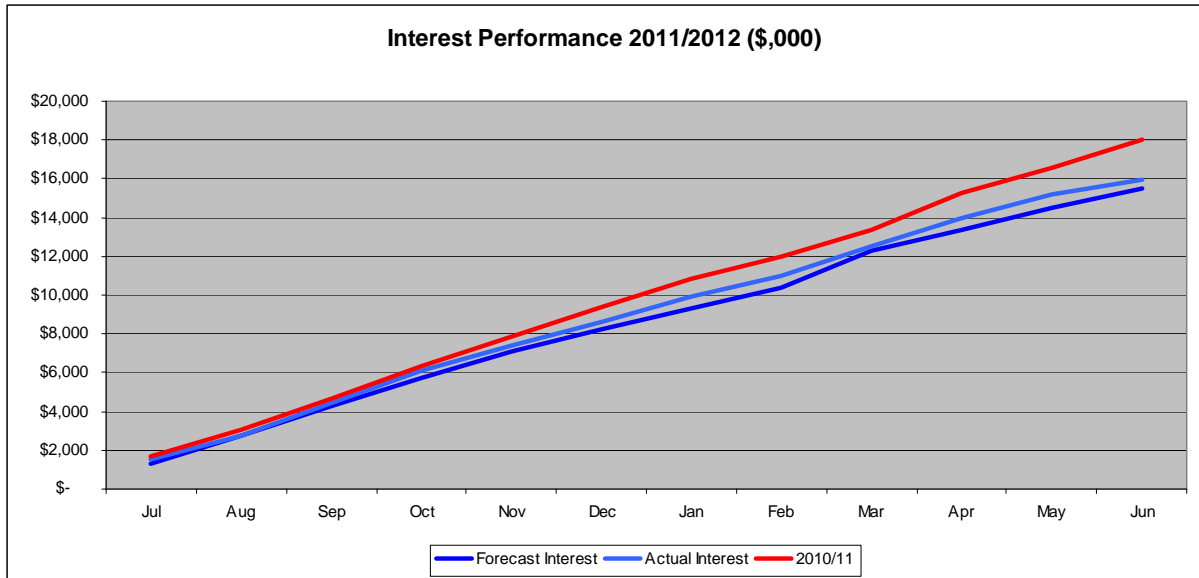
It should be noted that the dip in the line for May was related to a progress payment for the acquisition of the Horton Park site and the pattern of expenditure is generally in accordance with the previous period. The gap between the budgeted cash position and the actual balance available for investment has translated into higher than anticipated revenue for Council.

Investment performance against the market is determined by comparing actual results against recognised benchmarks. The margins above benchmark rates are depicted in the following graphs (based on the average interest rates prevailing at the close of the reporting period). It should be noted that both the investment rates and the benchmarks vary daily.

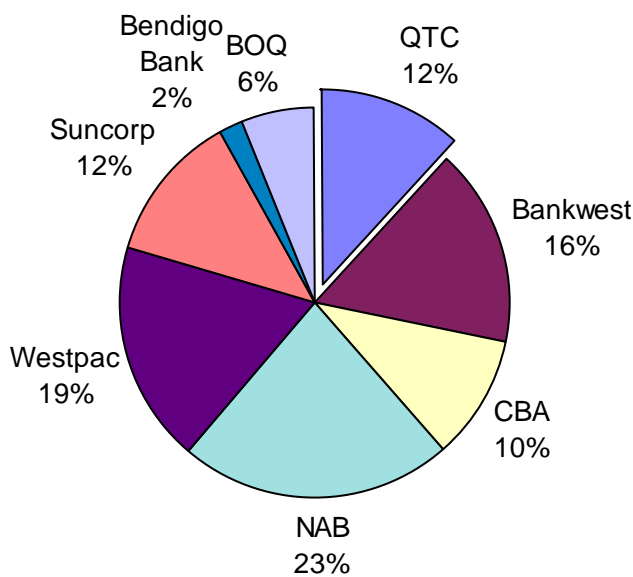


The benchmark used to measure the performance of cash funds is the UBS Bank Bill Index, whereas the Bank Bill Swap Rate (BBSW) is the accepted benchmark for term deposits.

