

Officer: Marc Cornell
Direct Telephone: (07) 5475 9821
Response Address: PO Box 117, Caloundra QLD 4551
Email: Marc.Cornell@sunshinecoast.qld.gov.au
Our Reference: 2008/50-00078
Your Reference: P167244-1037.BLW.blw

1 July 2010

Village Fair Investments
C/- RPS Sunshine Coast
PO Box 149
WURTULLA QLD 4575

Dear Sir/Madam

Negotiated Decision Notice *Integrated Planning Act 1997*

I refer to your application and the representations you made in respect to the Decision Notice. On 30 June 2010 Council decided your representations.

Details of the negotiated decision are as follows:

1 APPLICATION DETAILS

Application No: 2008/50-00078
Street address: Peachester Rd & Simpson St, Beerwah
Real property description: Lot 271 SP126351, Lot 1 RP176802, Lot 1 & Lot 2 RP906174, Lot 5 RP55629 & Lot 206 B4412
Planning Scheme: Caloundra City Plan 2004

2 DECISION DETAILS

Council on 10 December 2009 decided to issue the following type of approval:-

- Preliminary Approval for Material Change of Use to Establish a Shopping Complex and Preliminary Approval for Building Works

In relation to representations, Council decided to:

- A. Grant a Development Permit for Material Change of Use to Establish a Shopping Complex and Preliminary Approval for Building Works.

3 RELEVANT PERIOD OF APPROVAL

The relevant period for this Development Permit is 4 years from the date that this development approval takes effect.

C:\Users\mce\AppData\Roaming\Technology One\DATAWRKS\TEMP\13266901\1000000.doc

4 CONSOLIDATED ASSESSMENT MANAGER CONDITIONS

PLANNING

1. the use of the premises must at all times accord with the criteria set out within the "shopping complex" definition in Part 3 of the Caloundra City Plan 2004;
2. the site is to be developed generally in accordance with the approved plans (except where varied by conditions of approval);
3. the development must be provided with vehicle connection to Lot 1 RP64563 to provide vehicular and pedestrian access between the rooftop car park and the western car park;
4. access to car parking spaces, bicycle spaces, vehicle loading and manoeuvring areas and driveways is to remain unobstructed and available during the hours of operation;
5. cross-block pedestrian routes throughout the site must be clearly marked and freely accessible during hours of operation;
6. the northern wall (adjacent to the rooftop car park entry driveway) of the active frontage tenancies accessible from Simpson Street provided on the roof top car park must be articulated with glazing for not less than 25% of the face of the wall and include awnings to such openings;
7. the internal configuration the development resulting from compliance with the conditions of this approval is not to erode the active frontage proposed along Simpson Street, Peachester Road and Lodge Lane;
8. the Lodge Lane pedestrian mall area is to be designed such that pedestrian and bicycle passage is not obstructed by fixed landscape elements, and in accordance with the Infrastructure Agreement between Village Fair Investments Pty Ltd and Sunshine Coast Regional Council executed 23 December 2009;
9. at the time of submitting the Operational Works application, provide detailed design of the Lodge Lane pedestrian mall incorporating low maintenance hard and soft landscape elements that promotes an active, central heart to Beerwah featuring shade, shelter and which encourages active shop frontages to engage with the mall area;
10. the rooftop car park must be articulated through the use of canopies, screened mechanical plant, awnings and other such features that maintain a human scale and minimise the bulk of the building when viewed external to the site;
11. provide a certificate from a licensed surveyor certifying that no part of the building structure exceeds the height limit of 11m metres above ground level. All levels must be provided to Australian Height Datum (AHD) and be in accordance with the definition of height in the Caloundra City Plan 2004;

The licensed surveyor's certificate must be submitted at two stages of the building construction, these being:-

 - (a) at completion of the basement level to demonstrate that the building complies with the approved plans at that stage; and
 - (b) prior to issue of the Certificate of Classification to demonstrate that the highest point of the building complies with the approved plans;
12. provide a total 623 on-site car parking spaces across the entire site designed and constructed in accordance with Caloundra City Plan 2004 requirements;

13. provide service vehicle parking and loading/unloading areas generally in accordance with the approved plans and the requirements of Caloundra City Plan 2004;
14. the six separate titles comprising the development site are to be amalgamated into two separate titles, one either side of Lodge Lane together with reciprocal access easements registered over each new lot in favour of the other. That is, Lot 271 SP126351 and Lot 1 RP176802 are to be amalgamated into a single lot west of Lodge Lane and Lot 1 RP906174, Lot 2 RP906174, Lot 5 RP55629 and Lot 206 B4412 are to be amalgamated into a single lot east of Lodge Lane. The reciprocal access easements are to be registered in favour of each new lot and are to cover the entire area required for car parking and manoeuvring areas on each site. The plan(s) of survey is to be registered with the Department of Environment and Resource Management and evidence of this is to be provided to Council's delegate prior to the commencement of the use
15. provide a shelter adjacent to the taxi rank on Peachester Road in a form acceptable to Council's delegate;
16. provide an indented bus bay and bus stop shelter, adjacent to the DTMR required taxi rank on Peachester Road, on the northern side of Peachester Road adjacent to the intersection with Turner Street. The bus bay and bus shelter must be designed and constructed in accordance with Caloundra City Plan 2004 and in a form acceptable to Council's delegate;
17. provide a continuous awning over the Lodge Lane, Peachester Road and Simpson Street footpaths. Where vehicular access is required, such awning may be broken to accommodate vehicle movement;
18. all mechanical plant must be screened from view and shall not intrude upon the roofline of the building when viewed from a distance;
19. the building and other works must be designed and constructed so that the interface between the building and the road reserve, and from the property boundary to the kerb line, provides non-discriminatory access for persons with special needs, in accordance with AS 1428 - Design for Access and Mobility;
20. the development must be constructed using colours and materials generally in accordance with the "Beerwah Shopping Centre Finishes Board" submitted in support of the application;
21. lighting must not exceed the maximum height limit of 11 metres above natural ground level and is to be located such that mature planting does not reduce its effectiveness;
22. the western facade wall of the Beerwah Village (eastern) building must:
 - a) present a minimum of 60% of building frontage as predominantly clear windows/glazed doors and a maximum of 40% as solid façade (as shown on the approved plans); and
 - b) glazing is to remain free of security screens, solid shutters or roller-doors. Where extra security is required, alternative solutions such as transparent film over glazing, or grille or translucent screens over openings are to be utilised in preference to solid doors or shutters;
23. the western facade wall facing Lot 1 RP64563 and Lodge Lane extending from the service corridor adjacent to the lodge lane ramp to the rooftop car park entry must incorporate visually attractive artwork and facade treatments, through the use of articulation, colour, texture and material variations generally in accordance with the approved plans;

