

# Late Item 8.18

## **Ordinary Meeting**

**Thursday, 23 May 2019**

**commencing at 9:00am**

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



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**8 REPORTS DIRECT TO COUNCIL****8.18 OTHER CHANGE TO THE PARK LAKES 2 PRELIMINARY APPROVAL TO ADD NEW LAND - 8 KIRRA ROAD, BLI BLI**

<b>File No:</b>	<b>MCU07/0192.05</b>
<b>Author:</b>	<b>Senior Development Planner Customer Engagement &amp; Planning Services Group</b>
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Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/ApplicationSearch>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Parklakes II Developments Pty Ltd
<b>Owner:</b>	Ms Kimberly Natalie West
<b>Consultant:</b>	Covey Associates Pty Ltd
<b>Proposal</b>	'Other Change' to Preliminary Approval pursuant to Section 3.1.6 of IPA 1997 a for Material Change of Use (Park Lakes 2 Master Planned Community) to add new land south of Kirra Road
<b>Properly Made Date:</b>	04 September 2018
<b>Information Request Date:</b>	03 October 2018
<b>Information Response Received Date:</b>	09 November 2018
<b>Decision Due Date</b>	06 May 2019
<b>Number of Submissions</b>	47 Properly Made submissions received (18 submissions in support, and 29 submissions objecting to the proposal)
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	9
<b>Property Address:</b>	8 Kirra Road MAROOCHY RIVER QLD 4561
<b>RP Description:</b>	Lot 6 SP 110911
<b>Land Area:</b>	8.985 hectares
<b>Existing Use of Land:</b>	Detached dwelling
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	Sunshine Coast Planning Scheme 2014 (31 July 2018)
<b>SEQRP Designation:</b>	Urban Footprint
<b>Strategic Plan Designation:</b>	Urban

<b>Planning Area / Locality:</b>	Bli Bli Local Plan Area
<b>Planning Precinct / Zone:</b>	Emerging Community Zone
<b>Assessment Type:</b>	Impact

## PURPOSE

The purpose of this report is to seek Council's determination of an application for an 'Other Change' to add new land to the Park Lakes 2 Preliminary Approval Area (Master Planned Community).

The approval given for the Park Lakes 2 development was a "preliminary approval overriding the effect of the planning scheme" under s3.1.6 of the now superseded *Integrated Planning Act 1997*. The application now seeks to add additional land through an Other Change process, as permitted under the *Planning Act 2016*.

The application is before Council because the Other Change application includes a component that is considered a 'variation request' under the *Planning Act 2016*.

*"variation request means part of a development application for a preliminary approval for premises that seeks to vary the effect of any local planning instrument in effect for the premises"*.

## EXECUTIVE SUMMARY

The proposal seeks to add 8.985 hectares of land, located north of East View Court and south of Kirra Road into the Park Lakes 2 Preliminary Approval area in order to provide additional future residential lots within the residential estate.

The inclusion of the land into the Park Lakes 2 estate is consistent with the *South East Queensland Regional Plan 2017* designation (Urban Footprint) and the *Sunshine Coast Planning Scheme 2014* zoning (Emerging Community) for most of the site. The small area of Rural Living land (rural residential) south of Kirra Road is proposed to remain unchanged.

The inclusion of the Emerging Community land within Precinct R3 of the Park Lakes 2 Master Planned Community would allow for additional urban lots within the Park Lakes 2 estate. The applicant has submitted an indicative subdivision layout, which indicates that a possible 90 additional residential lots could be achieved within the new land area.

In the event that Council approves the current 'other change' to add new land, a further application to Council for a Development Permit for Reconfiguration of a lot would be required to create any new lots. That application would be assessed against the Park Lakes 2 Preliminary Approval, including its Tables of Assessment, as previously approved by Council in the Ordinary Meeting of 14 November 2013.

The application is recommended for approval.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Other Change to the Park Lakes 2 Preliminary Approval to add new land - 8 Kirra Road, Bli Bli"
- (b) delegate authority to the Chief Executive Officer to APPROVE Application No. MCU07/0192.05 with conditions, being an 'Other Change' to the Park Lakes 2 Preliminary Approval for Material Change of Use (Master Planned Community) subject to:
  - (i) imposition of the conditions of approval identified in the Conditions of Approval (Appendix A)

- (ii) execution of the Infrastructure Agreement (Appendix B) by both parties
- (c) delegate authority to the Chief Executive Officer to execute the Infrastructure Agreement (Appendix B) and
- (d) delegate authority to the Chief Executive Officer to negotiate and determine any changes to the Infrastructure Agreement and/or Negotiated Decision.

## FINANCE AND RESOURCING

In the event of an approval, infrastructure charges would not be applicable at the preliminary approval stage. Infrastructure charges would be applicable to any future approval for a Development Permit for Reconfiguration of a Lot.

## CORPORATE PLAN

**Corporate Plan Goal:** *Service excellence*

**Outcome:** 4.4 - Service quality assessed by performance and value to customers

**Operational Activity:** 4.4.6 - Position Development Services to effectively meet business and legislative requirements into the future with a focus on statutory assessment and compliance, ensuring timely decision making, positive customer experiences and strong industry engagement.

## CONSULTATION

### Councillor Consultation

The Divisional Councillor Steve Robinson has been briefed on a number of occasions throughout the application process.

### Internal Consultation

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

- Development Engineer, Engineering and Environment Assessment
- Ecology Specialist, Engineering and Environment Assessment
- Hydraulic Development Engineer, Engineering and Environment Assessment
- Landscape Officer, Engineering and Environment Assessment
- Environmental Health Officer, Engineering and Environmental Assessment
- Urban Designer, Planning Assessment
- Coordinator, Planning Scheme and Projects, Strategic Planning Branch
- Unitywater

### External Consultation

#### Referral Agencies

The application was referred by Council to the Department of State Development, Manufacturing and Planning (SARA) for Vegetation Clearing and State Transport Infrastructure.

A concurrence response was received by letter dated 29 November 2018 with conditions restricting vegetation clearing and building activity within Area A1 and A2 of the rural residential property as identified in **Attachment 3**.

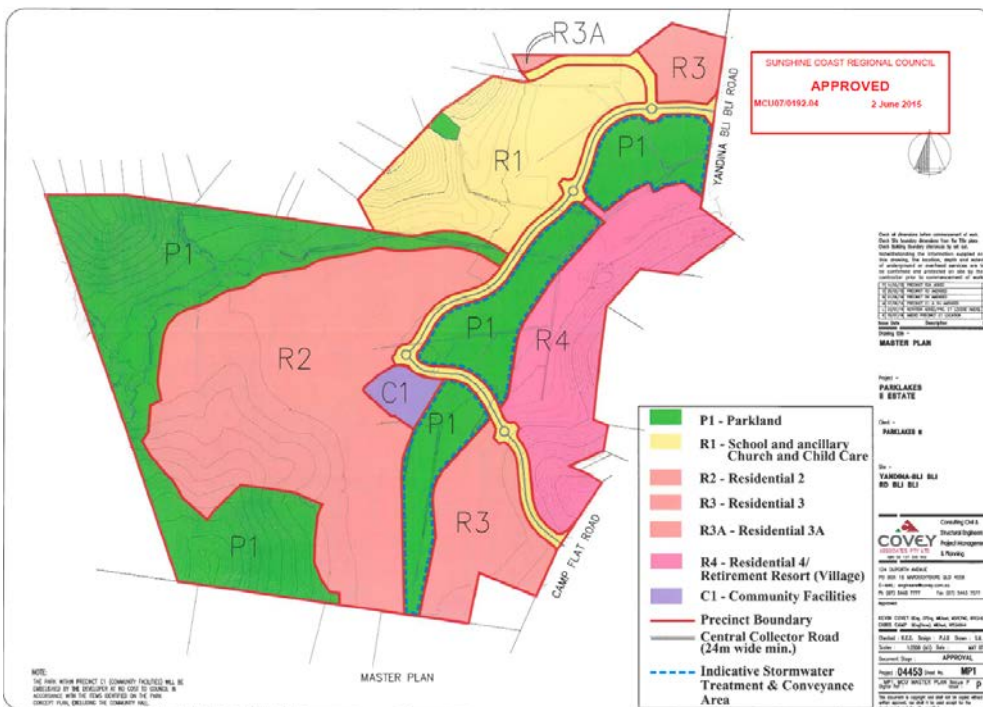
**Community Engagement**

The application was publicly notified for a minimum of 30 business days between 12 November 2018 and 9 January 2019 in accordance with the requirements of the *Planning Act 2016*. A total of 60 submissions were received, of which 47 were determined to be *properly made* in accordance with the *Planning Act 2016*. Of the 47 properly made submissions (numerous proformas), 29 submissions opposed the proposal, while 18 supported the proposal.

A summary of the issues raised by submitters together with a response is provided in the Detailed Assessment Report at **Attachment 1**.

**PROPOSAL**

The Park Lakes 2 residential estate includes 440 residential lots, a retirement facility and a private Catholic School, a park, lakes and open space (refer to approved Master Plan below).



**Current approved Park Lakes 2 Master Plan**

The applicant has lodged an ‘other change’ to add an additional 8.985 hectare parcel of land (Lot 6 SP 110911), located north of East View Court and south of Kirra Road, into the Park Lakes 2 Preliminary Approval Area. The land is designated Urban Footprint under the *South East Queensland Regional Plan 2017* and Emerging Community under the *Sunshine Coast Planning Scheme 2014*, with the exception of 2 small portions of the lot fronting Kirra Road, which would remain Rural Living Area and Rural Residential respectively under the above documents. The urban land is proposed to be included within Precinct R3 of the Park Lakes 2 Preliminary Approval, while the land identified on the proposed Master Plan as ‘Existing Rural Residential’ is proposed to remain unchanged consistent with land to the north of Park Lakes 2.

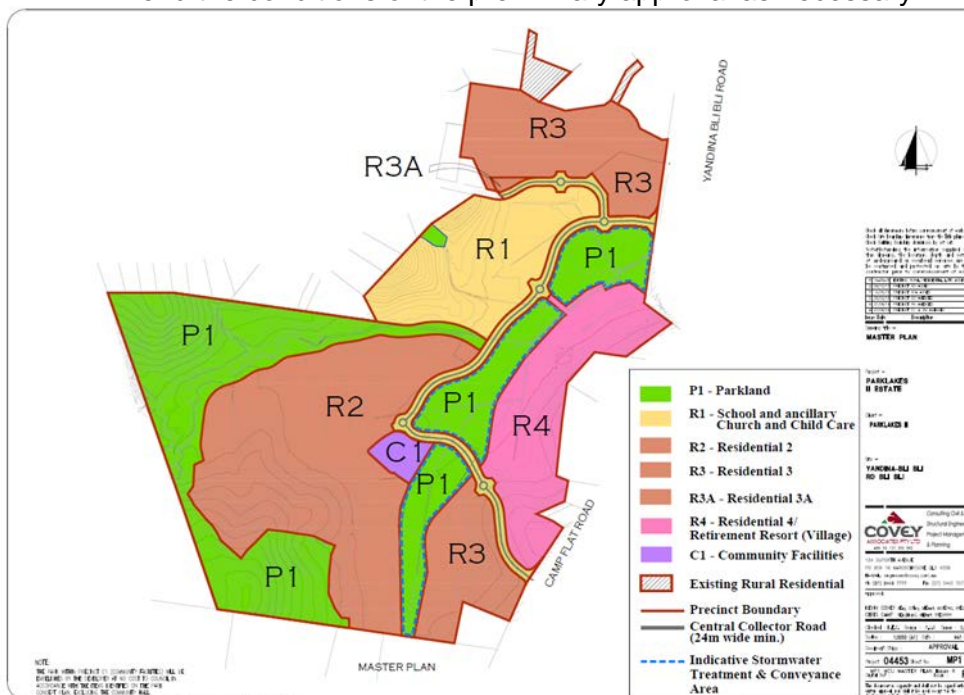




Aerial of Lot 6 SP 110911

The 'other change' application proposes to change the preliminary approval as summarised below:

- Add Lot 6 SP110911 into the Park Lakes 2 preliminary approval area as reflected in the proposed Park Lakes 2 Master Plan below;
- Include the additional land identified as Urban Footprint under the *South East Queensland Regional Plan 2017* and Emerging Community under the *Sunshine Coast Planning Scheme 2014* within Precinct R3 of Park Lakes 2 Master Plan;
- Leave the balance of the lot (north) unchanged as rural residential (existing zoning); and
- Amend the conditions of the preliminary approval as necessary



Proposed change to Park lakes 2 Master Plan

The inclusion of the urban land within Precinct R3 would allow for the lodgement of future application(s) for reconfiguration of a lot to create new residential lots within the expanded Park Lakes 2 estate. Any such application(s) would be assessed against the Park Lakes 2 Preliminary Approved endorsed by Council in the Ordinary Meeting of 14/11/2013.

## BACKGROUND

A Preliminary Approval for Material Change of Use (Park Lakes 2 Master Planned Community) to override the planning scheme was issued on 20 November 2013 and took effect on 26 February 2014 following the issue of a Negotiated Decision Notice.

At the time the original application was publicly notified, 77 properly made submissions were received, of which 67 supported the Park Lakes 2 proposal and 10 objected to it. The submitters opposing the proposal were primarily concerned with zoning, density, stormwater, flooding, noise, rural amenity, traffic and environment. These submissions were addressed in the Council Report considered by Council on the 14/11/2013.

A number of changes were subsequently made to the Park Lakes 2 Preliminary Approval, including:

- An amendment to the Master Plan to relocate the community precinct (C1) into the centre of the site issued on 13 August 2014 (MCU07/0192.01)
- Execution of an Infrastructure Agreement to secure maintenance funding for the proposed wetland/lake currently in progress (MCU07/0192.03)
- A minor change (MCU07/0192.04) to:
  - a) permit a Type B dual occupancy housing option within some of the precincts
  - b) amend the Master Plan to identify a small parcel (0.19ha) of undeveloped road reserve north of the school site as balance lot - Precinct R3 (A)
  - c) address a number of minor errors and omissions in the Supplementary Tables.
- Note: MCU07/0192.02 was cancelled (created in error)

## Assessment

An assessment has been undertaken against the relevant State and local planning regulatory instruments and documented in detail in the Detailed Assessment Report at **Attachment 1**.

The application has been assessed against each of the applicable codes in the *Sunshine Coast Planning Scheme 2014* 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.

### *Minimum Lot size*

The 8.985 hectare Kirra Road parcel of land is just below the minimum lot size requirements (10 hectares) for Emerging Community zones. However, the 8.985 hectares is consistent with the extent of land identified as Urban Footprint in the *South East Queensland Regional Plan 2017*. It is also consistent with Council's recent Planning Scheme Amendment (which came into effect 1 April 2019), which rezoned most of the land from rural residential to Emerging Community. The land immediately south of Kirra Road is to remain rural residential.

### *Local Area Plan downstream drainage infrastructure*

The recent planning scheme amendment, which rezoned most of the Kirra Road site to Emerging Community, requires that:

*Development in the Emerging community zone provides for downstream drainage infrastructure, with capacity to drain ultimate development within the South Maroochy Drainage Board catchment (PO12 of the Local Area Code). Editor's Note: In lieu of the developer undertaking works, an infrastructure agreement may be entered into to*

*provide a monetary contribution for these works to be undertaken by the South Maroochy Drainage Board.*

The applicant has submitted a Master Drainage Study for the South Maroochy Drainage Board (SMDB) area to ensure that the downstream drainage infrastructure has the capacity to accommodate ultimate development within the catchment. Additionally, the developer has provided an Infrastructure Agreement which requires a monetary contribution for the cost of drainage works required by the master drainage study for the length of drain downstream of Park Lakes 2 to the confluence with the main drain. These works have been substantially completed.

#### *Vegetation Clearing*

An application under a Section 22A Vegetation Clearing was lodged with the State Department of Natural Resources, Mines and Energy (DNRME) on 13/08/2018 to prevent the application being prohibited development and permit vegetation clearing within the portion of the site identified as Urban Footprint. The application was approved on 21/08/2018. The approval permits clearing of a small portion of Category B (of least concern) vegetation in the western portion of the site.

#### *Flooding*

A section of the site is identified as being affected by flooding and inundation within the western, southern and south-eastern areas of the site. An addendum to the Flood Assessment demonstrates that flood immunity to the Emerging Community area could be achieved and flows and flood levels leaving the site would demonstrate non-worsening as a result of the proposed earthworks. Relevant conditions have been imposed.

#### *Bushfire*

The site is located in a medium bushfire hazard overlay area. Lots to the west and north of the site contain vegetation. A Bushfire Management Assessment report recommends mitigation strategies, including a perimeter road which would act as a fire break. Vegetation in the rural residential zone would be uphill of proposed development. Fires approaching any future development would travel downhill and would be of lower intensity. Bushfire conditions would be placed on any future reconfiguration approval.

#### *Assessment Benchmarks Related to a Variation Approval (MCU07/0192)*

Development within the Park Lakes 2 Residential Estate is controlled by the Park Lakes 2 Preliminary Approval, including a Master Plan and Supplementary Tables of Assessment.

The ultimate number and size of residential lots within Precinct R3 (the new land) would be the subject of a further application to Council for a Development Permit for Reconfiguring a Lot and would be assessed against the Supplementary Table of Development Assessment for Reconfiguring a Lot and the Supplementary Table of Minimum Lot Size for Lot Reconfiguration. Material Change of use applications would be assessed against the Supplementary Table of Assessment for Material Change of Use.

Overall, the proposed changes to the existing development sufficiently comply with the current Planning Scheme provisions. The proposed changes do not raise any significant issues that cannot be addressed by conditions. Accordingly, the application is recommended for approval, subject to the conditions contained at **Appendix A** and the execution of the Infrastructure Agreement at **Appendix B**.

#### **Legal**

There are no legal implications relevant to this report.

**Policy**

The application has been assessed against the *Sunshine Coast Planning Scheme 2014* and all relevant Council policies.

**Risk**

This matter can be appealed to the Planning and Environment Court by the applicant or submitters. Council will proceed with any required actions resulting from any legal action.

**Previous Council Resolution**

On 14 November 2013, Council resolved to issue a Preliminary Approval for Material Change of Use (Park Lakes 2 Master Planned Community) to override the planning scheme (*Maroochy Plan 2000*).