The following graph compares the actual investment returns for 2011/2012 against both the adopted, (as revised) budget and the returns from the previous year.



As with previous periods, Council has taken a conservative position in the market, with the focus being on preservation of capital and cash flow requirements rather than just chasing higher investment returns. Investments have been in capital guaranteed cash funds or in fixed rate term deposits. Further, Council's Investment Policy ensures diversity between individual counter-parties and between different rating categories. As at 30 June 2012, cash funds invested totalled \$244,815,499, with the balance between counter-parties shown in the following chart:



## Legal

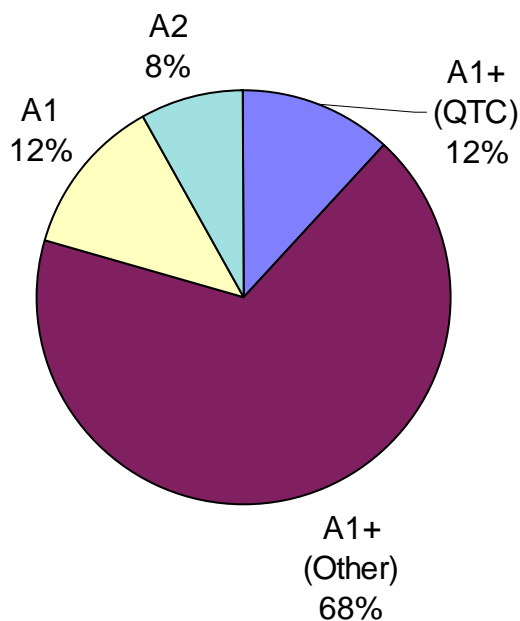
Funds are invested in accordance with the provisions of the *Statutory Bodies Financial Arrangements Act 1982* and the associated *Statutory Bodies Financial Arrangements Regulation 2007*, and the *Local Government Act 2009*.

## Policy

Council's Investment Policy for 2011/2012 was adopted as part of the budget process and provides guidelines for all investment decisions during the year.

## Risk

The Investment Policy contains clear guidelines for the diversification of risk and capital protection. The following graph shows the current diversification of the portfolio by credit risk category. Note that the position as at 30 June 2012 shows a total of 80% held with A1+ rated agencies, compared to only 49% in this band as at 30 June 2011. This has been an intentional move to more highly rated agencies due to risks associated with European sovereign debt concerns throughout the year and the potential impact on the local investment market.



## Previous Council Resolution

There are no previous Council resolutions that relate to this report.

## Related Documentation

There is no related documentation for this report.

## Critical Dates

There are no critical dates that relate to this report.

## Implementation

There are no implementation details to include in this report.



### 7.4.5 ARRANGEMENTS FOR FUTURE COUNCIL MEETINGS

**File No:** ECM

**Author:** Manager Council Services and Business Integration  
Finance and Business

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#### **PURPOSE**

The purpose of this report is for council to consider its meeting structure and the date and times for holding future council meetings.

#### **EXECUTIVE SUMMARY**

In accordance with council's previous resolution on this matter, a review of meeting arrangements has been undertaken. Council has indicated that its preferred meeting structure is that council hold an Ordinary Meeting on a monthly basis commencing on Thursday 23 August 2012.

It is proposed that the Ordinary Meeting commence at 9 am (previously 10 am) and continue to be rotated at each of the Nambour, Tewantin and Caloundra offices.

#### **OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled "Arrangements for Future Council Meetings";
- (b) conduct an Ordinary Meeting of Council once per month, commencing Thursday 23 August 2012, from 9:00 am at the Nambour office with subsequent meetings rotated between the Tewantin, Caloundra and Nambour offices; and
- (c) note that the above meeting arrangements remain in place unless otherwise determined by Council.