24. the eastern facade wall facing Simpson Street extending from the service vehicle entry to the rooftop, active frontage tenancies must incorporate visually attractive artwork and facade treatments, through the use of articulation, colour, texture and material variations generally in accordance with the approved plans;
25. the wall adjacent to the service vehicle driveway which adjoins the southernmost anchor tenancy is to be visually enhanced through the use of a combination of landscape treatments such as planter boxes with climbing plants in front of the wall and visually attractive public artwork which is designed in consultation with Council's delegate. Details of the landscape treatment and proposed artwork are to be provided with the application for Operational Works (Landscape);

ENGINEERING

26. the service vehicle access must be designed as a two-way, priority controlled (not signalised) access generally in accordance with the approved plans. The geometry of the driveway/ramp must allow two 19.0m articulated vehicles to pass with 300mm clearance both sides as specified in AS2890.2:2002 Figure 5.4;
27. where development is staged and some or all of the land remains vacant or undeveloped for more than 3 months, or buildings are demolished and redevelopment is delayed for more than 3 months, the following works are to be carried out:
 - (a) the site must be cleared of all rubble, debris and demolition materials;
 - (b) the site must be graded (to the same level as the adjoining footpath wherever practicable), turfed and regularly maintained;
 - (c) the site must be landscaped with perimeter planting consisting of advanced specimens of fast growing species in accordance with Specific Outcome O18 of the Landscaping Code;
 - (d) drainage must be provided to prevent ponding;
 - (e) the site must be maintained so there is no sediment run-off onto adjacent premises, roads or footpaths;
 - (f) the site must be maintained to ensure no nuisance to adjacent premises, roads or footpaths; and
 - (g) public access must be provided where public safety can be maintained;
28. the loading dock must be designed and constructed to accommodate 19.0m articulated vehicle (AV) as specified in AS2890.2:2002 and required by the Parking and Access Code generally in accordance with the approved plans;
29. an on-site circulating roadway must be provided between the two east-west oriented car parking aisles, six spaces west of Lodge Lane at the eastern end of the Lot 1 RP176802.
30. a minimum of 66 bicycle parking spaces and facilities must be provided in accordance with the Parking and Access Code, and Austroads Part 14;
31. dedicate as road reserve the wedge of land bounded by the south western corner of Lot 1 RP64563, the survey point at the midpoint of the western boundary of Lodge Lane, and the north western corner of the Lodge Lane road reserve;
32. all loading/ unloading of service delivery vehicles is to be undertaken wholly within the site;
33. the existing overhead electrical reticulation along Simpson Street and Peachester Road (excluding the section of overhead electrical reticulation west of the existing vehicular access adjacent to the area denoted as "Thickly Vegetated Area" on the approved plans) must be relocated underground for the entire frontage of the subject site;

34. the existing drainage system in Lodge Lane must be re-designed to compliment the new streetscape and to accommodate the ultimate flows associated with the proposed development, in accordance with the Development Design Planning Scheme Policy and QUDM;
35. the development must provide a minimum 6m one chord truncation at the corner of Peachester Rd and Simpson Street;
36. dedicate, as road reserve, sufficient land on the Peachester Rd frontage, to accommodate the following cross section, generally in accordance with the approved plans;
 - a) minimum 3.1m wide right turn lane; and
 - b) minimum 3.5m wide through/left lane; and
 - c) minimum 1.5m wide on-street bicycle lane; and
 - d) an absolute minimum 4.0m wide verge/footpath paved for the full width in accordance with applicable Urban Design guidelines;These lanes must be provided on the development side of the existing centreline (refer also to advice notes for further guidance on this matter).
37. the pedestrian footpath and service vehicle access on Simpson Street must be treated to ensure safety for pedestrians (including children, elderly, vision impaired and people with disabilities). The treatment is likely to include tactile pavement treatments, colour contrasts, a raised pedestrian refuge etc. The treatment must be designed and certified by a suitably qualified professional;
38. all necessary alterations to public utility mains and services arising from construction of external works associated with the development must be undertaken at no cost to the service provider;
39. stormwater must be collected and lawfully discharged from the development site and from works associated with the development in accordance with Council's Development Design Planning Scheme Policy and QUDM;
40. all car parks and driveways must be constructed, sealed, line-marked and drained in accordance with Development Design Planning Scheme Policy and AS2890.1;
41. the vehicular access driveway in the north eastern corner of the subject site must be constructed in accordance with Council's Standard Drawing R-052;
42. vehicular access to/from the development from Peachester Rd via Lodge Lane is not permitted;
43. reticulated water supply and sewerage must be provided to the development;
44. the existing 150mm AC watermain within Peachester Road and Simpson Street must be replaced in 150mm DICL watermain to Sunshine Coast Water Standards for the full frontage of the development site. The replacement works must be completed prior to placing construction materials or site offices adjacent to the water main alignment;
45. the 150mm uPVC sewer located within Lot 5 RP55629 is to be disused and removed back to the manhole within Lodge Lane;
46. construction activities must not impede the access of Sunshine Coast Water or Fire Brigade personnel to vital infrastructure (e.g.; valves, fire hydrants and sewer access chambers);
47. the fire-fighting demand on Council's water supply system from the development must not exceed 30 litres per second;

