

Agenda

Ordinary Meeting

Thursday, 22 August 2013

commencing at 9.00am

Council Chambers, Corner Currie and Bury Streets, Nambour

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING	7
2	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE	7
3	RECEIPT AND CONFIRMATION OF MINUTES	7
4	OBLIGATIONS OF COUNCILLORS	7
4.1	DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS	7
4.2	DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS	7
5	MAYORAL MINUTE	7
6	PRESENTATIONS	7
7	REPORTS DIRECT TO COUNCIL	9
7.1	FINANCE AND BUSINESS	9
7.1.1	PROGRESS REPORT - IMPLEMENTATION OF CORPORATE AND OPERATIONAL PLANS 2012/2013	9
7.2	REGIONAL STRATEGY AND PLANNING	15
7.2.1	DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - INDUSTRIAL BUSINESS TYPE 3 EXTRACTIVE AT 271 LAKE MACDONALD DRIVE & 300 KENNEDYS ROAD, LAKE MACDONALD	15
7.2.2	NEGOTIATED DECISION REQUEST FOR MAROOCHY PALMS DEVELOPMENT APPROVAL FOR 196 RESIDENTIAL LOTS AND BULK EARTHWORKS AT 223 BROADWATER AVENUE WEST AND 319 BRADMAN AVENUE, MAROOCHYDORE	61
7.2.3	DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (MULTIPLE DWELLING UNITS AND SHOP) AT 14 MAIN STREET PALMWOODS	133
7.2.4	ADOPTION OF PRIORITY INFRASTRUCTURE PLANS AND ADOPTED INFRASTRUCTURE CHARGES RESOLUTION AMENDMENT	193
7.3	COMMUNITY SERVICES	245
7.3.1	MOOLOOLAH RECREATION RESERVE MASTER PLAN 2013-2028 ...	245

7.3.2	MAROOCHYDORE MULTI-SPORTS COMPLEX MASTER PLAN 2013 - 2028.....	255
7.3.3	REVIEW OF FEES AND CHARGES - NOT-FOR-PROFIT ORGANISATIONS	263
7.4	INFRASTRUCTURE SERVICES	269
7.5	FINANCE AND BUSINESS	271
7.5.1	JUNE 2013 INTERIM FINANCIAL PERFORMANCE REPORT.....	271
7.5.2	INVESTMENT PERFORMANCE REPORT TO JUNE 2013.....	287
7.6	EXECUTIVE OFFICE.....	293
7.6.1	SHOW HOLIDAYS.....	293
8	NOTIFIED MOTIONS	303
9	TABLING OF PETITIONS	303
10	CONFIDENTIAL SESSION	304
10.1	REGIONAL STRATEGY AND PLANNING.....	304
10.1.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - TEMPORARY LOCAL PLANNING INSTRUMENT 03-2013 SUNSHINE COAST AIRPORT	304
10.1.2	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - SHELLY BEACH.....	304
10.1.3	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - NOOSAVILLE	304
10.2	COMMUNITY SERVICES	305
10.3	INFRASTRUCTURE SERVICES	305
10.3.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROPERTY ACQUISITION.....	305
10.3.2	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - REVIEW OF SERVICE - ROAD MAINTENANCE PERFORMANCE CONTRACT FOR DEPARTMENT OF TRANSPORT AND MAIN ROADS	305
10.4	FINANCE AND BUSINESS	306
10.4.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROGRESS REPORT - IMPLEMENTATION OF CORPORATE AND OPERATIONAL PLANS 2012-2013	306
10.4.2	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ACQUISITION OF LAND KIN KIN	306

- 10.4.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - DISPOSAL OF LAND SURPLUS TO REQUIREMENTS - MOFFAT BEACH306
- 10.4.4 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ACQUISITION OF LAND - EVANS STREET MAROOCHYDORE307
- 10.4.5 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ACQUISITIONS OF LAND AND EASEMENTS307
- 10.5 EXECUTIVE OFFICE.....307**
- 10.5.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SUNSHINE COAST AIRPORT LEASE OF SITE 1.....307
- 10.5.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - CALOUNDRA MUSIC FESTIVAL 2013 MEDIA SPONSORSHIP.....308
- 10.5.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - AIR NEW ZEALAND 2014 SEASON.....308
- 11 NEXT MEETING.....308**
- 12 MEETING CLOSURE.....308**

1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 25 July 2013 be received and confirmed.

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

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

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

4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

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

5 MAYORAL MINUTE**6 PRESENTATIONS**

7 REPORTS DIRECT TO COUNCIL**7.1 FINANCE AND BUSINESS****7.1.1 PROGRESS REPORT - IMPLEMENTATION OF CORPORATE AND OPERATIONAL PLANS 2012/2013****File No:** 4.16.4**Author:** Corporate Planning & Reporting Manager
Finance & Business Department**Appendices:** App A - CEO's Quarterly Progress Report Quarter 4 - 1 April to 30 June 2013 (*Under Separate Cover*)..... Att Pg 5
App B - Operational Plan Activities Report - Quarter ended June 2013 (*Under Separate Cover*)..... Att Pg 33
App C - Report on the Implementation of Corporate and Operational Plans 2012-2013 (*Under Separate Cover*) Att Pg 75

PURPOSE

This report presents progress with implementing the Operational Plan 2012/2013 and Corporate Plan 2009-2014. It includes the Quarter 4 report on achievements and an annual review on the implementation of the operational plan.

The report has been prepared to inform council and the community on the implementation of the activities, projects and programs set out in the annual operational plan and associated corporate plan.

EXECUTIVE SUMMARY

This progress report presents to council details on the delivery of the operational plan and corporate plan. It includes:

- (Appendix A) - reports from the Chief Executive Officer and Executive Directors, outlining achievements for the 4th quarter, 1 April – 30 June 2013.
- (Appendix B) - progress report on each operational project/activity set for the year covering forward planning and service delivery as shown in the Operational Plan.
- (Appendix C) - the results of an annual review of the implementation of the corporate and operational plan for inclusion in the Annual Report 2012/2013 is also presented.

In summary council has performed well by achieving 94% (155/165) of the activities scheduled to be completed by 30 June 2013.

Highlights for the 4th quarter ended 30 June are:

- Budget 2013/2014 adopted by Council (\$538 million consisting of a \$109 million Capital Works Program).
- Sunshine Coast Economic Development Strategy 2013-2033 - approved the draft strategy for public consultation.
- Commercial Use of Community Land - completed the next phase of project.
- Floating Land Exhibition – major cultural event held.
- Capital Works – significant projects completed include Noosa Landfill Cell, Doonan (\$4.7 million); upgrade at Tripcony Lane, Caloundra (\$275,000); Dicky Beach carpark (\$200,000).

- Sunshine Coast Planning Scheme (draft) - continued to consider submissions.
- Development applications - launched electronic lodgment process.
- Organisational structure – new structure determined of five departments.

Highlights for the 2012/2013 financial year are:

- 76% of projects/activities in the operational plan completed.
- 84% of the infrastructure services capital works program financially completed.
- \$20 million spent from road reseal and rehabilitation program on 443 projects.
- \$200 million procured from local business.
- 810,000 passengers travelled through the Sunshine Coast Airport.
- 276,000 tonnes of waste collected and 83,000 tonnes recovered.
- 3.3 million items loaned from libraries.
- 319,000 (phone, email and counter) customer requests with 88% of the requests completed at the first contact.
- 685 organisations received \$2.2 million through the Community Grants Program.
- 1,300 development applications lodged (covering material change of use, operational works and reconfiguring lots).

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Progress Report - implementation of Corporate and Operational Plans 2012/2013”
- (b) note the Chief Executive Officer’s Quarterly Progress Report – Quarter 4, 1 April to 30 June 2013 (Appendix A)
- (c) note the Operational Plan Activities Report – Quarter 4 ended June 2013 (Appendix B) and
- (d) note the Report on the Implementation of Corporate and Operational Plans 2012/2013 for inclusion in the Annual Report 2012-2013 (Appendix C).

FINANCE AND RESOURCING

The cost of implementing the Operational Plan 2012/2013 was built into the Annual Budget 2012/2013.

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

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

Strategy: 8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council’s reputation

Corporate Plan Theme: *Great governance*
Emerging Priority: 8.2 - Effective business management
Strategy: 8.2.4 - Consolidate data, information and knowledge to improve council operations

Corporate Plan Theme: *Great governance*
Emerging Priority: 8.6 - An informed and engaged community
Strategy: 8.6.3 - Keep the community informed about council's activities through a wide range of communication tools

CONSULTATION

Internal Consultation

Consultation has occurred widely within council to ascertain the status of corporate plan strategies and operational plan projects/activities. This information was provided by each department of council.

External Consultation

There has been no external consultation in relation to this report.

Community Engagement

Community engagement in relation to corporate plan strategies, projects and activities within the Operational Plan 2012/2013 was undertaken where appropriate in accordance with the relevant project plans and the Community Engagement Policy.

PROPOSAL

Quarterly Progress Report – Quarter 4

The Chief Executive Officer's Quarterly Progress Report – Quarter 4 (Appendix A), consists of the Chief Executive Officer's summary report and Executive Directors detailed reports.

The purpose of the report is to inform council and the community on progress made with implementing projects and activities set out in the Operational Plan 2012/2013. In addition Executive Directors have summarised their department's achievements in delivering the Corporate Plan 2009-2014.

The Operational Plan Activities Report – Quarter 4 ended June 2013 (Appendix B) provides details on the status of the 210 projects/activities in the Operational Plan 2012/2013. This report includes the status of each project/activity covering the % complete, anticipated completion date and progress commentary.

Overall the majority of projects in the Operational Plan 2012-/013 have been delivered on time. The operational plan included 210 activities, 165 of the activities have completion dates of 30 June 2013 and 45 activities have completion dates past 30 June 2013.

In summary council has performed well by achieving 94% (155/165) of the activities scheduled to be completed by 30 June 2013. Other statistics include:

- 76% (159) of the overall annual operational plan activities have been completed.
- 94% (155/165) with expected completion dates of 30 June 2013 have been completed.

- 5% (10) of the annual operational plan activities with expected completion dates of 30 June 2013 did not achieve 100% completion. Where appropriate certain activities have been carried forward for completion in the 2013/2014 Operational Plan; and
- 20% (41) of the annual operational plan activities with completion dates past 30 June 2013 have been carried forward into the 2013/2014 Operational Plan. These activities are currently underway and will continue towards completion as per their projected completion dates.

Table 1 provides a summary of the status of all projects/activities in the operational plan.

Completed Status	Number
Completed (with completion dates of 30 June 2013)	155/165 (94%)
Completed (with completion dates past 30 June 2013)	4/45 (9%)
TOTALS	159/210

Overall Status	Number
Completed (overall)	159 (76%)
Underway (with completion dates of 30 June 2013)	10 (5%)
Underway (with completion dates past 30 June 2013)	41 (19%)
Not started	0
TOTAL	210

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

Table 2 provides a summary of the 51 projects/activities with a status of 'underway'.

Progress with projects 'Underway'	Number
less than 25% complete	1
25% - 50% complete	7
50% - 75% complete	12
75% or more complete	31
TOTAL	51

Table 2: Summary of projects with a status of 'underway'

Projects still underway at 30 June 2013 are carried forward into the Operational Plan 2013/2014 if they are to continue and have budget funding allocated.

Implementation of Corporate and Operational Plans Report 2012-2013

This report (Appendix C) is the result of an annual review of the implementation of the annual operational plan and corporate plan. The report is presented in corporate plan theme order and will be included as a major section in the Annual Report 2012/2013.

The Executive Summary section to this report sets out the highlights for the 2012/2013 year and the 4th quarter. More detail on these highlights and other achievements is provided in Appendix A (quarterly report) and Appendix C (annual review report) to this report.

Legal

The Chief Executive Officer is required by the *Local Government Act 2009* and the *Local Government Regulations 2012* to provide:

- A report each 3 months on progress with implementing the operational plan
- A report annually on the results of a review of the implementation of the corporate and annual operational plan.

These reports presented to council, meet the requirements set by legislation.

Policy

There is no policy associated with the presentation of quarterly and annual progress reports however they are components of the Strategic Corporate Planning and Reporting Framework.

Risk

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

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

- *Reputation/public image:* the report provides complete information on council's operations and builds a positive reputation for council with the community (Low risk rating).
- *Legislative:* the report meets the requirement of legislation. (Low risk rating).
- *Business activity:* the report keeps council informed about the progression of the operational plan activities and provides a timely account of council's progress to the community (Low risk rating).

Previous Council Resolution

The following reports were adopted:

- Operational Plan 2012/2013 (SM12/08)
- Quarter 1 Progress Report (OM12/150)
- Quarter 2 Progress Report (OM13/25)
- Quarter 3 Progress Report (OM13/62)

Related Documentation

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

Critical Dates

Quarterly Progress Reports are usually scheduled to be presented to council within four weeks of the end of the calendar quarter subject to the scheduled meeting cycle. This report has been delayed to gather complete information following the end of the financial year.

Implementation

Corporate Governance branch will manage the distribution and publication of the report. Specifically the report will be placed on council's website and intranet. It will also be promoted via council's eNews.

The Report on the Implementation of Corporate and Operational Plans will be included in the Annual Report.

7.2 REGIONAL STRATEGY AND PLANNING**7.2.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - INDUSTRIAL BUSINESS TYPE 3 EXTRACTIVE AT 271 LAKE MACDONALD DRIVE & 300 KENNEDYS ROAD, LAKE MACDONALD**

File No:	MCU12/0216
Authors:	Development Planner Regional Strategy & Planning Department Senior Development Planner Regional Strategy & Planning Department
Appendices:	App A - Conditions of Approval 37
Attachments:	Att 1 - Proposal Plan 45 Att 2 - Proposed Haulage Route 47 Att 3 - Concurrence Agency Response 49

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1264093>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	CSR Building Products Limited C/- Groundwork Plus
Proposal	Development Permit for Material Change of Use of Premises - Industrial Business Type 3 Extractive
Properly Made Date:	27/12/2012
Information Request Date:	12/02/2013
Information Response Received Date:	04/04/2013
Decision Due Date	05/07/2013
Number of Submissions	32 Properly Made Submissions 1 Not Properly Made
PROPERTY DETAILS	
Division:	12
Property Address:	271 Lake Macdonald Dr & 300 Kennedys Rd, Lake MacDonal
RP Description:	Lots 2 & 3 SP 108094
Land Area:	Lot 2 - 1.41 ha Lot 3 - 6.35 ha
Existing Use of Land:	Clay mining operation and brick works
STATUTORY DETAILS	
SEQRP Designation:	Regional Landscape & Rural Production Area
Planning Scheme	The Noosa Plan (8 August 2011)
Planning Area / Locality:	Cooroy & Lake Macdonald
Planning Precinct / Zone:	Rural
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for Material Change of Use of Premises - Industrial Business Type 3 Extractive at 271 Lake Macdonald Drive and 300 Kennedys Road, Lake Macdonald. The application is before council due to the level of public interest, with 32 properly made submissions objecting to the development having been received.

EXECUTIVE SUMMARY

The proposal seeks approval for an extractive industry for the purpose of quarrying clay for a period of 2 years.

A current mining lease exists to extract clay from the site, having been mined in association with the site's brickworks plant. However, as this proposal seeks to utilise the extracted material as clean fill, and not for its mineral qualities, the activity cannot be conducted under CSR's Environmental Authority for the current mining lease. Therefore, the proposed activity constitutes a Material Change of Use in accordance with the *Sustainable Planning Act 2009*.

The applicant proposes to extract 900,000 tonnes of clay from the site and transport this approximately 1.4km along Lake Macdonald Drive, where it will be used to fill Neales and White Pit quarry sites. The purpose of this is to facilitate a future neighbourhood residential subdivision. A further permit for operational works will be required for the sites to receive this material. A change to the SEQ Regional Plan land use designation, and zoning of the planning scheme, will also be necessary, given Neales and White Pit quarry sites are located outside the Urban Footprint and zoned Rural Settlement.

The site is specifically identified by The Noosa Plan as a Local Resource Processing Area, with extractive industries identified as a consistent use for the site. The proposal meets The Noosa Plan outcomes for the site and the design and operation will minimise and mitigate potential adverse impacts on the environment and resident's amenity. The key issues presented by the application are primarily those issues raised in the submissions objecting to the development, including noise, dust and traffic generation impacts. The potential noise and dust impacts will be controlled by the conditions of the Environmentally Relevant Activity Permit. In terms of traffic impacts, while the proposal will generate significant truck movements on Lake Macdonald Drive, the proposal is for a limited haul route, the previous mine and brick works also generated significant traffic volumes, and the road is of an adequate design standard that will cater for the proposed vehicle movements. The following conditions are also recommended:

- widening Lake Macdonald Drive at both intersections to allow a passing and deceleration lane
- sealing the access to the site for a distance of 50 metres
- the operator to conduct ongoing maintenance inspections along the haulage route and remedy any disrepair caused by the operation
- limiting the hours of truck haulage to between 7am – 6pm Monday to Friday, and for no haulage to occur on weekends and public holidays.

While the use does represent intensive extraction of the remaining clay resource, it must be considered within the context of the existing and ongoing mining rights for the site. Whether council will support the filling of the receiving site for urban development is a matter to be decided with future assessment and is not a determining factor for this application. The proposal is recommended for approval subject to conditions.

OFFICER RECOMMENDATION

That Council:

- (a) **APPROVE WITH CONDITIONS** Application No. MCU12/0216 and grant a Development Permit for Development Application for Material Change of Use - Industrial Business Type 3 Extractive at 271 Lake Macdonald Drive & 300 Kennedys Road, Lake Macdonald, subject to the conditions of approval as outlined in Appendix A and
- (b) **advise the applicant that an application for Operational Works is required to fill Neales and White Pit quarry sites before proceeding and this will be subject to further assessment against the Noosa Plan.**

FINANCE AND RESOURCING

Infrastructure charges associated with the development will only apply should the proposed use co-exist with any other use operating on the site at the same time.

An "Adopted Infrastructure Charge Notice" would be issued with any development permit to this effect.

PROPOSAL

The application seeks approval for Material Change of Use of Premises - Industrial Business Type 3 Extractive and associated Environmentally Relevant Activities.

A current mining lease exists to extract clay from the site. However, as this proposal seeks to utilise the extracted material as clean fill, and not for its mineral qualities, the activity cannot be conducted under CSR's Environmental Authority for the current mining lease. Therefore, the proposed activity constitutes a Material Change of Use in accordance with the *Sustainable Planning Act 2009*.

The proposed footprint of the quarry is shown in **Attachment 1**. At its highest point, the area to be extracted is positioned at RL107 and, at the completion of the quarrying operations, the area will have a finished surface level of RL98. The maximum change to the level of the land is, therefore, 9 metres, but the average variance will be approximately 4 metres. The finished surface level of the quarry is proposed to be free draining to 3 detention basins/sediment traps, which are situated along the northern boundary of the site. Upon completion, the finished surface is proposed to be rehabilitated as grassland, consistent with the rural nature of the area.

The operation is proposed to be conducted over a 2 year period and it is anticipated to require 15,000 return trips per annum by a truck and dog vehicle having a payload of 30 tonnes. The applicant anticipates that there will be a maximum of 50 return trips per day by a heavy vehicle and the hours of operation would be 6am to 6pm Monday to Friday and 7am to 3pm on Saturdays. No operations are proposed to occur on Sundays, Anzac Day, Christmas Day or Good Friday.

It is estimated that a total of 8 staff, excluding truck drivers, will be required on the site at any one time, comprising 3 permanent fulltime workers and 5 machine operators. Machinery on-site will consist of a bulldozer, excavator, front end loader, mobile screening plant and

haul trucks. The proposal includes a temporary office and carparking area adjacent to the existing Westridge Pit.

Receive Sites to be Filled

The development involves extracting 900,000 tonnes of clay from existing disturbed areas at the Westridge Quarry site and transporting the material approximately 1.4km south, along Lake Macdonald Drive, to Neales and White Pit quarry sites as identified in **Attachment 2**. The material is proposed to be used to fill these sites to facilitate post-extraction land uses. The sites which receive this material do not form part of this application. A development permit for operational works will be required in the future over these sites for any filling that is not in accordance with the current Environmental Authority permit. The applicant has also indicated that the future intent for the sites receiving this material is for a neighborhood residential subdivision. A change to the SEQ Regional Plan land use designation and zoning of the planning scheme will be necessary, prior to this subdivision being supported, as this property is located outside of the Urban Footprint and zoned Rural Settlement.

SITE DETAILS

Background/Site History

The original brickworks operation pre-dates any town planning scheme for the Noosa area.

An application seeking town planning consent to extend the kiln and dryer of the brickworks was approved by Council at its meeting held on 22 October 1980. The following was noted in the planning report associated with that application:

- the immediate clay haulage routes will continue as exists from "White Pit", "Straw Pit", and future haulage from "Glen Wood Pit"
- fuel oil will be transported from Brisbane
- the anticipated capacity of the plant will be 40 million bricks per annum and
- the number of maintenance employees totals 106, based on a 2 shift per day operation, and it is anticipated that a further 8 employees will be required.

On 21 October 1981, Council resolved to approve a further town planning consent to erect a shed for clay storage (TPC 1487).

On 13 August 2007, Council approved a Change to a Development Approval to allow a minor extension (223m²) to the shed, bringing the total Gross Floor Area of the development to 20,653m².

The brickworks factory ceased operations in 2010 due to economic reasons.

A pre-lodgement meeting was held on 18 February 2011 in relation to the proposed use. The applicant was advised that, as the use is pre-existing, it did not raise any significant planning concerns, subject to further detailed specialist reports being submitted with an application.

Site Description

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



The subject site is located approximately 3km northeast of Cooroy's town centre, on the western side of Lake Macdonald, and comprises Lots 2 & 3 on SP 108094.

The brickworks factory and associated stock pile areas comprise the majority of Lot 2, which is situated in the southern portion of the site. Lot 3, to the north, contains the existing quarry pit. Both allotments are separated by a tributary of the Six Mile Creek.