**Ordinary Meeting 14 November 2019 - Council Resolution (OM13/224)**

*That Council:*

- (a) *approve with conditions Application No. MCU07/0192 and grant a Preliminary Approval for Material Change of Use for the Park Lakes 2 Master Planned Residential Community situated west of Yandina-Bli Bli Road, Maroochy River, Bli Bli, and 163-187 Camp Flat Road, Bli Bli, subject to conditions and*
- (b) *find the following are sufficient grounds to justify the decision despite conflict with the current planning scheme:*
  1. *the land is designated Urban Footprint under the SEQ Regional Plan and is logical infill between Park Lakes 1 and rural residential to the north*
  2. *a need analysis supports additional residential development in Bli Bli, with the proposal providing a variety of lot sizes and housing options*
  3. *the proposal allows for a private school and community facilities, which are of benefit to the wider community*
  4. *regional ecosystem is retained and riparian vegetation is enhanced*
  5. *development achieves Q100 flood immunity and non-worsening*
  6. *Park Lakes 1 water and sewerage infrastructure is sized to accommodate Park Lakes 2.*

**Related Documentation**

A copy of the officer's detailed assessment report is included as **Attachment 1** to this report. The detailed assessment report contains the specific assessment details of the assessment against the relevant assessment benchmarks, including the planning scheme, along with amended preliminary approval conditions.

A copy of the proposed amended Park Lakes 2 Master Plan is provided as **Attachment 2** to this report.

A copy of the State Government's concurrence agency response is provided as **Attachment 3** to this report.

A copy of the Conditions of Approval and Cane Drain Widening Infrastructure Agreement are provided as **Appendix A** and **Appendix B** to this report respectively.

### Critical Dates

Council's decision for the application is due on 06 May 2019. If a decision has not been made by this date, the applicant may elect to take a deemed refusal. This would result in the decision being taken to the Planning and Environment Court to consider the matter.

### Implementation

Council officers will communicate the outcome of Council's resolution to the applicant and submitters as appropriate.

### Decision Notice Amendments Required:

As a result of the assessment detailed in this report, the following details and conditions of the existing preliminary approval are recommended to be modified as shown below:

Real Property Description:	Lot 8 SP 110911, Lot 2 RP 172913, Lot 2 RP 26881, Lot 2 SP 170715, Lot 1 RP 104917, & Lot 2 RP104917 & Lot 6 SP110911
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3. The preliminary approval site is the area consisting of Lot 8 SP 110911, Lot 2 RP 172913, Lot 2 RP 26881, Lot 2 SP 170715, Lot 1 RP 104917, Lot 2 RP 104917 & Lot 6 SP110911.
4. This Preliminary Approval overrides Maroochy Plan 2000 in accordance with Section 3.1.6 of the *Integrated Planning Act 1997*, in that it identifies the level of assessment for future development and the applicable Codes for development within the preliminary approval area, **except for land identified on the latest approved Master Plan as Existing Rural Residential.**
  - a) **The whole of the eastern most area of rural residential land must be amalgamated, or through a boundary realignment, added into one or both of the adjoining rural residential lots, or dedicated to Council as road / drainage reserve or a combination of the above either with, or prior to, the first Reconfiguration of a Lot application over Lot 6 SP110911.**
5. The Preliminary Approval overrides Maroochy Plan 2000's Key Character Elements and Statement of Desired Character for Planning Area 23 (Maroochy River Plains) applying to the land or its equivalent at the time of further development applications, **except for land identified on the latest Master Plan as Existing Rural Residential.**
9. Development within the Preliminary Approval Area, **except for the land identified on the latest approved Master Plan as Existing Rural Residential**, is limited to the following precincts in accordance with the approved Master Plan and Supplementary Tables of Development Assessment:
  - Precinct P1 – Parkland (conservation and drainage reserve)
  - Precinct R1 – School and ancillary church and child care
  - Precinct R2 – Residential 2
  - Precinct R3 & R3 (A) – Residential 3
  - Precinct R4 – Residential 4 or Retirement village or resort - operated under Retirement Villages Act 1999 or Manufactured Homes (Residential Parks) Act 2003, but not a caravan park
  - Precinct C1 – Community/sporting facilities

**To be clear, the Supplementary Tables of Development Assessment do not apply to the land identified on the latest approved Master Plan as Rural**

**Residential Land. The Maroochy Plan provisions or its equivalent at the time of further development applications shall apply to this land.**

15. Infrastructure contributions/charges will apply to future Development Permits issued pursuant to the preliminary approval in accordance with the relevant legislation applicable at the time of granting subsequent development permit/s. **The applicant must pay a monetary contribution towards the upgrade of downstream drainage infrastructure upgrades required to accommodate stormwater flow, as set out in the executed Cane Drain Widening Infrastructure Agreement between Council and the developer dated [insert date]. The cane drain widening must be complete before any works can occur on Lot 6 SP110911.**

#### Approved Plans

Plan No.	Rev.	Plan Name	Date
MP1	<del>P</del> R	<i>Park Lakes 2 Master Plan</i> , prepared by Covey and Associates	<del>14/05/15</del> <b>15/08/18</b>
<del>Job 141714</del> <b>151789</b>	<del>1</del> A	<b><i>Landscape Park Lakes 2 Park Concept Plan</i></b> , prepared by Covey and Associates	<del>July 2014</del> <b>29/10/15</b>
<b>Job 141714</b>	<b>C</b>	<i>Park Lakes II Indicate Path Plan</i> , prepared by Covey and Associates	<del>July 2014</del> <b>10/08/18</b>
DO1	B	<i>Indicative Dual Occupancy Type B Dwelling Plans</i> prepared by Covey and Associates dated 30/03/2015	21/05/2015

### 1 APPLICATION DETAILS

Application No:	MCU07/0192.05
Street Address:	Yandina-Bli Bli Road, Bli Bli & 163-181 & 183-185 & 187 Camp Flat Road, Bli Bli
Real Property Description:	Lot 8 SP 110911, Lot 2 RP 172913, Lot 2 RP 26881, Lot 2 SP 170715, Lot 1 RP 104917, Lot 2 RP104917 & Lot 6 SP110911
Planning Scheme:	Maroochy Plan 2000 (1 November 2007)

### 2 RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 10 years starting the day that this development approval takes effect. (Refer to Section 341 "When approval lapses if development not started" of the *Sustainable Planning Act 2009*.)

### 3 INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "**necessary infrastructure condition**" for the provision of trunk infrastructure as defined under Chapter 8 of the *Sustainable Planning Act 2009*.

### 4 CONSOLIDATED ASSESSMENT MANAGER CONDITIONS

The development approval is subject to compliance with the following assessment manager conditions in relation to:

#### PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE OF PREMISES (PARK LAKES 2 MASTER PLANNED RESIDENTIAL COMMUNITY).

#### 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 within each stage of the development in accordance with an approved staging plan, and then compliance maintained at all times while the use continues.

##### Approved Plans

2. Future development authorised by this approval must be undertaken generally accordance with the Approved Master Plan listed within this Negotiated Decision Notice.

##### Nature and Extent of Approved Use

3. The preliminary approval site is the area consisting of Lot 8 SP 110911, Lot 2 RP 172913, Lot 2 RP 26881, Lot 2 SP 170715, Lot 1 RP 104917, Lot 2 RP 104917 & Lot 6 SP110911.

4. This Preliminary Approval overrides Maroochy Plan 2000 in accordance with Section 3.1.6 of the *Integrated Planning Act 1997*, in that it identifies the level of assessment for future development and the applicable Codes for development within the preliminary approval area, except for land identified on the latest approved Master Plan as Existing Rural Residential.
  - (a) The whole of the eastern most area of rural residential land must be amalgamated, or through a boundary realignment, added into one or both of the adjoining rural residential lots, or dedicated to council as road / drainage reserve or a combination of the above either with, or prior to, the first Reconfiguration of a Lot application over Lot 6 SP110911.
5. The Preliminary Approval overrides Maroochy Plan 2000's Key Character Elements and Statement of Desired Character for Planning Area 23 (Maroochy River Plains) applying to the land or its equivalent at the time of further development applications, except for land identified on the latest Master Plan as Existing Rural Residential.
6. The values of any Special Management Area applying to the land are taken to have been resolved by this preliminary approval, and accordingly all subsequent development is exempted from assessment against Section 6 and Tables 6.1 & 6.2 of Volume 1 of Maroochy Plan 2000 or its equivalent.
7. Where no provision of this Preliminary Approval overrides an equivalent or similar provision of the Maroochy Plan 2000, the Maroochy Plan provisions or its equivalent at the time of further development applications shall apply.
8. Assessment of all future development within the Preliminary Approval Area will be subject to the provisions and Codes contained within the Maroochy Plan 2000 or its equivalent at the time of further development applications.
9. Development within the Preliminary Approval Area, except for the land identified on the latest approved Master Plan as Existing Rural Residential, is limited to the following precincts in accordance with the approved Master Plan and Supplementary Tables of Development Assessment:
  - Precinct P1 – Parkland (conservation and drainage reserve)
  - Precinct R1 – School and ancillary church and child care
  - Precinct R2 – Residential 2
  - Precinct R3 & R3 (A) – Residential 3
  - Precinct R4 – Residential 4 or Retirement village or resort - operated under Retirement Villages Act 1999 or Manufactured Homes (Residential Parks) Act 2003, but not a caravan park
  - Precinct C1 – Community/sporting facilitiesTo be clear, the Supplementary Tables of Development Assessment do not apply to the land identified on the latest approved Master Plan as Rural Residential Land. The Maroochy Plan provisions or its equivalent at the time of further development applications shall apply to this land.
10. The proposed school within precinct R1 must not exceed a maximum of 1,500 students. In addition, ancillary facilities may include a child care centre and church.
11. The land identified on the approved Master Plan as Precinct C1 must be dedicated to council in fee simple at no cost to council for community or sporting purposes prior to plan sealing for the first stage of development, unless otherwise approved by council. The precinct may not be used for residential development unless not required for community/sporting facilities as determined by council prior to its dedication.



#### Development Staging

12. The development must be staged in accordance with an approved staging plan.
13. The applicant must establish the englobo precinct (or sub-precinct) lots generally in accordance with the approved Master Plan prior to any other application for a Development Permit for Reconfiguration of a Lot or Material Change of Use.

#### Sunset Clause for Completion of Approved Development

14. Pursuant to s3.1.6 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 approval taking effect.

#### Infrastructure Contributions/Charges

15. Infrastructure contributions/charges will apply to future Development Permits issued pursuant to the preliminary approval in accordance with the relevant legislation applicable at the time of granting subsequent development permit/s. The applicant must pay a monetary contribution towards the upgrade of downstream drainage infrastructure upgrades required to accommodate stormwater flow, as set out in the executed Cane Drain Widening Infrastructure Agreement between council and the developer dated [insert date]. The cane drain widening must be complete before any works can occur on Lot 6 SP110911.

#### Level of Assessment

16. The level of assessment for all future development applications for Reconfiguration of a Lot or Material Change of Use within Park Lakes 2 shall be in accordance with the Supplementary Tables of Development Assessment contained within this Decision Notice, or where not identified in the Supplementary Tables, by the relevant provisions of Maroochy Plan 2000 or its equivalent.
17. Development that would be self-assessable, but that does not comply with the Acceptable Measures of the applicable code, shall be code assessable.
18. Where the Supplementary Tables do not identify development as exempt, self-assessable or code assessable, it shall be impact assessable.
19. The assessment of development applications for operation works and/or building works within the preliminary approval area will be subject to the level of assessment provided for by the Maroochy Plan 2000 or its equivalent, other than where specified by conditions of this approval.

### Supplementary Tables of Development Assessment

**Table 1 - Levels of Assessment Table**

Development	Column 1 Circumstances under which development is self-assessable	Column 2 Circumstances under which development is code assessable	Column 3 Impact Assessable
Material Change of Use	Where the use is specified as self-assessable in the Supplementary Table of Development Assessment for Material Change of Use for the relevant precinct and complies with the applicable codes.	<ul style="list-style-type: none"> <li>Where the use is specified as code assessable in the Supplementary Table of Development Assessment for Material Change of Use for the relevant precinct and complies with the applicable codes; or</li> <li>Where the use would otherwise have been self-assessable in accordance with column 1, except that the use does not meet the acceptable measures of the applicable code.</li> </ul>	Other than refer to in columns 1 and 2.
Development	Column 1 Circumstances under which development is self-assessable	Column 2 Circumstances under which development is code assessable	Column 3 Impact Assessable
Reconfiguration of a Lot	None	Where the use is specified as code assessable in the Supplementary Table of Development Assessment for Reconfiguring a Lot.	Other than referred to in column 2

*To determine the level of assessment for building works or operational works applications, refer to Maroochy Plan 2000 or the relevant planning scheme or its equivalent.*

**Table 2: Supplementary Table of Development Assessment for Material Change of Use**

Purpose	Column 1 Circumstances under which "material change of use" is self-assessable	Column 2 Circumstances under which "material change of use" is code assessable	Column 3 Applicable Codes
<b>PRECINCT R1: SCHOOL</b>			
Educational Establishment or ancillary Church or Child Care	None	Where in premises which have a height not exceeding the precinct height limit.	<ul style="list-style-type: none"> <li>Code for Integrated Water Management</li> <li>Code for Landscaping Design</li> <li>Operational Works Code</li> <li>Code for Transport, Traffic and Parking</li> <li>Code for Waste Management in Commercial and Community Developments</li> <li>Design Code for Community Safety and Security</li> </ul>
Local Utility	exempt	exempt	

<b>PRECINCTS R2 &amp; R3: excluding R3 (A): RESIDENTIAL</b>			
Either of the following: <ul style="list-style-type: none"> <li>• Detached house</li> <li>• Display home</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) no more than one detached house per lot; and</li> <li>(b) not exceeding the precinct height limit.</li> </ul>	Self-assessable development not able to comply with the acceptable measures of the Code.	Where self-assessable: <ul style="list-style-type: none"> <li>• Code for the Development of Detached Houses and Display Homes (Elements 1-9 and 11-17)</li> </ul> Where code assessable: <ul style="list-style-type: none"> <li>• Code for the Development of Detached Houses and Display Homes</li> </ul>
Dual Occupancy	Where: <ul style="list-style-type: none"> <li>(a) on a site designated for a dual occupancy on an approved Plan of Development; and</li> <li>(b) not exceeding the precinct height limit.; and</li> <li>(c) having a minimum lot size of 600m<sup>2</sup>.</li> </ul>	Development listed in Column 1, if the acceptable measures applicable to self-assessable development are not able to be complied with, otherwise none.	Where self-assessable <ul style="list-style-type: none"> <li>• Code for Development and Use of Dual Occupancy</li> <li>• Code for Transport, Traffic and Parking</li> </ul>
Home Based Business	Where the use does not involve any of the following uses/activities: <ul style="list-style-type: none"> <li>(a) any form of vehicle repair/ service;</li> <li>(b) panel beating;</li> <li>(c) vehicle detailing;</li> <li>(d) spray painting;</li> <li>(e) engine reconditioning and repair;</li> <li>(f) wood working or manufacturing involving power tools;</li> <li>(g) furniture manufacturing;</li> <li>(h) metal working;</li> <li>(i) welding;</li> <li>(j) dance studio/classes; or</li> <li>(k) martial arts coaching.</li> </ul>	Self-assessable development not able to comply with the acceptable measures.	<ul style="list-style-type: none"> <li>• Code for Home-Based Business</li> </ul>
Local Utility	None (exempt)	On land which abuts a State Controlled Road	<ul style="list-style-type: none"> <li>• Code for Integrated Water Management</li> <li>• Code for Landscaping Design</li> <li>• Operational Works Code</li> <li>• Code for Transport, Traffic and Parking</li> <li>• Code for Waste management in Commercial and Community Developments</li> <li>• Design Code for Community Safety and Security</li> </ul>

PRECINCT R4: RESIDENTIAL OR RETIREMENT VILLAGE			
Either of the following: <ul style="list-style-type: none"> <li>• Detached house</li> <li>• Display home</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) no more than one detached house per lot; and</li> <li>(b) not exceeding the precinct height limit.</li> </ul>	Self-assessable development not able to comply with the acceptable measures of the Code.	Where self-assessable: <ul style="list-style-type: none"> <li>• Code for the Development of Detached Houses and Display Homes (Elements 1-9 and 11-17)</li> </ul> Where code assessable: <ul style="list-style-type: none"> <li>• Code for the Development of Detached Houses and Display Homes</li> </ul>
Dual Occupancy	Where: <ul style="list-style-type: none"> <li>(a) on a site designated for a dual occupancy on an approved Plan of Development; and</li> <li>(b) not exceeding the precinct height limit; and</li> <li>(c) having a minimum lot size of 600m<sup>2</sup>.</li> </ul>	Development listed in Column 1, if the acceptable measures applicable to self-assessable development is not able to be complied with, otherwise none.	Where self-assessable <ul style="list-style-type: none"> <li>• Code for Development and Use of Dual Occupancy</li> <li>• Code for Transport, Traffic and Parking</li> </ul>
Home Based Business	Where the use does not involve any of the following uses/activities: <ul style="list-style-type: none"> <li>(a) any form of vehicle repair/ service;</li> <li>(b) panel beating;</li> <li>(c) vehicle detailing;</li> <li>(d) spray painting;</li> <li>(e) engine reconditioning and repair;</li> <li>(f) wood working or manufacturing involving power tools;</li> <li>(g) furniture manufacturing;</li> <li>(h) metal working;</li> <li>(i) welding;</li> <li>(j) dance studio/classes; or</li> <li>(k) martial arts coaching.</li> </ul>	Self-assessable development not able to comply with the acceptable measures.	<ul style="list-style-type: none"> <li>• Code for Home-Based Business</li> </ul>
Local Utility	None (exempt)	On land which abuts a State Controlled Road	<ul style="list-style-type: none"> <li>• Code for Integrated Water Management</li> <li>• Code for Landscaping Design</li> <li>• Operational Works Code</li> <li>• Code for Transport, Traffic and Parking</li> <li>• Code for Waste management in Commercial and Community Developments</li> <li>• Design Code for Community Safety and Security</li> </ul>