48. a single Council installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Council approved, installed in accordance with Council requirements, and remain accessible at all times for reading and maintenance purposes;
49. a separate metered domestic main and bypass fire main must be provided within the development in accordance with Sunshine Coast Water Standards;
50. buildings, basements, and other structures must maintain a minimum clearance of 1.5 metres from Council sewer mains and a minimum clearance of 1.0 metre from sewer manhole chambers;
51. storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Council water supply and sewerage infrastructure;
52. tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Council's water mains and 1.5 metres from Council sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable Council approved varieties
53. construction works undertaken in the vicinity of Council 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;

ENVIRONMENTAL ENGINEERING

54. the development constructed on the site must be provided with an operating rainwater collection tank(s) of at least 55,000 litres total capacity. Rainwater harvested in the tank(s) shall be re-used for internal non potable uses and outdoor uses;
55. prior to commencement of use, the applicant must provide a certificate from a suitably qualified person to certify that the rainwater collection tank(s) and associated reticulation has been installed in accordance with these conditions of approval and the endorsed Stormwater Management Plan;
56. the development constructed on the site must be provided with an operating underground stormwater detention tank of at least 40,000 litres total capacity;
57. the development must be provided with a Stormwater Quality Improvement Devices (SQIDs) treatment train that is planned, designed and constructed in accordance with Council's Development Design Planning Scheme Policy, the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* (Healthy Waterways, 2006) and generally in accordance with the endorsed *Stormwater Management Plan* (Plan titled "Engineering Report", Report No. S3205, prepared by Tate Professional Engineers Pty Ltd, dated August 2008 including Appendix D "Stormwater Quality Improvement Devices Table") referred to hence with as the endorsed Stormwater Management Plan;
58. in conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings for each Stormwater Quality Improvement Device proposed in the endorsed Stormwater Management Plan. Detailed design is to be undertaken in accordance with the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* (Healthy Waterways, 2006) and the Development Design Planning Scheme Policy;

59. the development must be provided with stormwater drainage and detention infrastructure that is planned, designed and constructed in accordance with Council's Development Design Planning Scheme Policy, QUDM and generally in accordance with the endorsed Stormwater Management Plan;
60. in conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings for all stormwater drainage and detention infrastructure proposed in the endorsed Stormwater Management Plan. Detailed design is to be undertaken in accordance with the QUDM and the Development Design Planning Scheme Policy;
61. all stormwater treatment devices are to be maintained for the life of the development in accordance with the provisions of the endorsed Maintenance Manual. Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request;
62. in conjunction with the submission of an application for Operational Works Approval for the subject site, provide and have endorsed by Council's delegate a detailed Maintenance Manual for all stormwater treatment devices proposed to be located on the subject site. The maintenance manual shall comply with the requirements of the Development Design Planning Scheme Policy and the maintenance plan provisions of the *WSUD Technical Design Guidelines for South East Queensland* (Healthy Waterways, 2006);
63. the bioretention devices must be located, designed and installed so as to provide for safe and unobstructed access for service and maintenance. An all weather maintenance access ramp with maximum 1V:4H grade must be provided to the base of Bioretention Area 1;
64. stormwater drainage on the site must be designed and constructed such that the bioretention devices are provided with free draining outlets for the sub-surface drainage system;
65. stormwater drainage on the site must be designed such that the bioretention devices are provided with free draining outlets for the sub-surface drainage system;
66. in conjunction with the submission of an application for operational works approval, provide detailed drawings showing the design of the signage educating the public of the function of the bioretention devices. The dimensions, standard and presentation of construction, and locations of such signage must be detailed on the drawings;
67. at the time an application is made for Operational Works, an Erosion and Sediment Control Plan (E&SCP) must be submitted. The E&SCP is to be prepared in accordance with the *Sunshine Coast Regional Council Manual for Erosion and Sediment Control* based on the results of site-specific soil sampling and laboratory testing. The E&SCP must demonstrate how the stormwater release limit of 50 mg/L of TSS will be achieved for all rainfall events up to and including the 80th percentile 5 day rainfall event during all stages of construction;

ENVIRONMENTAL HEALTH

68. the selection, design and location of mechanical plant and equipment must be done in accordance with the recommendations outlined in section 7.1 of the submitted Noise Impact Assessment¹ (NIA). Prior to or at the time application made for operational works, a revised NIA must be undertaken by a suitably qualified acoustic consultant using the actual mechanical plant and equipment model specifications selected for the development, and must be submitted to Council for endorsement demonstrating that noise limits detailed in Table 6.1 of the submitted NIA¹ will be met. Where the revised NIA recommends further acoustic amelioration to meet noise limits, those recommendations must be undertaken;