A large portion of Lot 3 is densely vegetated with remnant vegetation containing both 'endangered' and 'of concern' regional ecosystems.

The topography of the site varies, with it generally sloping away from a knoll situated around the existing quarried area.

Surrounding Land Uses

The surrounding uses are typical of a semi-rural area and lot sizes range from 0.4ha to 64.7ha. Yurol State forest is located to the north and northwest of the site and Lake Macdonald is located to the east, beyond Lake Macdonald Drive. The site is located outside of the catchment area for Lake Macdonald.

The nearest residence to the proposed quarry site is approximately 550 metres to the west. There are also 22 residential properties which front Lake Macdonald Drive, along the proposed haulage route.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

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

- State Planning Policies
- the South East Queensland Regional Plan
- State Planning Regulatory Provisions and
- the Planning Scheme for the local government area.

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

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are applicable to this application:

- State Planning Policy 1/92 Development and the Conservation of Agricultural Land and
- State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

Both SPP 1/92 and 1/03 have been deemed by the Minister for Local Government and Planning as being appropriately reflected in Council's planning scheme and, therefore, do not warrant a separate assessment.

South East Queensland Regional Plan

The site is located within the Regional Landscape & Rural Production Area of the South East Queensland Regional Plan. The proposal is for a Primary Industry within the Regional Landscape and Rural Production Area. Desired Regional Outcome No. 4 of the South East Queensland Regional Plan aims to *manage the region's natural economic resources to sustainably and efficiently meet the needs of existing and future communities*. More specifically, it recognised the need to *identify and protect extractive and mineral resources for future extraction*.

Furthermore, the South East Queensland Regional Plan mandates that planning schemes define relevant land use zones in a way that permits resource development where appropriate. The subject site is identified in The Noosa Plan as an extractive resource.

Overall, the establishment of a clay quarry is consistent with the South East Queensland Regional Plan, which recognises and supports the extraction of material in this location.

State Planning Regulatory Provisions

The South East Queensland Regional Plan Regulatory Provisions do not apply to this application as it is for development in a rural precinct that is consistent with the intent for the precinct.

The site is outside of the State Planning Regulatory Provisions Koala Assessable Development Areas and, therefore, it does not apply.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is The Noosa Plan (8 August 2011). The subject site is located in the Cooroy & Lake Macdonald Locality and is zoned Rural. The proposed use, Industrial Business Type 3 – Extractive, is a consistent use in the Rural zone and subject to an impact assessable application process.

Local Area & Land Use and Works Provisions

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

- Cooroy & Lake Macdonald Locality Code
- Business Uses Code
- Landscaping Code and
- Engineering Works Codes.

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

Code	Discussion
Cooroy & Lake Macdonald Locality Code	<p>The Overall Outcomes for the Cooroy & Lake Macdonald Locality Code include:</p> <p>Overall Outcome 6.8.2 -</p> <p>a) <i>New uses and works are located, designed and managed to—</i></p> <ul style="list-style-type: none"> <i>i be compatible with other uses and works;</i> <i>ii maintain the safety of works;</i> <i>iii avoid significant adverse impacts on the amenity enjoyed by users of other premises, including acoustic and visual qualities; and</i> <i>iv avoid significant adverse effects on the natural environment, including native habitat removal, fragmentation and attrition;</i> <p>The principal concerns in relation to the proposed use are the potential impacts it may have on the amenity of nearby residents by way of traffic, dust, and noise. Primarily, these issues are reflected by the planning scheme in the Overall Outcome described above. A detailed assessment of each issue is provided below:</p>

Code	Discussion
	<p>Traffic</p> <p><i>Traffic – Technical Perspective</i></p> <p>Access to the site is provided from Lake Macdonald Drive, on the southern side of the brickworks factory.</p> <p>The quarried material is proposed to be hauled via truck and dog vehicles to White Pit and Neales quarries, approximately 1.4km southwest of the site. The haul route is identified in Attachment 2.</p> <p>Lake Macdonald Drive is a sealed road and has a minimum 7 metre wide carriageway along the haulage route. The road is considered to be of a 'major road' classification and capable of catering for up to 2,800 vehicles per hour for both directions. The speed limit along the haulage route on Lake Macdonald Drive is 80km per hour.</p> <p>The applicant submits that there will be a maximum of 50 return trips per day and a total of 15,000 return trips per annum by truck and dog vehicles. Given the use is proposed to operate over 12 hour working days this will lead to approximately 4 - 5 return trips per hour.</p> <p>A traffic assessment, prepared by TTM Consulting, was submitted with the application. It suggests that Lake Macdonald Drive is of an adequate design standard to cater for the proposed vehicle movements, provided the following recommendations are undertaken:</p> <ul style="list-style-type: none"> • a secondary access be constructed further to the north of the existing White Pit quarry access; • both Westridge quarry and White Pit quarry accesses be sealed for at least 20 metres from Lake Macdonald Drive; • a traffic management plan be submitted prior to activities commencing, which is in accordance with Manual Uniform Traffic Control Devices and includes a Drivers Code of Conduct and recommendations to minimise traffic conflicts; • the speed limit of Lake Macdonald drive is temporarily reduced to 60km/h for the duration of the extraction activity; and • Lake Macdonald Drive be inspected on a monthly basis, with any maintenance issues identified and acted upon; <p>The application was referred to Council's engineering specialist and traffic engineer to review the submitted traffic report.</p> <p>Officer's agree that Lake Macdonald Drive is of an adequate design standard to cater for the proposed vehicle movements, subject to reasonable and relevant conditions. The following points were noted:</p> <ul style="list-style-type: none"> • The intersection located in front of the subject site must be widened to facilitate a truck deceleration lane to ensure that

Code	Discussion
	<p>empty trucks returning to the quarry site would not delay motorists heading north.</p> <ul style="list-style-type: none"> • The intersection located in front of the White Pit quarry site must be widened to facilitate a centre turning lane for trucks, to ensure that vehicles can safely pass loaded trucks waiting to turn. • The access road into the site must be sealed for a distance of 50 metres to allow for a sufficient distance for 2 trucks to queue and reduce the opportunity for truck tyres to trail sediment onto the public road. • Truck tyre cleaning devices must be installed adjacent to the exit of the subject site to assist with dirt removal prior to trucks leaving the site. • It is recommended that reducing the speed limit to 60kph not be supported as Council's traffic data within the adjacent 60kph section of Lake Macdonald Drive shows traffic speeds in excess of 80kph. Given that the speeds in the existing 60km/h section already exceed the speed limit, it is unlikely the recommendations of the traffic assessment will result in lower speed environment. It was suggested that a more appropriate outcome would be to design the intersections to an 85 percentile speed, install relevant road warning signage, and widen the road to facilitate easier entry and exit from the quarries. • Further, recommended conditions require a Traffic Management Plan and Driver's Code of Conduct to be submitted prior to the approval of an operational works application which specifically addresses operations during school bus hours. <p>Similar improvements are also recommended to the White Pit quarry access. However, as this site does not form part of the application, these requirements would need to be conditioned with the subsequent operational works application which is necessary.</p> <p>Council's engineers conclude that the above measures will ensure that a safe operating environment is provided to all road users, without creating unacceptable delays or degradation of the road surface for the duration of the operation.</p> <p><i>Traffic – Amenity Perspective</i></p> <p>In terms of amenity impacts caused by traffic, the operation must be considered in context with the historic operations of the site and also the intent of the current planning scheme.</p> <p>The applicant advises that the previous operations by the brickworks generated comparable traffic numbers, mostly related to:</p>

Code	Discussion
	<ul style="list-style-type: none"> • 113,000 tonnes per annum of clay and shale that was hauled to the brickworks from external sites; • 30 million bricks that were produced per annum and delivered to the market; and • and 109 employees which attended the site each day. <p>The site is also designated for extractive purposes since the <i>1997 Strategic Plan</i> and The Noosa Plan continues to support extractive uses on the site, through identifying the site as a Local Resource Processing Area under the Natural Resources Overlay Code. In this sense, because the proposed use is envisaged by the planning scheme, it must be recognised that haulage will occur along Lake Macdonald Drive. The impact on the amenity of sensitive land uses caused by the haulage operation is considered to be minimised as much as practically possible, given the operation will only utilise an external road for 1.4km</p> <p>Despite the above, it is considered that the hours of operation are excessive, particularly in relation to a 6am start on weekdays and operations on weekends. It is recommended that a condition is imposed requiring haulage to be limited to 7am to 6pm and on weekdays only. However, in order for the operation to be completed within 2 years, and only allowing haulage to occur on weekdays, it will mean that the average return trips will increase from 50 to 61 per day, but following periods of wet weather may be up to 100 trips per day.</p> <p>It is considered that these hours will provide for an improved residential amenity for affected residents during the operation period of the proposed use. Subject to conditions relating to the above hours of operation, and a Driver's Code of Conduct and Traffic Management Plan being implemented, it is considered that the traffic will not have an unreasonable impact on the amenity of the surrounding area.</p> <p>Noise</p> <p>The applicant submitted a site based management plan to accompany the application, which addresses noise.</p> <p>The Site Based Management Plan recognises that the following activities or equipment have the potential to create nuisance if uncontrolled:</p> <ul style="list-style-type: none"> • excavator/bulldozer (clearing vegetation, stripping topsoil, landforming, rehabilitation); • processing plant (screening); • front end loader (out loading, feeding processing plant); • trucks (haulage); • maintenance activities; and • ancillary plant and equipment. <p>The Site Based Management Plan specifies that the use must not exceed a maximum of 5dB(A) (7am – 6pm) and 3dB(A) (10pm – 7 am) above the average background level at a noise sensitive place.</p>

Code	Discussion
	<p>Noise above this level will be generally noticeable in the ambient environment and may cause a perceived nuisance.</p> <p>To achieve this target the applicant proposes the following strategies:</p> <ul style="list-style-type: none"> • restrict hours of operation to: <ul style="list-style-type: none"> ○ 6am to 6pm for operations (Monday to Friday); and ○ 7am to 3pm for operation (Saturday only). • not allowing operations on Anzac Day, Good Friday, Easter Monday or Christmas Day. • strategically positioning of processing plant, stockpiles and ancillary equipment such as pumps and screening plant so as to prevent undue noise amenity impacts on surrounding noise sensitive receptors; • positioning the crushing plant and associated noise generating equipment to utilise the surrounding topography as an acoustic barrier, where practicable; and • enclosing fixed engines, pumps and compressors, where practicable; <p>The application was referred to Council's environment specialist who noted the following:</p> <ul style="list-style-type: none"> • the proposed activities have historically already occurred on the site under the Environmental Authority (Mining Lease) and therefore the application would not be introducing noise sources that are uncommon to the surrounding area; • the excavation pit is 530 metres away from the nearest noise sensitive dwelling, which is a significant distance; • the nearest dwelling is also generally at a lower contour which also aids in reducing the noise source from being perceptible; and • noise monitoring is required to be conducted by the operator where any complaint is made or if requested by the Department of Environment and Heritage Protection. <p>Council's environment specialist concluded that the operation can be accommodated on site in a manner that will not cause environmental harm or nuisance, subject to the implementation of the Site Based Management Plan, best practice environmental management, and the reduced hours of operation described earlier.</p> <p>Air Quality</p> <p>The potential adverse impact to air quality that the use may cause is limited to dust.</p> <p>The Site Based Management Plan submitted by the applicant to accompany the application recognises the following main sources of dust:</p> <ul style="list-style-type: none"> • wind action on topsoil stockpiles and distributed areas; • screening operations; • topsoil/overburden stripping, extraction and transportation;

Code	Discussion
	<ul style="list-style-type: none"> • product stockpiling and dispatch; • material spillage from trucks; and • rehabilitation works <p>The applicant submitted strategies to ensure that the use avoids causing dust nuisance, which include:</p> <ul style="list-style-type: none"> • watering unsealed haul/access roads; • managing dust emissions from stockpiles in high wind speed events through use of sprinklers/water sprays; • limiting removal of topsoil/overburden to periods of favourable weather conditions; • positioning the quarry and associated activities to utilise the surrounding topographic as a wind break where practicable; • restricting vehicle and mobile machinery movements to designated routes and hardstand areas; • covering temporarily (e.g. tarping) or revegetating topsoil stockpiles; • enforcing a <40 kph maximum speed limit on unsealed haul and internal roads; and • covering all loads of material leaving the site; <p>Council’s environment specialist generally agrees with these measures and concluded that the operation can be effectively managed to not cause a nuisance.</p> <p>Water Quality</p> <p><i>p) Water quality standards in the watercourses of this locality are maintained or improved through land management practices.</i></p> <p>A tributary of the Six Mile Creek intersects the site, of which the development area drains into. If managed poorly, the site would have the potential to release sediment-laden water, causing environmental harm to the waterway.</p> <p>The <i>Environmental Protection Act 1994</i> and related legislation describes strict performance targets, which must be met for any water to be released from the site. Specifically, these targets relate to the turbidity, suspended solids, and pH of the runoff.</p> <p>The applicant submitted implementation strategies to ensure that any water released from the site would not cause environmental harm, including:</p> <ul style="list-style-type: none"> • treating all overland flow from disturbed areas prior to release; • directing these overland flows to sediment basin or sediment trap for treatment by settlement prior to discharging (pumped or naturally) as concentrated flow into an adjacent drainage line or re-use for irrigating on the surrounding pasture land; • designing the extraction pit to retain overland flow up to and including a 24 hour, 5-year annual recurrence interval (ARI) event;

Code	Discussion
	<ul style="list-style-type: none"> • constructing all stormwater drainage works to meet 1-in-10 year peak flow design standard; • managing stormwater by use of preventative procedures such as using a perimeter bund and diversion banks, containment, gravel filters, recycling, treatment and by use of corrective procedures such as maintenance, de-silting and revegetation of disturbed areas; • diverting overland flow from clean catchments around and away from disturbed areas to the extent practicable using a diversion bank and natural contours; • directing overland flow from paved or gravelled hardstand areas to a settling pit and gravel filter prior to discharging into the adjacent drainage pathway; • constructing internal access and haul roads with an in-fall drainage is the preferred method, however out-fall; • installing cross drainage structures within haul roads wherever reasonable and practicable to allow stormwater to shed from sloped unsealed access roads/ramps at regular intervals (typical spacing approximately 15 m for gradients of greater than 8%); and • maintaining similar water velocities through any temporary watercourse or diversions around a work area to prework velocities during such diversions, and must be re-instated once quarrying is completed. <p>The application was referred to Council's hydrology and water quality specialist for comment. It was concluded that the operation can be accommodated on the site in a manner that will ensure all reasonable and practicable measures are taken to prevent or minimise environmental harm. The operation will be subject to the implementation of a Site Based Management Plan and best practice environmental management through the conditions imposed by Department of Environment & Heritage Protection. The measures proposed in the Site Based Management Plan and conditioned by the Department of Environment & Heritage Protection exceed the requirements of the Specific Outcomes of the Erosion and Sediment Control Code and the requirements of the Sunshine Coast Council Manual for Erosion and Sediment Control.</p> <p>Noise, Air & Water Conclusion</p> <p>The Department of Environment & Heritage Protection is the regulatory authority responsible for administering noise, air quality and water quality related matters through the application for an Environmentally Relevant Activity and under the <i>Environmental Protection Act 1994</i>. The Department is a concurrence agency to this application and has issued a Development Permit for the Environmentally Relevant Activity included as Attachment 3. The permit includes the conditions that will regulate the requirements for noise air quality and water quality.</p> <p>Overall Outcome 6.8.2 (continued) -</p> <p><i>h) Economic activities are focused on –</i></p>

Code	Discussion
	<p data-bbox="534 235 1029 268"><i>vi extractive and mineral resources</i></p> <p data-bbox="454 302 1364 672">While it is recognised that the proposed application does not intend to quarry the material for retail sale, it will develop an extractive resource that may otherwise remain dormant. The operation will employ 3 permanent fulltime workers, 5 machine operators and approximately 5 contract truck driver positions as well as other technical staff required to assist in the environmental management of the site. The proposed operation will also have flow on economic benefits which include fuel supply, supply of consumables, and mobile and fixed plant servicing. Overall, the proposal ensures that extractive resources remain an economic focus within the locality in accordance with the above Overall Outcome.</p> <p data-bbox="454 705 1300 772"><i>q) Open space networks across the locality are protected and enhanced including—</i></p> <p data-bbox="534 806 1284 873"><i>iii the riparian corridors of Six Mile and Ringtail Creeks and their tributaries;</i></p> <p data-bbox="454 907 1356 1108">The proposed area to be extracted is clear of any riparian corridors. The haul route does extend over a tributary of the Six Mile Creek and subsequently through a riparian corridor. Considering this is an existing route that has been used under the existing Environmental Authority for the mining lease, it will not cause any further fragmentation of the corridor.</p> <p data-bbox="454 1142 1348 1209"><i>r) Areas of native remnant or regrowth vegetation, including their biodiversity and habitat values are protected;</i></p> <p data-bbox="454 1243 1364 1411">The proposed area to be extracted avoids any areas of mapped remnant vegetation pursuant to the <i>Vegetation Management Act 1999</i> and biodiversity areas mapped by the planning scheme. A field survey of the area to be disturbed was conducted by an ecologist from Cardno Limited. The following was determined:</p> <ul data-bbox="502 1444 1324 1825" style="list-style-type: none"> • the area has been subject to past clearing and other disturbances; • a large portion of the area has been maintained as open grassed land; • a young vegetation community exists, with a low number of large mature trees; • there were modified ground levels and large areas of stock pile fill; and • there was a presence of weeds, including slash pine, particularly on the eastern side of the proposed disturbance area. <p data-bbox="454 1859 1260 1926">These above findings are agreed with and the development is considered to meet the above overall outcome.</p> <p data-bbox="454 1960 1348 2060"><i>z) For the Rural Zone—rural land is protected and appropriately managed such that scenic and environmental values, the distinct rural amenity of the locality and agricultural productivity</i></p>

Code	Discussion
	<p><i>of the locality are preserved and are not adversely impacted upon as a consequence of development on or adjacent to that land;</i></p> <p>The development will ensure that the scenic and environmental values of the land are protected, and that the agricultural productivity is enhanced, by rehabilitating the site upon completion after 2 years of extraction. The finished landform will be a free draining shallow pit and pastured, consistent with the rural nature of the area.</p> <p>The Specific Outcomes for the Cooroy & Lake Macdonald Locality Code include:</p> <p><u>O3 – Major road network</u></p> <p>Specific Outcome O3 seeks to ensure that the visual amenity and character surrounding the <i>major road network</i>, including Lake Macdonald Drive, is protected and enhanced. The proposal meets the above outcome as the excavation will not be visible from the road frontage or be different in nature to what can already occur under the current Environmental Authority for the mining lease.</p> <p><u>O14 - Flooding and drainage</u></p> <p>Of relevance to the subject application, Specific Outcome O14 seeks to ensure that any filling or excavation does not impact on other premises and does not impact on other premises by increasing flooding.</p> <p>The application was referred to hydraulic and water quality engineer who advises that the proposed quarry will not result in higher offsite flood levels. The extraction of material would result in additional floodplain storage and allow a slight reduction in flood levels.</p> <p><u>O18 – Environment and cultural heritage values</u></p> <p>Specific Outcome O18 seeks to ensure that there are no adverse impacts on the biodiversity, natural vegetation, native fauna habitat, landscape quality, or water quality caused by the use. The disturbance of vegetation associated with this approval is limited to the area disturbed in the past and is not of environmental significance. This area is permitted to be quarried under the current Environmental Authority for the mining lease.</p> <p>The development will not impact on the remnant vegetation of high ecological significance in the northern portion of the site.</p>
Business Uses Code	<p>The Specific Outcomes for the Business Uses Code not already addressed include:</p> <p><u>O87 Industrial business Type 3 are designed, located and operated to ensure –</u></p>

Code	Discussion
	<p>a) <i>haulage routes associated with extractive resources—</i></p> <ul style="list-style-type: none"> <i>i are located on roads where the haulage route will minimise adverse impacts on residential and urban residential amenity;</i> <i>ii are located on roads which are of adequate construction and which may be upgraded as part of the utilisation of the extractive resource; and</i> <i>iii are adequately maintained as a part of the utilisation of the extractive resource; and</i> <p>b) <i>the utilisation of any extractive resource does not result in adverse visual impacts from major roads; and</i></p> <p>c) <i>the rehabilitation of extractive industry sites, prior to or in conjunction with land use changes on the site of the resources or within buffers to the resource.</i></p> <p>The proposed haulage route utilises the road network for approximately 1.4km, and is restricted to the Major Road Network only, which limits impacts on residential amenity. As discussed earlier, subject to reasonable conditions, Lake Macdonald Drive would be of an adequate standard to cater for the proposed use. The conditions recommended will ensure that any degradation caused to the external road network, by the proposed use, would be reinstated by the quarry operator.</p>

The following Overlays are applicable to this application:

- Biodiversity (Environmental Protection, Riparian Buffer Area);
- Natural Hazard Overlay (Medium Bushfire Hazard Area); and
- Natural Resources Overlay (Local Resource/Processing Area, Agricultural Land Conservation Area).