Retirement Village or Resort operated under Retirement Villages Act 1999 or Manufactured Homes (Residential Parks) Act 2003 but not a caravan park	None	Where in premises which have a height and dwelling unit factor (DUF) not more than the maximum provided for in the Precinct.	<ul style="list-style-type: none"> <li>• Code for Retirement Villages and Residential Care Facilities</li> <li>• Code for Integrated Water Management</li> <li>• Code for Landscaping Design</li> <li>• Operational Works Code</li> <li>• Code for Transport, Traffic and Parking</li> <li>• Design Code for Community Safety and Security</li> </ul>
<b>PRECINCT C1 – COMMUNITY FACILITIES</b>			
Community Meeting Hall or community building	Where in premises which have a height of not more than the maximum provided for in the Precinct if undertaken by council.	Other than in column 1.	<ul style="list-style-type: none"> <li>• Code for Integrated Water Management</li> <li>• Code for Landscaping Design</li> <li>• Operational Works Code</li> <li>• Code for Transport, Traffic and Parking</li> <li>• Design Code for Community Safety and Security</li> <li>• Code for Waste Management in Commercial and Community Developments</li> </ul>
Local Utility	Exempt	On land which abuts a State Controlled Road	<ul style="list-style-type: none"> <li>• Code for Integrated Water Management</li> <li>• Code for Landscaping Design</li> <li>• Operational Works Code</li> <li>• Code for Transport, Traffic and Parking</li> <li>• Code for Waste management in Commercial and Community Developments</li> <li>• Design Code for Community Safety and Security</li> </ul>
Indoor Recreation (other than a night club or amusement centre)	All, if undertaken by council	Other than in column 1 where in premises which have a height of not more than the maximum provided for in this Precinct.	<ul style="list-style-type: none"> <li>• Code for Integrated Water Management</li> <li>• Code for Landscaping Design</li> <li>• Operational Works Code</li> <li>• Code for Transport, Traffic and Parking</li> <li>• Design Code for Community Safety and Security</li> <li>• Code for Waste Management in Commercial and Community Developments</li> </ul>

Outdoor Recreation	All, if undertaken by council	Other than in column 1 unless exceeding the precinct height limit.	<ul style="list-style-type: none"> <li>Code for Integrated Water Management</li> <li>Code for Landscaping Design</li> <li>Operational Works Code</li> <li>Code for Transport, Traffic and Parking</li> <li>Design Code for Community Safety and Security</li> <li>Code for Waste Management in Commercial and Community Developments</li> </ul>
Park including ancillary kiosk/café	where in accordance with a council approved plan and the acceptable measures of the applicable code	Other than in column 1	<ul style="list-style-type: none"> <li>Code for Landscaping Design</li> </ul>
<b>PRECINCT P1 – Park</b>			
For purposes of nature conservation and park, including ancillary kiosk/ café, or any purpose which in the opinion of Council is considered to be ancillary to or compatible with that purpose; or  Drainage infrastructure	All, if undertaken by council	Other than in column 1 exceeding the precinct height limit.	<ul style="list-style-type: none"> <li>Code for Nature Conservation Management</li> <li>Code for Waterways and Wetlands</li> </ul>
<b>PRECINCT R3 (A): RESIDENTIAL</b>			
Either of the following: <ul style="list-style-type: none"> <li>Detached house</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) no more than one detached house per lot; and</li> <li>(b) not exceeding the precinct height limit.</li> </ul>	Self Assessable development not able to comply with the acceptable measures of the Code.	Where self-assessable: <ul style="list-style-type: none"> <li>Code for the Development of Detached Houses and Display Homes (Elements 1-4, 6-9 and 11-17)</li> </ul> Where code assessable: <ul style="list-style-type: none"> <li>Code for the Development of Detached Houses and Display Homes</li> </ul>
Home Based Business	Where the use does not involve any of the following uses/activities: <ul style="list-style-type: none"> <li>(a) any form of vehicle repair/ service;</li> <li>(b) panel beating;</li> <li>(c) vehicle detailing;</li> <li>(d) spray painting;</li> <li>(e) engine reconditioning and repair;</li> <li>(f) wood working or manufacturing involving power tools;</li> <li>(g) furniture manufacturing;</li> <li>(h) metal working;</li> <li>(i) welding;</li> <li>(j) dance studio/classes; or</li> <li>(k) martial arts coaching.</li> </ul>	Development listed in Column 1, if the Acceptable Measures applicable to self-assessable development are not able to be complied with	<ul style="list-style-type: none"> <li>Code for Home-Based Business</li> </ul>

*Development not referred to in this table is impact assessable*

**Table 2 footnote**

*Code for Transport, Traffic and Parking relaxation: bicycle parking must be provided at a rate of 1 space per 12 pupils over year 4 to a total of 100 bicycle spaces.*

**Table 3: Supplementary Table of Development Assessment for Reconfiguring a Lot**

Column 1	Column 2	Column 3	Column 4
Circumstances under which development is ...			
Self-Assessable	Code Assessable	Impact Assessable	Applicable Codes
None	Where creating precinct lots generally in accordance with the approved Master Plan; or Where creating one or more additional lots having an area not less than the minimum lot size specified in the <i>Supplementary Table of Minimum Lot Size for Lot Reconfiguration</i> ; and Not exceeding the maximum proportion of lots per precinct specified in <i>Supplementary Table of Minimum Lot Size for Lot Reconfiguration</i> .	Other than referred to in column 2.	<ul style="list-style-type: none"> <li>Code for Reconfiguring Lots</li> <li>Code for Integrated Water Management</li> <li>Operational Works Code</li> <li>Code for Transport, Traffic and Parking</li> <li>Code for Detached Houses and Display homes (if for Detached Houses or Display Homes) Elements 1, 2, 3, and 4</li> <li>Code of dual occupancy is for that use</li> </ul>

*Development not referred to in this table impact assessable.*

**Table 4: Supplementary Table of Minimum Lot Size for Lot Reconfiguration**

Precinct Type	Lot Type	Maximum Slope	Minimum Area	Minimum Frontage	Maximum proportion of lots per precinct
Residential Precincts (R2-R4), excluding R3 (A)	Detached Houses/Display Home: <ul style="list-style-type: none"> <li>Traditional &amp; Hillslope Lots</li> </ul>	0-15.9% 16-20.9% 21-25% Over 25%	600m <sup>2</sup> 800m <sup>2</sup> 1000m <sup>2</sup> 1500m <sup>2</sup>	18m 20m 25m 30m	100%
	<ul style="list-style-type: none"> <li>Courtyard</li> <li>Cottage Lots</li> </ul>	10% 10%	600m <sup>2</sup> -450m <sup>2</sup> 450m <sup>2</sup> -300m <sup>2</sup>	15m 10m	45% 15%
	Dual Occupancy Lots-Type A (standard)	15%	600m <sup>2</sup>	18m	5%
	Dual Occupancy Lots-Type B (detached dwelling appearance)	15%	600m <sup>2</sup>	18m	5%
R3 (A)	Traditional	15%	600m <sup>2</sup>	18m	100%

**Table 4 footnote**

\* The above percentages specify the total number of lot types in percentage allowed within R2-R4 & Precinct C1 in total. Percentages of these lots may be adjusted within individual precincts so long as the total across R2-R4 & Precinct C1 does not exceed the maximum proportion as a total (eg the total percentage of dual occupancies with the estate must not exceed 5%; the maximum number of cottage lots must not exceed 15%; the maximum number of courtyard lots must not exceed 45%). The applicant must provide council with a cumulative tally of the total number and percentage of each type of lot approved with each new application.

An allotment, including a Hatched Lot, fronting the turning area of a cul-de-sac, or fronting the alignment of a curved road, will be permitted where the frontage is less than the specified minimum frontage at the road alignment, provided that allotment can contain a suitable building area measuring 20m by 15m (for lots traditional & hillslope lots) and 9m by 15m (for courtyard & cottage lots) located on the site within all building setbacks.

Deviations from development controls identified on an approved plan of development for access, setbacks, private open space will require an application to council for a siting variation.

Type B : Type 'B' dual occupancy lots must incorporate a façade to the front of the lot which reflects the appearance of a detached dwelling generally in accordance with the approved 'indicative plan'. The Type 'B' dual occupancy must provide 2 carparks per unit (1 covered, 1 in tandem in the driveway a minimum of 5.5m long) fully accommodated within the site. From the street, the garage must have the appearance of a double garage with 2 doors. Each unit must be clearly numbered (ie 6A, 6B) for emergency services. Type 'B' dual occupancy must not be located directly beside each other or directly across the road from each other.

Dual occupancy (Type A or Type B) or annexed units in Precinct R3A shall not be supported.

**Table 5: Supplementary Table for Building Height**

Column 1	Column 2
Self-Assessable	Residential /
Precinct R1 (local utility/child care)	2 storey/8.5m or 2 storey/10m where slope exceeds 15%.
Precinct R1 (school/church)	general buildings 10m or 12m for church or auditorium
Precinct R2	2 storey/8.5m or 2 storey/10m where slope exceeds 15%.
Precinct R3	2 storey/8.5m or 2 storey/10m where slope exceeds 15%.
Precinct R3(A)	2 storey/8.5m or 2 storey/10m where slope exceeds 15%.
Precinct R4	2 storey/8.5m or 2 storey/10m where slope exceeds 15%.
Precinct C1 (residential)	2 storey/8.5m or 2 storey/10m where slope exceeds 15%.
Precinct C1 (community)	general buildings 10m or 12m for auditorium or indoor sports
Precinct P1 (buildings/structures)	2 storey/8.5m

Note: height is measured from finished surface level. Finished surface level means the level set by an approved Development Permit for Bulk Earthworks over the site or natural ground level whichever is the higher level.

**Table 6: Supplementary Table of Density for Retirement Village**

Site Area	Maximum Plot Ratio	Site Area per dwelling for calculating the DUF
All sites	1.0	300

## ENGINEERING

### Site Access

20. Approval from the Department of Transport and Main Roads for the final design of the site access works must be submitted in writing to Council prior to the issue of any Development Permit for Operational Works.

### New Roads

21. The new roads shown on the Approved Plans must be constructed in accordance with the conditions of this Decision Notice and an approved staging plan and must be dedicated as road reserve at no cost to Council in accordance with a development permit for operational works.

### External Works

22. Yandina – Bli Bli Road must be upgraded for the length of its frontage to the subject site and must include in particular unless otherwise approved by council:
- widening and sealing of the existing road pavement to 5.5 metres on the development side; and
  - construction of a shared pathway at least 2.5 metres wide.
23. Camp Flat Road must be upgraded for the length of its frontage to the subject site and must include in particular unless otherwise approved by council:
- construction of kerb and channelling and underground stormwater drainage to the development side only;
  - widening and sealing of the existing road pavement on the development side to at least 4.5 metres (based on at least a 9 metre wide overall carriageway width) south of the proposed roundabout access intersection to the development and to a width of at least 4 metres (based on at least an 8 metre



wide overall carriageway width) north of the proposed roundabout access intersection;

- (c) construction of a concrete pathway; and
- (d) street lighting.

#### Access

24. No direct vehicle access to lots is permitted along the site's frontages to Camp Flat Road and Yandina – Bli Bli Road.

#### New Roads

25. The proposed road through the site providing a connection between Camp Flat Road and Yandina – Bli Bli Road, shown in the Approved Plan, must be designed and constructed as a District Collector Street and must include in particular unless otherwise approved by council:
- (a) a reserve width of at least 24 metres;
  - (b) a cross-section profile matching that of a District Collector Street in accordance with Planning Scheme Policy No. 6 – Transport Traffic and Parking;
  - (c) concrete pathways on both sides, including a shared path at least 2.5 metres wide on at least one side;
  - (d) indented bus bays on both sides of the road, with widening of the road reserve to accommodate the indented bus bays, generally at the following locations:
    - (i) at the western end of Precincts R3 / R4
    - (ii) Precinct R2
    - (iii) Precinct R1 at the proposed street connection to Precinct R4
    - (iv) at the intersection between Precincts C1 and R1;
  - (e) if Precinct R1 is to be developed as a school, additional indented bus bays must be provided to meet the requirements of the school; and
  - (f) roundabouts at intersections along the District Collector Street, incorporating pedestrian refuge crossing treatments across all approaches, to limit the maximum travel speed on the District Collector Street to 60km/h.
26. A roundabout intersection, which should have an outside diameter for the circulating carriageway of 36m, must be constructed joining the District Collector Street through the site with Camp Flat Road directly opposite where Parklands Boulevard is to join the eastern side of Camp Flat Road.
27. A new road must be designed and constructed between Precincts R1 and C1 to connect East View Court with the District Collector Street through the site in accordance with an approved staging plan and must include in particular unless otherwise approved by council:
- (a) at least a 20 metre wide road reserve
  - (b) at least an 8 metre wide two-way sealed carriageway, with a wider carriageway provided where on-street parking is required (at least 5.5 metres width in the direction of travel containing the on-street parking)
  - (c) a concrete pathway, being a shared path if Precinct R1 is developed as a school.

#### Electricity and Telecommunication Services

28. Underground 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.

29. 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.
30. 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.

**Geotechnical Stability – Subdivisional Requirements**

31. Concurrent with any application for reconfiguration of a lot, the report *Geo-Environmental Investigation for Proposed Residential Subdivision Parklakes 2 Camp Flat Road, Bli Bli* – Document Number 06683021 -1000(AE) – D must be updated with an addendum to include a site specific geotechnical investigation for the relevant stage of development.

**HYDROLOGY**

**Development Staging**

32. Prior to the approval of any Reconfiguration of a Lot application over the subject site, the applicant must provide and have endorsed by Council's delegate a staging plan with a staging report, which demonstrates how stormwater quality and quantity infrastructure will be delivered with each stage of the development in order to ensure no actionable downstream nuisance is created and the water quality pollutant removal objectives are progressively met for each stage. In addition, the applicant must provide a construction-phase flood study, which identifies the flood mitigation works required to accompany or precede each stage in order to ensure there are no off-site flood impacts at any stage during construction of the development unless all drainage infrastructure has been completed in accordance with the approved flood study. The amended staging plan must clearly identify the timing of dedication of each portion of precinct P1 relative to each development stage.
33. The applicant must dedicate the drainage reserve portion of precinct P1 in fee simple at no cost to council in accordance with an approved staging plan.
34. The drainage reserve land, exclusive of required stormwater infrastructure, must be rehabilitated\* and cleared of all weed species listed in the following standards and legislation:
  - (a) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003
  - (b) *Maroochy Pest Management Plan 2006-2010 pest species of significance in Group 1, 2 & 6*The works must be undertaken in accordance with an Operational Works approval.

**Stormwater Quality Treatment and Constructed Waterbody**

35. The lake and wetland proposed for Precinct P1 are not currently approved. Inclusion of a lake and wetland will not be considered within Precinct P1, unless it can be demonstrated as part of the amended staging plan and staging report required by this approval that the lake and wetland can be designed and established in accordance with current best practice guidelines and that a sustainable source of funding for asset maintenance and renewal is secured through the provision of an executed Infrastructure Agreement.

36. Stormwater quality treatment devices must be located within each of the urban precincts they serve and be located outside of Precinct P1 (park/ drainage reserve) unless otherwise approved by council.

**Lawful Point of Discharge**

37. The applicant must demonstrate and ensure that a lawful point of discharge exists for all stormwater discharged from the development in accordance with the QUDM prior to the approval of any Reconfiguration of a Lot or Operational Works over the subject site.
38. Easements for drainage purposes external to the site, where required, must be granted in favour of Council prior to commencement of construction and must be registered at no cost to Council. The wording of the easement documentation must be in accordance with Council's standard easement document.

**Flooding**

39. Prior to the approval of any Reconfiguration of a Lot application over the subject site, the applicant must provide and have endorsed by Council's Delegate an amended flood study based generally in accordance with the flood study referenced in this approval and modified to address the following issues:
- (a) Removal of the lake and wetland proposed for Precinct P1 unless subsequently approved by council.
40. All works must be undertaken in accordance with the amended endorsed flood study.
41. The surface levels of all lots created subsequent to this approval (excluding drainage reserves and park) must be constructed to provide flood immunity. The works must be undertaken in accordance with an Operational Works approval and must include in particular surface levels that are higher than the local and regional 1 in 100 ARI flood levels including allowance for climate change to year 2100, unless otherwise approved by council. An easement in favour of Council for drainage purposes must be registered against the title(s) of any lot(s) which contain a land area identified as being below the local or regional 1 in 100 ARI flood levels, including allowance for climate change to year 2100. The easement(s) must be granted at no cost to the Council and the easement(s) documentation must be in accordance with the Council's standard easement document.
42. Stormwater and flooding must be managed throughout construction of the development such that there is no off-site increased flooding (worsening) or drainage impacts from the development for any event up to and including the 1 in 100 year ARI event, for any stage of construction including the development in its final form.

**Stormwater Drainage**

43. A stormwater quality treatment system designed to meet current best practice load based reduction targets must be provided for the development. A detailed stormwater quality management plan must be provided with each subsequent application for reconfiguration of a lot or material change of use.

44. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. A preliminary stormwater drainage design including nomination of the locations of reserves and easements must be provided with each subsequent application for reconfiguration of a lot or material change of use. In the case of any application with Precinct R4, the stormwater drainage design must specifically demonstrate how the external upslope catchments will be managed through the development site.

## ENVIRONMENT

### Land Dedication/Rehabilitation

45. Prior to endorsement of the first survey plan for development within precinct R2, the applicant must dedicate the land identified on the DNRM concurrence agency response Vegetation Plan as Area A to council as conservation reserve. The land must be dedicated to council in fee simple at no cost to council. The land must be rehabilitated\* and cleared of all weed species listed in the following standards and legislation:
- (a) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003
  - (b) *Maroochy Pest Management Plan 2006-2010 pest species of significance in Group 1, 2 & 6*
- The works must be undertaken in accordance with an Operational Works approval.

### Bushfire Management

46. All access tracks for fire managed purposes must be provided prior to or at the time of development of residential lots adjacent to the track and in accordance with an Operational Works approval and must include in particular:
- (a) a level and trafficable surface;
  - (b) direct access to gazetted roadways at regular intervals.