69. an acoustic barrier is to be constructed (and maintained) in accordance with section 7.3 and figure 5.1 of the submitted Noise Impact Assessment Report prepared by ASK Consulting Engineers, Ref: 4681R01V03, Dated 28 August 2008. This barrier is to have no gaps in it, is to achieve a minimum surface density of 12.5kg/m²; Prior to or at the time application is made for operational works, detailed design plans of the acoustic barrier must be submitted to Council for endorsement;
70. the layout and design of this development must comply with the road traffic noise limits specified in the City Plan Nuisance Code. The assessment of road traffic noise impact from the use of Lot 1 on RP64563 on adjacent sensitive residential land, and any physical treatments must be based upon a technical assessment, carried out by a suitably qualified person and in accordance with relevant Australian Standards and other applicable guidelines or codes including the *Department of Main Roads Code of Practice: Road Traffic Noise Management (2000)*. At the time application is made for operational works (civil works and/or landscaping) for those areas of the development area to which this condition applies, design details must be provided on any road traffic noise treatments recommended (e.g. acoustic barriers);
71. prior to or at the time application is made for Operational Works for any stage of development, an Environmental Management Plan must be submitted to Council for endorsement. This plan is to be prepared by a suitably qualified person in accordance with section 2.0 of the Council's Development Design Planning Scheme Policy and is to address, as a minimum, the following:
- a) air quality and dust control – including specific requirements for dust screens (and rubbish chutes where applicable)
 - b) soils management - acid sulphate and naturally acidic soils
 - c) sediment and erosion control – linked to stage specific erosion and sediment control engineering drawings
 - d) flora and fauna
 - e) hazardous substance management
 - f) light management
 - g) mosquito and biting midge control
 - h) noise control (including the hours of operation detailed in section 440R of the *Environmental Protection Act 1994*)
 - i) site management
 - j) stormwater management
 - k) traffic management – linked to site specific management plan
 - l) waste management – recycling initiatives
 - m) water quality and sampling (including a detailed basement excavation de-watering procedure)
 - n) off-site impacts associated with trucks and machinery, i.e. sediment and soil deposition on roads and dust control
 - o) incorporation of a lawfully felled vegetation disposal plan consistent with the "Waste Management Hierarchy" principles. This reference point must by default require the EMP to be drafted in a way to prohibit the burning of lawfully felled vegetation on the site;
72. the development is to be carried out in accordance with the provisions of the endorsed Environmental Management Plan (in its most recently endorsed format);
73. lighting must be provided to pedestrian paths, building entries, driveways and car parking areas in accordance with the Design for Safety Code. Such lighting devices are to be appropriately designed, sited and installed in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting". Within one month of the use commencing, certification must be provided to Council from a RPEQ certified Electrical Engineer, to demonstrate that the above requirements have been met;

74. within one month of the use commencing, the services of a suitably qualified acoustic consultant shall be engaged to conduct operational noise compliance testing for all mechanical plant and equipment. After completion of the compliance testing, a report, prepared by the acoustic consultant, must be submitted to Council for endorsement demonstrating that the measured levels comply with any relevant statutory noise limits, and limits detailed in the submitted Noise Impact Assessment Report prepared by ASK Consulting Engineers, Ref: 4681R01V03, Dated 28 August 2008. This condition does not apply where noise is not audible beyond the boundary of the premises;
75. prior to or at the time application is made for operational works, a Waste Management Plan (WMP) must be submitted to Council for endorsement. This plan must:
- a) appoint person(s)/entity(s) responsible for administering the plan;
 - b) require that all solid wastes generated for tenancies on site be disposed of within refuse containers stored at the approved refuse container storage areas (the storage areas) detailed on the approved plans;
 - c) appoint person(s)/entity(s) responsible for the transportation of refuse containers to and from the storage area and the pickup point;
 - d) appoint the person(s)/entity(s) responsible for cleaning bins on-site and maintaining the storage areas and pick up point in a clean and tidy state; and
 - e) include provisions for dealing with complaints and disputes which shall be administered by the person(s)/entity(s) responsible for administering the waste management plan;
76. the provided WMP must be included into any tenancies management agreement, site by-laws document, community management statement or equivalent document;
77. on refuse collection day, the responsible person(s)/entity(s) identified in the WMP shall be responsible for the placement of refuse bins at a location which affords easy, safe and unobstructed access for the cleansing contractor;
78. the restaurant tenancies must be provided with a refuse container storage areas located generally in accordance with the approved plans. These areas are to be:
- a) enclosed on at least three sides to a height of at least 1.8m using materials compatible with the site (e.g. palings, lattice work, brick or block work, etc) to screen the area from adjoining properties and the road; and
 - b) adequate in size for general refuse bins and recycling bins; and
 - c) imperviously sealed (e.g. concrete, bitumen, etc) and provided with a wash-down pit lawfully directed to sewer with a stormwater catchment area not exceeding 1m²; and
 - d) provided with a hose cock either in or adjacent to the wash down area; and
 - e) provided with signage in a conspicuous location adjacent to the wash-down pit with letters at least 50mm high and 30mm wide stating:
BIN WASHDOWN WASTE ONLY DISPOSAL OF ANY OTHER LIQUID OR WASTE IS PROHIBITED; and
 - f) constructed in accordance with Section 2 of Council's Development Design Planning Scheme Policy;
79. the basement loading dock must be provided with refuse container storage areas located generally in accordance with the approved plans. These areas are to be:
- a) adequate in size for general refuse bins and recycling bins; and
 - b) imperviously sealed (e.g. concrete, bitumen, etc) and provided with a wash-down pit lawfully directed to sewer in accordance with Council's plumbing and drainage requirements; and
 - c) provided with a hose cock either in or adjacent to the wash down area; and
 - d) provided with signage in a conspicuous location adjacent to the wash-down pit with letters at least 50mm high and 30mm wide stating:
BIN WASHDOWN WASTE ONLY DISPOSAL OF ANY OTHER LIQUID OR WASTE IS PROHIBITED; and