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

Code	Discussion
<p>Biodiversity (Environmental Protection, Riparian Buffer Area)</p>	<p><u>O1 – Environmental Protection</u></p> <p>Specific Outcome 1 seeks to ensure that the natural resources and biological diversity within the Environmental Protection Areas and Riparian Buffer Areas are retained and conserved, or improved.</p> <p>The proposal meets the above specific outcome as it does not propose to interfere with any vegetation within these areas.</p> <p><u>O4 – Wetlands</u></p> <p>Specific Outcome 4 seeks to ensure that wetlands are protected from removal or degradation and any adverse impacts are prevented or minimised.</p>

Code	Discussion
	<p>A wetland exists in the northern portion of the site, around the same area of remnant vegetation that is identified to be an endangered ecosystem.</p> <p>The proposal meets the above outcome as the extraction activity it is well separated from the wetland by a distance of approximately 220 metres. Any water released from the sediment/detention basins will receive appropriate quality treatment and not be directed into this wetland.</p> <p><u>O5 – Riparian Buffer Areas</u></p> <p>Similarly, Specific Outcome O5 seeks to ensure that the ecosystem values of watercourses, drainage lines, wetlands and adjacent riparian zones are protected.</p> <p>The proposal meets the above outcome as the extraction activity avoids the riparian areas and will utilise an existing haulage route to traverse a riparian area.</p>
Natural Resource Overlay Code	<p>The Specific Outcomes for the Natural Resource Overlay code include:</p> <p>Agricultural Land Conservation Areas</p> <p>A large portion of both allotments is identified as an Agricultural Land Conservation Area by the planning scheme.</p> <p><u>O3 – Location of incompatible uses</u></p> <p>Specific Outcome O3 seeks to ensure that uses within the Agricultural Land Conservation Area do not permanently alienate agricultural production.</p> <p>The activity would only occur for a period of 2 years and on completion would be rehabilitated, consistent with the rural nature of the area.</p> <p>Extractive Resource Areas</p> <p>The site is identified by the planning scheme to be a Local Resource Processing Area.</p> <p><u>O6 – Key or Local Resource/processing area</u></p> <p>Specific Outcome O6 seeks to ensure that development within the resource/processing area is compatible with its intent.</p> <p>The proposed development consistent with this outcome as it would win an identified resource.</p>

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport and Main Roads

The department is a concurrence agency for State controlled road matters. The Department responded by letter dated 11 March 2013 stating that it has no requirements with regard to the application.

Department of Environment and Heritage Protection

The department is a concurrence agency for Environmentally Relevant Activities. The department responded by letter dated 21 March 2013 issuing a development permit and conditions for:

- ERA 16 (2c) – extraction, other than by dredging, in a year, 100,000t to 1,000,000t of material; and
- ERA 16 (3b) – screening, in a year, 100,000t to 1,000,000t of material.

The department's approval and conditions is included as **Attachment 3**.

Advice

Energex is an advice agency for Electricity Infrastructure. Energex responded by letter dated 12 February stating that they approve of the proposed Material Change of Use for Extractive Industry.

Other Referrals

Unitywater

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

Internal Referrals

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

- Development Engineer, Engineering and Environment Assessment Branch;
- Environment Officer, Engineering and Environment Assessment Branch; and
- Ecology Specialist, Engineering and Environment Assessment Branch.

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*. 32 properly made submissions and 1 not properly made submissions were received.

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

Issues	Comments
Lake Macdonald Drive is inadequate to cater for type and volume of traffic.	<p>Lake Macdonald Drive is classified as a Major Road which, in accordance with <i>AUSTROADS guide to Traffic Engineering Practice</i>, has the capacity to cater for 2,800 vehicles per hour. The traffic assessment, submitted by TTM consulting, concluded that the hourly traffic volumes currently peaked at approximately 210 vehicles per hour. The proposed use would cause an additional 9 vehicles per hour and subsequently still be well below the design capacity outlined by AUSTROADS.</p> <p>Lake Macdonald Drive is of an adequate standard to cater for the proposed development, subject to a number of upgrades.</p>
Inappropriate access to Lake Macdonald Drive (vehicles crossing other lane to turn).	Conditions have been recommended to require road widening improvements to both White Pit and Westridge quarry intersections. The widening would consist of a passing lane at the White Pit intersection and a deceleration lane at the Westridge intersection.
Vehicles entering and exiting will cause a spread of wet clay on Lake Macdonald Drive, causing a danger to local traffic	<p>A condition is recommended for truck tyre cleaning devices to be provided to assist with dirt removal prior to trucks entering the public road.</p> <p>Further, a condition recommended also requires the access driveway be sealed for a distance of 50 metres into each property.</p>
Visual access will be dangerous (sight lines)	The conditions recommended require the applicant to provide certification from a Registered Professional Engineer Queensland that the White Pit quarry intersection meets the Austroads Standard requirements for Sight Distances.
Traffic impacts at Lake Macdonald/Elm St and Elm St/Myall St intersections.	The proposed haulage route will not impact on these intersections.
Will the little railway bridge cope with that many truck movements?	The proposed haulage route will not traverse any railway bridges.
Why was this MCU not held over until our new Noosa Council commenced?	<i>The Sustainable Planning Act 2009</i> details the role of local government in the assessment process of development applications. Such a request would be contrary to the Act.
Noise impacts associated with increased traffic.	The previous use caused a significant number of traffic, and the site is designated for extractive resource purposes. Subject to conditions relating to hours of operation, and a Driver's Code of Conduct and Traffic Management Plan being implemented, it is considered that the traffic will not have an unreasonable to the amenity of the surrounding area.

Issues	Comments
No notice on the property was displayed in the prescribed time frame which subverts due process.	The applicant submitted a Notice of Compliance to the advertising period which included a photograph of the sign and demonstrated compliance with the requirements of the <i>Sustainable Planning Act 2009</i> .
The time frame given in this attached Public Notice makes no honest attempt at listening to genuine public concern or interest.	Section 298 of the <i>Sustainable Planning 2009</i> outlines the notification period required applications. In this case it is 15 business days.
Noise associated with the excavation of material from the expanded activity.	The on-site machinery will be comparable to past operations and consist of a bulldozer, excavator, front end loader, mobile screening plant and haul trucks. The noise limits would be regulated under the <i>Environmental Protection Act 1994</i> and not be allowed to exceed 5dB(A) above the average background level at a noise sensitive place.
Emissions from more machinery and from trucks along the haul route.	Emissions caused by the machinery on-site would not be of levels that would create a nuisance or environmental problem.
Road degradation/damage to infrastructure	Conditions are recommended which require a road condition and maintenance report and for any degradation to the road surface to be remedied by the applicant.
Safety concerns for people walking/cycling on Lake Macdonald Drive	TTM consulting and Council's engineering specialist determined that, subject to reasonable conditions, Lake Macdonald Drive is of an adequate standard to cater for the proposed development.
Dust from truck movements	Dust limits will be regulated by the <i>Environmental Protection Act 1994</i> . The Site Based Management Plan includes a number of measures to be implemented to avoid dust nuisance to the surrounding environment. These measures include watering haul roads, enforcing 40km/h speed limit on unsealed roads, covering all loads, and installing truck tyre cleaning devices.
Sediment runoff from clay on roads	Conditions of the approval will mitigate there being sediment present on the road network. Should this occur it would be a compliance issue.
Owners of 17 Wilgee Court were not notified	A development application is not proposed on an adjoining parcel of land and subsequently the owners are not required to be notified. As detailed in the report, a further operational works approval would be necessary prior to fill being placed on that parcel.
Removal of fill will exacerbate flooding issues	The quarry will not result in higher offsite flood levels. The extraction of material will result in additional floodplain storage and, if anything, will cause a slight reduction in flood levels.

Issues	Comments
Already undertaking operations	The operations that were being conducted were for rehabilitation purposes associated with the current Environmental Authority approval for the mining lease.
Hours of operation are excessive	Agreed. A condition is recommended limiting truck haulage to between 7am – 6pm on weekdays only.
32,400 vehicle movements/year attributed to the past operations of the brick works is inaccurate	The applicant has submitted figures which detail that previous operations were have been comparable. A technical assessment of the traffic impacts is detailed in this report.
Impact on native plants and animals from clay runoff (platypus)	As detailed in this report, any runoff from the site must meet the water quality targets required by the <i>Environmental Protection (Water) Policy 2009</i> . Water releases will be tested to ensure it meets the targets, prior to being released into the Six Mile Creek.

CONCLUSION

It is considered that the proposed development complies with The Noosa Plan's local area provisions and relevant development codes.

Notably, the use would not cause significant adverse impacts to the surrounding area by way of noise, traffic and dust, subject to the implementation of reasonable and relevant conditions. It is also considered that the conditions imposed by the Department of Environment and Heritage Protection will ensure the use will not cause environmental harm during its operation.

While the use does represent intensive extraction of the remaining clay resource, it must be considered within the context of the existing and ongoing mining rights for the site. Whether council will support the filling of the receiving site for urban development is a matter to be decided with future assessment and is not a determining factor for this application. The proposal is recommended for approval subject to conditions.

**7.2.2 NEGOTIATED DECISION REQUEST FOR MAROOCHY PALMS
DEVELOPMENT APPROVAL FOR 196 RESIDENTIAL LOTS AND BULK
EARTHWORKS AT 223 BROADWATER AVENUE WEST AND 319
BRADMAN AVENUE, MAROOCHYDORE**

File No: MCU11/0180
Author: Development Planner
 Regional Strategy & Planning Department
Appendices: App A - Details for Negotiated Decision Notice101

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1066403>

SUMMARY SHEET	
APPLICATION DETAILS	
Application Number:	MCU11/0180 (REC11/0096 and OPW11/0279)
Applicant:	Maroochy Palms Holdings Pty Ltd, Krp Pty Ltd, Barklya Pty Ltd
Representations Received Date:	04/03/2013
Original Approval Type:	<ul style="list-style-type: none"> • Preliminary Approval for Material Change of Use of Premises overriding the Planning Scheme (Detached Houses) • Development Permit to Reconfigure a Lot - Residential (8 Lots into 196 Lots) • Development Permit for Operational Work - Excavation and Filling & Engineering (Stormwater & Sewerage Infrastructure)
Number of Submissions for Original Application:	42 Properly Made and 5 Not Properly Made submissions were received
PROPERTY DETAILS	
Division:	7
Property Address:	Maroochy Palms 319 Bradman Ave and 223 Broadwater Avenue West Maroochydore QLD 4558
RP Description:	Lots 5 and 6 RP 812080, Lot 3 RP 109892 and Lots 218, 219, 161, 162 and 163 RP 27782
Land Area:	14.436 Hectares
Existing Use of Land:	Maroochy Palms Big 4 Caravan Park, detached houses and vacant land
STATUTORY DETAILS	
SEQRP Designation:	Urban Footprint
Planning Scheme:	Maroochy Plan 2000 (8 August 2011)
Strategic Plan Designation:	Urban

Planning Area / Locality:	1 - Maroochydore
Planning Precinct / Zone:	13 – Mixed Housing
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of a request for a Negotiated Decision Notice for an approval to redevelop the Maroochy Palms Caravan Park and vacant land to the south of Bradman Avenue into 196 residential lots. The request is before council due to the nature of the applicant's representations.

EXECUTIVE SUMMARY

This report seeks council's determination of a request for a Negotiated Decision Notice for the recently approved redevelopment of the Maroochy Palms Caravan Park and vacant land to the south of Bradman Avenue into 196 residential lots, including bulk earthworks for the subdivision.

This report is before council due to the applicant's representations on one particular condition that raise some sensitive matters. Condition 64 currently requires that all haulage truck access to the site is limited to the Bradman Avenue site access point only and not via Kuran Street or Broadwater Avenue West. The condition was imposed to ensure that fill was brought onto the site directly from the trunk road network and not via local streets, in order to prevent adverse amenity and safety impacts on the residents of those streets.

While council officers believe the condition has merit, it is acknowledged that it will have wide ranging implications, including the possible early closure of the existing caravan park and the requirement for traffic control at the sub-standard intersection onto Bradman Avenue during bulk earthworks operations. The representations on this condition, as well as the grounds for and against maintaining it are discussed below. On balance, it is recommended that the condition be changed to allow direct access to the fill site via its frontage to Kuran Street/Broadwater Avenue.

The applicant has also made representations on a number of other conditions, and these representations, as well as the recommended response to each, are also detailed below. These representations seek only to clarify the original intent of certain conditions, or are procedural in nature.

OFFICER RECOMMENDATION

That Council AGREE IN PART to the representations submitted in relation to Application No. MCU11/0180, situated at Maroochy Palms, 319 Bradman Ave, 223 Broadwater Ave West and 244 Broadwater Ave West, Maroochydore, and issue a Negotiated Decision Notice in accordance with the details shown in Appendix A.

FINANCE AND RESOURCING

Upon completion of each stage of the approved subdivision, the applicant will be required to pay infrastructure charges for trunk infrastructure.

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

Allocation of adopted infrastructure charge to trunk infrastructure networks	Offset/Rebate	
Transport	\$0.00	\$625,980
Public Parks & Land for Community Facilities	\$0.00	\$1,043,300
Stormwater (applicable to Residential development)	\$0.00	\$417,320
Stormwater (applicable to Non-Residential development)	\$0.00	\$0.00
TOTAL	\$0.00	\$2,086,600

The applicant's representations on the conditions of approval, and the officer recommendation in relation to these representations, will have no impact on the amount of infrastructure charges payable for the development.

BACKGROUND

A Preliminary Approval for a Material Change of Use of Premises (Detached Houses), a Development Permit to Reconfigure a Lot - Residential (8 Lots into 196 Lots) and a Development Permit for Operational Work - Excavation or Filling & Engineering (Stormwater & Sewerage Infrastructure) was issued on 7 February 2013.

The proposal is for the redevelopment of the existing Maroochy Palms Caravan Park, plus adjoining residential properties and vacant land to the rear, into a new residential estate comprising 196 new lots and a park. 49 of the proposed lots are terrace lots ranging in size from 200m² to 393m², with rear access laneways. The remaining 146 lots are standard format lots, ranging in size from 250m² to 558m². A 9,736m² balance lot is also proposed on the Bradman Avenue frontage of the site. The proposal involves filling of the site for flood immunity, with fill depths ranging from 1.5m to 2m.

At the time the application was publicly notified, 42 properly made submissions and 5 not properly made submissions were received. The submitters were primarily concerned with flooding, amenity impacts during construction, traffic, loss of property value, impact on character of the area, damage to local roads during construction, pedestrian safety, impacts on adjoining wetlands, protection of vegetation and proximity to sewerage pumping and treatment infrastructure.

The applicant suspended the appeal period on 14 February 2013 and made representations on 4 March 2013 to the development approval conditions. The representations are detailed below.

ASSESSMENT – CONDITION 64:

Condition 64 – Haulage Routes

64. *Haulage truck access to the site must be limited to the Bradman Avenue site access point in the north-western part of the site only. Haulage trucks associated with the bulk earthworks for this development are not permitted to access the site via Kuran Street or Broadwater Avenue West. Appropriate traffic control measures must be put in place at the Bradman Avenue site access point for ingress and egress of haulage*

trucks for the duration of earthworks haulage operations, to the satisfaction of the Department of Transport and Main Roads.

Applicant's Representation

The applicant requests that Condition 64 be deleted. The applicant submits that the condition is unreasonable for the following reasons:

- The Kuran Street access is the only lawful point of access to Lot 6 (the western part of the site) and would be the only option for access if Lot 6 were developed independently of the caravan park site.
- Access via Kuran Street would impact on 8 dwellings and a small unit complex. Access via the caravan park would impact on a significantly larger number of caravan park residents.
- The existing caravan park entry driveway is unsuitable for earth moving trucks due to its narrow width, plus it is bordered by columns/walls. The alternative exit driveway is also unsuitable, being secured by a boom gate and accessing a long narrow one-way internal road, resulting in a safety hazard due to having large trucks regularly travelling against the flow of traffic on the internal road network.
- The significant impact to on-site pedestrian safety, especially adjacent to reception area and kids' club.
- The internal road pavements have not been designed for heavy truck movements and would rapidly fail.
- The narrow roads and tight corners of the caravan park mean that truck and trailer movements would not be able to negotiate the existing corners within the park.
- In relation to the prospect of haulage trucks traversing through the caravan park, the applicant has also provided a letter from their workplace health and safety lawyers which concludes:

"Our risk assessment of Sunshine Coast Regional Council's conditioned actions results in certain failure to meet your obligations under the [workplace health and safety] Legislation and you would be clearly in breach of the law if you proceed as they require and liable to prosecution, even if no incident occurs."

In support of utilising the Kuran Street entry to the site for bulk earthworks haulage, the applicant has provided a letter of support for the fill to be brought in through Kuran Street from the owner of 225 Broadwater Avenue West, the property adjoining the southern side of the proposed Kuran Street extension into the development site.

As an alternative to the Kuran Street or caravan park options, the applicant suggests that it would be possible to bring the bulk fill through the neighbouring council sports complex. However, the applicant states that, if this option were conditioned, they would accept no responsibility for any damage to the sporting facility's pavements as these are unlikely to have been designed for heavy transport movement.

Assessment of Representation

Grounds to retain the existing Condition:

The subject site is low lying and requires approximately 250,000m³ of fill material to achieve the required levels of flood immunity. A letter from MRCagney Transportation Consultants, dated 26 March 2012, commissioned by the applicant in response to Council's Information Request regarding the haulage operations for the bulk earthworks, states:

- “Based on rigid vehicle trucks carrying approximately 10m³ of fill material, and a truck and trailer combination carrying approximately 19m³ the project would require at least 12,500 truck trips;
- The staged development would require the main truck access for the bulk earthworks to be via Kuran street;
- The bulk earthworks phase of the development will be dependent on a range of factors including availability and location of source material, weather conditions and availability of trucks. Adopting a mixed fleet of 20-30 truck and truck / trailer combinations, and an average turnaround time of 1 hour, over a 10 hour working day (i.e. 7:00am – 5:00pm) approximately 3,000m³ – 5,000m³ of fill could be moved. On this basis the bulk earthworks could be expected to take approximately 50- 80 days (approximately 10-16 weeks)”

Retaining the condition will prevent significant inconvenience to, and impacts on the amenity of, residents of Kuran Street and Broadwater Avenue West as a result of the haulage operations described above. These are both council streets rather than internal private roadways. The frequency of haulage trucks would also make local pedestrian and cycle movements more dangerous, especially for children.

In applying this condition, it was envisaged that some internal layout changes would be necessitated within the caravan park to enable the haulage trucks to traverse through the park site. Internal layout changes were always likely to result in a reduction in size and capacity of the caravan park, but it was assumed would not result in complete closure of the park during the filling operations.

Legal advice submitted by the applicant indicates that, unless the caravan park were to close before commencement of the bulk earthworks, the caravan park would be in breach of its workplace health and safety obligations by allowing haulage trucks to traverse through the park while it is operational. Council’s solicitor has reviewed the 2 legal opinions provided by the applicant and has confirmed that both only relate to a scenario where haulage trucks are traversing through an operational section of the caravan park. While council’s solicitor has advised there would be legal implications associated with this scenario, it is noted that the condition allows for the layout of the park to be modified as described above such that a fully separated temporary driveway is provided for haulage trucks without impacting on the remaining caravan park. However, the key site facilities would all be removed as they are located around the park entrance and it is acknowledged that there would then be severe constraints on the park’s operation that would inevitably lead to full early closure of the park.

The applicant’s submitted alternative option of bringing the fill for the development through the adjoining Maroochydore Multi Sports Complex was discussed with the asset manager, council’s Community Facilities Branch, who advised they are not in support of this alternative. This option would require significant modification and additional maintenance of the internal road network within the sports complex, which the applicant has indicated they are not willing to fund. Further, the truck movements would, at times, clash with sporting events within the complex and pose a safety threat to users of the facility.

Grounds to delete (or modify) the condition:

The applicant’s submission regarding the number of people impacted upon by the haulage trucks is accepted. The requirement to transport fill through the caravan park would impact on a significant number of existing caravan park residents. These residents do not stand to benefit from the proposed development and may be forced to relocate to alternative premises earlier than would otherwise have been required as a result of this condition, due either to closure, or reduction in size, of the caravan park.

Haulage truck access via Kuran Street would inconvenience far fewer residents than access via the caravan park. The Kuran Street intersection with Bradman Avenue is also significantly safer for heavy truck movements than the caravan park driveway, with improved sight-lines and existing turning lanes in place. This would negate the need for traffic controllers to be on-hand for the duration of truck movements. Existing conditions that apply to the development approval regarding hours of operation for filling, as well as noise and dust control would assist in mitigating the amenity impacts on residents of Kuran Street as much as possible.

If an application were received for bulk earthworks only over Lot 6 RP812080 (the large vacant parcel of land at the rear of the site which forms the first bulk earthworks stage, and also the first 3 subdivision stages), council would have no choice but to allow haulage truck access via Kuran Street as that is the only lawful access point to this lot. Condition 64 is only possible for the current application as it is made over a number of lots, including the existing caravan park site, which gives the application site direct frontage to Bradman Avenue.

Recommendation

It is the officer's recommendation that Condition 64 should be amended to recognise the economic impacts of this draft condition and the fact that Lot 6 has direct legal access to Broadwater Avenue.

ASSESSMENT – OTHER CONDITIONS:

An assessment in relation to each of the other submitted representations is provided below.

As a result of ongoing discussions and negotiations, the applicant has now reached in principle agreement with council officers and Unitywater on the recommendations for each of the conditions outlined below.

Condition 5 – Supplementary Table of Assessment

5. *The applicant must amend the proposed supplementary Table of Assessment to remove the words "not a removal house or relocatable home" from column 2 of the table.*

Applicant's Representation

The applicant requests that Condition 5 be deleted.

The applicant submits that the prevention of re-locatable homes being established in the development was a deliberate move to ensure a reasonable level of amenity and investment protection was retained for future lot owners. The applicant submits that it would not be in keeping with the character of the intent for the estate to allow relocatable homes to be sited there.

Assessment of Representation

Disagree.

The condition is not about the prohibition of, or explicit support for, relocatable homes within the estate, it only relates to their level of assessment under the *Sustainable Planning Act 2009*. Under the applicant's proposed table of assessment for the estate, relocatable homes would be impact assessable, while non-relocatable detached houses would be self-assessable. Condition 5 has the effect of changing the level of assessment for

relocatable homes from impact assessable to code assessable. This is still a higher level of assessment than for non-relocatable detached houses and will provide the assessment manager the ability to assess the character and amenity impacts of any proposed relocatable homes prior to their approval. However, it places the presumption in favour of approval rather than refusal, removes the need for public notification for each proposed relocatable home and maintains consistency with the current Maroochy Plan 2000 provisions regarding the level of assessment for relocatable homes in the subject precinct. The condition is required to ensure the estate allows for a diversity of housing choices and supports affordable housing options, while maintaining a high standard of character and amenity.