### Agricultural Buffers

47. The applicant must provide a 30m wide agricultural buffer (or as otherwise approved by council) along the frontage of the site to Yandina-Bli-Bli Road to buffer agricultural uses to the east. The buffer must be established and maintained in accordance with an Operational Works approval.
48. The applicant must provide a 1.8m high solid timber paling fence with a 4m wide densely vegetated buffer (or as otherwise approved by Council) along the common boundary of the site and lots 4 & 5 SP170715 to any adjoining operational agricultural use. The buffer must be established and maintained in accordance with an Operational Works approval.

## UNITYWATER

49. Reticulated water supply and sewerage must be provided to the development generally in accordance with the approved findings of the sewerage network analysis by Cardno, dated 23 November 2007 at no cost to Unitywater.
50. The applicant must pay a monetary contribution to the value of \$121,391.59 towards the cost of upsizing trunk sewerage infrastructure between Samantha Drive and Whistler Street. The contribution must be paid at the rate of \$ 1,213.91 per lot for the first 100 lots sealed with council. The amount to be indexed using the Consumer Price Index: All Groups (Brisbane), or if the index no longer exists, an equivalent index, and in accordance with the following formula:

$$\begin{aligned}
 \text{Indexed contribution} &= \text{IC} \\
 \text{Contribution amount} &= \text{CA} \\
 \text{Index number for the period} & \\
 \text{Immediately preceding the date} & \\
 \text{the contribution is paid} &= I \\
 \text{Index number for December 2013} &= I_{2013} \\
 \text{IC} &= \text{CA} \times (I/I_{2013})
 \end{aligned}$$

51. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
52. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.
53. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater). Easements must be located centrally over the main. For sewers on side boundary alignments easements may be partially located within neighboring properties.
54. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

#### 5 REFERRAL AGENCY CONDITIONS

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department of Transport & Main Roads PO Box 1600 Sunshine Plaza Postal Shop, Maroochydore Qld 4558	State Controlled Roads; Public Transport and Rail	The agency provided its response on 23/01/13 (Reference No. TMR11-000484). A copy of the response is attached.
Concurrence	Department of Natural Resources and Mines GPO Box 2454 BRISBANE QLD 4001	Clearing vegetation	The agency provided its response on 8/01/13 (Reference No. 2007/012189). A copy of the response is attached.
Concurrence	Department of Environment & Heritage Protection Support Unit GPO Box 2454 Brisbane Qld 4001	Contaminated Land	The agency provided its response on 10/01/13 (Reference No. 354766, Permit

			No IPCL05206112). A copy of the response is attached.
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#### 6 APPROVED PLANS/DOCUMENTS

The approved plans and / or documents for this development approval are listed in the following tables:

##### Approved Plans

Plan No.	Rev.	Plan Name	Date
MP1	R	<i>Park Lakes 2 Master Plan</i> , prepared by Covey and Associates	15/08/18
151789	A	<i>Landscape Park Concept</i> , prepared by Covey and Associates	29/10/15
Job 141714	C	<i>Park Lakes II Indicate Path Plan</i> , prepared by Covey and Associates	10/08/18
DO1	B	<i>Indicative Dual Occupancy Type B Dwelling Plans</i> prepared by Covey and Associates dated 30/03/2015	21/05/2015

#### 7 REFERENCE DOCUMENTS

The following documents are referenced in the assessment manager conditions:

##### Referenced Documents Requiring Amendments

Document No.	Rev.	Document Name	Date
Report No: 60660RPT	B	<i>Parklakes II Flood Impact Assessment, Mater Planned Development Yandina – Bli Bli Road, Bli Bli , QLD – prepared by Covey and Associates</i>	October 2013
<b>Amendments</b>		Amend in accordance with conditions of approval.	
06683021 - 1000(AE)	D	<i>Geo-Environmental Investigation for Proposed Residential Subdivision Parklakes 2 Camp Flat Road, Bli Bli compiled by Golder Associates</i>	July 2007
<b>Amendments</b>		Add an addendum to include a site specific geotechnical investigation for the relevant stage of development	

#### 8 ADVISORY NOTES

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

##### PLANNING

###### Nature and Extent of Approved Development

1. A preliminary approval approves development, within the preliminary approval area, but does not authorise it to proceed. The applicant must apply to further development permits before proceeding with any development.

**Infrastructure Charges**

2. Future Development Permits may trigger an "Adopted Infrastructure Charge Notice" 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* or whatever contribution regime is applicable at the time of the approvals.

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

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

**Preparation of Operational Works Application**

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

**Co-ordination of Operational Works Assessment**

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

**Qualified Person**

6. For the purpose of preparing a Geotechnical Report, and for certifying geotechnical stability for the development, a qualified person is considered to be a person who:
  - (a) is a Registered Professional Engineer of Queensland (RPEQ); and
  - (b) has a degree in civil engineering or engineering geology; and
  - (c) has a minimum of 5 years experience in the field of geotechnical engineering or engineering geology.

**Lawful Point of Discharge**

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

**Works within a Watercourse**

8. The applicant is advised that the proposal may involve works within a watercourse which will require referral to the Department of Natural Resources and Mines under the *Water Act 2000* and *Sustainable Planning Act 2009* at the time of making an application for operational works.

## ENVIRONMENT AND LANDSCAPE

### Conservation Area Buffers

9. The Department of Natural Resources and Mines (DNRM) as Concurrence Agency has provided specific conditions in relation to development adjacent to mapped remnant vegetation. At the time of making development application over land adjacent to land identified as Parkland (P1) on the Approved Master Plan, sufficient detail must be provided to demonstrate that the DNRM concurrence agency conditions have been complied with. In particular, sufficient detail must be provided to ensure that all new allotments are able to accommodate dwellings and associated structures without encroaching upon the building exclusion zone.

### Preparation of a Landscape Plan

10. 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:
- be prepared by a qualified person and submitted in A3 size (3 x hardcopies)
  - be of a scale suitable for clear interpretation at A3 size
  - show all existing and proposed services including overhead power, drainage, water and sewerage
  - include important spot levels and/or contours
  - include contextual information of the site including adjoining roads, land uses and photographs of site
  - show the extent and type of works, including hard surfaces, landscape structures, podium planters, signage, amenity lighting, fencing, edging, plantings and turf
  - include a plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting
  - show landscape works for the full frontage of the development site
  - include a north point, scale and legend as well as the name, contact details and qualifications of the landscape consultant who prepared the plan.

### Qualified Person

11. 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.

### UNITYWATER

12. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicants cost.

### ABORIGINAL CULTURAL HERITAGE ACT 2003

13. 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**

A preliminary approval under section 3.1.6 of the *Integrated Planning Act 1997* has been granted for MCU07/0192. The level of assessment and applicable codes for any development resulting from this approval are identified in the approval.

**11 FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permits for Material Change of Use
- Development Permits for Reconfiguration of a Lot
- Development Permits for Operational Works
- Development Permit for Building Works

**12 SELF ASSESSABLE CODES**

Not Applicable.

**13 SUBMISSIONS**

There were 77 properly made submissions about the original development application. Please refer to the Negotiated Decision Notice approved 24 February 2014 for the name and address of the principal submitter for each properly made submission.

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

The Assessment Manager considers the following are sufficient grounds to justify approval despite conflict with the current planning scheme:

1. The land is Urban Footprint under the SEQ Regional Plan and is logical infill between Park Lakes 1 and rural residential to the north.
2. A Need Analysis supports additional residential development in Bli Bli, with the proposal providing a variety of lot sizes and housing options.
3. The proposal allows for a private school and community facilities, which are of benefit to the wider community;
4. Regional ecosystem is retained and riparian vegetation is enhanced.
5. Development achieves Q100 flood immunity and non-worsening.
6. Park Lakes 1 water & sewerage infrastructure is sized to accommodate Park Lakes 2.



**SUNSHINE COAST COUNCIL**

**PARKLAKES II DEVELOPMENTS PTY LTD  
ACN 600 791 571**

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**CANE DRAIN WIDENING  
PARKLAKES 2 (MCU07/0192.05)**

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**THIS DEED** is made on the date stated in item 1.

**BETWEEN** The Council

**AND** the Proponent

**AND** the Owner

#### **RECITALS**

- A** The Proponent is Parklakes II Developments Pty Ltd and the Owner is Parklakes II Developments Pty Ltd.
- B** The Proponent lodged a Development Application in relation to the Subject Site.
- C** The proposed development results in an increase in runoff volumes to the downstream cane drain network. The runoff will be detained to control peak flow, however this is not considered a worsening of the drainage situation in any downstream areas.
- D** The Proponent has lodged an infrastructure agreement with council in respect of the widening of the downstream cane drain.
- E** The parties agree that the widening of the cane drain allows for the development to discharge the additional runoff volumes into the system, subject to compliance with this IA and the conditions of the Development Approval.

#### **IT IS AGREED**

##### **1 INTERPRETATION**

###### **1.1 Nature of Deed**

This deed accords with **Clause 2**.

###### **1.2 Commencement**

This deed commences on the Commencement Date.

###### **1.3 Interpretation**

- (a) In this deed, unless a contrary intention appears, reference to:
  - (i) a clause is to a clause in this deed; and
  - (ii) the singular includes the plural and vice versa; and
  - (iii) any gender includes all other genders; and

- (iv) a person includes a firm, a corporation, an association and a body, whether incorporated or not and a government or statutory entity or authority; and
- (v) legislation (including subordinate legislation) includes:
  - (A) statutory instruments under the legislation; and
  - (B) consolidations, amendments, re-enactments or replacements of the legislation; and
- (vi) writing includes any mode of representing or reproducing words in tangible and permanently visible form and includes facsimile Transmission and email; and
- (vii) this or any other deed includes the deed as varied or replaced and is not affected by any change in the identity of the parties; and
- (viii) a day is a Calendar Day
- (b) The clause headings appearing in this deed are inserted for convenience of reference and do not affect the construction of the deed.
- (c) If any words are italicised or otherwise printed differently, this has been done for convenience only and does not affect the construction of this deed.
- (d) Whenever more persons than one constitute a party, all the covenants, deeds, conditions, restrictions and provisos on the part of that party contained or implied in this deed bind those persons jointly and each of them severally.
- (e) This deed is in all respects to be interpreted in accordance with the laws of the State of Queensland, and the parties irrevocably and unconditionally submit to the non-exclusive jurisdiction of the courts of that state and any courts which have jurisdiction to hear appeals from them, and waive any right to object to proceedings being brought in those courts.
- (f) Nothing contained in this deed affects, prejudices or derogates from the requirements of any statute or from the rights, powers and authorities of the Council under the provision of any statute or under any declared policy of the Council.
- (g) An inclusive definition, or an example or particularization of a provision, does not limit but may extend that definition or provision.
- (h) Where a word or expression is defined, other parts of speech and grammatical forms of that word or expression have a corresponding definition.

- (i) All schedules to this deed form part of this deed and a reference to an item is a reference to an item in **Schedule 1** unless stated otherwise.
- (j) Terms used in the Special Conditions which are not otherwise defined in **Clause 1.4** (Definitions) shall have the meanings assigned to them in the Council's Planning Scheme.

#### 1.4 Definitions

In this deed:

"**Act**" means the *Planning Act 2016* ("PAAct").

"**Calendar Day**" has the meaning given in section 36 of the *Acts Interpretation Act 1954* (Qld).

"**Cane Drain**" means the network of drains under the management of the South Maroochy Drainage Board constructed to direct runoff from the catchment to the Maroochy River.

"**Chief Executive Officer**" means the Chief Executive Officer of the Council and includes the person (if any) for the time being acting as Chief Executive Officer.

"**Commencement Date**" means the date when this deed commences being the date when the last party executes this deed

"**Council**" means the Local Government described in Schedule 1, Item 3 and its predecessors, successors, transferees and assigns.

"**Development**" has the meaning given in the Act.

"**Development Application**" has the meaning given in the Act as it applies to the Application and identified in item 7.

"**Development Permit**" has the meaning given in the Act as it applies to the Application and identified in item 8.

"**Drainage Easement**" means an easement in gross in favour of Council over the Works on the substantial same terms as land title document [*insert number*].....

"**Force Majeure**" means an event:

- (a) being a decree of the Commonwealth Government or the state Government, an act of God, industrial disturbance, act of public enemy, war, international blockade, public riot, lightning, flood, earthquake, fire, storm or other event whether of a kind herein specified or otherwise; and
- (b) which is not within the control of the party claiming Force Majeure; and
- (c) which could not have been prevented by the exercise by that person of a standard of foresight, care and diligence consistent with that of a prudent and competent person under the circumstances.



**"Index Number"** means the Producer Price Services for road and bridge construction Queensland - Index Numbers; produced by the Australian Bureau of Statistics. If the said Index is suspended or discontinued or if different factors are used to determine the same Index, the Index Number shall be such an Index as the Council and Owner agree reflects increases in the costs of construction in Queensland. In default of such agreement such Index will be as determined on the application of either party to the President of the Queensland Law Society Inc at the relevant time, or his Nominee, acting as an expert and not as an arbitrator and whose decision shall be conclusive.

**"Local Government"** has the meaning given in the Local Government Act 2009.

**"Local Government Area"** has the meaning given in the Local Government Act 2009.

**"Lot"** has the meaning in the Act.

**"Notice"** means any certificate, demand or notice to be made, given or served by a party under this deed.

**"Owner"** of the Subject Site means the person described in item 4A.

**"Planning Scheme"** means the planning scheme of the Council applicable for the Subject Site.

**"Planning Scheme Policies"** means the Planning Scheme Policies in respect of Infrastructure Contributions applying generally in the Sunshine Coast Council Local Government Area over the Subject Site.

**"Plans of Survey"** means:

- (a) the Standard Format Plan; and
- (b) the Volumetric Format Plan.

**"Preliminary Approval"** has the meaning given in the Act as it applies to the Application and identified in section 242 of the Sustainable Planning Act (2009).

**"Parklakes 2 Preliminary Approval"** means Decision Notice containing the supplementary tables of assessment, conditions of approval and Parklakes 2 master plan approved under application number MCU07/0192. The Parklakes 2 Preliminary Approval overrides the Planning Scheme for the Parklakes 2 preliminary approval area.

**"Proponent"** means the person described in and having its address at the place described in item 4 and includes:

- (a) successors and permitted assigns in the case of a corporation, association or other body whether incorporated or not; and
- (b) executors, administrators and permitted assigns in the case of a natural person.

"**Public Office**" has the meaning given in the *Local Government Act 2009*.

"**Purchaser**" means the purchaser of the Subject Site from the Owner.

"**Relevant Period**" has the meaning given in the Act.

"**Sell**" includes transfer, dispose of and alienate and "**Sale**" has the corresponding meaning.

"**Special Conditions**" means the conditions specified in item 6 with which the Owner and Proponent must comply.

"**Subject Site**" means the Parklakes 2 preliminary approval area and includes:

- (a) any interest or estate in, on, over or under the land; and
- (b) the airspace above the surface of the land and any estate or interest in the land; and
- (c) the subsoil of the land and any estate or interest in the subsoil; and
- (d) any part or parts of the land; and
- (e) any estate or interest created in respect of any of the above matters.

"**Use**" has the meaning given in the Act.

"**Works Criteria**" means the criteria stated in Schedule 3.

"**Works**" means the works stated in Schedule 3.

"**Works Property**" means the land on which the Works are located.

#### 1.5 Other Expressions

If a term is not defined in this Deed it shall unless the context otherwise requires, have the meaning given to it by:

- (a) the Act; or
- (b) the Macquarie Dictionary in the absence of a definition in the Act.

#### 1.6 Rights and Obligations Council

Where rights or obligations are in respect to any contributions or works those rights shall be rights in favour of Council and those obligations shall be obligations to Council.

### 2 INFRASTRUCTURE DEED

#### 2.1 Application of Act

This Deed constitutes an infrastructure agreement under the Act.

#### 2.2 Deed to bind successors in title

The Owner consents to the obligations of the Proponent under this deed being attached to the Subject Site and being binding on the Owner and the Owner's

successors in title in accordance with Section 674 (when infrastructure agreements bind successors in title) of the Act.

## **2.3 CANE DRAIN WIDENING**

### **2.4 Infrastructure Agreement overrides Development Permit**

This deed prevails to the extent of any inconsistency with the Development Permit.

### **2.5 Continuance of Preliminary Parklakes 2 Approval.**

The Proponent or Owner is required to comply with the conditions of the Parklakes 2 Preliminary Approval.

### **2.6 Drainage Management**

The Proponent and the Owner:

(a) warrant to Council that:

a. the design and construction of the Works has been undertaken in accordance with the Works Criteria; and

b. the management of drainage will be undertaken in accordance with the Parklakes 2 Preliminary Approval and the approval of the Application so as to achieve a no worsening outcome for drainage from the Development.

## 2.7 Cane Drain Widening Easement

The Proponent and the Owner will, prior to Council issuing of the first operational works approval for the Development:

- (A) use reasonable endeavours to register a Drainage Easement over the Works Property at its cost. The Proponent and Owner will be taken to have satisfied this obligation if it makes a written offer to pay for the grant of a Drainage Easement capable of immediate acceptance, at fair market value, and the Owners of the Works Property's do not accept the offer within 30 days of its receipt. The Proponent and Owner must not make any other representations to the Works Property owners, or otherwise act in any way, which discourages or seeks to circumvent agreement on the Drainage Easement on the terms above.
- (B) in the event that agreement on the grant of a Drainage Easement is not able to be reached pursuant to clause 2.7(a), the Proponent and the Owner will (as its cost) provide evidence, to the reasonable satisfaction of Council, that the owner(s) of the Works Property have consented to the Works and the ongoing control and maintenance of those Works by the Drainage Board.
- (C) in either scenario above, provide evidence to the satisfaction of Council that the Works have been lawfully undertaken.

## 2.8 Cane Drain Widening – Payment for Works

The Proponent or the Owner must pay the Council at the times described in Clause 3.4 (a):

- (a) the amount calculated in accordance with Clause 3.4;
- (b) Indexed in accordance with the formula in Clause 3.5.

## 2.9 Time for payment

- (a) The Cane Drain Widening Contribution, identified in Schedule 2 will be paid to Council prior to the endorsement by Council of the survey plan for any lots within Stages 12-14 of the Parklakes 2 approval.

## 2.10 Indexed Cane Drain Widening Contribution

The Cane Drain Widening Contribution payable shall be indexed in accordance with the following formula:-

$$A = \frac{B \times C}{D}$$

Where A = the Indexed Cane Drain Widening Contribution amount at the time the payment is made

Where B = the amount identified in Schedule 2

Where C = the Index Number for the year immediately preceding the date upon which the Infrastructure Contribution is being paid; and

Where D = the Index Number for the 2018 year.