- e) constructed in accordance with Section 2 of Council's Development Design Planning Scheme Policy;
80. hours of operation for the shopping complex must be limited to between 7am and 10pm, Monday to Sunday in accordance with the operational hours nominated in the noise report submitted with the application;
81. hours of access, manoeuvring, and delivery (including loading and unloading) of service vehicles is limited strictly to between the hours of 7am to 7pm Monday to Sunday. The shopping centre manager shall be responsible for ensuring that this condition is adhered to at all times;
82. prior to or at the time application is made for operational works, a Traffic Management Plan (Construction Phase) must be submitted to Council for endorsement. This plan is to be prepared by a suitably qualified person, and as a minimum shall address the following:
- a) The type and volume capacity of trucks expected to be utilised to remove/deliver fill material from the site;
 - b) The expected number of truck movements to and from the site everyday;
 - c) The anticipated end-point for any excavated fill and the haulage route nominated for movement of trucks to that point;
 - d) Identify marshalling areas for use by waiting trucks;
 - e) The time periods during which trucks will utilise the marshalling area and move to and from the construction site;
 - f) Details of any traffic control services to be provided within the local road network (identify locations); and
 - g) Nomination of car parking areas to be utilised by sub-contractors and staff private vehicles;

ENVIRONMENT

83. landscaping works are to be undertaken on-site in accordance with the Caloundra City Plan Landscaping Code and associated policies. A landscaping plan(s), prepared by a suitably qualified person indicating compliance with these Codes is to be submitted and approved as part of a subsequent Development Application for Operational Works (Civil and Landscaping) prior to any development works commencing on-site;
84. the pavement treatment along Simpson Street and Peachester Road is to be constructed across the entire road verge to back of kerb;
85. landscaping treatment to Lodge Lane is to allow for sufficient area for emergency vehicle access along Lodge Lane;
86. street trees within Lodge Lane are to be picked from the following species and are to be 100 Litre bags:
- *Colvillea racemosa*
 - *Grevillea baileyana*
 - *Harpullia pendula*
 - *Lagerstroemia speciosa*;
87. the linear rooftop bioretention basin adjacent to the northern boundary is to be planted with 45 Litre Callistemon 'Eureka' on the Northern batter at 1 metre centres;
88. the following street trees are to be planted on the Simpson Street and Peachester Road verges:
- *Syzygium leuhmannii*;

89. street trees are to be surrounded by a full grate system. Under-planting of street trees is not approved;
90. all landscaping works and landscaping infrastructure (e.g. benches, picnic shelters, bollards etc) are to be provided in accordance with the current provisions and specifications of Council's Development Design Planning Scheme Policy and associated information. Details of such are to be provided with any subsequent development application for Operational Works (Landscaping);
91. additional seating is to be provided as hard landscaping between the street trees along Simpson Street and Peachester Road. For clarity, the existing seating and tables located along these street frontages are to be maintained;
92. local topsoil won from the development site is to be stripped and stored during construction and then re-used in final landscape works;

CONTRIBUTIONS

93. the following City Plan Infrastructure Policy Contributions apply to this development and are payable prior to commencement of the use, unless otherwise stated. The contribution amounts are based on June 2004 rates and will be indexed on a quarterly basis at the time of payment;

Network	2004 Base (as per policies)	CPI Increase as at 31/12/2009	Current Amount	Indexation
Biting Insects	\$ 293.00	1.19	\$ 349.00	
Off-Site Car Parking	\$ 675,000.00	1.29	\$ 870,750.00	
Public Transport	\$ 325.00	1.31	\$ 425.00	
Stormwater & Flooding	\$ 5,811.00	1.19	\$ 6,915.00	
Water	\$ 136,535.00	1.19	\$ 162,477.00	
Sewer	\$ 174,590.00	1.19	\$ 207,762.00	
TOTAL			\$ 1,248,678.00	

94. in respect of the Off-Site Car Parking Contribution above, the payment of this contribution may be made by providing to the Council, before commencement of the use, an unconditional Bank Guarantee (unlimited as to expiry date and on terms satisfactory to the Council). In this regard:
 - a) The Council will draw upon the Guarantee to meet the Off-Site Car Parking Contribution no earlier than 18 months after the commencement of the use, unless the applicant can demonstrate to the satisfaction of Council (in accordance with the following) that, given the actual use of the Shopping Complex at full capacity including the expansion resulting from this application, no additional car parking bays are required as a result of this application;
 - b) In order to demonstrate that no additional car parking bays are required as a result of this application, the applicant must provide to the Council, at its cost, a Car Parking Study that has a minimum level of information as follows:

- i) the Study will contain factual data and report on actual car parking demands and use over the course of a continuous 12 month period of full operation of the expanded Shopping Complex, including a minimum of four (4) Car Parking Surveys of the expanded Shopping Complex taken after the commencement of the use and undertaken at generally even intervals throughout the year. The Study will establish demands and identify any trends during the course of the 12 month period (such as the occupation rates of the car park on site being utilised by non-users of the Shopping Complex). The Study will contain the full data sets to enable a review of parking occupancy rates throughout the course of the days surveyed including the available number of off-street car parks and street parking on Peachester and Simpson Streets (excluding local laneways). Data sets must contain full details of the survey times, prevailing weather conditions at the time of the surveys, and car parking and tenancy occupancy and use rates for the expanded Shopping Complex at the time of the Surveys;
- ii) the information contained in the Study must be reflective of peak periods, and it must correlate to the 85th percentile operating times of the centre;
- iii) during each Car Parking survey, the applicant will conduct a Usage Survey (using an independent and appropriately qualified person) of person/s using the Shopping Complex to determine their method of arrival (by private vehicle, public transport, or other non-motorised means) and whether such users have utilised on site car parking or street parking. This Usage Survey will form part of the Car Parking Study;