#### **FINANCE AND RESOURCING**

The financial implications of this meeting format and the relevant implications have been considered by council.

#### **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

## CONSULTATION

### Internal Consultation

Consultation has occurred with the Mayor and Councillors, the Chief Executive Officer, Executive Directors and key stakeholders.

### External Consultation

There was no external consultation required for this matter.

### Community Engagement

There was no community engagement required for this matter.

## PROPOSAL

The *Local Government Act 2009* requires council to adopt the meeting structure for the formal decision-making process. In determining the most appropriate future structure for council meetings and matters relating thereto, council has considered a number of factors including:

- the need for timely decision-making;
- operational considerations and the administration resources required to support the formal meeting process;
- suitable venues for council meetings;
- council's responsibility to meet its statutory obligations under the *Local Government Act 2009* and comply with formal meeting procedures contained within council's Standing Orders; and
- the advantages and disadvantages of standing committees.

Based on these factors, the preferred meeting structure is to have an Ordinary Meeting of council on a monthly basis commencing Thursday 23 August 2012, rotated between the Nambour, Tewantin and Caloundra offices. In relation to special meetings of council or advisory committee meetings, these meetings should continue to be held at the Nambour office as a matter of convenience.

### Timely decision-making and operational considerations

In accordance with the *Local Government Act 2009*, council is required to meet at least once in each month and all meetings must be held at one of its public offices.

A three weekly meeting cycle was in place prior to the caretaker period and, since the new term of council, a four weekly meeting cycle has been in place while council has reviewed its arrangements.

Relevant considerations in determining the preferred frequency of the ordinary meeting include:

- a. the need for informed, timely decision-making and policy responses;
- b. the demands on council resources required to support meeting processes;
- c. council's obligation to meet its statutory obligations in the conduct of meetings and council's Standing Orders; and
- d. the impact on the productivity of staff.

### Venue

Prior to the caretaker period, council meetings were rotated between the Nambour, Tewantin and Caloundra offices. The decision by the new council to continue to rotate council meetings during the review period was based on past practice and the desire of new councillors to familiarise themselves with the locations and associated issues.

The advantages of rotating council meetings at each of the three locations include:

- a. inclusiveness and community accessibility;
- b. a whole of region approach; and
- c. maintaining a leadership presence in each of the council offices.

The disadvantages include:

- a. differences in the size and layout of the three chambers and ability to cater for the public and media;
- b. the effect on productivity of staff who are required to travel to attend meetings; and
- c. uncertainty associated with changing locations.

### Standing Committees

Prior to the new term of council, there were two standing committees – the Performance and Service Committee and the Strategy and Planning Committee – which met in the week prior to the Ordinary Meeting on a three weekly cycle. Since the commencement of the caretaker period prior to the Local Government elections, council conducted four weekly ordinary meetings with no committee meetings.

The recommendation to have Ordinary Meetings on a monthly basis has been arrived at for the primary reason of allowing the whole Council to consider all business before it and to wholly participate in the decision-making process.

### **Legal**

Council is required to meet its statutory obligations under the *Local Government Act 2009* (LGA) relating to council meetings and the *Local Government (Operations) Regulation 2010* (LGOR), specifically:

- S61 (1) (a) of the LGA relating to the appointment of Committees, a local government may appoint, from its councillors, standing committees or special committees;
- Schedule 4 of the LGA defines Standing Committees of a local government, means a committee of its councillors that meets to discuss the topic decided by the local government when establishing the committee;
- S53 (1) of the LGOR relating to frequency of meetings, a local government must meet at least at least once per month; and
- S54 (1) & (2) of the LGOR relating to place of meetings, requires that all meetings of a local government are to be held at one of its public offices. However, a local government may, by resolution, fix another place for a particular meeting.

### **Risk**

Council is required to meet its statutory obligations in relation to the consideration of the day and time of holding the meetings of the local government.