### **2.11 Payment to Council**

The Cane Drain Widening Contribution shall be paid to Council unless the Owner is directed in writing by Council to pay it otherwise.

The Council acknowledge that they have the authority to enter private property to perform the proposed works. The payment to Council represents the proponents complete obligations under this Infrastructure Agreement.

## **3 GOODS AND SERVICES TAX**

### **3.1 Interpretation**

In this clause:

- (a) expressions which are not defined but which have a defined meaning in GST Law have the same meaning as in the GST Law.
- (b) "GST Law" has the meaning given to that expression in A New Tax System (Goods and Services Tax) Act 1999.
- (c) "GST Amount" means the amount referred to in **clause 4.3** (Payment of GST).

### **3.2 Consideration GST exclusive**

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this Deed are exclusive of GST.

### **3.3 Payment of GST**

If GST is payable by a supplier on any supply made under this Deed, the recipient will pay to the supplier an amount equal to the GST payable on the supply.

### **3.4 Timing of GST payment**

The GST Amount will be paid by the recipient on the same date the consideration for the supply is to be provided under this Deed.

### **3.5 Tax invoices**

The recipient is not required to pay the GST Amount until the supplier has provided the recipient with a tax invoice in respect of the taxable supply. If the supplier has not provided the recipient with a tax invoice prior to the time that the GST Amount is otherwise payable under this clause, the recipient must pay the GST Amount within five days of the receipt of the tax invoice.

### 3.6 Adjustment events

If at any time an adjustment event arises in respect of a taxable supply made by a supplier under this Deed the supplier will provide the recipient with an adjustment note for the adjustment immediately upon becoming aware of the adjustment. Where such an adjustment event arises, a corresponding adjustment will be made to the GST Amount and a payment will be made by the recipient to the supplier or the supplier to the recipient as the case requires.

### 3.7 Reimbursements

Where a party is required under this Deed to pay for or reimburse an expense or outgoing of another party, the amount to be paid by the first party is the sum of:

- (a) the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing that the other party is entitled to; and
- (b) if the payment by the first party is consideration for a taxable supply, an amount equal to the GST payable by the other party in respect of the payment.

### 3.8 Representatives

In the event that liability for payment of GST in respect of a supply under this Deed is imposed upon a representative of a supplier, this **Clause 4**(Goods and Services tax) shall nonetheless apply and any amounts to be calculated pursuant to this clause shall be calculated in all respects as if the supplier was liable for the GST imposed on such supply and entitled to input tax credits properly allocated to the making of that supply.

### 3.9 Pay As You Go ("PAYG")

PAYG instalments will be deducted from payments to be made to the Claimant if at the time of payment the Claimant has not provided to the Council a valid Australian Business Number or if the Council otherwise reasonably forms the view that deductions are required to be made under Par 2-5 of the *Taxation Administration Act 1953*.

### 3.10 No Offset or Conversion

The Proponent and the Owner agree that they will not seek or make any claim for any offset, refund or conversion in relation to its obligations relating to infrastructure under this agreement, including with respect to payment for the Works and any Easement or other interest in relation to the Works.

## 4 DEFAULT BY OWNER OR PROPONENT

### 4.1 Rights of the Council on default

If the Proponent or Owner fails to duly perform and fulfil any or all of its obligations under **Clause 2**, or any other clause of this agreement, the Council may recover from the Owner:

- (a) in respect to Clause 2 the whole amount of the payment of contributions (if any) not paid by the Proponent or Owner; and
- (b) In respect of any other clause in this agreement, the cost of performing the obligations of the Proponent or Owner.

### 4.2 Application of money

The Council may apply any sum recovered or received by it pursuant to **Clause 5.1** (rights of the council on default) as far as the sum may extend to or towards all or any one or more of the following:

- (a) reduction or discharge of the payments or contribution payable by the Proponent or Owner under this Deed; and
- (b) reimbursing itself for the cost of works done and for any damages suffered by it.



## 5 NOVATION OF DEED UPON SALE

### 5.1 Sale of the Subject Site

The Owner and any future owner must not sell or transfer the Subject Site prior to the performance and fulfilment of the Special Conditions in the agreement except subject to the condition that the purchaser (in this clause called "the Purchaser") shall enter into a deed of novation of this Deed or a replacement Deed with the Council, whereby the Purchaser becomes contractually bound to the Council to perform and comply with the terms of this Deed, or such of them as remain unperformed or unfulfilled by the Owner at the time of such sale.

### 5.2 Owner to remain liable

In the event that the Owner sells or transfers the Subject Site otherwise than in compliance with **Clause 6.1** the Owner must perform and fulfil the Special Conditions at such time or times as the Council stipulates, even if the time or times otherwise appointed for such performance and fulfilment have not then arrived.

### 5.3 Release from Liability

In the event that the Purchaser enters into a deed of novation or such further deed or agreement which contractually obliges the Purchaser to the Council to perform the Special Conditions the Owner shall be forever released from the Special Conditions or any further liability pursuant to this Deed or otherwise arising from its subject matter and the provisions of this clause may be pleaded as a bar to any proceedings brought by the Council.

## 6 RECONFIGURATION OF THE SUBJECT SITE

### 6.1 Reconfiguring and compliance

If the Subject Site is reconfigured under the provisions of the PAct and the obligations under this deed have been satisfied, then this deed no longer remains attached to the reconfigured lots and the Owners of the reconfigured lots are not bound by this deed.

### 6.2 Reconfiguring and non-compliance

*If the Subject Site is reconfigured to create a lot comprising the Subject Site or part of the Subject Site and the obligations under clause 3 and the Special Conditions of this deed have not been satisfied, this deed remains attached to the reconfigured lot and the Owner of the reconfigured lot remains bound by this deed.*

## 7 SERVICE

### 7.1 Service by prepaid post

A Notice is sufficiently made, given or served by a party if left at or forwarded by prepaid post in an envelope addressed to the other party or any of them (where there are more persons than one person comprising the other party) at the address of that party specified in **Schedule 1**.

### 7.2 Deemed service

A Notice if sent by prepaid post is deemed to have been made, given or served at the time when in the due course of the post it would be delivered at the address to which it is directed whether or not it is actually received.

### 7.3 Proof of service

In proving service of a Notice made, given or served by the Council it is only necessary for the Council to certify to that effect under the hand of the Chief Executive Officer.

### 7.4 Form of Notice

- (a) A Notice given by a party must be in writing and signed by the party.
- (b) A Notice given by a party may be signed by an officer of that party or the solicitor for that party.
- (c) A party receiving a Notice is not obliged to enquire as to the authority of the person signing the Notice.

## 8 MISCELLANEOUS

### 8.1 Payment of costs

- (a) Each party shall pay their own costs, charges and expenses of and incidental to the negotiation, preparation, execution, completion and stamping of this Deed, all counterparts of it and any other document required under this Deed.

### 8.2 Time

Time is, in all cases, of the essence.

### 8.3 Place for payment of monies

All monies payable to a party under this deed are payable free from all deductions at the address of that party specified in **Schedule 1**.

### 8.4 Waiver

No waiver by the Council of any breach by the Proponent or Owner of any of the provisions of this Deed shall be implied against the Council or be otherwise effective unless it is in writing under the hand of the Chief Executive Officer.

**8.5 Laches and delay**

No laches or delay by the Council at any time or times in enforcing any of its rights, powers and the like under this Deed prejudice or affect those rights or powers.

**8.6 Severance**

If any provision of this Deed cannot be given effect or full force and effect by reason of statutory invalidity that provision shall be served or read down but so as to maintain and uphold so far as possible the remaining provisions of this deed.

**8.7 Warranty of authority**

Any person signing this Deed:

- (a) as attorney of any party warrants to the other parties that at the date of execution that person has not received any notice or information of the revocation of the power of attorney appointing that persons; and
- (b) as an authorised officer, agent or trustee of any party warrants to the other parties that at the date of execution that person has full authority to execute this deed in that capacity.

**8.8 Further assurances**

Each party agrees at its cost to do everything reasonably necessary to give effect to this deed.

**8.9 Force Majeure**

- (a) If a party is unable by reason of an event of Force Majeure to carry out its obligations under this Deed, that party must give a Notice to the other party advising of the event of the Force Majeure as soon as it is reasonably practicable after the event of a Force Majeure.
- (b) If a party gives a Notice advising of an event of Force Majeure, that party's obligations will be suspended during the period for which the event of Force Majeure or its effect extends.
- (c) Where the obligations of the Council are dependent upon the occurrence of specified circumstances, then the Council will be relieved of its obligations for so long as there is a change or deviation or non-occurrence of those circumstances arising from a matter beyond the Council's Control.

**8.10 Amendment of deed**

- (a) Despite any provision of this deed, the parties may at any time agree to vary the terms of this Deed
- (b) No modification, variation or amendment of this Deed is of any force or effect unless:
  - (i) it is in the form of an amendment Deed and has been signed by the parties; and
  - (ii) where relevant the amendment Deed complies with the requirements of the Act.

## SCHEDULE 1

## Deed Details

ITEM 1	Date	
ITEM 2	Name of Deed	Infrastructure Deed Cane Drain Widening Contribution Parklakes 2
ITEM 3	Council	Sunshine Coast Council Bury and Currie Streets, Nambour in the State of Queensland Locked Bag 72, Sunshine Coast Mail Centre QLD 4560
ITEM 4	Proponent	Parklakes II Developments Pty Ltd ACN 600791571 C/o HMW Partners Level 22 333 Ann St, Brisbane Qld 4001 PO Box 1333, Coolum Beach Q 4573
ITEM 4A	Owner	Parklakes II Developments Pty Ltd ACN 600791571 C/o HMW Partners Level 22 333 Ann St, Brisbane Qld 4001 PO Box 1333, Coolum Beach Q 4573
ITEM 5	Subject Site	Lot 6 on SP110911 County of Canning Parish of Maroochy 8 Kirra Road Maroochy River Qld 4561
ITEM 6	Special Conditions	Nil
ITEM 7	Development Application	MCU07/0192 Parklakes 2 for a Preliminary Approval for a Material Change of Use (Parklakes 2 Master Plan Residential Community) as amended.
ITEM 8	Development Permit	N/A

## SCHEDULE 2

### The Parklakes 2 Cane Drain Widening Contribution

1. Total cost of widening 620 meters of cane drain as described in Schedule 3 estimated cost to be \$40,000. Actual cost of works on completion, as advised by Council, to represent the amount of the Contribution.

### PAYMENT OF THE INFRASTRUCTURE CONTRIBUTION

- i. The financial contribution is payable in accordance with this Infrastructure Agreement.
- ii. The contribution is to be paid to **Sunshine Coast Council** in accordance with clause 3.3 via the Infrastructure Charges Officer, tel: (07) 5441 8679. Please contact Sunshine Coast Council, Infrastructure Policy Branch, prior to making payment.
- iii. Payment of infrastructure contributions by credit card transaction will not be accepted.
- iv. Please contact Council's Infrastructure Charges Officer (email: [icinfo@sunshinecoast.qld.gov.au](mailto:icinfo@sunshinecoast.qld.gov.au)) a minimum of **5** business days prior to payment of the infrastructure contributions so a payment advice detailing the amounts applicable at the time of payment may be issued to accompany the payment.

### SCHEDULE 3

#### The Parklakes 2 Cane Drain Widening Criteria

The following criteria are applicable to the Cane Drain Widening construction. The Cane Drain Widening shall be constructed generally in accordance with Covey Drawing 162045-SK10. The section of drain to be widened is approximately 620m starting at around 260m downstream of the start of the drain which is the discharge point for the development on Yandina Bli Bli Rd.





Item 8.18 Other Change to the Park Lakes 2 Preliminary Approval to add new land - 8

Kirra Road, Bli Bli

Appendix B Cane Drain Widening Infrastructure Agreement

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Executed by Parklakes II Developments Pty Ltd ACN 600 791 571 as the Proponent  
In accordance with Section 127 of the *Corporations Act 2001* (Cth):  
)

ROBERT ARTHUR FLIPP  
.....  
(Director/Company Secretary)

RAY FLIPP  
.....  
(Signature)

13-5-2019  
.....  
(Date)

PETER K. SHARFOATH  
.....  
(Director)

  
.....  
(Signature)

13-5-2019  
.....  
(Date)

Item 8.18 Other Change to the Park Lakes 2 Preliminary Approval to add new land - 8

Kirra Road, Bli Bli

Appendix B Cane Drain Widening Infrastructure Agreement

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Executed by Parklakes II Developments Pty Ltd ACN 600 791 571 as the Owner

In accordance with Section 127 of the *Corporations Act 2001* (Cth): )

ROBERT ARTHUR FLIPP  
.....  
(Director/Company Secretary)

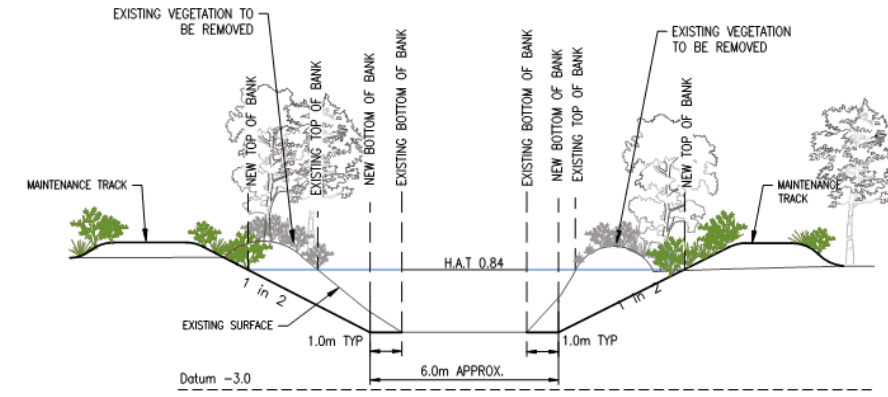
*Robert Arthur Flipp*  
.....  
(Signature)

13-5-2019  
.....  
(Date)

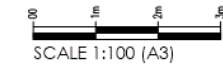
PETER F SHADFOATH  
.....  
(Director)

*Peter F Shadfoath*  
.....  
(Signature)

13-5-2019  
.....  
(Date)



DRAIN WIDENING TYPICAL SECTION  
 SCALE 1:200(A3)



Check all dimensions before commencement of work.  
 Check Site boundary dimensions from the Title plans  
 Check Building Boundary clearances by set out.  
 Notwithstanding the information supplied on this drawing,  
 the location, depth and extent of underground or overhead  
 services are to be confirmed and protected on site by the  
 contractor prior to commencement of works.

Checked - CJC			
Design - CJC	Drawn - KG		
Scales - AS SHOWN	Date - NOV 18		
Document Stage - APPROVAL			
	Issue Date	Description	By
	18-03-19	AMENDMENTS	KG
	14-11-18	APPROVAL ISSUE	KG

**COVEY ASSOCIATES PTY LTD**  
 Consulting Civil & Structural Engineers  
 Project Management & Planning  
 AIN 59 137 305 992

Approved  
 KEVIN COVEY (BEng, CPEng, MIEAust, MSPEPENG, RPED-1823)  
 CHRIS CAMP (BEng(Hons), MIEAust, RPED-4944)  
 124 DUPOURTH AVENUE Ph (07) 5443 7777  
 PO BOX 16 Fax (07) 5443 7577  
 MAROOCHYDORE QLD 4558  
 E-MAIL: engineers@covey.com.au

Drawing title -  
**CANE DRAIN WIDENING**

Project - EXTERNAL CHANNEL REHABILITATION  
 Client - PARKLAKES DEVELOPMENTS II PTY LTD

Site -  
 YANDINA BLI BLI,  
 ROAD BLI BLI

Project :162045 Sheet No. SK10  
 Digital Ref : SK10 CANE DRAIN WIDENING Issue : B  
 This Document is copyright and shall not be copied without written approval, nor shall it be used except for the Development and the Site Specified.