The applicant must, at its cost, ensure that the Car Parking and Usage survey results are independently peer reviewed by a suitably qualified person, as stipulated by Council, and provide the results of that peer review to the Council with the Car Parking Study;

- c) Upon receipt of the Car Parking Study and Peer Review, the Council will advise the applicant within 20 business days if it accepts the results of the Study and Peer Review, and if necessary provide reasons for any disagreement;
- d) The amount of the contribution is equates to a shortfall of 75 car parking bays as identified in the policy. Should the results of this Car Parking Study and/or peer review identify a shortfall in required parking bays, the applicant may elect to construct the additional bays required, subject to the approval of a further development application which must be lodged within 20 business days of Council's written agreement with the Study that a shortfall exists. Such an application shall be assessed against the relevant Planning Scheme in force at the time of lodgement. If the applicant does not elect to construct the additional bays, or if the application to do so is not pursued by the applicant or refused, the Council may call on the Guarantee for the identified shortfall in accordance with the relevant Infrastructure Contributions Policy in place at the time of payment;
- e) If the results of this Study and subsequent peer review identify that there is no shortfall in required parking bays, the Bank Guarantee will be released by Council;
- f) If agreement is reached that a parking shortfall is evident on the site but it is less than 75 parking bays, a proportional release of the Guarantee will be made upon provision of the required parking bays, or the Council calling upon the Guarantee as the case may be;

- g) For the avoidance of doubt, the Council may draw on the Guarantee if the applicant fails to provide the Car Parking Study and the peer review within 18 months of the commencement of the use; and
- h) Indexing according to the CPI continues to apply to the Off-Site Car Parking Contribution up until the time the additional bays are provided, or the Guarantee is called upon.

95. in addition to Development Contributions outlined in Condition 93, the applicant shall ensure that the requirements of the Infrastructure Agreement between Village Fair Investments Pty Ltd and Sunshine Coast Regional Council executed 23 December 2009 shall be implemented;

GENERAL

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

5 REFERRAL AGENCY CONDITIONS

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency	Referral Address
Development on land contiguous to a State controlled road for a Material Change of Use assessable against the planning scheme	Concurrence	Department of Main Roads	North Coast (Gympie) PO Box 183 GYMPIE 4570
Development on land that— (a) is for an aspect of development identified in schedule 13C; and (b) is for a purpose mentioned in schedule 13C, column 1; and (c) exceeds the threshold mentioned in schedule 13C, column 2 for the purpose	Concurrence	Queensland Transport	Principal Manager (Land use) Transport Planning Branch Queensland Transport GPO Box 213 BRISBANE QLD 4001
Development on land that— (a) is for an aspect of development identified in schedule 13D; and (b) is for a purpose mentioned in schedule 13D, column 1; and (c) exceeds the threshold	Concurrence	Queensland Transport	Principal Manager (Land use) Transport Planning Branch Queensland Transport GPO Box 213 BRISBANE QLD 4001

Referral Trigger	Referral Status	Referral Agency	Referral Address
mentioned in schedule 13D, column 2 for the purpose			
Material Change of Use, other than for a domestic activity, if any part of the lot is situated in, or within 100m of a wetland	Advice	Environmental Protection Agency	Licensing Permit Coordination Unit PO Box 155 BRISBANE ALBERT STREET 4002

A copy of Department of Transport and Main Roads conditions dated 25 September 2009, referenced as 830/80/109.0 A f10 scd9012 and consisting of 6 pages was attached to the original notice.

A copy of Department of Transport and Main Roads (QT) conditions dated 10 July 2009, referenced as BRIS-1882 and consisting of 5 pages was attached to the original notice.

A copy of Ecoaccess response dated 28 October 2008, referenced as Project No. 329165 and consisting of 3 pages was attached to the original notice.

6 APPROVED PLANS/DOCUMENTS

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

Plan/Drawing No.	Plan/Drawing Name	Date
TP/2A Rev P2	Site & Locality Plan (Ground Floor) Proposed New Shopping Centre	15 January 2010
TP/3A Rev P1	Site & Locality Plan (Rooftop Carpark) Proposed New Shopping Centre	15 January 2010
TP/4 Rev P8	Ground Floor Plan Proposed Additions to Shopping Centre	25 January 2010
TP/5A Rev P1	Ground Floor Plan Proposed New Shopping Centre	20 January 2010
TP/6A Rev P2	Rooftop Carpark Plan Proposed New Shopping Centre	20 January 2010
TP/7 Rev P8	Elevations & Sections Proposed Additions to Shopping Centre	25 January 2010
TP/8 Rev P8	Proposed Shopping Centre Elevations & Sections	19 January 2010
TP/9 Rev P6	Proposed Shopping Centre Detail Elevations, Sections and Pylon Signage Detail	21 January 2010
TP/9A Rev P1	Rooftop Carpark Part Plan, Elevations and Section	21 January 2010
TP/9B Rev P1	Road Widening and Building Setback Plans and Sections	29 January 2010
L1.01 Rev 02	Landscape Tree Management Plan	28 January 2010
L1.02 Rev 03	Landscape Concept Plan – Ground Level	28 January 2010
L1.03 Rev 03	Landscape Concept Plan – Rooftop Carpark Level	28 January 2010
L1.04 Rev 03	Landscape Section	28 January 2010
L1.05 Rev 03	Landscape Section	28 January 2010
L1.06 Rev 03	Proposed Plant Palette	28 January 2010
L1.07 Rev 02	Landscape Construction Details and Specification Notes (Typical)	28 January 2010
L1.08 Rev 02	Proposed Character & Material Palette	28 January 2010
L1.09 Rev 02	Proposed Landscape Treatment Long Northern Boundary	28 January 2010

Plan/Drawing No.	Plan/Drawing Name	Date
L1.10 Rev 01	Landscape Areas	24 April 2009

The following plans have been considered as part of this assessment but do not form approved plans for the Material Change of Use for a Shopping Complex. These plans are considered generally in accordance with the conditions of this approval.