A more appropriate way to achieve the amenity and character outcomes the applicant is seeking through their representations on this condition would be for the applicant to write those outcomes into the proposed code as a performance criterion. The applicant has indicated in principle support to this solution.

Recommendation

It is recommended that Condition 5 remain unchanged.

Condition 6 – Code for Residential Development and Use

6. *The applicant must include an additional Acceptable Measure within Element 1 of the proposed code which incorporates the following, or equivalent, wording:*

“Buildings on Terrace Lots have a maximum fully enclosed site cover of 50%. ‘Fully enclosed’ means buildings, or parts thereof, that do not comprise a balcony, verandah or covered patio, a gazebo or similar structure or a roof overhang or sunhood”.

Applicant’s Representation

The applicant requests that Condition 6 be deleted.

The applicant submits that the condition is unreasonable and creates the complication of 2 definitions for site cover. The applicant submits that a 50% maximum for the enclosed house component is unnecessarily restrictive for this type of development which is serviced by rear lanes as well a street frontage with minimal side setbacks. The applicant further submits that a 50% fully enclosed site cover would virtually prohibit inexpensive single storey terraces and provide for maximum dwelling areas of only 100m³ to 130m².

The applicant submits that the Sunshine Cove development has a 70% site cover maximum for terrace lots and the “Next Generation Planning” handbook also prescribes 70% site cover for terraces.

Assessment of Representation

Agree in part.

The draft New Planning Scheme prescribes a maximum site cover of 60% for small lots with a frontage of less than 10 metres and 50% for small lots with a frontage of 10-15 metres. The proposed terrace lots have frontages of generally 8 metres and would, therefore, be subject to the 60% site cover limit.

It is recommended that the maximum site cover for terrace lots within the estate be changed to 60%, consistent with the draft New Planning Scheme provisions.

While it is noted that some terrace houses on the Sunshine Coast have higher maximum site cover (e.g. Sunshine Cove is 70%), this is not consistent with the character intent for the precinct as it is on the fringe of Maroochydore and does not allow sufficient space to enable the provision of any meaningful greenery or landscaping.

While this recommendation removes the current direct incentive for outdoor living spaces, it does lower the total quantum of site cover allowed for terrace lots from 65% to 60%, enabling provision of additional outdoor open space. Further, the incentive for additional outdoor living spaces was not a specific requirement of the planning scheme provisions, rather it was included as a way of mitigating the impact of the additional site cover (above 50%) proposed above the current planning scheme requirements. Now that the draft New Planning Scheme will allow 60% site cover for terrace lots, it is appropriate to amend the approval to accord with the draft new provisions.

Recommendation

It is recommended that Condition 6 be replaced with the following new condition:

- 6. *The applicant must amend Acceptable Measure A1.1(b) of Element 1 of the Code to state "have a maximum site coverage of 50% for a Traditional House and 60% for a Terrace House".***

Condition 12 – Subdivision Staging

12. *The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that:*
- (a) The transfer of the park allotment to Council occurs with the first stage of the development*
 - (b) any road access and infrastructure services required to service the particular stage are constructed with that stage.*
 - (c) The transfer of the drainage reserve allotment to Council occurs with stage 3 of the development, as shown on the approved plans (as amended). All re-vegetation works within the drainage reserve must be completed to Council's satisfaction prior to transfer of the lot.*
 - (d) The open space/reserve adjacent to Lots 115, 185 and 186 is transferred to Unitywater in fee simple in conjunction with plan sealing for stages 4 and 6, as shown on the approved plans (as amended). The footpath traversing this open space/reserve must be contained within a minimum 3 metre wide road reserve and transferred in conjunction with plan sealing for stage 6 as shown on the approved plans (as amended).*

Applicant's Representation

The applicant requests that Condition 12(d) be amended to require the land to be transferred to council, or dedicated as road reserve, rather than transferred to Unitywater. The applicant submits that the open space forms dual purposes of providing a buffer to the adjoining pump station and water quality treatment purposes.

Assessment of Representation

Agree.

The Integrated Water Management Plan which is referenced in the conditions of approval provides a conceptual design layout for the bioretention system for the development. This

conceptual design includes 2 bioretention basins in the open space/reserve adjacent to Lots 115, 185 and 196. While this is not the final endorsed plan for the bioretention system for the development (which will be finalised at the Operational Works application stage), it is considered likely that bioretention infrastructure will be located in this area. Given that the bioretention basins will become council infrastructure, it is necessary for them to be located on council owned land. As such, it is recommended that the land be transferred to council rather than Unitywater.

Recommendation

Agree to amend Condition 12 as follows:

12. *The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that:*
- (a) *The transfer of the park allotment to Council occurs with the first stage of the development*
 - (b) *any road access and infrastructure services required to service the particular stage are constructed with that stage.*
 - (c) *The transfer of the drainage reserve allotment to Council occurs with stage 3 of the development, as shown on the approved plans (as amended). All re-vegetation works within the drainage reserve must be completed to Council's satisfaction prior to transfer of the lot.*
 - (d) *The open space/reserve adjacent to Lots 115, 185 and 186 is transferred to ~~Unitywater~~ Council in fee simple in conjunction with plan sealing for stages 4 and 6, as shown on the approved plans (as amended). ~~The footpath traversing this open space/reserve must be contained within a minimum 3 metre wide road reserve and transferred in conjunction with plan sealing for stage 6 as shown on the approved plans (as amended).~~*

Condition 14 – Boundary Encroachments

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

Applicant's Representation

The applicant requests that Condition 14(e) be amended as follows:

14. *Certification must be submitted to Council from a Licensed Surveyor which certifies that:*

- (a) *the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the Building Act 1975, unless varied by this Decision Notice*
- (b) *all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement*
- (c) *all utility services and connections (e.g. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve or alternatively included within an easement*
- (d) *all retaining walls and structures are fully contained within the lot they retain*
- (e) *any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties, except along the western **and southern** interface boundary of the site where fill batters may encroach onto the Maroochydore Multi-Sports Complex as shown on the approved plans.*

Assessment of Representation

Agree.

As part of the approved development, batters will extend onto the adjoining sports complex site along both the southern and western boundaries that interface the sports complex. Therefore the applicant's suggested changes are acceptable.

Recommendation

It is recommended that Condition 14 be amended as per the applicant's request.

Condition 18 – Interface with Maroochydore Multi Sports Complex

18. *Prior to plan sealing for the final stage of the development, the recreation trail shown on the Maroochydore Multi Sports Complex master plan must be completed to Council's satisfaction for its full length adjacent to the boundaries of the subject site.*

Applicant's Representation

The applicant requests that Condition 18 be deleted or reworded to acknowledge that the full cost of providing the trail may be offset against infrastructure charges payable for the development. The applicant submits that the condition is unreasonable as it requires construction of a broader community asset for a regional sporting facility and is, therefore, council trunk infrastructure for which infrastructure charges are levied. The applicant submits that the condition should be deleted, or an acknowledgment included in the condition that the cost of construction of the path will be offset against the infrastructure charges for the development.

Assessment of Representation

Agree in part.

The recreation trail is trunk infrastructure under council's adopted infrastructure charges schedule. Therefore, whether it is built by the applicant and council provides an infrastructure charges offset, or council builds it later, council will ultimately fund the works. As such, it is considered reasonable to amend the condition to require that the batter slope be designed and constructed to allow for future construction of the recreation trail. This will ensure that the construction of the batter does not prejudice the future construction of the

recreation trail, and will enable council to construct the full recreation trail at once, rather than in segments.

Recommendation

It is recommended that Condition 18 be amended as follows:

18. ***The batter slope along the full length of the interface of the site with the Maroochydore Multi Sports Complex must be designed and constructed to allow for future construction of the recreation trail shown on the Maroochydore Multi Sports Complex master plan. A minimum 3 metre wide, level corridor must be provided for the trail that must be grassed, mown regularly and maintained in a neat and tidy condition until plan sealing for the final stage of the development. Prior to plan sealing for the final stage of the development, the recreation trail shown on the Maroochydore Multi Sports Complex master plan must be completed to Council's satisfaction for its full length adjacent to the boundaries of the subject site.***

Condition 19 – External Works

19. *A roundabout must be constructed at the intersection of Kuran Street with Broadwater Avenue prior to plan sealing for the first stage of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *a raised central island, able to be mounted as necessary to accommodate a turning Austroads design single unit truck/bus*
 - (b) *raised concrete splitter islands on at least the northern and southern intersection approaches*
 - (c) *a circulating carriageway that should have an outside diameter of at least 24 metres*
 - (d) *verge widths around the intersection corners that are not less than the adjacent existing verge widths on the southern side of Broadwater Avenue*
 - (e) *street lighting.*

Applicant's Representation

The applicant submits that this condition is in excess of the traffic report recommendations and is excessive. However, the applicant submits that they recognise the safety benefits of such an intersection treatment and are, therefore, prepared to accept this condition provided other conditions are satisfactorily amended.

Assessment of Representation

Disagree.

The proposed development is converting an existing T-intersection (Kuran St/Broadwater Avenue) into a 4-way intersection to provide access to the development. As such, a roundabout should be provided at the intersection, regardless of other development requirements that are unrelated to this condition. It should be noted the design requirements for the roundabout are less than what would ordinarily be required for such a development and recognises the constraints associated with the existing intersection.

Recommendation

It is recommended that Condition 19 remain unchanged.

Condition 21 – External Works

21. *An indented bus bay must be constructed at the existing westbound bus stop on the southern side of Bradman Avenue on the frontage of the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *a 3 metre wide by 15 metre long bus bay*
 - (b) *entry and exit tapers for the bus bay of at least 1 in 7 and 1 in 5 respectively*
 - (c) *the bus bay located at least 5 metres clear of the marked Bradman Avenue centre line*
 - (d) *dedication of land as road reserve from the subject site to accommodate the indented bus bay and a verge width adjacent to the bus bay of at least 5 metres*
 - (e) *provision of a bus stop shelter in accordance with Translink requirements and located clear of adjacent pathways.*

Applicant's Representation

The applicant requests that Condition 21 either be deleted or amended as follows:

21. ***Prior to the plan of survey sealing for the final stage of the development an indented bus bay must be constructed at the existing westbound bus stop on the southern side of Bradman Avenue on the frontage of the site. The full cost of these works may be offset against transport infrastructure charges otherwise payable under this development approval.*** *The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *a 3 metre wide by 15 metre long bus bay*
 - (b) *entry and exit tapers for the bus bay of at least 1 in 7 and 1 in 5 respectively*
 - (c) *the bus bay located at least 5 metres clear of the marked Bradman Avenue centre line*
 - (d) *dedication of land as road reserve from the subject site to accommodate the indented bus bay and a verge width adjacent to the bus bay of at least 5 **4.25** metres*
 - (e) *provision of a bus stop shelter in accordance with Translink requirements and located clear of adjacent pathways.*

The applicant submits that the requirement for bus bays and bus shelters is trunk infrastructure and has no relevance to the development. The applicant further submits that the conversion of a caravan park with approval for a nominal 200 sites to a similar number of residential lots does not justify or mandate the requirement for this broad community infrastructure. The applicant submits that, should council choose to retain the condition, it must be reworded to state that the cost of provision of the infrastructure will be offset against the infrastructure charges for the development.

Assessment of Representation

Agree in part.

Bus stops are not trunk infrastructure. The existing bus stop on the frontage of the site is of a sub-standard nature given the type of road it is located on. The proposed development is of a significant size and, under current planning scheme requirements, needs to provide public transport infrastructure, which should meet current design standards. It should be noted that other approved residential developments in the past at other locations, much

smaller in size than the subject development, have been required to provide significantly greater public transport infrastructure.

Further, the actual quantum of works required by the condition may not be as onerous as they first appear. The existing kerb line at this location is offset by approximately 6.5m from the centerline of the road and, therefore, the condition requires only approximately 1.5m of road widening, not the full 3m width of the required bus way. Council's traffic and transport specialist has recommended that council should not agree to lessen these requirements.

Notwithstanding the above, to reduce the quantum of works required by the condition, the requirement for a new bus shelter can be amended to instead allow the existing bus shelter to be re-used.

Recommendation

It is recommended that Condition 21 be amended as follows:

21. *An indented bus bay must be constructed at the existing westbound bus stop on the southern side of Bradman Avenue on the frontage of the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *a 3 metre wide by 15 metre long bus bay*
 - (b) *entry and exit tapers for the bus bay of at least 1 in 7 and 1 in 5 respectively*
 - (c) *the bus bay located at least 5 metres clear of the marked Bradman Avenue centre line*
 - (d) *dedication of land as road reserve from the subject site to accommodate the indented bus bay and a verge width adjacent to the bus bay of at least 5 metres*
 - (e) ~~*provision of a bus stop shelter in accordance with Translink requirements and located clear of adjacent pathways.*~~ **The existing bus shelter must be relocated behind the new indented bus bay and be located clear of adjacent pathways.**

Condition 25 – New Roads

25. *New roads 1, 5 and the Broadwater Avenue Extension as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *a reserve width of 16.0 metres*
 - (b) *an A.C. sealed pavement and concrete kerbing and channelling*
 - (c) *a cross-section profile matching that of a Collector Street in accordance with Planning Scheme Policy No. 6 – Transport Traffic and Parking*
 - (d) *construction of pedestrian footpaths in accordance with the conditions of this Decision Notice*
 - (e) *provision of on-street carparking, including 2.3 metre wide indented on-street parking bays and associated road reserve to accommodate all indented bays*
 - (f) *installation of street lighting*
 - (g) *Road 1 a temporary turning area of sufficient size to accommodate the 3-point turn manoeuvre of a Waste Collection Vehicle (WCV) clear of private driveways on-street parking and speed control devices.*

Applicant's Representation

The applicant requests that Condition 25 be amended as follows:

25. *New roads 1, 5 and the Broadwater Avenue Extension as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *a reserve width of 16.0 metres*
 - (b) *an A.C. sealed pavement and concrete kerbing and channelling*
 - (c) *a cross-section profile matching that of a Collector Street in accordance with Planning Scheme Policy No. 6 – Transport Traffic and Parking*
 - (d) *construction of pedestrian footpaths in accordance with the conditions of this Decision Notice*
 - (e) *provision of on-street carparking, including 2.3 metre wide indented on-street parking bays and associated road reserve to accommodate all indented bays*
 - (f) *installation of street lighting*
 - (g) *Road 1 a temporary turning area of sufficient size to accommodate the 3-point turn manoeuvre of a Waste Collection Vehicle (WCV) clear of private driveways on-street parking and speed control devices.*

The applicant submits that Condition 25(e) should be deleted as no intended parking is proposed on these roads. The applicant submits that Condition 25(g) should be deleted as the distance a WCV would need to reverse to turn around at the eastern end of road 1 is so short that it does not warrant a separate turnaround facility.

Assessment of Representation

Agree in part.

Condition 25(e) was imposed to address a concern regarding the ability for cars to park along one whole side of Road 5, reducing it to a single lane and removing the ability for 2 vehicles to pass. The acceptable alternative to indented bays would be a combination no stopping zones and line painted parking spaces on Road 5 to ensure it can function effectively as a 2-way street. It is recommended that Condition 25(e) be amended accordingly.

With regard to Condition 25(g), council's civil engineering specialist advises that the applicant's proposal for the WCV to reverse the short distance back to Road 2 from the eastern end of Road 1 is acceptable and no-dedicated turnaround bay is required.

Recommendation

It is recommended that Condition 25 be amended as follows:

25. New roads 1, 5 and the Broadwater Avenue Extension as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a reserve width of 16.0 metres
 - (b) an A.C. sealed pavement and concrete kerbing and channelling
 - (c) a cross-section profile matching that of a Collector Street in accordance with Planning Scheme Policy No. 6 – Transport Traffic and Parking
 - (d) construction of pedestrian footpaths in accordance with the conditions of this Decision Notice
 - (e) **provision of no stopping lines along the northern side of Road 5 for the full frontage of Lots 41 and 67 and provision of linemarked parking bays on the southern side of road 5 only where parked cars are illustrated on the approved plans**
 - (f) installation of street lighting

- (g) ~~Read 1 a temporary turning area of sufficient size to accommodate the 3-point turn manoeuvre of a Waste Collection Vehicle (WCV) clear of private driveways on-street parking and speed control devices.~~

Condition 27 – New Roads

27. *New road 3 as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *a reserve width of 16.5 metres*
 - (b) *an A.C. sealed pavement and concrete kerbing and channelling*
 - (c) *a cross-section profile matching that of a Access Street in accordance with Planning Scheme Policy No. 6 – Transport Traffic and Parking*
 - (d) *construction of pedestrian footpaths in accordance with the conditions of this Decision Notice*
 - (e) *provision of on-street carparking, including 2.3 metre wide indented on-street parking bays and associated road reserve to accommodate all indented bays*
 - (f) *installation of street lighting.*

Applicant's Representation

The applicant submits that Condition 27(e) is unacceptable as the condition implies that the five 90 degree car parks adjacent to the parkland need to be replaced. The applicant submits that the parking as shown provides greater sense of destination.

Assessment of Representation

Disagree.

This condition does intend the five 90 degree car parks adjacent to the parkland to be replaced with parallel indented bays to reduce conflicts with proposed adjacent driveways and on-street parking on the opposite side of the street and to allow for less deviation to the proposed footpath in this area. This requirement is also included as a required plan amendment.

Recommendation

It is recommended that Condition 27 remain unchanged.

Condition 28 – New Roads

28. *New roads 4 and 6 (South and West) as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *a reserve width of 14.5 metres*
 - (b) *an A.C. sealed pavement and concrete kerbing and channelling*
 - (c) *a cross-section profile matching that of a Access Street in accordance with Planning Scheme Policy No. 6 – Transport Traffic and Parking*
 - (d) *construction of pedestrian footpaths in accordance with the conditions of this Decision Notice*
 - (e) *provision of on-street carparking, including 2.3 metre wide indented on-street parallel parking bays across the park frontage, and associated road reserve to accommodate all indented bays*
 - (f) *installation of street lighting.*

Applicant's Representation

The applicant requests that Condition 28(e) be deleted. The applicant submits this condition implies that indented carparking is required throughout Road 4 and Road 6, which was not the intent nor is it necessary.

Assessment of Representation

Agree in part.

Condition 28(e) was imposed to address a concern regarding the ability for cars to park along one whole side of the southern and western reaches of roads 4 and 6, reducing them to a single lane and removing the ability for two vehicles to pass. As an alternative to indented parking bays, it is recommended that Condition 28(e) be amended to require a combination no stopping zones, and line painted parking spaces to ensure these sections of road can function effectively as two way streets.

Recommendation

It is recommended that Condition 28 be amended as follows:

28. New roads 4 and 6 (South and West) as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a reserve width of 14.5 metres
 - (b) an A.C. sealed pavement and concrete kerbing and channelling
 - (c) a cross-section profile matching that of a Access Street in accordance with Planning Scheme Policy No. 6 – *Transport Traffic and Parking*
 - (d) construction of pedestrian footpaths in accordance with the conditions of this Decision Notice
 - (e) **provision of marked on-street carparking, and “No Stopping” lines generally in accordance with Plans 0920-DA-SO-4N and 0920-DA-SO-5N (or approved amended plans) and the requirements of Queensland Streets to provide for inter-visible passing opportunities.** ~~provision of on-street carparking, including 2.3 metre wide indented on-street parallel parking bays across the park frontage, and associated road reserve to accommodate all indented bays~~
 - (f) installation of street lighting.

Condition 35 – New Roads

35. *The existing overhead electricity reticulation across the Bradman Avenue frontage of the site, must be placed underground. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *placement on Council's standard alignment as shown on Standard Drawings SEQ R-100 and R-101*
 - (b) *The placement of street lighting to achieve that required by the hierarchy of the road.*

Applicant's Representation

The applicant requests that Condition 35 be deleted.

The applicant submits that it is not practical or reasonable to require undergrounding when the subsequent works extend to well beyond the frontage of the land in question. The applicant submits that the existing overhead infrastructure contains high voltage as well as low voltage reticulation mains and those reticulation mains serve street lights and public toilet facilities on the northern side of Bradman Avenue.

Assessment of Representation

Agree in part.

It is agreed that the connection to the northern side of Bradman Avenue should not be undergrounded as part of the development due to the additional expense involved in boring under Bradman Avenue and re-arranging electricity infrastructure on the other side of the road. Therefore, the pole carrying the wires across the road can remain on the frontage of the site. In addition, as this is the most westerly pole on the site's frontage, the existing overhead reticulation from the west may also continue to run to this pole. However, it is considered reasonable to require undergrounding for the remainder of the frontage of the site to the east of this pole, which will require removal of 2 poles on the highly prominent corner on Bradman Avenue at the frontage of the site.

Recommendation

It is recommended that Condition 35 be amended as follows

35. *The existing overhead electricity reticulation across the Bradman Avenue frontage of the site must be placed underground **from the power pole adjacent to the existing caravan park driveway to the power pole adjacent to the existing westbound bus stop.** The existing overhead connection to the northern side of Bradman Avenue need not be placed underground. Conduits for future undergrounding of electricity must be provided for the remainder of the frontage of the site to Bradman Avenue to the west of the power pole adjacent to the existing caravan park driveway. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *placement on Council's standard alignment as shown on Standard Drawings SEQ R-100 and R-101*
 - (b) *The placement of street lighting to achieve that required by the hierarchy of the road.*

Condition 39 – Flood Immunity

39. *All works in relation to flooding must be carried out generally in accordance with section 2 of the flood report (Maroochy palms Development: Integrated Water management Plan) listed in this Decision Notice. This is to include provision of a flood refuge area within the park that is above the Probable Maximum Flood Level and is maximised in area to be as large as practically possible given surrounding level constraints.*

Applicant's Representation

The applicant requests that Condition 39 be amended to include the date of the integrated water management plan being referred to the condition and to include an additional sentence as follows:

39. All works in relation to flooding must be carried out generally in accordance with section 2 of the flood report (Maroochy palms Development: Integrated Water

management Plan) listed in this Decision Notice. **This is to include provision of a flood refuge area within the park above the probable maximum flood level of area as large as practical, but not less than 600m².** ~~This is to include provision of a flood refuge area within the park that is above the Probable Maximum Flood Level and is maximised in area to be as large as practically possible given surrounding level constraints.~~

The applicant submits that it would be appropriate to mention the date of the integrated water management plan document being referred to, given there were a number of these documents provided. The applicant further submits that the last sentence of the conditions is too open and could be tightened a little by including the minimum area referred to in the flood impact assessment report.