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## COUNCIL ASSESSMENT REPORT DEVELOPMENT SERVICES

### APPLICATION FOR OTHER CHANGE TO APPROVAL

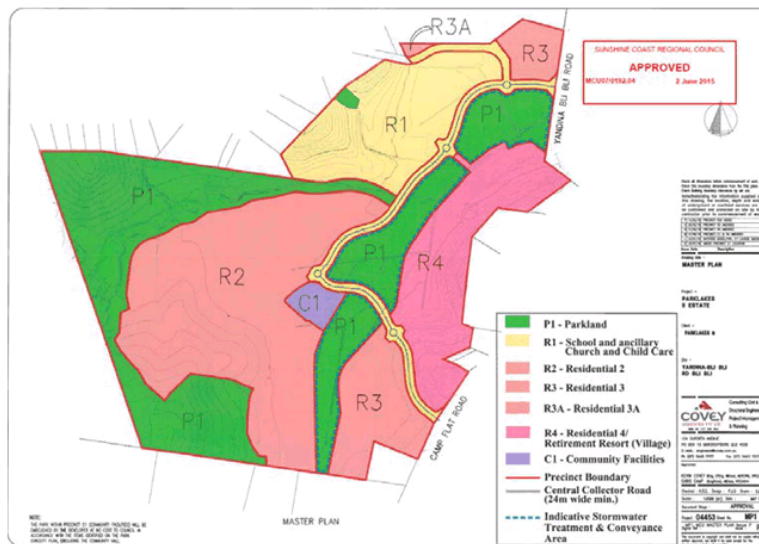
**APPLICATION NO:** MCU07/0192.05  
**AUTHOR:** BRYCE MCKAY - SENIOR DEVELOPMENT PLANNER  
**PROJECT DIRECTOR:** MARC CORNELL - PRINCIPAL PLANNER

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Parklakes II Developments Pty Ltd
<b>Owner:</b>	Ms Kimberly Natalie West
<b>Consultant:</b>	Covey Associates Pty Ltd
<b>Proposal</b>	'Other Change' to Preliminary Approval pursuant to Section 3.1.6 of IPA 1997 a for Material Change of Use (Park Lakes 2 Master Planned Community) to add new land south of Kirra Road
<b>Properly Made Date:</b>	04 September 2018
<b>Information Request Date:</b>	03 October 2018
<b>Information Response Received Date:</b>	09 November 2018
<b>Decision Due Date</b>	06 May 2019
<b>Number of Submissions</b>	47 Properly Made submissions received (18 submissions in support, and 29 submissions objecting to the proposal)
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	9
<b>Property Address:</b>	8 Kirra Road MAROOCHY RIVER QLD 4561
<b>RP Description:</b>	Lot 6 SP 110911
<b>Land Area:</b>	8.985 hectares
<b>Existing Use of Land:</b>	Detached dwelling
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	<i>Sunshine Coast Planning Scheme 2014</i> (31 July 2018)
<b>SEQRP Designation:</b>	Urban Footprint
<b>Strategic Plan Designation:</b>	Urban
<b>Planning Area / Locality:</b>	Bli Bli Local Plan Area

<b>Planning Precinct / Zone:</b>	Emerging Community Zone
<b>Assessment Type:</b>	Impact
<b>State Referral Agencies:</b>	Concurrence SARA – concurrence agency for State Controlled Roads and Vegetation Clearing
<b>Referred Internal Specialists:</b>	<ul style="list-style-type: none"> <li>• Development Engineer, Engineering and Environment Assessment</li> <li>• Ecology Specialist, Engineering and Environment Assessment</li> <li>• Hydraulic Development Engineer, Engineering and Environment Assessment</li> <li>• Landscape Officer, Engineering and Environment Assessment</li> <li>• Environmental Health Officer, Engineering and Environmental Assessment</li> <li>• Urban Designer, Planning Assessment</li> <li>• Coordinator, Planning Scheme and Projects, Strategic Planning Branch</li> <li>• Unitywater</li> </ul>

**PROPOSAL:**

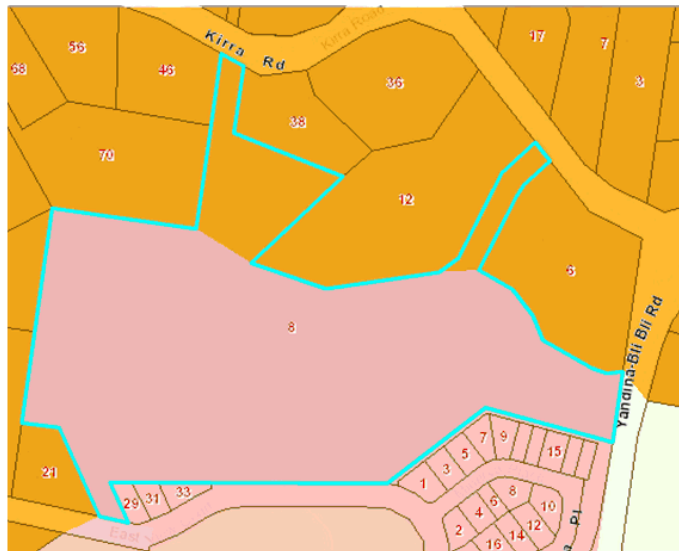
The Park Lakes 2 residential estate (MCU07/0192.05) includes 440 residential lots, a retirement facility and a private Catholic School, a park, lakes and open space (refer to approved Master Plan below).



Current approved Park Lakes 2 Master Plan

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The applicant has lodged an 'other change' to add an additional 8.985 hectares of land (Lot 6 SP 110911), located north of East View Court and south of Kirra Road, into the Park Lakes 2 into the Preliminary Approval Area. The land is designated Urban Footprint under the *South East Queensland Regional Plan 2017* and Emerging Community under the *Sunshine Coast Planning Scheme 2014*, with the exception of 2 small portions of the lot fronting Kirra Road, which remain Rural Living Area and Rural Residential respectively under the above documents. The urban land is proposed to be included within Precinct R3 of the Park Lakes 2 Preliminary Approval, while the rural residential land is proposed to remain unchanged consistent with land to the north of Park Lakes.



South East Queensland Regional Plan Zoning (split zoning)

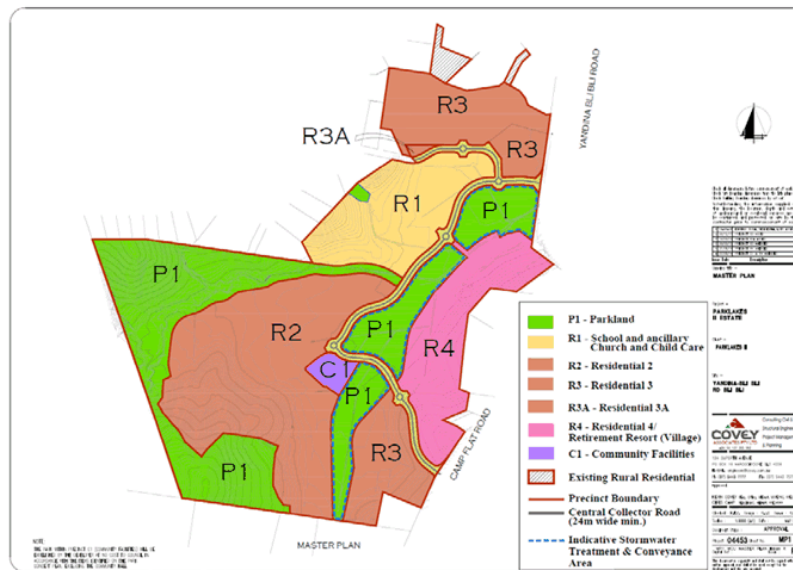


Aerial of Lot 6 SP 110911

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The 'other change' application proposes to change the approval as summarised below:

- Add Lot 6 SP110911 into the Park Lakes 2 preliminary approval area as reflected in the proposed Park Lakes 2 Master Plan below;
- Include the additional land identified as Urban Footprint under the *South East Queensland Regional Plan 2017* and Emerging Community under the *Sunshine Coast Planning Scheme 2014* within Precinct R3 of Park Lakes 2 Master Plan;
- Leave the balance of the lot (north) unchanged as rural residential (existing zoning); and
- Amend the conditions of the preliminary approval as necessary



Proposed Park Lakes 2 Master Plan

The inclusion of the urban land within Precinct R3 would allow for the lodgement of future applications for development permit for reconfiguration of a lot to create new residential lots within the expanded Park Lakes estate. Any such application would be assessed against the Park Lakes 2 Supplementary Preliminary Approval, approved by Council in the Ordinary Meeting of 14/11/2013. The applicant has indicated that a yield of approximately 90 additional residential lots may be possible under that approval. The land identified on the proposed Master Plan as existing rural residential would remain unchanged.

**BACKGROUND:**

A Preliminary Approval for Material Change of Use (Park Lakes 2 Master Planned Community) to override the planning scheme was issued on 20/11/13 and took effect on 26/02/14 following the issue of a Negotiated Decision Notice.

At the time the original application was publicly notified, 77 properly made submissions were received, of which 67 supported the Park Lakes 2 proposal and 10 objected to it. The submitters opposing the proposal were primarily concerned with zoning, density,

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stormwater, flooding, noise, rural amenity, traffic and environment. These submissions were addressed in the Council Report considered by Council on the 14/11/2013.

A number of changes were subsequently made to the preliminary approval, including:

- A generally in accordance with approval to amend the Master Plan to relocate the community precinct (C1) into the centre of the site issued on 13/08/14 (MCU07/0192.01)
- The lodgement of an Infrastructure Agreement to secure maintenance funding for the proposed wetland/lake currently in progress (MCU07/0192.03).
- A minor change application (MCU07/0192.04) to:
  - a) Permit a Type B dual occupancy housing option with indicative plans within some of the residential precincts;
  - b) Amend the Master Plan to identify a small parcel (0.19ha) of undeveloped road reserve north of the school site as balance lot - precinct R3 (A).
  - c) Address a number of minor errors and omissions in the Supplementary Tables.
- Note: MCU07/0192.02 was cancelled (created in error).

#### **STATUTORY PROCESS:**

The applicant has made an application for a change to a development approval (other than a minor change) under s78 and s82 of the *Planning Act 2016*. A request to make a change to a development approval (other than a minor change) can be made in any circumstance. The proposed changes could not be treated as a 'minor change' in accordance with the term defined in the Act, for the following reasons:

- The change would result in a substantially different development because of the inclusion of new parcel of land into the preliminary approval area to accommodate additional lots.

On this basis, the applicant has followed lawful process in making a request under s78 and s82 of the Act.

#### **ASSESSMENT:**

The *Planning Act 2016* requires the change application to be assessed as if the change application were the original application but was made when the change application was made.

This report details the assessment of the change application as if it were the original application.

#### **Framework for Assessment**

##### Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain assessment benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Variation Approval

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Of these, the planning instruments relevant to this application are discussed in this report.

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### Assessment Benchmarks Related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes assessment benchmarks that the application must be carried out against, which are additional or alternative to the assessment benchmarks contained in council's Planning Scheme.

These assessment benchmarks are prescribed as being contained in:

- the *South East Queensland Regional Plan 2017* and Part E of the State Planning Policy, to the extent they are not appropriately integrated into the Planning Scheme; and
- Schedule 10 of the Regulation.

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Applicable Assessment Benchmarks:</b>	<u>State Planning Policy</u> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <u>Regional Plan</u> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>• Urban Footprint</li> <li>• Rural Living Area</li> </ul>
<b>Koala Habitat Designation:</b>	Nil.

#### State Planning Policy

The following assessment benchmarks of the State Planning Policy Part E are applicable to the development proposal and vary the effect of the Planning Scheme:

#### Liveable communities – Fire services

- The development does not propose buildings that would be accessed by common private title.
- The proposal is supported by a Bushfire Hazard Assessment Report which recommends mitigation measures.
- The proposed development could be conditioned to comply with the requirements of the State Planning Policy in regard to the provision of fire hydrants and site access for fire services.

#### South East Queensland Regional Plan

The State Planning Policy mapping identifies the site as being located within the following zones.

- Urban Footprint
- Rural Living Area

The proposal is considered to be consistent with the *South East Queensland Regional Plan 2017*, in as much as:

- Low density residential development would be confined to the area identified as Urban Footprint
- The area outside the Urban Footprint would continue for rural living.

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### Assessment Benchmarks Related to the Planning Scheme

The following sections relate to the provisions of the Planning Scheme.

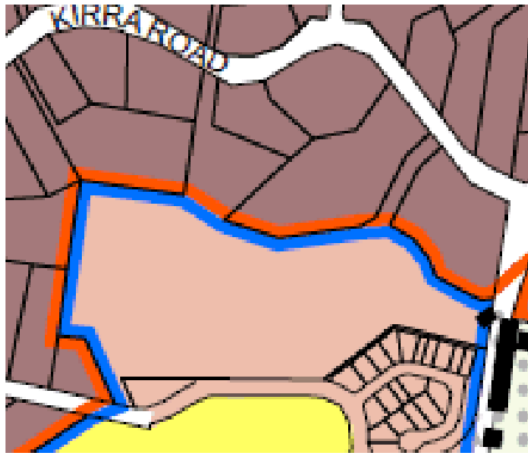
<b>PLANNING SCHEME DETAILS</b>	
<b>Planning Scheme:</b>	<i>Sunshine Coast Planning Scheme 2014 (31/07/18)</i>
<b>Strategic Framework Land Use Category</b>	Urban Rural Residential
<b>Local Plan Area:</b>	Bli Bli Local Area Plan
<b>Zone:</b>	Emerging Community and Rural Residential
<b>Consistent/Inconsistent Use:</b>	The proposed use is consistent with the current zoning
<b>Assessment Benchmarks:</b>	Strategic Framework

#### Strategic Framework

The strategic framework sets the policy direction for the planning scheme area and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme. The strategic framework comprises of the following themes, each with key concepts to manage:

- Settlement pattern;
- Economic development;
- Transport;
- Infrastructure and services;
- Natural environment;
- Community, identity, character and social inclusion;
- Natural resources; and
- Natural hazards.

Under the *Sunshine Coast Planning Scheme 2014*, the site is split zoned, the southern portion of the site is zoned Emerging Community (light brown) consistent with the Urban Footprint under the *South East Queensland Regional Plan 2017*. The area to the north adjacent to Kirra Road remains rural residential land (dark brown).



Planning Scheme Zoning

#### Planning Scheme Codes

The application has been assessed against each of the applicable codes in the *Sunshine Coast Planning Scheme 2014* 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. If the 'other change' is approved and the land becomes part of Park Lakes 2, the applicant would still require a Development Permit for Reconfiguring a Lot before the development could proceed.

#### Zone Code Minimum Lot size

The 8.985 hectare Kirra Road parcel of land is just below the minimum lot size requirements (10 hectares) for Emerging Community zones. However, the 8.985 hectares is consistent with the extent of land identified as Urban Footprint in the *South East Queensland Regional Plan 2017*. It is also consistent with Council's recent Planning Scheme Amendment, which rezoned most of the land from rural residential to Emerging Community. The land immediately south of Kirra Road would remain rural residential under the *Sunshine Coast Planning Scheme 2014*.

#### Local Area Plan downstream drainage infrastructure

The recent planning scheme amendment, which rezoned most of the Kirra Road site of to Emerging Community, requires that:

*Development in the Emerging community zone provides for downstream drainage infrastructure, with capacity to drain ultimate development within the South Maroochy Drainage Board catchment (PO12 of the Local Area Code).*

To address the downstream drainage issue, the applicant has provided a master drainage study for the South Maroochy Drainage Board (SMDB) area to ensure that the downstream drainage infrastructure has the capacity to accommodate ultimate development within the catchment.

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In addition, the applicant has agreed to enter into an Infrastructure Agreement with council to provide a monetary contribution towards the cost of drainage works undertaken and required by the master drainage study for the length of drain downstream of the Park Lakes 2 development to the confluence with the main drain. These works have been substantially completed. It is considered that this agreement satisfies the performance outcome requirement.

#### Vegetation Clearing

An application under a Section 22A Vegetation Clearing was lodged with State Department of Natural Resources, Mines and Energy (DNRME) on 13/08/2018 to prevent the application being prohibited development and permit vegetation clearing within the portion of the site identified as Urban Footprint. The application was approved on 21/08/2018. The approval permits clearing of a small portion of Category B (of least concern) vegetation in the western portion of the site. The application was referred to SARA, which has issued a concurrence agency approval subject to the protection of a small amount of mapped vegetation within the rural residential portion of the site (refer to Referrals section).

#### Flooding

The section of the site is identified as being affected by flooding and inundation within the western, southern and south-eastern areas of the site. An addendum to the Flood Assessment demonstrates that flood immunity to all lots can be achieved and flows and flood levels leaving the site would not be worsened as a result of the proposed earthworks. Council's Hydraulic Development Engineer has imposed conditions to ensure flood immunity and non-worsening.

#### Bushfire

The site is located in a medium bushfire hazard overlay area. Lots to the west and north of the site also contain vegetation classed as a medium bushfire hazard. A Bushfire Management Assessment has been provided, which recommends mitigation strategies, including a perimeter road which would act as a fire break. Retained vegetation in the rural residential zone would be uphill of proposed development. Fires approaching any future development would travel downhill and would be of lower intensity. Council's bushfire specialist has recommended conditions to mitigate any bushfire danger.

#### **Assessment Benchmarks Related to a Variation Approval (MCU07/0192)**

Development within the Park Lakes 2 Residential Estate is controlled by the Park Lakes 2 Master Plan and Supplementary Tables of Assessment. The Emerging Community land is proposed to be added to the Preliminary Approval area as land within Precinct 3 with the remaining land fronting Kirra Road retained as Rural Residential with protected vegetation.

Precinct 3 allows for a range of lot sizes ranging in size from a low number of minimum 300m<sup>2</sup> cottage lots to traditional lots based on the slope of the land (see below).

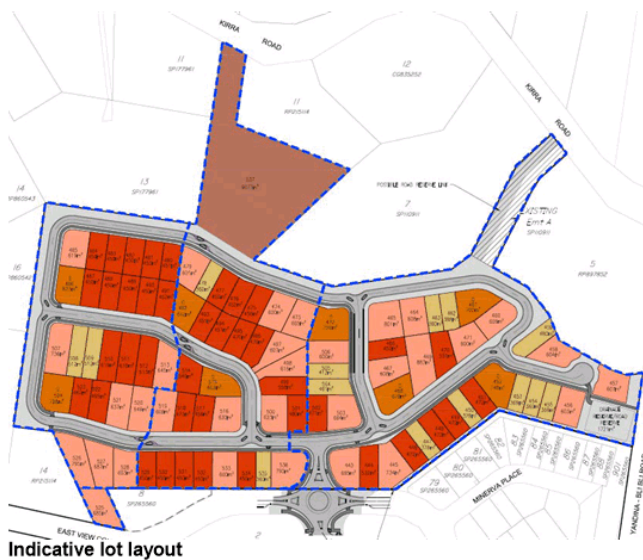
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**Table 2 - Supplementary Table of Minimum Lot Size for Lot Reconfiguration**

Precinct Type	Lot Type	Maximum Slope	Minimum Area	Minimum Frontage	Maximum proportion of lots per precinct
Residential Precincts (R2-R4), excluding R3 (A)	Detached Houses/Display Home: <ul style="list-style-type: none"> <li>Traditional &amp; Hillslope Lots</li> </ul>	0-15.9%	600m <sup>2</sup>	18m	100%
		16-20.9%	800m <sup>2</sup>	20m	
	<ul style="list-style-type: none"> <li>Courtyard</li> <li>Cottage Lots</li> </ul>	21-25%	1000m <sup>2</sup>	25m	100%
		Over 25%	1500m <sup>2</sup>	30m	
R3 (A)	Dual Occupancy Lots-Type A (standard)	10%	600m <sup>2</sup> -450m <sup>2</sup>	15m	45%
		10%	450m <sup>2</sup> -300m <sup>2</sup>	10m	15%
		15%	600m <sup>2</sup>	18m	5%
R3 (A)	Dual Occupancy Lots-Type B (detached dwelling appearance)	15%	600m <sup>2</sup>	18m	5%
		Traditional	15%	600m <sup>2</sup>	18m

The applicant has submitted an indicative layout for 90 additional residential lots, which identifies residential lots ranging in size from 360m<sup>2</sup> to 690m<sup>2</sup>, with an average of 546m<sup>2</sup>, generally consistent with previous stages of Park Lakes 2. The rural residential lot would be 9,077m<sup>2</sup>. These lot sizes are generally consistent with the lot size requirements for Precinct R3 of the Park Lakes 2 Estate, which restricts the number small (cottage) lots to 15% and the number of average lots (courtyard) to 45%. The additional lots would take the total number of residential lots in Park Lakes 2 to 535 lots.