Plan/Drawing Number	Plan/Drawing Name	Date
S3205/08/P02 Rev A	Proposed Catchment and Drainage Layout	2 February 2010
S3205/08/P03	Proposed Bioretention Maintenance Ramp Details	August 2008
S3205/08/P04 Rev A	Proposed Bioretention Sections	2 February 2010
S3205/08/P05 Rev A	Proposed Bioretention Sections	2 February 2010

7 ADVISORY NOTES

The following Advisory Notes are for information purposes only and do not form conditions of approval:

- (a) the **relevant period** for the development approval shall be **four (4) years** starting the day the approval is granted or takes effect. In accordance with Section 3.5.21(1) of IPA, the development approval for material change of use lapses if the first change of use under the approval does not happen within the abovementioned **relevant period**. However, if there are one or more **related approvals** for the development approval for material change of use, the **relevant period** is taken to have started on the day the latest related approval takes effect. (Please refer to Section 3.5.21(7) of IPA for the meaning of **related approval**).

An applicant may request Council to extend the **relevant period** provided that such request is made in accordance with Section 3.5.22 of IPA and before the development approval lapses under Section 3.5.21 of IPA;

- (b) Shopping Complex is defined within Caloundra City Plan 2004 as follows:
“**shopping complex**” means a use of premises, comprising one or more buildings in the form of an integrated development, having a gross floor area exceeding 1,000m², primarily for a shop and any one or more of the following:
- (a) art and craft centre;
 - (b) garden centre;
 - (c) hotel;
 - (d) indoor sport, recreation and entertainment;
 - (e) industry – local service;
 - (f) medical centre or veterinary surgery;
 - (g) office;
 - (h) restaurant;
 - (i) service station; and
 - (j) vehicle repair centre (where not involving panel beating or spray painting);
- (c) the *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their ‘general environmental duty’ to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use;

- (d) the applicant is advised of the 'cultural heritage duty of care' as outlined under Section 23(1) of the *Aboriginal Cultural Heritage Act 2003*. This duty of care means that a person who carries out an activity must take all reasonable and practical measures to ensure that the activity does not harm Aboriginal cultural heritage. For further guidance and/or information in relation to this matter, the applicant may contact the Cultural Heritage Co-ordination Unit of the Department of Natural Resources and Mines on 07 3238 3838;
- (e) all areas where food is to be stored, handled or prepared for sale or sold must be constructed and equipped in accordance with the provisions of the *Food Act 2006* and the *Food Standards Code*. The premises must be registered and the operators licensed with Council under the aforementioned Act prior to the use commencing or prior to application being made for a Development Permit for building works (whichever is applicable);
- (f) trade waste generated on-site shall be subject to Council's Trade Waste Policy and the *Water Act 2000*. Prior to an application being made for building approval for the site the applicant is advised to contact Council's Trade Waste Officer on 07 5420 8200 to determine Council's trade waste requirements;
- (g) in accordance with the *Public Health Act 2005*, rainwater tanks must be constructed with mosquito proof screens (made from either brass, copper, aluminium or stainless steel), and constructed with a mesh size of no more than 1mm, and must be installed in a way that does not accelerate corrosion. Tanks that contain flap valves must be installed so that when closed, mosquitoes cannot pass through the valve. It is unlawful under the *Public Health Act 2005* to construct, install or be in possession of a tank that does not comply with these requirements;
- (h) Council requests an informal pre-lodgement meeting between Sunshine Coast Regional Councils Environment and Landscaping Unit and the applicants landscape architects prior to lodgement of Operational Works applications;
- (i) the applicant is informed that payment via credit card transaction will not be an acceptable method of payment for infrastructure contributions conditioned in this permit or for infrastructure charge notices issued separately;
- (j) the Preliminary Approval for Building Works has been granted following assessment of the proposed building(s) against the relevant provisions of Council's Planning Scheme. The buildings have not been assessed for compliance with the Building Act 1975, Building Regulations 2006 or the Building Code of Australia. Such assessment will be undertaken by a licensed Building Certifier as part of the assessment of a Development Application for Building Work;
- (k) buildings are not to be occupied prior to the issue of a Certificate of Classification;
- (l) prior to commencement of the use, the applicant shall contact Council's Planning Inspector, Planning Assessment, to arrange a Development Compliance Inspection;

- (m) the Department of Transport and Main Roads concurrence agency conditions require that the development construct the lane configuration indicated Council's 'Engineering' conditions. The lane widths are specified in Council's conditions in order that an active street frontage would be achieved to Council's satisfaction – this is beyond the scope of Main Roads conditions;

Aboriginal Cultural Heritage Act 2003

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

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

You should contact the Cultural Heritage Co-ordination Unit on 07 3238 3838 to discuss any obligations under the *ACH Act*.

8 PROPERTY NOTES

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

- (i) This site is provided with stormwater treatment devices which capture and store pollutants from stormwater runoff generated on the site. These devices are required to be routinely checked and serviced/cleaned out as per the endorsed maintenance manual. Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.

9 PRELIMINARY APPROVAL OVERRIDING SCHEME

Not Applicable

10 FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Work (Civil Works)
Development Permit for Operational Works (Stormwater)
Development Permit for Operational Works (Landscape)
Development Permit for Building Works
Development Permit for Plumbing and Drainage

11 SELF ASSESSABLE CODES

Not Applicable

12 SUBMISSIONS

Not Applicable

13 REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

1. There is a strong level of planning need and demand to warrant expansion of the existing shopping centre and redevelopment of the site;

14 RIGHTS OF APPEAL

You have continuing appeal rights in respect of Council's decision on your application. Refer Section 4.1.27. of the *Integrated Planning Act 1997*.