**Previous Council Resolution****Council Resolution** (PEM12/02)

*That Council:*

- (a) *note the report titled "Council Meetings - Post Election Meeting Matters";*
- (b) *conduct the first Ordinary Meeting of Council at 10:00am, Wednesday 30 May 2012 at the Nambour office with subsequent Ordinary Meetings of Council to be as follows:*
  - *Thursday 28 June 2012, commence at 10:00 am at the Tewantin office;*
  - *Thursday 26 July 2012, commence at 10:00 am at the Caloundra office.*
- (c) *review the meeting arrangements for Council within three months; and*
- (d) *appoint Cr Tim Dwyer as a continuing member on the Sunshine Coast Local Disaster Management Group and both Cr Tim Dwyer and Cr Chris Thompson as continuing members on the Sunshine Coast Regional Council Audit Committee.*

**Related Documentation**

The "Standing Orders of the Sunshine Coast Regional Council 2011" set out the arrangements that govern the conduct of business and proceedings at council meetings, council committee meetings and advisory committee meetings.

**Critical Dates**

Based on the previous resolution of council (PEM12/02), the last Ordinary Meeting date is 26 July 2012 therefore council is required to determine future meeting dates and make publicly available the days and times when meetings will be held.

**Implementation**

It is proposed that:

- the Meeting Management Team update the corporate meetings calendar and publish the details of future council meetings on the intranet and corporate website;
- internal stakeholders be notified of the changes to ensure Outlook calendars are updated; and
- local media are advised of the location and dates of future meetings.

**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 Chief Executive Officer for report and recommendation
    - Petition not be received
-

**10 CONFIDENTIAL SESSION****10.1 INFRASTRUCTURE SERVICES****10.1.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - COOLUM - ACQUISITION OF LAND**

**File No:** ECM 26 July 2012  
**Author:** Project Co-ordinator  
Infrastructure Services

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**PURPOSE**

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010*, as amended, this matter will be considered in closed session as this report deals with other 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.

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**10.1.2 CONFIDENTIAL- NOT FOR PUBLIC RELEASE – ACQUISITION OF DRAINAGE EASEMENT**

**File No:** ECM 26 July 2012  
**Author:** Acting Manager Property and Business  
Finance and Business

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**PURPOSE**

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010*, as amended, this matter will be considered in closed session as this report deals with matters for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**10.2 FINANCE AND BUSINESS****10.2.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - QUARTERLY PROGRESS REPORT – QUARTER 4, 2011-2012, LEGAL PROCEEDINGS, STRATEGIC RISKS**

**File No:** 4.16.4  
**Author:** Corporate Planning and Reporting Manager  
Finance and Business

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**PURPOSE**

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it deals with matters for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**10.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - CALOUNDRA MUSIC FESTIVAL SPONSORSHIP**

**File No:** ECM  
**Author:** Strategy and Business Development Officer  
Finance and Business

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**PURPOSE**

In accordance with Section 72 (1) (e) and (h) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it deals with contracts proposed to be made by the local government and would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**10.2.3 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - QUEENSLAND  
COMPETITION AUTHORITY MATTER**

**File No:** ECM 26 July 2012  
**Author:** Manager Commercial & Procurement  
Commercial Analysis Manager  
Finance and Business

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**PURPOSE**

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010*, as amended, this matter will be considered in closed session as this report deals with matters for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**10.2.4 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SUNSHINE COAST  
INVESTMENT INCENTIVE SCHEME APPLICATION**

**File No:** SCIIS - No 2  
**Author:** Investment Facilitation Officer  
Finance and Business

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**PURPOSE**

In accordance with sections 72 (1) (e) and (h) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it deals with contracts proposed to be made by the local government and it constitutes 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.

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**11 NEXT MEETING**

The next Ordinary Meeting will be held on Thursday 23 August 2012 in the Council Chambers, corner Currie and Bury Streets, Nambour.

**12 MEETING CLOSURE**

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