The ultimate residential lot number and sizes within the Precinct R3 would be the subject of a further application to council for a Development Permit for Reconfiguring a Lot and would be assessed against the Park Lakes 2 Preliminary Approval Supplementary Tables.



Under those tables, detached houses would be self-assessable where complying with the acceptable measures of the applicable code. Dual occupancies would be code assessable where nominated on an approved Plan of Development.

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**Table 2: Supplementary Table of Assessment for Material Change of Use**

PRECINCTS R2 & R3: excluding R3 (A): RESIDENTIAL			
Either of the following: <ul style="list-style-type: none"> <li>Detached house</li> <li>Display home</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) no more than one detached house per lot; and</li> <li>(b) <u>not</u> exceeding the precinct height limit.</li> </ul>	Self-assessable development not able to comply with the acceptable measures of the Code.	Where self-assessable: <ul style="list-style-type: none"> <li>Code for the Development of Detached Houses and Display Homes (Elements 1-9 and 11-17)</li> </ul> Where code assessable: <ul style="list-style-type: none"> <li>Code for the Development of Detached Houses and Display Homes</li> </ul>
Dual Occupancy	Where: <ul style="list-style-type: none"> <li>(a) on a site designated for a dual occupancy on an approved Plan of Development; and</li> <li>(b) not exceeding the precinct height limit; and</li> <li>(c) <u>having</u> a minimum lot size of 600m<sup>2</sup>.</li> </ul>	Development listed in Column 1, if the acceptable measures applicable to self-assessable development are not able to be complied with, otherwise none.	Where self-assessable <ul style="list-style-type: none"> <li>Code for Development and Use of Dual Occupancy</li> <li>Code for Transport, Traffic and Parking</li> </ul>

**Assessment Benchmarks Related to a Temporary Local Planning Instrument**

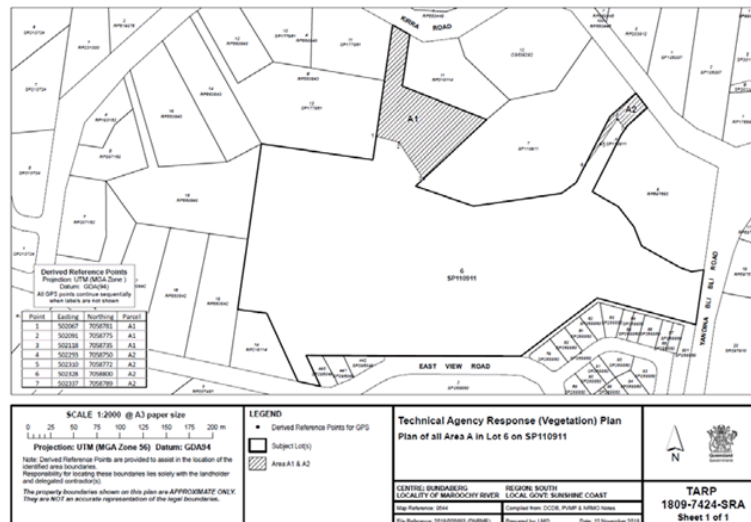
Not applicable.

**CONSULTATION:**

**Referral Agencies**

The application was referred by council to the Department of State Development, Manufacturing and Planning (SARA) for Vegetation Clearing and State Transport Infrastructure.

A response was received by letter dated 29 November 2018 with conditions relating to vegetation clearing or building within Area A1 and A2 of the rural residential property as identified on the SARA plan below.



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### Public Notification

The application was publicly notified for a minimum of 30 business days between 12/11/2018 and 09/01/2019 in accordance with the requirements of the *Planning Act 2016*. A total of 60 submissions were received, of which 47 were determined to be *properly made* in accordance with the *Planning Act 2016*. Of the 47 properly made submissions (numerous pro formas), 29 submissions **opposed** the proposal, while 18 **supported** the proposal.

The following table provides a description of the matters raised in submissions received about the application, together with a statement of how those matters were dealt with in reaching a decision:

#### Submissions Against

ISSUES	COMMENTS
Dust from earthworks	This application is for an 'other change' to add an additional 8.985 hectares of land (Lot 6 SP 110911), located north of East View Court and south of Kirra Road, into the Park Lakes 2 Preliminary Approval Area. At this stage, no earthworks are proposed as part of this application. Subsequent applications will need to be lodged with council for a Development Permit for Reconfiguring a Lot and resultant operational works conditions would be imposed to control dust emissions.
Impacts on the road network, including Camp Flat Road, and unsafe site access	The State Department of Transport and Main Roads was referred this application and they raised no objections to this proposed 'other change'. Council's Development Engineer confirms that the road network has the capacity to accommodate the development. Site access and traffic would be assessed as part of a subsequent application for a Development Permit for Reconfiguration of a Lot.
Amenity / character impacts and impacts on wildlife	The <i>South East Queensland Regional Plan 2017</i> identifies most of the land as Urban Footprint and the <i>Sunshine Coast Planning Scheme 2014</i> (as recently amended) identifies the land as Emerging Community, consistent with the balance of Park Lakes 2.
Downstream stormwater drainage impacts including on stage 1C and the downstream cane land; and South Maroochy Drainage Board (SMDB) will not act in land holder interest	An executed infrastructure agreement would require the developer to pay a monetary contribution towards the upgrade of downstream drainage infrastructure to accommodate stormwater flow. These works have been substantially completed. The South Maroochy Drainage Board

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	(SMDB) is the controlling entity for downstream cane land drainage.
High density, small lot housing	This application is for an 'other change' to add an additional 8.985 hectares of land (Lot 6 SP 110911), located north of East View Court and south of Kirra Road, into the Park Lakes 2 Preliminary Approval Area. At this stage, no details have been provided on the residential lot density. Preliminary information provided with this application shows that the anticipated densities will be consistent with the earlier stages Park Lake developments and are consistent with the outcomes of the Sunshine Coast Planning Scheme. Residential lot density would be determined under a subsequent Development Permit for Reconfiguration of a Lot application consistent with existing Park Lakes 2 Tables of Development Assessment.
Narrow streets	Subsequent applications of Development Permit for Reconfiguration of a Lot will need to demonstrate new street widths are in accordance with the Council approved road hierarchy plan in the Planning Scheme and also consistent with existing Park Lakes 2 stages.
Increased crime	This is not a matter which can be assessed against the Planning scheme.
Loss of open space	The <i>South East Queensland Regional Plan 2017</i> identifies most of the land as Urban Footprint intended for urban redevelopment with the significant vegetation identified as protected where necessary.
Buffering to rural residential	Buffering to the existing rural residential would be considered as part of any subsequent application for Development Permit for the Reconfiguration of a Lot under the Park Lakes 2 Master Plan approval.
Conflict with Sunshine Coast Planning Scheme, which identifies the zone as rural residential	The proposal does not conflict with the <i>Sunshine Coast Planning Scheme 2014</i> . The planning scheme identifies the land proposed to be developed for urban lots as Emerging Community Zone. Planning Scheme Amendment 18, involving site specific <i>South East Queensland Regional Plan 2017</i> bring forward sites, was publicly advertised and open to submissions.
Flooding over the road near soccer fields	No evidence has been provided to confirm that any flooding over the road near the soccer fields is associated with the development of Park Lakes 2.

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	An executed infrastructure agreement would require the developer to pay a monetary contribution towards the upgrade of downstream drainage infrastructure to accommodate stormwater flow associated with the development. These works have been substantially completed.
Retirement village near Thomas Road will increase traffic	Any development outside of Park Lakes 2 would be the subject of a separate future application assessed on its individual merits against the relevant provisions in the <i>Sunshine Coast Planning Scheme 2014</i> and in accordance with the <i>Planning Act 2016</i> .

#### Submissions in Support

ISSUES	COMMENTS
Provision of essential housing and strong demand for housing in Bli Bli	Noted. The 'other change' adds new developable land to the Park Lakes 2 Master Plan identified by the <i>South East Queensland Regional Plan 2017</i> as Urban Footprint and the <i>Sunshine Coast Planning Scheme 2014</i> as Emerging Community.
Support for Catholic school by providing housing for patrons of the school	Noted. The new land would be directly north of the Catholic school.
Good layout and buffers	Noted. Final layout would be subject to assessment against Park Lakes 2 Tables of Assessment.
Development would bring jobs	Noted.

#### Infrastructure Charges

Council's Transport & Infrastructure Policy Branch have been notified of the proposed changes and advise that the changes would have no implications to the infrastructure charges that were levied at the time of the original approval. Additional infrastructure charges would be applicable at a later date based on the number of lots created as part of any future Reconfiguration of a Lot application.

#### Decision Notice Amendments Required:

As a result of the assessment detailed in this report, the details of the existing approval are recommended to be modified as shown below:

Real Property Description:	Lot 8 SP 110911, Lot 2 RP 172913, Lot 2 RP 26881, Lot 2 SP 170715, Lot 1 RP 104917, & Lot 2 RP 104917 & Lot 6 SP110911
----------------------------	--

- The preliminary approval site is the area consisting of Lot 8 SP 110911, Lot 2 RP 172913, Lot 2 RP 26881, Lot 2 SP 170715, Lot 1 RP 104917, & Lot 2 RP 104917 & Lot 6 SP110911.

4. This Preliminary Approval overrides Maroochy Plan 2000 in accordance with Section 3.1.6 of the *Integrated Planning Act 1997*, in that it identifies the level of assessment for future development and the applicable Codes for development within the preliminary approval area, **except for land identified on the latest approved Master Plan as Existing Rural Residential.**  
**(a) At the time of lodgement of any future application for a Development Permit for Reconfiguration of a Lot over Lot 6 SP110911, the applicant must either have amalgamated the whole of the eastern most area of existing rural residential land into one or both of the adjoining rural residential lots or dedicate it to council as road / drainage reserve.**
5. The Preliminary Approval overrides Maroochy Plan 2000's Key Character Elements and Statement of Desired Character for Planning Area 23 (Maroochy River Plains) applying to the land or its equivalent at the time of further development applications, **except for land identified on the latest Master Plan as Existing Rural Residential..**
9. Development within the Preliminary Approval Area, **except for the land identified on the latest approved Master Plan as Existing Rural Residential,** is limited to the following precincts in accordance with the approved Master Plan and Supplementary Tables of Development Assessment:
- Precinct P1 – Parkland (conservation and drainage reserve)
  - Precinct R1 – School and ancillary church and child care
  - Precinct R2 – Residential 2
  - Precinct R3 & R3 (A) – Residential 3
  - Precinct R4 – Residential 4 or Retirement village or resort - operated under Retirement Villages Act 1999 or Manufactured Homes (Residential Parks) Act 2003, but not a caravan park
  - Precinct C1 – Community/sporting facilities
- To be clear, the Supplementary Tables of Development Assessment do not apply to the land identified on the latest approved Master Plan as Rural Residential Land. The Maroochy Plan provisions or its equivalent at the time of further development applications shall apply to this land.**
15. Infrastructure contributions/charges will apply to future Development Permits issued pursuant to the preliminary approval in accordance with the relevant legislation applicable at the time of granting subsequent development permit/s. **The applicant must pay a monetary contribution towards the upgrade of downstream drainage infrastructure upgrades required to accommodate stormwater flow, as set out in the executed Cane Drain Widening Infrastructure Agreement between council and the developer dated [insert date].**

## Approved Plans

Plan No.	Rev.	Plan Name	Date
MP1	P R	<i>Park Lakes 2 Master Plan</i> , prepared by Covey and Associates	14/05/15 15/08/18
Job 141714 151789	1 A	<i>Landscape Park Lakes 2 Park Concept Plan</i> , prepared by Covey and Associates	July 2014 29/10/15
Job 141714	C	<i>Park Lakes II Indicate Path Plan</i> , prepared by Covey and Associates	July 2014 10/08/18
DO1	B	<i>Indicative Dual Occupancy Type B Dwelling Plans</i> prepared by Covey and Associates dated 30/03/2015	21/05/2015

**CONCLUSION:**

The proposed changes to the existing development sufficiently comply with the current Planning Scheme provisions. The proposed changes do not raise any significant issues that cannot be addressed by conditions. The change application is therefore recommended for approval.

**RECOMMENDATION**

**APPROVE** a change to the development approval in relation to Application No. MCU07/0192.05 situated at Kirra Park 8 Kirra Rd MAROOCHY RIVER, in accordance with the following details for the decision notice.

A. Change the approval description/type to the following:

Real Property Description: Lot 8 SP 110911, Lot 2 RP 172913, Lot 2 RP 26881, Lot 2 SP 170715, Lot 1 RP 104917, & Lot 2 RP 104917 & Lot 6 SP 110911

B. Change Conditions 3 and 9 to read as follows:

3. The preliminary approval site is the area consisting of Lot 8 SP 110911, Lot 2 RP 172913, Lot 2 RP 26881, Lot 2 SP 170715, Lot 1 RP 104917, Lot 2 RP 104917 & Lot 6 SP 110911.
4. This Preliminary Approval overrides Maroochy Plan 2000 in accordance with Section 3.1.6 of the *Integrated Planning Act 1997*, in that it identifies the level of assessment for future development and the applicable Codes for development within the preliminary approval area, except for land identified on the latest approved Master Plan as Existing Rural Residential.
  - (a) At the time of lodgement of any future application for a Development Permit for Reconfiguration of a Lot over Lot 6 SP 110911, the applicant must either have amalgamated the whole of the eastern most area of existing rural residential land into one or both of the adjoining rural residential lots or dedicate it to council as road / drainage reserve.

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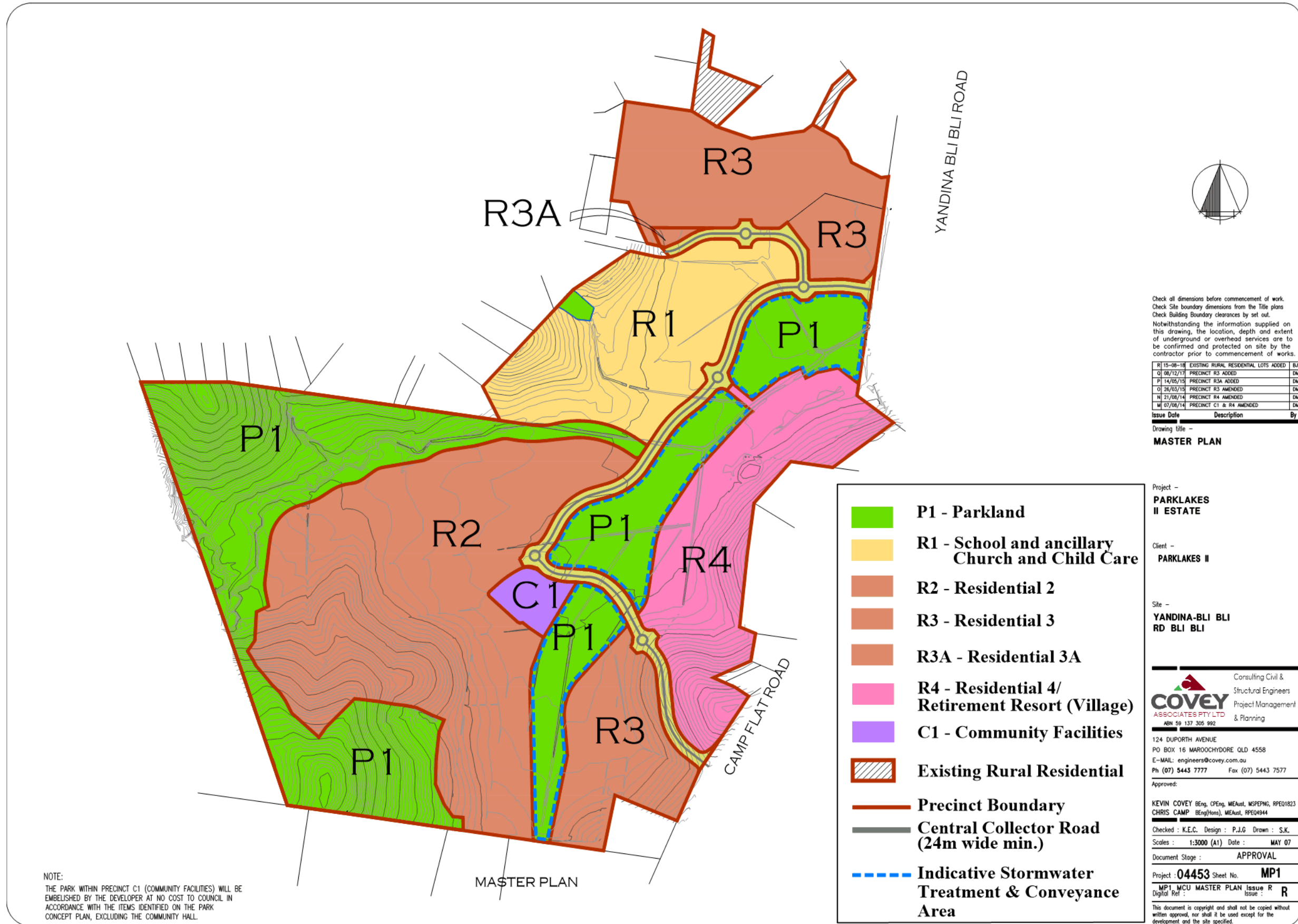
5. The Preliminary Approval overrides Maroochy Plan 2000's Key Character Elements and Statement of Desired Character for Planning Area 23 (Maroochy River Plains) applying to the land or its equivalent at the time of further development applications, except for land identified on the latest Master Plan as Existing Rural Residential..
9. Development within the Preliminary Approval Area, except for the land identified on the latest approved Master Plan as Existing Rural Residential, is limited to the following precincts in accordance with the approved Master Plan and Supplementary Tables of Development Assessment:
- Precinct P1 – Parkland (conservation and drainage reserve)
  - Precinct R1 – School and ancillary church and child care
  - Precinct R2 – Residential 2
  - Precinct R3 & R3 (A) – Residential 3
  - Precinct R4 – Residential 4 or Retirement village or resort - operated under Retirement Villages Act 1999 or Manufactured Homes (Residential Parks) Act 2003, but not a caravan park
  - Precinct C1 – Community/sporting facilities
- To be clear, the Supplementary Tables of Development Assessment do not apply to the land identified on the latest approved Master Plan as Rural Residential Land. The Maroochy Plan provisions or its equivalent at the time of further development applications shall apply to this land.
15. Infrastructure contributions/charges will apply to future Development Permits issued pursuant to the preliminary approval in accordance with the relevant legislation applicable at the time of granting subsequent development permit/s. The applicant must pay a monetary contribution towards the upgrade of downstream drainage infrastructure upgrades required to accommodate stormwater flow, as set out in the executed Cane Drain Widening Infrastructure Agreement between council and the developer dated [insert date].