15 OTHER DETAILS

Not Applicable

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

Yours faithfully

Terri Bell
COORDINATOR PLANNING APPLICATIONS (SOUTH)

Encl: Copy of Payment Advice
Appeal Rights
Approved Plans

Cc:
Department of Transport and Main Roads PO Box 1600 SUNSHINE PLAZA POST SHOP MAROOCHYDORE QLD 4558
Department of Environment and Resource Management (Ecoaccess) PO Box 15155 CITY EAST QLD 4002

PAYMENT ADVICE
As at 17 December 2009
ABN: 37 876 973 913

APPLICANT:	Village Fair Investments
PROPERTY DESCRIPTION:	Peachester & Simpson Roads Beerwah LOT1RP176802 LOT1RP906174 LOT2 RP906174 LOT 5 RP 55629 & LOT 206 B4412
FILE REFER:	2008/50-00078

To be linked with Application ID:-

The following are GST Free					
Code	Area	Type of Account	2004 Base (as per Policies)	CPI Increase as at 30/09/09	Current Indexation Amount
GVC		Department of Lands "Split Valuation" Charges	N/A		\$
GMS		Survey Plan Endorsement Fee	N/A		\$
BK	7	Bike Lane, Pathway & Footpath Contribution	\$ 5,831.00	1.30	\$ 7,580.00
BI1		Biting Insects Control	\$ 293.00	1.19	\$ 349.00
CF		Land for Community Facilities	\$	1.19	\$
MR		Maleny Roads	\$	1.31	\$
OS	6	Open Space	\$ 75,554.00	1.19	\$ 89,909.00
CP		Off-site Parking	\$675,000.00	1.29	\$ 870,750.00
PT	2	Public Transport	\$ 258.00	1.31	\$ 338.00
SW	11	Stormwater and Flooding	\$ 5,811.00	1.19	\$ 6,915.00
WT	2	Water	\$108,634.00	1.19	\$ 129,274.00
SEW	2	Sewerage	\$138,911.00	1.19	\$ 165,304.00
RD	14	Road Network	\$ 69,304.00	1.31	\$ 90,788.00
		Total			\$ 1,361,266.00

PLEASE NOTE: The amount of fees may vary depending upon the date of payment. All contributions are subject to quarterly indexation at the time of payment. Please verify amount payable, with the Growth Management Unit, prior to payment.

The following is an extract from the *Integrated Planning Act* (Chapter 4).

Division 8 - Appeals to court relating to development applications

Appeals by applicants

4.1.27.(1) An applicant for a development application may appeal to the court against any of the following-

- (a) the refusal, or the refusal in part, of a development application;
- (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;¹
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a currency period;
- (e) a deemed refusal.

(2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Appeals by submitters

4.1.28.(1) A submitter for a development application may appeal to the court about-

- (a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
- (b) the length of a currency period for the approval.

(2) The appeal must be started within 20 business days (the “**submitters appeal period**”) after the day the decision notice or negotiated decision notice is given to the submitter.

(3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.

(4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

(5) If an application is processed under section 6.1.28(2), appeal rights for submitters for the application are available only for the aspects of the development that would have required public notification under the repealed Act.

(6) If an application involves assessment against a concurrence agency code, appeal rights for submitters for the application are not available against the part of the approval that represents the concurrence agency’s response for the code.

Appeals by advice agency submitters

4.1.29.(1) An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if-

- (a) the development application involves impact assessment; and
- (b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.

(2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

Appeals for matters arising after approval given (co-respondents)

4.1.30.(1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice-

- (a) a notice giving a decision on a request for extension of the currency period for an approval;
- (b) a notice giving a decision on a request to make a minor change to an approval.

¹ Section 3.1.6 (Preliminary approval may override local planning instrument)

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application under a superseded planning scheme.

(4) Also, a person who has made a request mentioned in subsection (1) may appeal to the court against a deemed refusal of the request.

(5) An appeal under subsection (4) may be started at any time after the last day the decision on the matter should have been made.

Division 9 - Appeals to court about other matters

Appeals for matters arising after approval given (no co-respondents)

4.1.31.(1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice-

- (a) a notice giving a decision on a request to change or cancel a condition of a development approval.
- (b) a notice under section 6.1.44² giving a decision to change or cancel a condition of a development approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request mentioned in subsection (1)(a) may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

Appeals against decisions to change approval conditions under the repealed Act

4.1.33A.(1) A person who is dissatisfied with a decision made on an application to change the conditions attached to an approval given under section 2.19(3) or section 4.4 of the repealed Act may appeal to the court against-

- (a) the decision; or
- (b) a deemed refusal of the application.

(2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is to be given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

Appeals against local laws

4.1.33B.(1) An applicant who is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure permitted by the planning scheme may appeal to the court against the decision or the conditions applied.

(2) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

For Building Works Only

Rights of appeal conferred by Section 4.2.9 of the *Integrated Planning Act 1997* as follows:

Division 3 – Appeals to tribunals relating to development applications

Appeals by applicants

4.2.9(1) An applicant for a development application may appeal to the Building and Development Tribunal against any of the following-

- (a) the refusal, or the refusal in part, of a development application;
- (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;³
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 3.5.21 currency period;
- (e) a deemed refusal.

(2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

The Registrar for the Building and Development Tribunal may be contacted at the website <http://www.localgovernment.qld.gov.au/>

² Section 6.1.44 (Conditions may be changed or cancelled by assessment manager or concurrence agency in certain circumstances)

³ Section 3.1.6 (Preliminary approval may override local planning instrument)