Assessment of Representation

Agree in part.

Council's hydrology specialist advises that the applicant's proposed re-wording of the last sentence to the condition is acceptable. Minor amendments to the applicant's proposed wording are recommended to improve its clarity.

With regard to including a reference to the date of the integrated water management plan referred to in the condition, this is not necessary as the exact version of the report being referenced is already included in the Referenced Documents section of the decision notice.

Recommendation

It is recommended that Condition 39 be amended as follows:

39. All works in relation to flooding must be carried out generally in accordance with section 2 of the flood report (Maroochy palms Development: Integrated Water management Plan) listed in this Decision Notice. **This is to include provision of a flood refuge area within the park above the probable maximum flood level and is maximised in area to be as large as practical, but not less than 600m².** ~~This is to include provision of a flood refuge area within the park that is above the Probable Maximum Flood Level and is maximised in area to be as large as practically possible given surrounding level constraints.~~

Condition 42 – Stormwater Quality Management

42. *A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and the latest version of the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland, and must include in particular:*
- (a) *stormwater quality treatment devices of a size and location generally in accordance with those shown in Drawing UWT-0004 Rev E contained within the stormwater quality report (Maroochy palms Development: Integrated Water Management Plan) listed in this Decision Notice, with the exception of the following:*
 - (i) *Where a suitable interface between bioretention #6 and the adjacent roadway cannot be achieved due to level differences, alternate locations for this device are to be investigated (for example adjacent to proposed Lot 6 with the footpath relocated to the opposite side of Kuran Street extension)*
 - (b) *bioretention devices which:*

- (i) *are designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001*
- (ii) *incorporate a coarse sediment forebay (in addition to the required filter media surface area), which is sized in accordance with the latest version of the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland and designed generally in accordance with IPWEQA Standard Drawing No. WSUD-005*
- (iii) *have safe, unobstructed and all weather access from the road frontage for maintenance purposes, particularly for the coarse sediment forebay*
- (iv) *are provided with a high flow bypass to ensure that flows which exceed the treatment capacity of the device are bypassed in order to avoid damaging of the filter media or subjecting the filter media to excessive sediment loads.*
- (v) *are provided with a free-draining outlet from the sub-soil drainage system.*

Applicant's Representation

The applicant requests that Condition 42(a) be amended to include a reference to the date of the document being referred being November 2011.

Assessment of Representation

Disagree.

his is not necessary as the exact version of the report being referenced is already included in the Referenced Documents section of the decision notice.

Recommendation

It is recommended that Condition 42 remains unchanged.

Condition 45 – Fauna Management

- 45 *Vegetation must only be removed or disturbed in accordance with a Fauna Management Plan for the development prepared by a qualified person* and referenced in a Development Permit for Operational Works.*
**(Refer to Advisory Note)*

Applicant's Representation

The applicant requests that Condition 45 be deleted. The applicant submits that the condition is excessive and irrelevant due to the limited amount of vegetation on the site to support any flora and fauna.

Assessment of Representation

Agree in part.

The site contains some parcels of vegetation, particularly in the north-eastern corner of the site, that are likely to contain fauna habitat and that are proposed to be cleared. In addition, the existing ponds within the caravan park site are also likely to contain fauna. It is recommended that the condition be modified to be more specific and require that any native fauna found on the site is captured and released by a qualified spotter catcher during works involving vegetation clearing or filling of existing ponds.

Recommendation

It is recommended that Condition 45 be replaced with the following new Condition:

- 45. Works involving vegetation clearance and the filling of existing ponds on the subject land must only occur with the prior direction of a qualified fauna spotter/catcher to ensure native fauna are captured and released in accordance with a permit from the Queensland Department of National Parks, Recreation, Sport and Racing.**
***(Refer to Advisory Note)**

Condition 47 – Landscaping Works

47. *The development site must be landscaped*. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *the works shown on the Approved Plans*
 - (b) *vegetated screening to;*
 - (i) *the northern boundaries of Lots 1-6, 108-115 and Open Space reserve.*
 - (ii) *the eastern boundaries of Lot 1 and Lots 7-21 designed such that at least 90% of the boundary fence will be screened within 3 years.*
 - (a) *a planted buffer to balance lot 196 from the Bradman Avenue boundary interface to the top of the 1 in 4 batter.*
 - (b) *dense revegetation of the open space reserve adjacent to Lots 115, 185 and 186.*
 - (c) *an all-weather truck maintenance access track to the playground area of the park for vehicles up to 4.5 tonne*
 - (d) *provision of natural or built shade to the children's playground designed to ensure that all play elements and associated seating receive full shade from 9.30 am to 3.00 pm between October & March*
 - (e) *vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage*
 - (f) *all batters of greater than 1 in 4 grade must be must be rehabilitated.*
 - (g) *provision of 1 street tree within the road reserve for every 8 metres of road frontage*
 - (h) *removal of all weeds species listed in the following standards and legislation:*
 - (i) *declared plants under the Land Protection (Pest and Stock Route Management) Act 2002 and sub-ordinate Regulation 2003*
 - (ii) *Maroochy Pest Management Plan 2006-2010 pest species of significance in Group 1, Group 2 and Group 6.*
- *(Refer to Advisory Note)*

Applicant's Representation

The applicant requests that Condition 47 be amended as follows:

47. *The development site must be landscaped*. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *the works shown on the Approved Plans*
 - (b) *vegetated screening to;*
 - (i) *the northern boundaries of Lots 1-6, 108-115 and Open Space reserve.*
 - (ii) *the eastern boundaries of Lot 1 and Lots 7-21 designed such that at least 90% of the boundary fence will be screened within 3 years.*

- (a) ~~a planted buffer to balance lot 196 from the Bradman Avenue boundary interface to the top of the 1 in 4 batter. **The Bradman Avenue frontage to balance Lot 196 is to be turfed for the full extent of the temporary 1:4 batter and shall also include some limited landscaping immediately adjacent to the Bradman Avenue boundary.**~~
- (b) ~~dense revegetation of the open space reserve adjacent to Lots 115, 185 and 186.~~
- (c) ~~an all-weather truck maintenance access track to the playground area of the park for vehicles up to 4.5 tonne~~
- (d) ~~provision of natural or built shade to the children's playground designed to ensure that all play elements and associated seating receive full shade from 9.30 am to 3.00 pm between October & March~~
OR
~~provision of natural or built shade to the children's playground designed to ensure that all play elements and associated seating receive full shade from 9.30 am to 3.00 pm between October & March. **Full costs of any such parkland infrastructure may be offset against public parks and land for community facilities infrastructure charges otherwise payable for this development.**~~
- (e) ~~vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage~~
- (f) ~~all batters of greater than 1 in 4 grade must be ~~must be rehabilitated~~ **planted and mulched.**~~
- (g) ~~**where possible** provision of 1 street tree within the road reserve for every 8 metres of road frontage~~
- (h) ~~removal of all weeds species listed in the following standards and legislation:~~
- (i) ~~declared plants under the Land Protection (Pest and Stock Route Management) Act 2002 and sub-ordinate Regulation 2003~~
 - (ii) ~~Maroochy Pest Management Plan 2006-2010 pest species of significance in Group 1, Group 2 and Group 6.~~
- *(Refer to Advisory Note)*

The applicant also advises that the sub-numbering within condition 47 needs amending to avoid a duplication of (a) and (b).

With regard to Condition 47(a)(second) the applicant submits that this condition is unreasonable and unnecessary and that it would be more reasonable to require the batter to be turfed with some isolated landscaping, particularly immediately adjacent to the boundary.

With regard to Condition 47(b)(second) the applicant submits that there is no logical reason why the open space reserve adjacent to the sewer pump station needs to be densely revegetated. Further, the applicant submits that this area is required for water quality infrastructure as well as a pathway and would be better accommodated as road reserve or open space reserve.

With regard to Condition 47(c) the applicant submits that the condition is unrealistic and unreasonable. The applicant submits that the filling of the park to create a flood refuge above the probable maximum flood level will result in the park being surrounded by a series of walls and platforms at various levels which will not facilitate access by a maintenance truck. The applicant further submits that the park is close enough to the adjacent on-street parking to be readily accessed from there for maintenance purposes.

With regard to Condition 47(d) the applicant submits the condition is excessive. The applicant submits that either the condition should be deleted, or alternatively amended to state the works may be offset against infrastructure charges for the development.

With regard to Condition 47(e) the applicant submits that Energex will not permit shrubs/trees in front of their transformers and accordingly the condition should be deleted.

With regard to Condition 47(f) the applicant submits that the current use of the word "rehabilitation" implies a particular type of species and ecological style planting which may not be desirable in this instance. Therefore, the applicant suggests that the condition be amended to refer to steeper batters being planted and mulched, rather than rehabilitated.

With regard to Condition 47(g), the applicant submits there may be cases where one tree every 8m is not possible although, in those instances, additional trees may be possible in another location. Therefore, the applicant suggests inserting the words "where possible" at the start of the condition.

Assessment of Representation

Agree in part.

The applicant's request to amend the sub-numbering in the condition is supported.

With regard to Condition 47(a)(second), it is recommended that this condition be amended to require the initial 3m to the Bradman Avenue frontage to be densely vegetated with the balance of the batter turfed to top of bank.

With regard to Condition 47(b)(second), council's landscaping specialist advises that this area is of a size that benefits from vegetation and screening thereby requiring minimal ongoing maintenance. However, it is acknowledged this area may accommodate bioretention basins or the like. Therefore, it is recommended that the condition be reworded to require dense vegetation outside any water quality treatment infrastructure only.

With regard to Condition 47(c), council's landscaping specialist advises it is essential that maintenance vehicles can enter the park to deliver ongoing maintenance. Without an all-weather truck, ongoing maintenance of the access track will be hindered and there will be unacceptable cost implications. Clever design solutions can provide integration of this requirement. It is recommended that this condition remain unchanged.

With regard to Condition 47(d), council's landscaping specialist advises that it is inappropriate to provide a playground without suitable shade for the community users. The cost of providing the park has clearly been communicated throughout the application process as not being eligible for infrastructure charges as the park is not identified as part of council's trunk infrastructure networks. It is recommended that this condition remain unchanged.

With regard to Condition 47(e), council's landscaping specialist advises that this condition can be deleted.

With regard to Condition 47(f), council's landscaping specialist advises that the use of the word "rehabilitate" is deliberate to ensure the establishment of suitable vegetation on the batters. Industry best practice has shown that smaller stock and appropriate maintenance will provide the required outcomes. However, to remove any perception of a requirement for an "ecological" outcome it is recommended that the condition be amended to specify that rehabilitation should consist of a combination of amenity trees and understory planting.

With regard to Condition 47(g) council's landscaping specialist advises that the applicant's suggested change is acceptable.

Recommendation

It is recommended that Condition 47 be amended as follows:

47. *The development site must be landscaped*. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *the works shown on the Approved Plans*
 - (b) *vegetated screening to;*
 - (i) *the northern boundaries of Lots 1-6, 108-115 and Open Space reserve.*
 - (ii) *the eastern boundaries of Lot 1 and Lots 7-21 designed such that at least 90% of the boundary fence will be screened within 3 years.*
 - (c) ***a minimum 3 metre wide planted buffer to the frontage of the balance lot 196 to Bradman Avenue with the balance of the batter turfed to top of batter.***
 - (d) *dense revegetation of the open space reserve adjacent to Lots 115, 185 and 186 to the perimeter of any water quality infrastructure (excluding the pathway through this area)*
 - (e) *an all-weather truck maintenance access track to the playground area of the park for vehicles up to 4.5 tonne to be incorporated into a ramp access entering the park from the adjoining kerbside parking bays.*
 - (f) *provision of natural or built shade to the children's playground designed to ensure that all play elements and associated seating receive full shade from 9.30 am to 3.00 pm between October & March*
 - (g) ~~*vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage*~~
 - (h) *all batters of greater than 1 in 4 grade must be must be rehabilitated with a combination of amenity trees and understorey*
 - (i) ***Where possible*** *provision of 1 street tree within the road reserve for every 8 metres of road frontage*
 - (j) *removal of all weeds species listed in the following standards and legislation:*
 - (i) *declared plants under the Land Protection (Pest and Stock Route Management) Act 2002 and sub-ordinate Regulation 2003*
 - (ii) *Maroochy Pest Management Plan 2006-2010 pest species of significance in Group 1, Group 2 and Group 6.*

**(Refer to Advisory Note)*

Condition 50 – Treatment of Temporarily Vacant Land

50. *Where some or all of the land remains vacant or undeveloped for more than 3 months the following works must 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 mown at a minimum 3 weekly intervals*
 - (c) *the site must be landscaped with perimeter planting consisting of advanced specimens of fast growing tree species*
 - (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*
 - (g) *public access must be provided where public safety can be maintained*
 - (h) *where fencing is installed to secure boundaries:*
 - (i) *the fencing must be durable and not capable of being pushed or blown over*

- (ii) *the fencing type must not detract from local amenity (barbed wire is not acceptable)*
- (iii) *vandalism must be promptly repaired and any graffiti removed.*

Applicant's Representation

The applicant requests that Condition 50 be amended as follows:

50. *Where some or all of the land remains vacant or undeveloped for more than 3 months the following works must to be carried out:*
- (a) *the site must be cleared of all rubble, debris and demolition materials*
 - (b) *the site must be **maintained** graded ~~(to the same level as the adjoining footpath wherever practicable), turfed and mown at a minimum 3 weekly intervals~~*
 - (c) *the site must be landscaped with **a presentable planting arrangement of trees and shrubs along the perimeter of street frontage only** ~~perimeter planting consisting of advanced specimens of fast growing tree species~~*
 - (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*
 - (g) *~~public access must be provided where public safety can be maintained~~*
 - (h) *where fencing is installed to secure boundaries:*
 - (i) *the fencing must be durable and not capable of being pushed or blown over*
 - (ii) *the fencing type must not detract from local amenity (barbed wire is not acceptable)*
 - (iii) *vandalism must be promptly repaired and any graffiti removed.*

With regard to Condition 50(b), the applicant submits that this condition is unreasonable as there will be times during the cooler months of the year when mowing will not be required as often as every 3 weeks. The applicant submits that the condition should, therefore, be deleted and replaced with a condition stating simply that the site must be maintained.

With regard to Condition 50(c), the applicant submits this condition is unreasonable and reference to advanced specimens and fast growing trees should be deleted and replaced with the applicant's proposed wording above.

With regard to Condition 50(g) the applicant submits that any balance land is private property and it is therefore unreasonable to dictate that public access must be provided.

Assessment of Representation

With regard to Condition 50 (b), it is recommended that it be amended to state that the site must be regularly mown and maintained in a neat and tidy condition. This will provide the applicant with their requested additional flexibility regarding the maintenance regime

With regard to Condition 50(c), council's landscape specialist advises that it is acceptable to delete the reference to advanced specimens and fast growing species in the condition, but some changes to the applicant's proposed wording are recommended to ensure the achievement of the desired landscaping outcome for these perimeters.

With regard to Condition 50(g) the applicant's representations are considered reasonable and it is recommended that this condition be deleted.

Recommendation

It is recommended that Condition 50 be amended as follows:

50. *Where some or all of the land remains vacant or undeveloped for more than 3 months the following works must 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~~ **grassed, regularly** mown at a ~~minimum 3 weekly intervals~~ **and maintained in a neat and tidy condition***
 - (c) *the site must be landscaped with **a 3 metre wide perimeter planting bed to all road frontages** ~~perimeter planting consisting of advanced specimens of fast growing tree species~~*
 - (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*
 - (g) ~~public access must be provided where public safety can be maintained~~
 - (h) *where fencing is installed to secure boundaries:*
 - (i) *the fencing must be durable and not capable of being pushed or blown over*
 - (ii) *the fencing type must not detract from local amenity (barbed wire is not acceptable)*
 - (iii) *vandalism must be promptly repaired and any graffiti removed.*

Condition 51 – Lands Rehabilitation

51. *All batters of greater than 1 in 4 grade must be must be rehabilitated*. The works must be undertaken in accordance with an Operational Works approval.
(Refer to Advisory Note)

Applicant's Representation

The applicant requests that this condition be deleted. The applicant submits that this condition is in conflict with other conditions of the approval and with the desired outcome for this interface between the development and the adjoining sporting complex.

Assessment of Representation

Agree.

This condition is a duplicate of Condition 47(f) and can be deleted.

Recommendation

It is recommended that Condition 51 be deleted.

Condition 54 – Unitywater

54. *A minimum clearance of 1.5 metres must be maintained between Unitywater sewers and proposed building envelopes, buildings and other structures.*

Applicant's Representation

The applicant requests that Condition 54 be amended to acknowledge that the sewer main will run adjacent to the retaining wall along the northern boundary of the site, adjacent to the properties on the southern side of Broadwater Avenue West, and will be within 1.5 metres of a structure, the retaining wall on this boundary.

Assessment of Representation

Agree. Unitywater have endorsed a plan showing a sewer line directly under the retaining wall on the northern boundary of the eastern part of the site and have recommended alternative wording for Condition 54.

Recommendation

It is recommended that Condition 54 be amended as follows:

54. *A minimum clearance of 1.5 metres must be maintained between Unitywater sewers and proposed building envelopes, building and other structures **unless otherwise agreed to by Unitywater.***

Condition 55 – Unitywater

55. *Sewer pipeline size and gradients must comply with Unitywater standards and WSAA. The sewer for Line 2 must be 150mm diameter.*

Applicant's Representation

The applicant requests that Condition 55 be deleted or amended to acknowledge a relaxation for the grade of the sewer.

The applicant submits that the requirement for Line 2 to be 150mm diameter is in conflict with previous council/Unitywater requirements to minimise depths of sewers. The applicant submits that preliminary details provided with the application indicated a 225mm diameter main in this area to enable flatter grads to be laid, thus minimise depths to the sewer. The applicant further submits that provision of the 150mm diameter sewer will necessitate a much deeper sewer line well in excess of normal requirements and accordingly the provisions of this condition are questioned unless relaxation on grade requirements are proposed in which case this relaxation should be specified in the condition.

Assessment of Representation

Agree in part.

Unitywater have advised that it will be possible for the sewer design for the subdivision to comply with all applicable standards, and the design details will be resolved as part of a future Operational Works application.

Recommendation

It is recommended that condition 55 be amended as follows:

55. *Sewer pipeline size and gradients must comply with Unitywater Standards and **the SEQ standards** WSAA. ~~The sewer for Line 2 must be 150mm diameter.~~*

Conditions 56 & 57 – Unitywater

56. *A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater). Easements must be located centrally over the main. Sewers on side boundary alignments may require easements within adjacent properties.*
57. *Sewers on rear property boundaries must be located on a standard alignment of 1.5 metres from the boundary. A minimum clearance of 1.0 metre from the pipe barrel must be maintained to retaining walls and wall footings.*

Applicant's Representation

The applicant requests that Condition 57 be deleted and Condition 56 be amended as follows:

56. *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 unless approved otherwise. Sewers on side boundary alignments may require easements within adjacent properties. Sewers adjacent rear property boundaries must be located on a standard alignment of 1.5m from the boundary unless approved otherwise. A minimum clearance of generally 1m from the pipe barrel must be maintained to retaining walls and wall footings. The exception to the above is proposed Sewer Lines 1 and 3 which may be constructed on non-standard alignment, generally as indicated on Plan 33 of 40 (drawing reference 0920-DA-S0-33H) by Subdivisions (Qld) Pty Ltd. In particular Lines 1 and 3 and any associated retaining walls and curtain walls may be constructed generally in accordance with the Line 1 Typical Section A shown on Plan 33 of 40 (drawing reference 0920-DA-S0-33H). The easement over proposed Sewer Lines 1 and 3 is to be 3m wide and totally contained within the development site”.*

The applicant and Unitywater have agreed on a non-standard alignment for sewer lines 1 and 3 along the northern boundary of the eastern part of the site. As a result, the applicant requests that Conditions 56 and 57 be amended to acknowledge the non-standard alignment that has been approved for these sewer lines.

Assessment of Representation

Agree in part. Unitywater have advised that they agree with the applicants proposed changes to Condition 56 and 57, the only change they have requested is that Condition 56 should not refer directly to plan numbers and should more generally refer to the 'approved plans'.

Recommendation

It is recommended that Condition 57 be deleted and Condition 56 be amended as follows:

56. *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 **unless approved otherwise**. Sewers on side boundary alignments may require easements within adjacent properties. **Sewers adjacent to rear property boundaries must be located on a standard alignment of 1.5m from the boundary unless approved otherwise. A minimum clearance of generally 1m from the pipe barrel must be maintained to retaining walls and***

wall footings. The exception to the above is proposed Sewer Lines 1 and 3 which may be constructed on non-standard alignment, generally as indicated on the approved plans. Lines 1 and 3 and the associated retaining walls and curtain walls may be constructed generally in accordance with the approved plans. The easement over proposed Sewer Lines 1 and 3 is to be 3m wide and totally contained within the development site.

Condition 62 – Maroochydore Multi Sports Complex Recreation Trail

62. *In conjunction with each bulk earthworks stage of the development, the applicant must construct the recreation trail shown on the Maroochydore Multi Sports Complex master plan for its full length adjacent to the boundaries of the subject site. The design and construction details of the pathway must be agreed in writing with Council prior to construction.*

Applicant's Representation

The applicant requests that Condition 62 be deleted. The applicant submits that this condition has no relevance to bulk earthworks and is also in conflict with Condition 18 which requires the same works to be completed prior to plan sealing of the final stage of the development.

Assessment of Representation

Agree.

This is a duplicate of Condition 18 and can be deleted.

Recommendation

It is recommended that Condition 62 be deleted.