- C. Amend the list of Approved Plans as follows:

#### Approved Plans

Plan No.	Rev.	Plan Name	Date
MP1	R	<i>Park Lakes 2 Master Plan</i> , prepared by Covey and Associates	15/08/18
151789	A	<i>Landscape Park Concept</i> , prepared by Covey and Associates	29/10/15
Job 141714	C	<i>Park Lakes II Indicate Path Plan</i> , prepared by Covey and Associates	10/08/18
DO1	B	<i>Indicative Dual Occupancy Type B Dwelling Plans</i> prepared by Covey and Associates dated 30/03/2015	21/05/2015

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NOTE:  
 THE PARK WITHIN PRECINCT C1 (COMMUNITY FACILITIES) WILL BE EMBELISHED BY THE DEVELOPER AT NO COST TO COUNCIL IN ACCORDANCE WITH THE ITEMS IDENTIFIED ON THE PARK CONCEPT PLAN, EXCLUDING THE COMMUNITY HALL.

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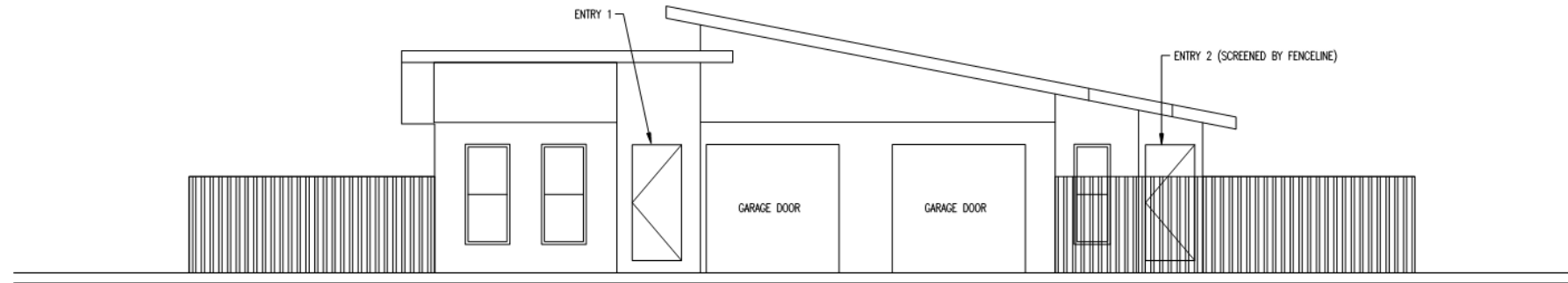
Notes:  
Lot layout subject to future approvals  
Path layout subject to future approval

**PARK LAKES II**  
INDICATIVE PATH PLAN Issue C - 10.08.2018

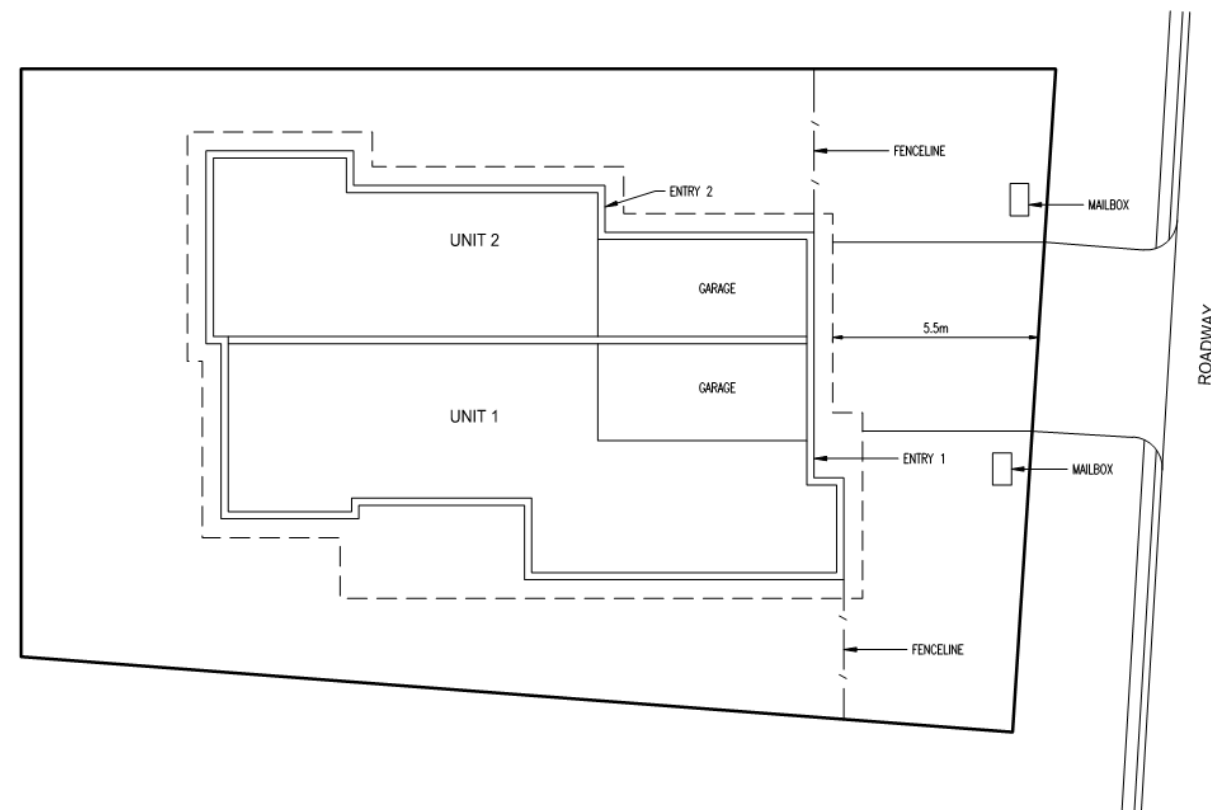
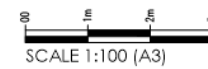


NOT TO SCALE





FRONT ELEVATION




FLOOR PLAN



NOTES:

1. TYPE 'B' DUAL OCCUPANCY LOTS MUST INCORPORATE A FAÇADE TO THE FRONT OF THE LOT WHICH REFLECTS THE APPEARANCE OF A DETACHED DWELLING GENERALLY IN ACCORDANCE WITH THIS 'INDICATIVE PLAN'.
2. THE TYPE 'B' DUAL OCCUPANCY MUST PROVIDE 2 CARPARKS PER UNIT (1 COVERED, 1 IN TANDEM IN THE DRIVEWAY A MINIMUM OF 5.5m LONG) FULLY ACCOMMODATED WITHIN THE SITE.
3. FROM THE STREET, THE GARAGE MUST HAVE THE APPEARANCE OF A DOUBLE GARAGE WITH 2 DOORS. EACH UNIT MUST BE CLEARLY NUMBERED (ie. 6A, 6B) FOR EMERGENCY SERVICES.
4. TYPE 'B' DUAL OCCUPANCY LOTS MUST NOT BE LOCATED DIRECTLY BESIDE EACH OTHER OR DIRECTLY ACROSS THE ROAD FROM EACH OTHER.

Check all dimensions before commencement of work.  
 Check Site boundary dimensions from the Title plans  
 Check Building Boundary clearances by set out.  
 Notwithstanding the information supplied on this drawing,  
 the location, depth and extent of underground or overhead  
 services are to be confirmed and protected on site by the  
 contractor prior to commencement of works.

Checked - DM		 Consulting Civil & Structural Engineers Project Management & Planning ABN 59 137 305 992	Approved	Drawing title - INDICATIVE DUAL OCCUPANCY TYPE 'B' DWELLING	Project - PARKLAKES 2	Site - YANDINA - BLI BLI ROAD, BLI BLI	Project : 04453 Sheet No. D01
Design - - Drawn - SK			KEVIN COVEY BEng, OPEng, MIEAust, MSPePng, RPEQ-1823 CHRIS CAMP BEng(Hons), MIEAust, RPEQ-1844 124 DUPORTH AVENUE Ph (07) 5443 7777 PO BOX 16 Fax (07) 5443 7577 MAROOCHYDORE QLD 4558 E-MAIL: engineers@covey.com.au		Client - PARKLAKES II DEVELOPMENTS PTY LTD		Digital Ref : DUPLEX SKETCH ELEVATIONS Issue : B
Scales - AS SHOWN Date - MARCH 15	B 21-05-15 NOTES ADDED JP A 30-03-15 PRELIMINARY ISSUE SK						This Document is copyright and shall not be copied without written approval, nor shall it be used except for the Development and the Site Specified.

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RA6-N



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

Our reference: 1809-7424 SRA  
 Your reference: MCU07/0192.05

29 November 2018

Chief Executive Officer  
 Sunshine Coast Regional Council  
 Locked Bag 72  
 SUNSHINE COAST MAIL CENTRE QLD 4560  
 mail@sunshinecoast.qld.gov.au

Attention: Bryce McKay

Dear Mr McKay

**Referral agency response—with conditions**(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 5 March 2018.

**Applicant details**

Applicant name:	Parklakes II Development Pty Ltd
Applicant contact details:	PO Box 16 Maroochydore QLD 4558 jenniferm@covey.com.au

**Location details**

Street address:	8 Kirra Road, Maroochy River
Real property description:	Lot 6 on SP110911
Local government area:	Sunshine Coast Regional Council

**Application details**

Development permit	Other change application to preliminary approval to vary the effect of planning scheme (master planned community) – addition of a new lot
--------------------	---

**Referral triggers**

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.3.4.3.1 Clearing native vegetation
- 10.9.4.1.1.1 Infrastructure - state transport infrastructure

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Wide Bay Burnett regional office.  
 Level 1, 7 Takalvan Street, Bundaberg  
 PO Box 979, Bundaberg QLD 4670

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- 10.9.4.2.4.1 State transport corridors and future State transport corridors

**Conditions**

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Approved plans and specifications**

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Operational Works</b>				
Technical Agency Response (Vegetation) Plan	Department of Natural Resources, Mines and Energy	12 November 2018	1809-7424 SRA	-

A copy of this response has been sent to the applicant for their information.

For further information please contact Holly Sorohan, Principal Planner, on 43315605 or via email [WBBSARA@dsgmip.qld.gov.au](mailto:WBBSARA@dsgmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski  
 Manager, Planning

cc Parklakes II Development Pty Ltd; [jenniferm@covey.com.au](mailto:jenniferm@covey.com.au)

enc Attachment 1—Conditions to be imposed  
 Attachment 2—Reasons for decision to impose conditions  
 Approved plans and specifications  
 Statement of reasons

1809-7424 SRA

## Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<b>Operational Works</b>		
Tidal works or work in a coastal management district—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The clearing of vegetation under this development approval is limited to the areas outside of as Areas A1 and A2 as shown on attached Technical Agency Response Plan (TARP) TARP 1809-7424 SRA dated 12 November 2018.	At all times
2.	No built structures or infrastructure are to be established, constructed or located within areas identified as Areas A1 and A2 as shown on attached Technical Agency Response Plan (TARP) TARP 1809-7424 SRA dated 12 November 2018	At all times

1809-7424 SRA

**Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure no clearing occurs unless in approved areas.



GE78-N



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

**Department of State Development, Manufacturing, Infrastructure and Planning**

**Statement of reasons for application 1809-7424 SRA**

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

**Applicant details**

Applicant name: Parklakes II Development Pty Ltd  
 Applicant contact details: PO Box 16  
 Maroochydore QLD 4558  
 jenniferm@covey.com.au

**Location details**

Street address: 8 Kirra Road, Maroochy River  
 Real property description: Lot 6 on SP110911  
 Local government area: Sunshine Coast Regional Council

**Development details**

Preliminary approval Other change application to preliminary approval to vary the effect of planning scheme (master planned community) – addition of a new lot

**Assessment matters**

Aspect of development requiring code assessment	Applicable codes
1. Material Change of Use	State Development Assessment Provisions, version 2.3: <ul style="list-style-type: none"> <li>State Code 1: Development in a state-controlled road environment</li> <li>State code 6: Protection of state transport networks</li> <li>State code 16: Native vegetation clearing</li> </ul>

**Reasons for the department's decision**

The reasons for the decision are:

- The proposed development will allow for some additional vegetation clearing, the vegetation which will be cleared could be cleared under existing exemptions.
- The remaining category B vegetation within areas is outside the development footprint and will not be clearing as a result of the development.
- The development has complied with the conditions of approval issued under the original development approval. The development will not change impacts to the state controlled road or other transport networks as a result of the additional lots.

Decision

Page 1 of 2

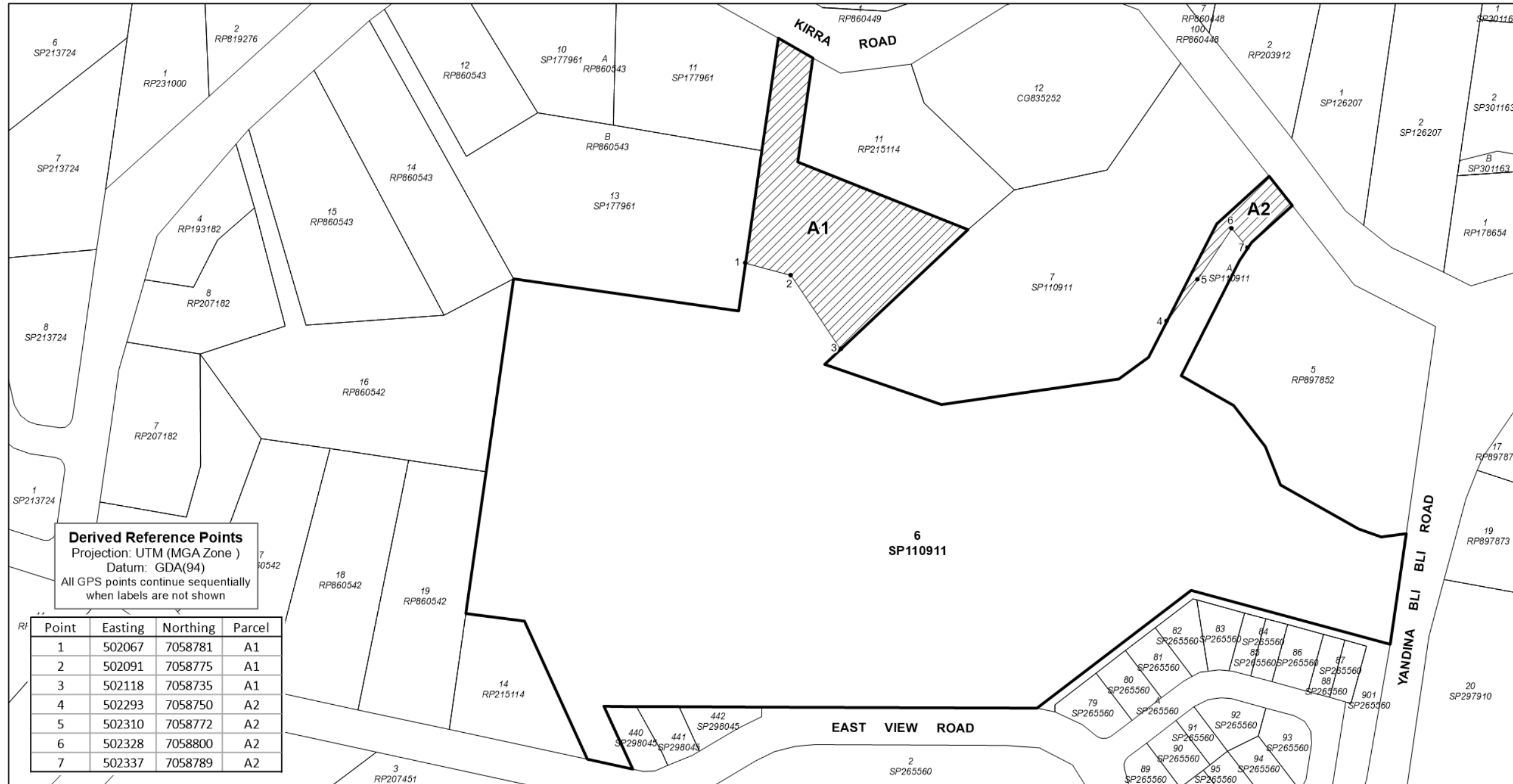
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1809-7424 SRA

- The proposed other change to the development approval will include a new lot into the original approval which will allow for a further 94 residential lots.
- The concurrence agency response includes conditions to ensure that no unexpected clearing occurs as a result of the development.
- The concurrence agency response was issued on 29 November 2018.

Evidence or other material on which the findings were base

- development application common material
- State Development Assessment Provisions, version 2.3 published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017



**SCALE 1:2000 @ A3 paper size**

0 25 50 75 100 125 150 175 200 m

**Projection: UTM (MGA Zone 56) Datum: GDA94**

Note: Derived Reference Points are provided to assist in the location of the identified area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

*The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.*

**LEGEND**

- Derived Reference Points for GPS
- Subject Lot(s)
- ▨ Area A1 & A2

**Technical Agency Response (Vegetation) Plan**  
**Plan of all Area A in Lot 6 on SP110911**

**CENTRE: BUNDABERG REGION: SOUTH**  
**LOCALITY OF MAROOCHY RIVER LOCAL GOVT: SUNSHINE COAST**

Map Reference: 9544      Compiled from: DCDB, PVMP & NRMO Notes  
 File Reference: 2018/005693 (DNRME)      Prepared by: LMO      Date: 12 November 2018

**TARP**  
**1809-7424-SRA**  
**Sheet 1 of 1**