Condition 69 – Civil Engineering

A Construction Management Plan must be submitted at or before the pre-start meeting, prior to any works commencing on the site in accordance with Section 6 of Planning Scheme Policy No. 5 - Operational Works. The Construction Management Plan must specifically address the requirements defined in Section 6.1.1 of this policy as well as the following:

- (a) Traffic Management during all aspects of the construct phase including:
 - (i) A Traffic Management Control Plan in accordance with Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction*
 - (ii) Maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased*
 - (iii) Proposed fencing to the site during the construction phase of the development*
 - (iv) Approval of the Traffic Management Control Plan by Department of Main Roads (DMR) for any works on state controlled roads**
- (b) Maintenance and protection of water quality and existing drainage lines through the construction site through the implementation of appropriate erosion and sediment control measures*
- (c) Works programme identifying key components of the works and their respective durations*

- (d) *Establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues*
- (e) *Identification of complaint management procedures including:*
 - (v) *Contact details for the on-site manager*
 - (vi) *Dispute resolution procedures*
- (f) *Details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. NB any damage to the existing road system as a result of haulage operations must be fully repaired at the applicant's expense.*

Applicant's Representation

The applicant requests that Condition 69 be amended as follows:

69. *A Construction Management Plan must be submitted at or before the pre-start meeting, prior to any works commencing on the site in accordance with Section 6 of Planning Scheme Policy No. 5 - Operational Works. The Construction Management Plan must specifically address the requirements defined in Section 6.1.1 of this policy as well as the following:*
- (a) *Traffic Management during all aspects of the construct phase including:*
 - (i) *A Traffic Management Control Plan in accordance with Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction*
 - (ii) *Maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased*
 - (iii) *Proposed fencing to the site during the construction phase of the development*
 - (iv) *Approval of the Traffic Management Control Plan by Department of Main Roads (DMR) for any works on state controlled roads*
 - (b) *Maintenance and protection of water quality and existing drainage lines through the construction site through the implementation of appropriate erosion and sediment control measures*
 - (c) *Works programme identifying key components of the works and their respective durations*
 - (d) *Establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues*
 - (e) *Identification of complaint management procedures including:*
 - (v) *Contact details for the on-site manager*
 - (vi) *Dispute resolution procedures*
 - (f) *Details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. NB any damage to the existing road system as a result **direct consequence** of haulage operations must be fully repaired at the applicant's expense.*

The applicant submits that the current wording of Condition 69(f) is in conflict with Condition 74 which uses the terminology "as a direct consequence".

Assessment of Representation

Agree.

Council's solicitor has advised that the requested change is acceptable. Council's solicitor advises that, while it is easier to prove "as a result" than "direct consequence", some clear evidence that the haulage operations have caused the damage will be needed in either case.

Recommendation

It is recommended that Condition 69 be amended as per the applicant's request.

Condition 70 – Civil Engineering

70. *Prior to the commencement of the bulk earthworks associated with this development, Council requires the provision of a bank guarantee, or a bond of not less than 10% (minimum of \$5,000) of the value of the works, as security for the performance of the various construction and certification obligations. The bond/guarantee will be reduced to an amount not less than 5% of the total value of the works upon formal acceptance of the works 'On Maintenance', and be retained by Council during the maintenance period as security for the performance of the maintenance obligations. The bond will be returned upon formal acceptance of the works 'Off Maintenance'.*

Applicant's Representation

The applicant requests that Condition 70 be amended to remove the reference to a maintenance period.

The applicant submits that there is no maintenance period for bulk earthworks under the planning scheme requirements. The applicant also submits both Conditions 70 and 96 require payment of separate performance bonds to council and that this is unreasonable and only one bond should be required.

Assessment of Representation

Agree.

The applicant is correct in stating that there is no planning scheme requirement for a maintenance period for bulk earthworks. Therefore, it is recommended that the reference to a maintenance period be removed from the condition.

Conditions 70 and 96 have been revised such that only one council bond is now required. As a result, some of the previous wording from Condition 96 has been moved to Condition 70. Condition 70 has become slightly longer, and Condition 96 has been made significantly shorter. The wording that has been moved from Condition 96 to Condition 70 covers the actions that council will take using the bond money where works have not been satisfactorily completed.

Recommendation

It is recommended that Condition 70 be amended as follows:

70. *Prior to the commencement of the bulk earthworks associated with this development, Council requires the provision of a bank guarantee, or a bond of not less than 10% (minimum of \$5,000) of the value of the works, as security for the performance of the various construction and certification obligations. **Should the applicant fail to complete any necessary restoration works, Council will complete the works and recover all associated costs from the applicant. Where Council determines that a draw down of the bond is required, the applicant must restore the bond to its full amount within ten working days of a notice in writing from Council to that effect. The bond will be returned upon completion of the bulk earthworks.** ~~The bond/guarantee will be reduced to an amount not less than 5% of the total value~~*

~~of the works upon formal acceptance of the works 'On Maintenance', and be retained by Council during the maintenance period as security for the performance of the maintenance obligations. The bond will be returned upon formal acceptance of the works 'Off Maintenance'.~~

Condition 73 – Civil Engineering

73. *With reference to any works on adjoining land under private ownership, written permission for such work must be obtained and forwarded to Council prior to any works on the land in question. Similarly, written clearances must be obtained after the works are completed and forwarded to Council.*

Applicant's Representation

The applicant requests that Condition 73 be amended as follows:

73. *With reference to any works on adjoining land under private ownership, written permission for such work must be obtained and forwarded to Council prior to any works on the land in question. Similarly, written clearances must be obtained after the works are completed and forwarded to Council. **This condition does not apply to the works required in Council's regional sporting reserve.***

The applicant submits that the bulk earthworks on council's reserve will also get caught by this condition and accordingly the condition needs to be amended to clarify that it does not apply to the works on council owned land.

Assessment of Representation

Agree.

All works on council owned land will be subject to the usual bonding and handover arrangements that apply generally to infrastructure items that will become public assets. As such this condition does not apply to works on council owned land and the applicant's proposed clarification to the condition is acceptable.

Recommendation

It is recommended that Condition 73 be amended as per the applicant's request.

Condition 74 – Civil Engineering

74. *Any damage to the external road pavement as a direct consequence of construction activities associated with this approval must be remedied by the applicant at the applicant's cost. In this regard, the road surface of Kuran Street and the intersection of Broadwater Avenue must be photographed prior to any works commencing on site and a condition report submitted and agreed to prior to the pre-start meet.*

Applicant's Representation

The applicant requests that Condition 74 be deleted. The applicant submits that this condition is unreasonable as these roads were constructed by council to provide access to both existing and future development and, if they are not adequate to cater for this demand, than it is council's responsibility to deal with the consequences.

Assessment of Representation

Disagree.

Current conditions of this approval prevent haulage trucks from accessing the site via Kuran Street and Broadwater Avenue West. If damage is caused to these by other general construction traffic it is reasonable that this be rectified by the applicant.

If council decides to allow haulage trucks access via these local streets, Condition 74 would still be considered reasonable. At the time that the original subdivision for Broadwater Avenue and Kuran Street was undertaken, the road pavement design was constructed to a standard appropriate for residential streets, and not for Trunk Collector Roads carrying multiple axle vehicles.

Recommendation

It is recommended that Condition 74 remain unchanged.

Condition 75 – Civil Engineering

75. *Where works will be undertaken to connect site drainage with the existing municipal drainage system, a CCTV inspection of the existing pipe must be undertaken and a condition report submitted and agreed to prior to the pre-start meeting. This condition report will be used as part of an evaluation process at the completion of the development to determine if the existing drainage system has been damaged during the development works. Any damage identified must be fully rectified at the applicant's cost.*

Applicant's Representation

The applicant requests that Condition 75 be amended as follows:

75. *Where works will be undertaken to connect site drainage with the existing municipal drainage system, a CCTV inspection of the existing pipe must be undertaken and a condition report submitted and agreed to prior to the pre-start meeting. This condition report will be used as part of an evaluation process at the completion of the development to determine if the existing drainage system has been damaged during the development works. Any damage identified **as a direct result of the development** must be fully rectified at the applicant's cost.*

Assessment of Representation

Agree.

Council's solicitor has advised that the requested change is acceptable. Council's solicitor advises that, while it is more difficult to prove damage is caused as a "direct result", some clear evidence that the development works have damaged council's municipal drainage system will be needed in either case.

Recommendation

It is recommend that Condition 75 be amended as per the applicant's request.

Condition 76 – General Engineering

76. *During construction all works must be constructed and work procedure undertaken in accordance with:*
- (a) *All relevant Department of Main Roads specifications, including the current MUTCD for works within the existing road reserve*
 - (b) *All relevant Sunshine Coast Regional Council Planning Scheme Policies in particular Planning Scheme Policy No. 5 – Operational Works, standard drawings and guidelines*
 - (c) *The latest version of the Healthy Waterways document “Water Sensitive Urban Design Technical Design Guidelines for South East Queensland” for all water quality devices to be constructed on site*
 - (d) *Provision of the Work Health and Safety Act and such other legislation as is applicable to workplace health and safety*
 - (e) *Where applicable, the Queensland Sewerage and Water Supply Act*
 - (f) *The list of approved plans/documents, conditions of this Decision Notice and relevant conditions of the higher order Reconfiguration of a Lot approval viz. REC11/0096 to which this approval relates.*

Applicant’s Representation

The applicant submits that Condition 76(f) refers to the wrong higher order approval reference number which should be MCU11/0180.

Assessment of Representation

Agree.

While the reference REC11/0096 is the correct reference used within council for the “child” reconfiguration of lot application, the main “parent” reference number for the entire application (including the material change of use, reconfiguration of lot, and operational works components) is MCU11/0180 and, therefore, it is reasonable to use the latter reference instead.

Recommendation

It is recommended that Condition 76 be amended as follows:

76. *During construction all works must be constructed and work procedure undertaken in accordance with:*
- (a) *All relevant Department of Main Roads specifications, including the current MUTCD for works within the existing road reserve*
 - (b) *All relevant Sunshine Coast Regional Council Planning Scheme Policies in particular Planning Scheme Policy No. 5 – Operational Works, standard drawings and guidelines*
 - (c) *The latest version of the Healthy Waterways document “Water Sensitive Urban Design Technical Design Guidelines for South East Queensland” for all water quality devices to be constructed on site*
 - (d) *Provision of the Work Health and Safety Act and such other legislation as is applicable to workplace health and safety*
 - (e) *Where applicable, the Queensland Sewerage and Water Supply Act*
 - (f) *The list of approved plans/documents, conditions of this Decision Notice and relevant conditions of the higher order Reconfiguration of a Lot approval viz. **MCU11/0180** ~~REC11/0096~~ to which this approval relates.*

Condition 85 – Geotechnical – General

85. *An RPEQ experienced in geotechnical engineering or engineering geology must supervise the construction of the development to ensure that the works are undertaken in accordance with the Geotechnical Report and subsequent strategies, and the required certification must be issued upon completion of the works in accordance with Section 3 of Council's Planning Scheme Policy No. 4 – Preparation of Geotechnical Reports.*

Applicant's Representation

The applicant requests that Condition 85 be amended as follows:

85. *An RPEQ experienced in geotechnical engineering or engineering geology must supervise the **bulk earthworks component of the development** ~~construction of the development~~ to ensure that the works are undertaken in accordance with the Geotechnical Report and subsequent strategies, and the required certification must be issued upon completion of the works in accordance with Section 3 of Council's Planning Scheme Policy No. 4 – Preparation of Geotechnical Reports.*

Assessment of Representation

Agree.

Given that the only operational works being approved are bulk earthworks, the applicant's request is considered reasonable.

Recommendation

It is recommended that Condition 85 be amended as per the applicant's request.

Condition 86 – Geotechnical Certification

86. *On completion of the works and in conjunction with the lodgement of a Survey Plan application with Council, geotechnical engineer's certification must be submitted in accordance with Sections 3.1 and 3.2.1. of Council's Planning Scheme Policy No. 4 – Preparation of Geotechnical Reports.*

Applicant's Representation

The applicant requests that condition 86 be amended as follows:

86. *On completion of the **bulk earthworks** ~~works~~ and in conjunction with the lodgement of a Survey Plan application with Council **applicable to a bulk earthworks stage, a geotechnical engineer certificate** ~~engineer's certification~~ must be submitted in accordance with Sections 3.1 and 3.2.1. of Council's Planning Scheme Policy No. 4 – Preparation of Geotechnical Reports.*

Assessment of Representation

Agree.

Due the staging of the development, council's engineering specialist advises that amendments as per the applicant's request are acceptable.

Recommendation

It is recommended that Condition 86 be amended as follows:

86. On completion of the **bulk earthworks** and in conjunction with the lodgement of a Survey Plan application with Council, **applicable to an approved stage**, geotechnical engineer's certification must be submitted in accordance with Sections 3.1 and 3.2.1. of Council's Planning Scheme Policy No. 4 – Preparation of Geotechnical Reports.

Condition 96 – Environment

96. *If environmental harm including sediment build up in a waterway has occurred, or the external drainage system has been silted as a consequence of this development, the applicant is responsible for the full restoration to preconstruction conditions. Such restoration must be completed in an expeditious manner and in a reasonable time as directed by Council officers. Should the applicant fail to complete the necessary restoration works, Council will complete the works and recover all associated costs from the applicant. For this purpose, the applicant must lodge a \$5000 performance bond with Council prior to the commencement of any works on the site. This bond will only be released by Council at the termination of the 'on maintenance' period. Where Council determines that a draw down of the bond is required, the applicant must restore the bond to its full amount of \$5000 within ten working days of a notice in writing from Council to that effect.*

Applicant's Representation

The applicant submits that Condition 96 duplicates Condition 70 and requests Condition 70 be deleted whilst Condition 96 be amended as follows:

96. *If environmental harm including sediment build up in a waterway has occurred, or the external drainage system has been silted as a consequence of this development, the applicant is responsible for the full restoration to preconstruction conditions. Such restoration must be completed in an expeditious manner and in a reasonable time as directed by Council officers. Should the applicant fail to complete the necessary restoration works, Council will complete the works and recover all associated costs from the applicant. For this purpose, the applicant must lodge a \$5000 performance bond with Council prior to the commencement of any works on the site. This bond will only be released by Council **once the site has been satisfactorily stabilised** ~~at the termination of the 'on maintenance' period~~. Where Council determines that a draw down of the bond is required, the applicant must restore the bond to its full amount of \$5000 within ten working days of a notice in writing from Council to that effect.*

Assessment of Representation

Agree in part.

Conditions 70 and 96 have been revised such that only one council bond is now required. As a result, Condition 70 is now the only condition that requires a performance bond to be paid to council and some of the previous wording from Condition 96 that is associated with the performance bond has been moved to Condition 70. The parts of Condition 96 that are recommended to remain relate to the actions that must be taken by the applicant if environmental harm is caused as a result of the bulk earthworks operations.

Recommendation

It is recommended that Condition 96 be amended as follows:

96. *If environmental harm including sediment build up in a waterway has occurred, or the external drainage system has been silted as a consequence of this development, the applicant is responsible for the full restoration to preconstruction conditions. Such restoration must be completed in an expeditious manner and in a reasonable time as directed by Council officers. ~~Should the applicant fail to complete the necessary restoration works, Council will complete the works and recover all associated costs from the applicant. For this purpose, the applicant must lodge a \$5000 performance bond with Council prior to the commencement of any works on the site. This bond will only be released by Council at the termination of the 'on maintenance' period. Where Council determines that a draw down of the bond is required, the applicant must restore the bond to its full amount of \$5000 within ten working days of a notice in writing from Council to that effect.~~*

Condition 100 – Environment

100. *RPEQ certification must be submitted to Council for all internal engineering works and must certify that such works have been undertaken and completed in accordance with the approved plans, specifications and to Council's requirements (refer to Advisory Notes).*

Applicant's Representation

The applicant submits that this condition appears to be a repeat/variation of Condition 68 and suggests that the 2 conditions be combined.

Assessment of Representation

Disagree.

Condition 68 requires an engineer to supervise the works during construction, whereas condition 100 requires engineering certification at the end of the works confirming the works have been completed in accordance with the approved plans, specifications and to council's requirements.

Recommendation

It is recommended that Condition 100 remain unchanged.

Condition 101 – Environment

101. *Any damage caused to the existing municipal infrastructure as a result of this development must be fully rectified to Council Standards at the applicant's cost*

Applicant's Representation

The applicant requests that Condition 101 be amended as follows:

101. *Any damage caused to the existing municipal infrastructure as a **direct** result of this development must be fully rectified to Council Standards at the applicant's cost*

Assessment of Representation

Agree.

Council's solicitor has advised that the requested change is acceptable. Council's solicitor advises that, while it is easier to prove "as a result" than "direct result", some clear evidence that the development works have caused damaged to existing municipal infrastructure will be needed in either case.

Recommendation

It is recommended that Condition 101 be amended as per the applicant's request.

Condition 102 – Environment

102. *A CCTV inspection of the existing municipal drainage system must be undertaken to identify any damage which may have been caused during the construction phase. The extent of damage will be based on the condition report submitted and agreed to prior to construction commencing. Any damage identified to the existing pipe system must be fully rectified at the applicant's cost.*

Applicant's Representation

The applicant submits that Condition 102 duplicates Condition 75 and requests Condition 102 be deleted.

Assessment of Representation

Disagree.

Condition 75 requires a condition report be prepared prior to the commencement of works and submitted to council, whereas condition 102 requires a CCTV inspection once the works have been completed, to compare with the original report to see what, if any, damage has occurred during construction.

Recommendation

It is recommended that Condition 102 remain unchanged.

Condition 113 – Hydraulics and Water Quality

113. *Measures are to be implemented at all phases during construction, including construction of the retaining wall, such that adequate provision is made to drain the yards of the existing residential properties on the southern side of Broadwater Avenue so ponding within these properties does not occur*

Applicant's Representation

The applicant requests that Condition 113 be amended as the current wording suggests the applicant is responsible for carrying out works to drain the yards of existing residential properties on the southern side of Broadwater Avenue. The applicant request Condition 113 be amended as follows:

113. *Measures are to be implemented at all phases during construction, including construction of the retaining wall, such that adequate provision is made to ~~drain the cater for drainage from~~ yards of the existing residential properties on the southern side of Broadwater Avenue so ~~ponding within these properties does not occur.~~*

Assessment of Representation

Agree in part.

There is a foreseeable risk of worsening of the drainage of the existing residential properties during construction/filling if adequate provision is not made for drainage. Revised wording is recommended.

Recommendation

It is recommended that Condition 113 be amended as follows:

113. *Measures are to be implemented at all phases during construction, including construction of the retaining wall, such that adequate provision is made to ~~drain the cater for drainage from~~ yards of the existing residential properties on the southern side of Broadwater Avenue **to ensure non-worsening of drainage conditions to the existing properties.***

Condition 115 – Unitywater

115. *The applicant must provide a bank guarantee of \$50,000 for filling and compaction works over the 500mm diameter sewer rising main within the development site.*

Applicant's Representation

The applicant requests that Condition 115 be deleted.

The applicant submits that the bond amount for filling is unreasonable as other conditions dictate that infrastructure must be maintained and the additional bonding conflicts with Condition 70. The applicant submits that Condition 115 would be acceptable if Unitywater were to carry out the construction for the sum specified.

Assessment of Representation

Agree in part.

Excavation, filling and compaction works may not be undertaken over Unitywater sewerage assets without the permission of Unitywater. Unitywater will assess the risk of possible damage to an asset and approve the works, or approve the works with conditions, depending on the assessed risk of damage of the asset.

The applicant proposes to fill and compact over a 500mm diameter sewerage pressure main with ongoing construction loads occurring over it. This is a major piece of infrastructure and any damage/breakage is a potential environmental disaster and would require emergency repair. Unitywater wish to ensure costs could be recoverable in such an instance.

The security bond will ensure that Unitywater can undertake expensive repairs if required with assurance of full recovery of costs.

Unitywater have recommended amended wording that clarifies how and when the bond will be released.

Recommendation

It is recommended that Condition 115 remain unchanged.

115. *The applicant must provide a bank guarantee of \$50,000 for filling and compaction works over the 500mm diameter sewer rising main within the development site to cover potential damage to Unitywater sewerage infrastructure within the development site that may occur as a result of the proposed construction works. This bond will be released by Unitywater upon the satisfactory completion of construction works within the vicinity of the Unitywater sewer rising main.*

Condition 117 – Unitywater

117. *During the maintenance period the applicant must carry out necessary repairs to defects or damage of sewerage reticulation pipework. These repairs include damage and/or alterations caused by third parties carrying out works within the development.*

Applicant's Representation

The applicant requests that Condition 117 be amended as follows:

117. *During the maintenance period the applicant must carry out necessary repairs to defects or damage of sewerage reticulation pipework. ~~These repairs include damage and/or alterations caused by third parties carrying out works within the development.~~*

The applicant submits that the second sentence of this condition is unreasonable and unlawful as the applicant cannot be made responsible for any damage caused by third parties.

Assessment of Representation

Agree.

Unitywater have agreed to amend this condition in this instance on the basis that Unitywater will utilise the funds held by Unitywater under the on-maintenance bond for any repairs of defects and/or damages found at the off-maintenance inspection.

Recommendation

It is recommended that Condition 117 be amended as per the applicant's request.

Additional Conditions - Unitywater

Unitywater have also requested that the following additional conditions be included to cover the sewer relocation aspects of the Development Permit for Operational Works component of the approval. The applicant has agreed in principle to the addition of these conditions.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

119. *Submit amended plans to Council as described in the List of plans requiring amendments. Plans must be submitted prior to the pre-start meeting*

120. *Unitywater must be advised in writing of the contractor's name and the proposed date of commencement of construction. A minimum of two days' notice is required to enable inspections to be arranged, including a pre-start meeting on site. Phone Unitywater: 07 5409 3870*
121. *Pipe layer accreditation must be provided at the Pre-start meeting including "Century Plus" accreditation for DICL, "Pipeline Installation" for PVC and "Electrofusion/Butt Welding" for Polyethylene Pipe*

DURING CONSTRUCTION

122. *Prior to the pre-start meeting, details of the access chambers within the vicinity of the retaining wall is to be provided for approval by Unitywater.*
123. *Sewer house connection junctions in excess of 3.0 metres deep must be "Sugden" type and constructed in accordance with Unitywater's standards and requirements*

PRIOR TO COUNCIL SIGNING THE PLAN OF SURVEY

124. *As Constructed drawings shall be lodged in both hardcopy and ADAC digital format in GDA94 Zone 56 coordinate values. As constructed drawings will be required prior to works being accepted On Maintenance. The GDA co-ordinates and AHD levels of all permanent survey marks installed shall be provided. The surveyed location, meter numbers and readings of water meters installed by the developer must be included in the as - constructed information*
125. *Upon completion of the works a certificate must be issued by a RPEQ certifying that the works have been constructed in accordance with Unitywater standards, and in compliance with the approved plans and specifications. The works must be supervised by the Engineer in a planned and timely manner to ensure the integrity of the certification is upheld*
126. *Sewerage reticulation mains must be inspected by closed circuit television (CCTV) prior to the on and off maintenance inspections. Arrangements and costs for all CCTV inspections are the responsibility of the applicant. Unitywater requires the data format to be SEWRAT or WINCAM with digital video images on DVD. The CCTV must be a tracked vehicle with rotating camera head and an inclinometer to measure the grade of the sewer line. The DVD must be provided to Unitywater prior to the on and off maintenance inspection.*

7.2.3 DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (MULTIPLE DWELLING UNITS AND SHOP) AT 14 MAIN STREET PALMWOODS

File No:	MCU12/0062
Author:	Senior Development Planner Regional Strategy & Planning Department
Appendices:	App A - Conditions of Approval 169
Attachments:	Att 1 - Proposal Plans 181

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1179829>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	O2ezy Pty Ltd
Proposal:	Development Permit for Material Change of Use of Premises (Multiple Dwelling Units & Shop)
Properly Made Date:	21 May 2012
Information Request Date:	28 June 2012
Info Response Received Date:	27 November 2012
Decision Due Date:	22 August 2013 (applicant agreed to extend the decision period)
Number of Submissions:	370 properly made (38 not properly made)
PROPERTY DETAILS	
Division:	5
Property Address:	14 Main St, 5, 5A & 7 Hill St, 4 & 6 Church St, 20 & 22 Main St, Palmwoods
RP Description:	Lot 21 RP 178340, Lot 18 SP 110912 Par Sec 2, Lots 1 & 2 RP 132322, Lot 17 RP 161119, Lot 20 RP 178340, Lots 207 & 212 P 4451, Lot 1 PER 6875
Land Area:	Total area 6,658m ²
Existing Use of Land:	Detached Dwellings, Shops and Medical Uses
STATUTORY DETAILS	
SEQRP Designation:	Urban
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)
Strategic Plan Designation:	<ul style="list-style-type: none"> • Urban • Village Centre
Planning Area / Locality:	<ul style="list-style-type: none"> • Palmwoods Village Centre - No 1 • Palmwoods Village Residential – No 2
Planning Precinct / Zone	<ul style="list-style-type: none"> • Village Centre • Neighbourhood Residential
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for Development Permit for Material Change of Use of Premises (Multiple Dwelling Units (30) and Shop). The application is before council as more than 20 submissions objecting to the proposal were received.

EXECUTIVE SUMMARY

Approval is sought for a Material Change of Use to establish 30 x 2 bedroom Multiple Dwelling Units and a small Shop (65m²) fronting Main Street, Palmwoods. The unit development comprises 3 buildings, each being 3 storeys in height. The majority of the units address Main Street, but are set back between 5.1 and 6 metres from this frontage. Within this setback, a heavily vegetated landscape buffer is proposed. Parking is proposed within a 2 level basement carpark with access from Hill Street. A central podium level communal open space area sits behind the 3 unit structures, and a pedestrian link is proposed from this area into the basement carpark of the adjoining approved shopping complex that is not yet constructed.

Although designated as a 'village centre' in the planning scheme, parts of the Palmwoods village centre have yet to be developed for centre purposes (including the subject site). For this reason, the built form of the Palmwoods village centre encompasses a diverse mix of typical centre uses (such as retail, office, hotel, catering and government uses) with traditional neighbourhood residential uses (detached housing and church facilities). While in isolation, the scale and form of the development may be considered out of character with the existing built form, consideration must be given to the intended character of this centre precinct, the site constraints and its close proximity to the north coast train line, a bus route and the recently approved adjoining shopping complex.

The application was publicly notified and received 370 properly made submissions. The submitters are primarily concerned that the proposal is not in keeping with the character of the area and would have detrimental visual, noise and traffic related impacts. Concerns were also raised in relation to the heritage significance of the existing dwelling on the site.

A detailed assessment of the proposed development has shown that, on balance, approval can be recommended for the following reasons:

- the development is consistent with the intent of the South East Queensland Regional Plan to increase residential densities in close proximity to public transport nodes and centres
- the proposal will improve the housing diversity for the Palmwoods area (currently dominated by detached dwellings)
- increased residential densities at this location will add vitality to the village centre and support local businesses
- the proposal has responded to the site setting and constraints in the form of slope, vegetation, the heritage retaining wall and house and acoustic concerns with uses and a design that has demonstrated compliance with the broader performance outcomes of the planning scheme
- the original core of the existing dwelling (identified as the original Station Master's House) can be retained and remain visually prominent on the site and be adaptively reused to preserve its heritage value and contribute to the streetscape character
- the old stone retaining wall along the Main Street frontage has been fully protected in the design outcome

- the proposed building height, setbacks and site cover are consistent with the desired commercial character of the village centre precinct
- a significant landscape buffer has been provided along the Main Street frontage, which, at maturity, will screen 75% of the building when viewed from Main Street
- parking for tenants and visitors has been provided which complies with the code requirements
- acoustic mitigation measures can be incorporated into the design of the buildings to ensure the units are not detrimentally impacted by external noise sources (such as the rail line or hotel)
- significant vegetation on, and adjacent to, the site can be retained which will help to soften the development and maintain streetscape character and
- the need for commercial development in the village centre will be largely satisfied by the approved shopping complex on the adjacent allotments. The large shopping complex development, which has been approved to extend into the adjoining residential precinct, will help to offset the lack of commercial development being proposed by this development.

The proposal is generally consistent with the draft New Planning Scheme, where the subject site is zoned Local Centre. The surrounding land in Hill, Church and Churchill Streets, that is currently in the Low Density Residential Precinct, is proposed to be included within the Medium Density Residential Zone to take advantage of close proximity to the Local centre and the major transport rail corridor.

On balance, it has been found that the grounds for supporting this proposal outweigh those for refusal and it is recommended that the application be approved subject to reasonable and relevant conditions.

OFFICER RECOMMENDATION

That Council APPROVE WITH CONDITIONS Application No. MCU12/0062 and grant a Development Permit for Material Change of Use of Premises (Multiple Dwelling Units (30 x 2 bedroom units) & Shop) situated at 4 & 6 Church Street, 5, 5A & 7 Hill Street, 14, 20 & 22 Main Street, Palmwoods, in accordance with Appendix A.

FINANCE AND RESOURCING

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

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

Allocation of adopted infrastructure charge to trunk infrastructure networks	Amount Payable
Transport	\$119,641
Public Parks & Land for Community Facilities	\$140,369
Stormwater (applicable to Residential development)	\$27,772
Stormwater (applicable to Non-Residential development)	\$280
TOTAL (@ March 2011 index)	\$288,062

PROPOSAL

The application seeks approval for a 3 storey unit development comprising 30 x 2 bedroom units in 3 separate buildings. A small shop (with a gross floor area of 65m²) is also proposed in the southern corner of the site fronting Main Street. While a number of sites have been included in the application, this has been done to allow for integration with the approved shopping complex application. All proposed works will only occur at 14 Main Street, Palmwoods.

A central landscaped podium area is proposed adjacent to the western boundary, which will be used as a common recreation/BBQ area. All units will have a balcony or patio fronting either Main Street or Hill Street, with a desirable north easterly orientation and views towards the rail line and longer range country views beyond. The materials proposed to be utilised include colorbond roofing and rendered masonry walls. Lightweight materials are used on the façade of the building including aluminium and traditional wooden awnings. The 3 distinct buildings are highly articulated when viewed from the frontages due to balconies projecting from the main face of the building.

The following table lists the key development parameters:

Development Parameters	
Number of units	30 x 2 bedroom units
Shop area	65m ²
Number of storeys	3
Maximum building height	Approx. 11.1m above natural ground level
Total car parking spaces	45 car parks (37 resident and 8 visitor parks)
Bicycle parking spaces	34 spaces
Area of landscaped open space	1,056m ² (approx. 47% of site area)
Site Cover	50%
Plot Ratio	1.18
Area of dwelling units	Ranges between 77-80m ²
Front Setback (to Main Street)	Balconies minimum 5.1 metres Face of building minimum 6 metres
Side Setback (to Hill Street)	Balconies minimum 2.2 metres Face of building minimum 4 metres
Rear Setback (to Shopping Centre)	Minimum 1.4 metres

The development is proposed to integrate with the adjoining approved shopping complex by way of a pedestrian access from the podium level to the basement car park of the shopping complex (this is only intended to be used by the residents and not the general public). Other pedestrian access points are located on Main Street (adjacent the proposed shop) and on Hill Street.

All vehicular access is obtained from Hill Street into a multi-level car park with the majority of parking being contained in the basement level. Waste collection will be undertaken on site by way of a bulk waste container which will be temporarily located adjacent the Hill Street frontage on waste collection day (otherwise bins will be stored in the basement carpark).

A number of mature trees are proposed to be retained, including the flooded gum tree along the Hill Street frontage and large mango tree on the Main Street frontage (adjacent the proposed shop). In addition, a 6m wide landscape buffer is proposed adjacent to the entire length of the Main Street frontage to help soften the development when viewed from Main Street.

SITE DETAILS

Background/Site History

Prelodgement Meeting

A prelodgement meeting (PLM12/0012) was held in March 2012. The proposal plans presented at this meeting were similar to that currently being proposed, but included 33 units within 3 separate buildings and had 2 driveways accessing from Hill Street. No commercial uses were proposed at this point. Council raised issues regarding the proposed density, dual driveways, presentation to Hill Street, the absence of commercial uses and proposed setbacks to Main Street (as landscape buffering would be required to Main street).

Shopping Complex Approval

While a number of lots have been included in the application, the proposed development only relates to 2 lots (Lot 21 RP 178340 and Lot 20 RP178340), which hereafter will be referred to as the "multiple dwelling unit site". Seven other lots have been included in the application as there has been a shopping centre development previously approved by council over these lots, and the applicant is proposing that there be integration between the shopping centre development and the proposed development (no works are proposed over these lots) via a pedestrian link. These 7 lots hereafter will be referred to as the "shopping centre site". The shopping centre was originally approved by council in December 2008, but the applicant then lodged an appeal with regard to a number conditions that were imposed (particularly regarding infrastructure contributions and car parking). This appeal was settled between the parties on 21 June 2013. The approved shopping centre is a 12 metre (3 storey) building with a total maximum gross floor area of 3,610m² and with a mix of commercial uses including a major chain supermarket (1,200m² GFA), specialty shops and restaurants (2,410m² GFA).

The multi-storey complex includes 2 levels of car parking with the third level containing the majority of retail floor space (specialty shops and supermarket). This upper level retail space is accessed by an internal pedestrian mall, which connects Hill Streets and Main Streets. The balance of the commercial floor area (575m²) will be at ground level fronting the corner of Main and Church Streets and has been approved for a variety of uses such as shops, restaurants and a medical centre.

This shopping complex building has approximately 90% site cover and has been built to all front and side boundaries. As such, a large concrete wall extends along the entire north eastern boundary, which abuts the multiple dwellings unit site and will be highly visible from Main Street until development occurs on this subject site. This wall varies in height due to the slope of the site, but extends up to 9 metres high in places.

The shopping complex approval requires the removal of 4 dwelling houses and several commercial buildings fronting Main, Church and Hill Streets. These buildings were assessed with regard to cultural heritage and townscape matters, and a Cultural Heritage Report concluded that they were "...ordinary examples of their type and style and none have any individual cultural significance."

Site Description

The subject site is located in the heart of the Palmwoods Village Centre, generally between Margaret Street (the main street of Palmwoods) and the Palmwoods Hotel at the southern end of the village centre.

The multiple dwelling unit site has an area of 2,103m² with frontages to both Main Street and Hill Street. Main Street is a north-south oriented road, which runs parallel to the railway line and forms the eastern boundary of the site. This multiple dwelling unit site is currently occupied by a residential dwelling and an associated structure located in the southern part of the site. The buildings are of timber and tin construction and are elevated on stilts due to the sloping topography of the site. The dwelling exhibits characteristics (in materials and detailing) of being built well before the 1950s and it is likely it was used as the railway station master's house. The building is currently unoccupied and has fallen into a state of disrepair.

The shopping complex site has an area of 4,555m² and has road frontages to both Church Street in the south and Hill Street in the north, with Church Street being the site's primary frontage. The shopping centre site is occupied by 4 detached dwellings (3 believed to be from the early post-war period), and several commercial buildings including a vehicle repair workshop and a run-down row of shops at the Church and Main Street intersection. The 2 land parcels on Main Street are occupied by the Palmwoods Mower Service building and another detached house.

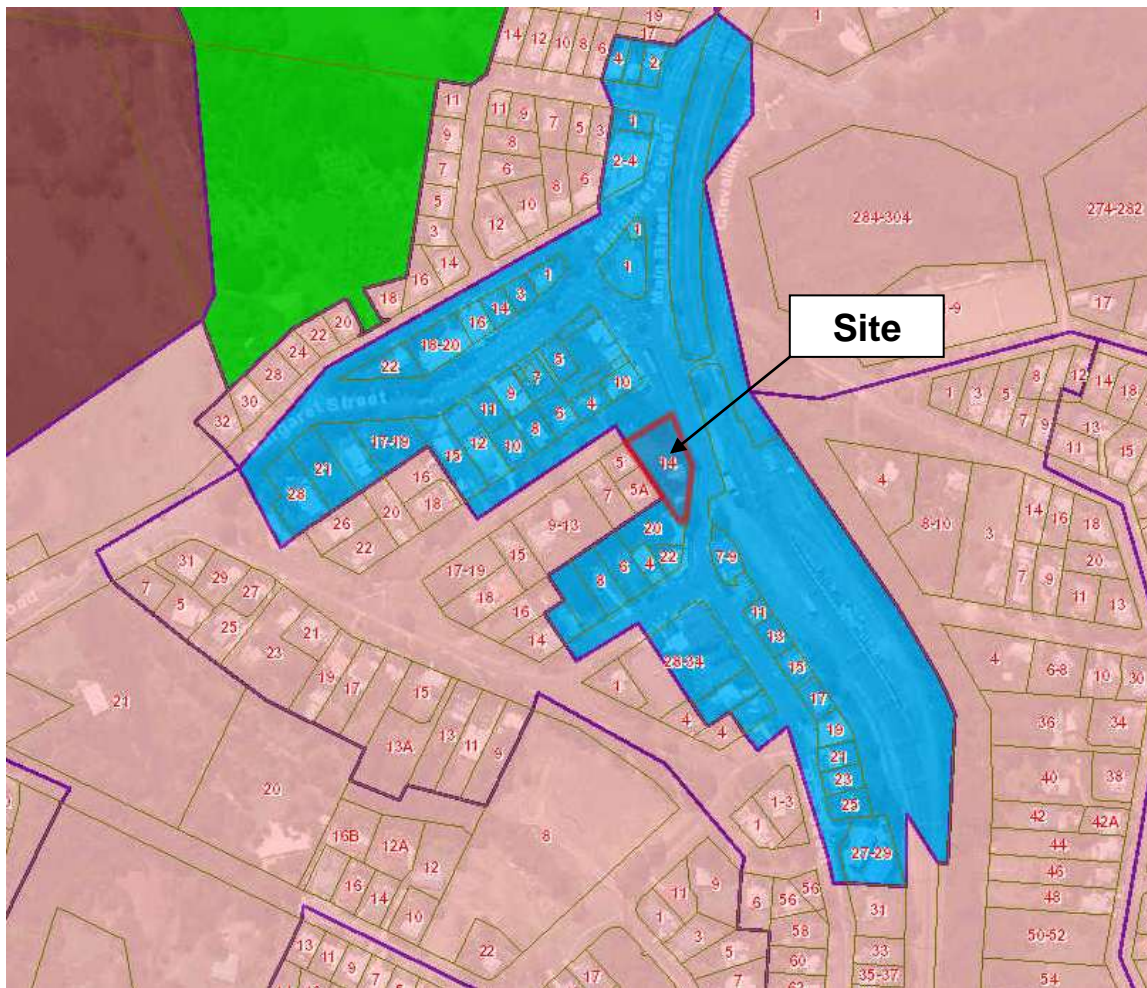
Despite its location within the central village precinct, the multiple dwelling unit site contains topographical constraints to development. The site slopes from a highpoint of RL 37m AHD at the western-most end of the Hill Street frontage to RL 30m AHD at the eastern-most end of the Main Street frontage. Slope grades average 15-17% across the site. A large retaining wall (ranging in height from approximately 1m up to 2m) extends for the entire Main Street frontage of the site and, as such, no vehicular access can be achieved from this frontage.

Some mature vegetation exists on the site, the majority of which is not significant or is classified as weed species. However, a small number of trees are significant and contribute to the streetscape character of Palmwoods, including a flooded gum on the Hill Street frontage of the site and a large mango tree on the Main Street frontage.

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



The image below depicts the site in relation to the Palmwoods Village Centre Precinct (light blue).



Surrounding Land Uses

Palmwoods is most distinctively known for its character as a traditional railway town. Contributing to its cultural heritage are the age and history of many of its buildings (both residential and commercial), and other distinctive features, including the old stone retaining walls that line its streets (particularly Main Street) and the setting of the town within a leafy and hilly backdrop.

Although designated as a 'village centre' in the planning scheme, parts of the village centre have yet to be developed for centre purposes (including the subject site). For this reason, the built form of the Palmwoods village centre encompasses a diverse mix of typical centre uses (such as retail, office, catering, hotel and government uses) with traditional neighbourhood residential uses (detached housing and church facilities). Hill Street is a predominantly residential street containing several traditional post-war houses and the Palmwoods Anglican Church.

The multiple dwelling unit site is adjoined by 3 properties and 2 road frontages (Main and Hill Streets). The western side of the site is the uphill side and abuts 3 of the properties that form part of the shopping complex site. Two of these properties contain detached dwellings and the third contains commercial shops fronting Main Street. Further west is a public utility that fronts Church Street (the Palmwoods Telstra exchange) and the Palmwoods Anglican Church, which fronts Hill Street. The eastern boundary of the site is formed by Main Street, and the road itself sits a number of metres below the site. On the opposite side of Main Street is a hardware store (on land owned by Queensland Rail), and the railway line and station.

The most notable features in close proximity to the site include:

- a row of historic shops to the north of the site (on the opposite side of Hill Street), which contributes to the Palmwoods heritage and townscape character;
- the historic Palmwoods Hotel located on the opposite corner of the Church Street and Main Street intersection; and
- the Palmwoods IGA building located on the opposite side of Main Street. The IGA comprises 300m² gross floor area, and is currently the town's only supermarket.

The rail line from Landsborough to Nambour has been identified for upgrading, which includes a new alignment. The subject site is not impacted by the new alignment as it moves the line further to the east away from the subject site. The railway upgrade is proposed to be operational by 2031.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

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

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

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

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are applicable to this application:

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

SPP1/03 has been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, does not warrant a separate assessment.

South East Queensland Regional Plan

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

The Regional Plan has some specific comments relating to the future development of the Sunshine Coast region, of particular relevance these provisions state:

“Hinterland towns with access to a passenger rail service provide further opportunities to accommodate limited residential growth within transit oriented communities. However, protecting the character and amenity of individual townships will be a high priority, all development will be subject to the provision of adequate local infrastructure, such as water and sewerage.”

This is further supported by the ‘Compact Settlement’ provisions of the Regional Plan, which includes a policy that *“Focuses higher density and mixed-use development in and around regional activity centres and public transport nodes and corridors.”* (Policy 8.1.2). The purpose of increased densities in these locations is to increase vitality and provide more convenient access to services and transport. Clearly the site’s close proximity to the Palmwoods rail station (within 150 metres) and access to local services and infrastructure means that it is ideally located for higher density residential development. However, this must not be at the expense of the character and amenity intended for the Palmwoods township. A detailed assessment of the proposals impact on the character and amenity of Palmwoods township has been provided later in this report.

State Planning Regulatory Provisions

There are no State Planning Regulatory Provisions applicable to this application.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is Maroochy Plan 2000 (24 October 2011). The following sections relate to the provisions of the Planning Scheme.

Strategic Provisions

The subject site is identified in the Strategic Plan as ‘Village Centre’. Many of the objectives and implementation measures of the Retail and Commerce strategy under the Strategic Plan relate to requirements for commercial development and how it is to enhance the existing business area. The strategy, specifically for village centres, seeks to establish a range of commercial land uses which are small scale and serve the local community only. Emphasis is also placed on enhancing the character of the towns and that development must not fragment the village centres.

While the development does not achieve a continuity of retail shopfronts at street level, there are site specific issues which impact upon such a design (discussed in detail below). It is also acknowledged that the predominately residential development is taking up valuable commercial land and does not assist in consolidating the commercial role of the centre. However, the development does achieve many of the Strategic Implementation Measures for the Social Equity and Liveability, and Transport and Accessibility provisions of the Strategic Plan. In particular, the development consolidates residential uses around centres to optimise support for public transport and it provides for a much needed diversity and mix of housing for Palmwoods responding to community needs. The proposed development is believed to assist in providing a vibrant Palmwoods village centre by focusing increased residential

activity in the town. Furthermore, the proposal achieves a high standard of urban design which is responsive to the local character (discussed in detail below). As such, the proposed development generally complies with the objectives and implementation measures of the Retail and Commerce strategy under the Strategic Plan.

Local Area Provisions

The subject site is located in Planning Area 14 – Palmwoods, Planning Precinct 1 – Palmwoods Village Centre, Precinct Class – Village Centre.

The relevant intent statements for the Village Centre precinct within this planning area are:

The Village Centre Precinct is focussed on Margaret and Main Streets. ..., the civic and business centre of Palmwoods. It is highly desirable that this 'central' role and historic character be maintained and reinforced by new development. The most significant new retail and other commercial uses should be located in this precinct. Mixed use premises (eg shop, café or office with housing or guest house above/behind) should also be encouraged. ...

Numerous opportunities for infill development, desirably using/incorporating existing older buildings, are available in the precinct. The scale and intensity of new development should be in keeping with the traditional townscape character of the Village Centre.. ...

New premises incorporate the key character elements of existing buildings. ...

Enhance the views to/from and within the area. ...

The prominence of the Hotel as a local landmark on the bend of Main Street should not be compromised by inappropriate new development or streetscape works.... The attractive stone retaining wall along the western edge of Main Street (north of Church Street), are also considered worthy of conservation.

Pedestrian access to the railway station from the western side of the tracks should be improved ...

Preferred Maximum Density for multi-unit or mixed use premises for all sites – 0.5 maximum plot ration and 200 site area per dwelling when calculating the Dwelling Unit Factor (DUF). ...

Maximum building height of 3 storeys (but not more than 12 metres).

Further, the greater Palmwoods Planning Area vision includes:

Existing structurally sound buildings particularly those built prior to 1945, which contribute to the historic townscape character of Palmwoods, and/or of cultural heritage significance to the local community are intended to be conserved and renovated or recycled ...

New premises will respect the traditional townscape and architectural character in terms of scale, siting, forms, compositions, materials and will respond to topography and climate

Groups or cluster of smaller structures which incorporate generous verandahs and eaves, pitched roof forms and attractive facades are preferred to large individual buildings

Existing vegetation which contributes to the character and amenity of the town centre will be conserved and complimented by additional high quality landscaping on development site and in public streets and places.

While the proposal offers limited commercial development on the site, it is argued that the predominantly multi-unit residential development as proposed is, on balance, a desirable outcome for the Palmwoods Township. The issues that arise out of an assessment of this development proposal are discussed below.

Land Use and Works Provisions

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

- Code for Development on Steep or Unstable Land;
- Design Code for Community Safety and Security;
- Code for Landscaping Design;
- Code for Transport, Traffic and Parking;
- Operational Works Code;
- Heritage Conservation Code;
- Code for Integrated Water Management;
- Code for Low-rise Multi-unit Residential Premises;
- Code for Town and Village Centres; and
- Code for Mixed Use Premises.

The application has been assessed against each of the above applicable codes. The pertinent issues arising out of assessment against the codes are discussed on an 'issues' basis below.

Land Use

The subject site is located within a Village Centre precinct and the proposed small 65m² Shop and Multiple Dwelling uses are preferred and acceptable uses for this precinct. As the residential uses are integrated with a minor commercial use it constitutes a Mixed Use Building as per the planning scheme definition.

Both these uses are code assessable in this precinct, if they comply with the height and density requirements. The application is impact assessable due to the multiple dwelling unit component being located at ground level and non-compliance with the density provisions for this precinct. The shop component, being within the required height limit, remains code assessable. The general intended vision for village centre precincts is to have active commercial uses at ground floor with multiple dwelling units above (within the required height limit).

A possible code complying scenario for this site could include a 2 storey commercial development (shop at ground with office above) with a third storey residential component (within the 12 metre height limit and complying with the density provisions). Commercial uses are generally afforded a far greater site cover than residential uses. The site cover of the adjoining and approved shopping complex is 90%. The subject site could potentially

have a far greater site cover and plot ratio than the current mixed use proposal. Refer to the next section for a discussion on these matters.

Element 2 of the Code for Town and Village Centres seeks to achieve buildings that clearly define and frame streets and have commercial activity at ground floor to create lively and interesting frontages to enrich the experience of people using the centres. While the development does not achieve these objectives for the majority of the ground level, there are a number of site specific issues that impact on achieving such an outcome:

- the steep slopes and the existence of large retaining walls for the majority of the site's eastern frontage impact significantly on the achievement of equitable access along an active commercial frontage. These retaining walls are identified as having heritage significance in the Palmwoods Planning Area Code. Refer to the 3D imaging below, prepared by council's urban design staff, which demonstrates the achievement of a code complying mixed use building that include an active frontage and equitable access (bottom image) compared to the proposal (top image). Further retaining walls or raised platforms of up to 2m in height would be required above the existing stone retaining wall along Main Street resulting in a much more intrusive and bulkier built form outcome when viewed by pedestrians at street level and from the railway. There would also be potentially significant and ongoing maintenance costs for such a structure within the road reserve into the future



- due to the level difference between the site and Main Street (up to 3m in places) and the existence of the culturally significant retaining walls, it would be impossible for any commercial development to create a meaningful connection with vehicular traffic travelling along Main Street
- Main Street is not characterised by a typical village centre built form on both sides of the street, as it has a generally continuous built edge and active frontages, due to a significant portion of the eastern side of Main Street being determined by the North Coast Railway Line
- the provision of commercial development along the Main Street site frontage would contribute to a continuum of commercial development between existing commercial sites on Main Street to the north and the Palmwoods Hotel to the south. While there is currently no such commercial link, and the subject development does not propose to contribute a commercial linkage, there is the opportunity for such a linkage to be

reinforced on the opposite side of Main Street as it redevelops. This land is also designated for commercial purposes and does not have the same steep topographical site constraints, being flatter and located on the low side of the road

- the intent of the planning scheme is to provide pedestrian friendly frontages with awnings extending over the footpath. The proposed development achieves an active commercial frontage along only a small portion of the southern end of the site. The adjoining shopping complex approval is required to provide an internal covered pedestrian link between Hill Street and Church Street, which will serve as an alternate link between the southern and northern ends of the village centre, placing less emphasis on the need for a pedestrian connection along the western side of Main Street. There is opportunity on the opposite railway side of Main Street to achieve an at grade active street frontage with awnings over the footpath
- the planning scheme seeks to achieve mixed use development (commercial at ground and residential above), but does not specify a final ratio for this mix. The subject development proposal is dominated by the residential component, with a small, almost token, shop at the southern end that appropriately adjoins the existing active commercial development. This intent of the planning scheme has not been met to any significant degree, but the discussion above regarding the logistics of creating equitable access along an active frontage whilst retaining the existing stone wall demonstrates the significant impact on the current streetscape
- while the scale of commercial development intended by the planning scheme has not been achieved by this development, this quantum has somewhat been compensated for by the adjoining large shopping complex approval (with a gross floor area of 3,610m²). This site did not provide any residential component and extended into the neighbourhood residential precinct which effectively extended the commercial zoning by 2,216m²
- the precinct guidelines require development to be sympathetic to the view of the Palmwoods Hotel for traffic travelling along Main Street. The proposed development improves this view line by setting the unit development an average of 6m from the Main Street boundary, which provides opportunity for a significant landscape buffer to Main Street and maintains the existing large mango tree in the south eastern corner. On the other hand, a commercial development would be entitled to build along the entire length of the Main Street boundary (as preferred by the Code), which could potentially detract from the view line to, and the townscape prominence of, the Hotel as one drives south along Main Street and
- the proposed unit development is able to retain the existing footpath above the retaining wall on its current alignment with limited impact on the pedestrian view lines from Main Street and the railway.

On balance, the proposed unit development (with a small commercial component) has been designed to respond to the significant site constraints. It defines and provides a green landscaped frame to Main Street with a commercial link to the existing and proposed commercial development at the south eastern end of the site, which contributes to extension of a lively and interesting frontage to the extent the site constraints reasonably allows.

Density and Plot Ratio

The subject development for 30 x 2 bedroom units exceeds the preferred maximum density and plot ratio requirements for this precinct, being 10 x 2 bedroom units and 0.5 respectively. By definition, the plot ratio provides a maximum gross floor area in relation to the site area for residential and mixed use development. As the total gross floor area of the development is

2,456m², a plot ratio of 1.17 is achieved, resulting from 3 storeys of residential development, rather than the desired one residential storey as part of a mixed use development. It is important to note that plot ratio requirements only apply to residential or mixed use development and do not apply to purely commercial developments (such as the adjoining shopping complex).

As there is non-compliance with these preferred maximums, as expressed in the acceptable solutions, assessment is shifted to the *broader* performance based provisions and precinct guidelines. Given the proposal is almost exclusively residential in nature, Element 2 of the Code for Low-rise Multi-unit Residential Premises relevantly provides the following associated performance criteria:

*“the number of dwelling and/or rooming units developed on the site must be consistent with the **desired character of the precinct** in which it is situated, and the site’s physical conditions, environmental characteristics setting and infrastructure provision.”*

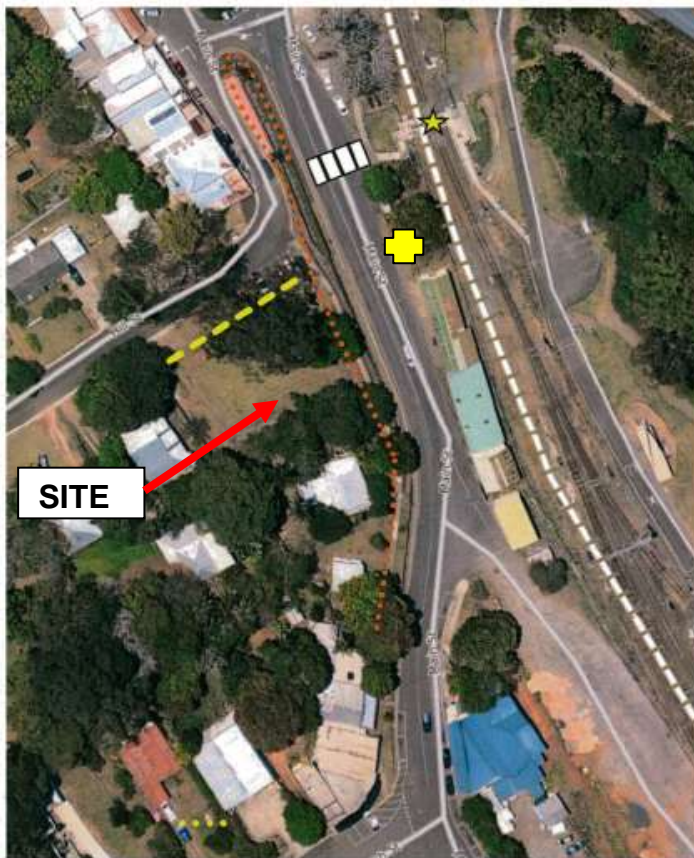
As it has been demonstrated in the Land Use issue discussion above, fully activated commercial development would have undesirable streetscape impacts due to ultimate retaining wall heights. The residential development proposed has been designed to achieve the maximum 3 storey height allowed within the precinct, with a significantly lesser site coverage than would be achieved by a complying commercial development. Instead of a bulky commercial building, the development achieves 3 narrower residential structures. The design features incorporate generous verandahs and attractive facades of materials and colours that are more respectful of, and responsive, to the desired character and design intent of the Palmwoods Planning Area Code.

While it is acknowledged that the proposed density is significantly above the deemed to comply provisions, the proposal has been assessed against the performance criteria of this code and has been found to comply for the following reasons:

- the desired character for this precinct is for 3 storey (12m) mixed use development. In terms of bulk and scale, when viewed from the railway side of Main Street, the development provides a significantly less dominant and bulky outcome in comparison to a code complying commercial or mixed use development. Such a development would be required to be directly adjacent the Main Street frontage, which would have a far greater site cover and would achieve very limited landscape buffering potential to Main Street and necessitate the loss of existing significant vegetation
- a significant landscape buffer up to 6m wide has been provided along the majority of the Main Street frontage, which will allow for mature vegetation up to 8-10m high. This will assist in screening the perceived bulk and scale of the development when viewed from Main Street and will contribute to Palmwoods green townscape setting
- the building design has incorporated key elements of the existing townscape character through materials (timber screens), articulated building facades, and a roof plane which follows the slope of the land. The built form is in the form of 3 distinct and separate buildings, allowing not only significant vegetation, but also space between the building forms, allowing a bulk and scale that is more responsive to, and reflective of, the traditional built form of Palmwoods than a complying mixed use development would. In addition, conditions are recommended to ensure the colour scheme of the development has regard to the existing heritage palate
- the development design has responded to the site’s sloping nature through the provision of a basement car park and a podium level communal area somewhat contributing to the activation of the street. This minimises visual impact of car parking

while maximizing the opportunity for landscape and recreation areas. Furthermore, the built form has been designed to step down the slope to minimise bulk and scale

- the development is within close proximity to a variety of public transport options including a bus route and the north coast train line. As identified by the South East Queensland Regional Plan, increased densities should be encouraged along major transit lines and in centres. To improve the site's pedestrian connectivity to the train station and bus stop, the applicant proposes a pedestrian crossing across Main Street to link with the existing pedestrian crossing over the railway as the station is on the opposite side of the train tracks. An approximate location of the crossing can be seen in the image below. The walk from the site to the train station will be 340m and to the nearest bus stop will be 100m



Legend

- Existing pedestrian pathways
- Connection to be provided as part of new unit application
- |||| Possible pedestrian crossing location
- ★ Existing Pedestrian crossing over railway
- + Existing Bus Stop

- parking and access complies with the Code requirements (or can be conditioned to comply)
- the proposal provides landscaping and recreation areas in excess of that required by the Code for Low-rise Multi-unit Residential Premises at 47% (the Code requires 40%) and
- both private and communal open space requirements have been provided for in accordance with Code requirements.

There are no medium density housing precincts identified for the Palmwoods area. The village centre is the only preferred location identified in the planning scheme that can accommodate multiple dwelling units at medium densities. As the many of the lots in the village centre precinct have approval for, or are currently established for commercial

development, there is very limited opportunity to establish units in the general Palmwoods area.

The applicant submits that the proposal will fill a current void in Palmwoods for multiple dwelling units and the development will increase the housing mix and choices for the area. This is supported by the very high percentage of detached dwellings for the Palmwoods area being 91.8%, with only 5.2% being medium density housing, in comparison to the Sunshine Coast average of 72.6% detached houses with 24.5% medium density housing. The proposed units will assist in diversifying the housing stock for the Palmwoods area in an ideal location within the town centre and in very close proximity to the railway station and bus stop.

Character and Amenity Impacts

The character and amenity impacts must be considered in the context of the desired or intended character as detailed in the precinct guidelines for this village centre precinct, rather than only referring to the existing built form and character which is predominately single storey with some double storey (albeit regard must be had to the existing character). While the Palmwoods Village Centre is yet to be fully developed for commercial purposes, the character is expected to change as more intense commercial and medium density residential developments (up to 3 storeys) occur over time (as allowed for in the precinct guidelines). Despite this, the Statements of Desired Precinct Character for Palmwoods in Volume 3 of the Maroochy Plan 2000 have requirements that new development respect the existing character by conserving historic buildings, retaining walls and enhancing the prominence of the Palmwoods Hotel when viewed from Main Street. The development has incorporated a number of design measures to ensure the development is responsive to and reflective of the existing and the desired character of this precinct including:

- the development is spread over 3 distinct buildings, breaking up the bulk of the built form in comparison to a single commercial building with a far greater site cover (as demonstrated by the adjoining shopping complex approval). The 3 slimmer structures creates a far softer visual impact on this very prominent and highly visible street corner site
- the finishes and materials include aluminium, colorbond roofing, timber details, light weight screens, fibre cement sheeting and painted masonry walls. A number of these proposed finishes are reflective of traditional building materials
- while the proposed roof design does not replicate those found on existing heritage buildings (with a steep roof pitch) it does adopt a lightweight roof form which follows the slope of the land which will minimise the visual bulk of the building
- the façade of the buildings is to be articulated with lightweight balconies opening out towards Main and Hill Streets, deep recesses, and blade walls, presenting lighter elements to the street. The roofline sits proud of the structures creating a floating effect and will allow views through. The roofline follows the form of the hill slope
- substantial landscape buffering to the Main Street frontage (up to 6m), allowing for deep planting of trees, will help to effectively screen the development when viewed from Main Street and further afield. Accordingly, the buildings will have a softer and more subdued presence to Main Street, respecting the character buildings of the Palmwoods Hotel and the Main Street set of shops to the north and maintaining the green character of Palmwoods

- the majority of parking is located within a basement carpark that not only minimises the visible impact of this service aspect of the development, but allows for usable communal open space at podium level
- the development is proposing to retain a number of significant trees on and adjacent to the site (in particular the mature eucalypt tree along the Hill Street frontage and the large mango tree at the southern end of the site) and
- the retail/shop component of the proposal adjoins the shopfronts included in the shopping centre on the neighbouring site. This will provide a continuous awning to the streetscape and provide activation to the southern corner of the site.

The site adjoins 2 residential properties (5 and 5A Hill Street). While these properties are owned by the applicant and form part of the approved shopping complex site, consideration should be given to the proposal's impact on these properties should the shopping complex approval not proceed. The following design measures and site characteristics will ensure amenity impacts on these adjoining dwellings will be minimised:

- all of the proposed units face towards Main Street or Hill Street away from these adjoining dwellings
- a minimum 2m setback is proposed for buildings adjacent to the dwelling on 5 Hill Street, which can be landscaped to help soften the built form when viewed from the adjoining dwellings
- both the dwellings on 5 and 5A Hill Street are well set back from the common boundary, being setback approximately 5m and 10m respectively
- significant mature vegetation exists on 5A Hill Street, which will assist in buffering the development to this residence and
- the subject site slopes away from the adjoining dwellings, which will help to minimise impacts such as overshadowing and overlooking in relation to these dwellings.

While the development represents a significant change in the Palmwoods built form, its design features are respectful of the key character elements of Palmwoods to minimise its impacts.

Heritage Issues and Urban Design

The Design Intent for the Palmwoods Planning states:

“Existing structurally sound buildings particularly those built prior to 1945, which contribute to the historic townscape character of Palmwoods, and/or are of cultural heritage significance to the local community are intended to be conserved and renovated or recycled for appropriate uses, unless removal or demolition is the only prudent and feasible alternative. These buildings may not be of 'State' significance, but contribute to the Palmwoods community.”

The following comments have been provided by council's Urban Design Specialist with regard to the design of the development and how it is respectful of, and compatible with, the traditional townscape character:

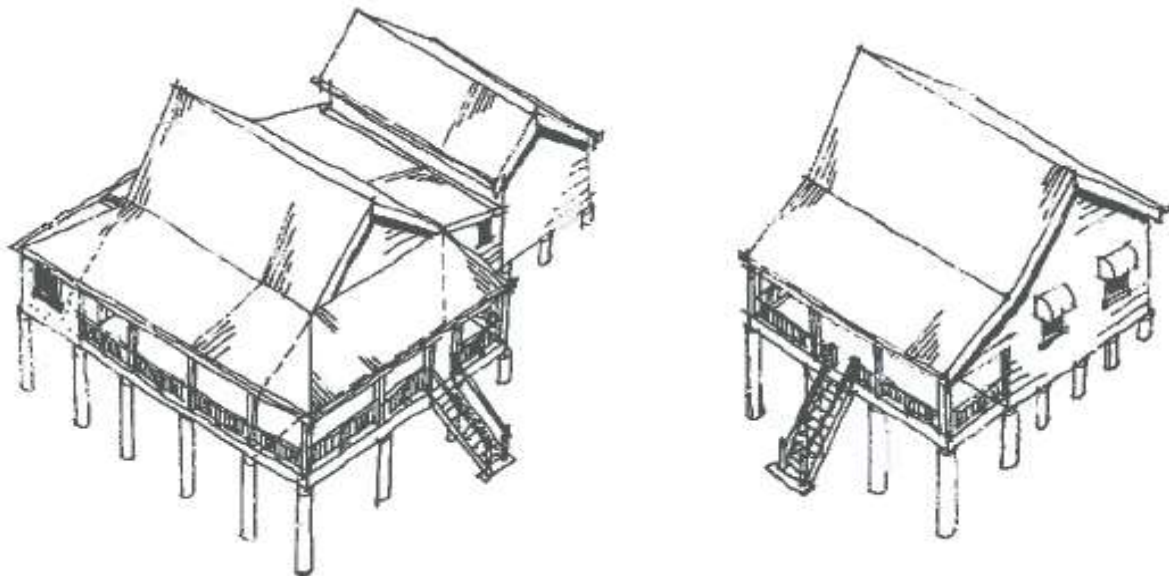
“The finishes and materials proposed include aluminium, colour bond roofing, timber details, light weight screens, fc sheeting and painted masonry walls. A number of

these proposed finishes are reflective of traditional building materials, required by the plan.

Although the proposal does not replicate the historical building style in Palmwoods the proportions and rhythm of the buildings reflect that of the Palmwoods Hotel and attempt to tie into this theme with a modern form. The proposal will provide a transition in scale from the approved shopping centre development to the existing character of Palmwoods centre. It is considered that the development will not detract from character of the town."

With regard to the existing dwelling on the site, the applicant initially submitted a Cultural Heritage Report that assessed the townscape significance of the building. This concluded that, while the dwelling had been built prior to 1945, it was likely that it was moved onto the site from elsewhere. However, following submitters providing photographic evidence demonstrating that the building was likely to be used as a railway station master's house, which existed on the site sometime after 1907 and prior to 1922, the applicant submitted a supplementary heritage assessment providing a more detailed assessment of the building, its cultural heritage significance and structural integrity. It is noted that, while many buildings in and around Palmwoods were constructed prior to 1945, it does not mean they are all significant and worthy of retention. Rather, buildings constructed prior to 1945 trigger an assessment against the Heritage Conservation Code to determine their value. The submitted cultural heritage assessment found that the buildings on the site are not of any outstanding or individual cultural significance, nor are they historic buildings that warrant conservation for the following reasons:

- while the original core of the building is still clearly evident, the building has been highly altered over time and many of its original and early features are now missing or are in poor physical condition. The below diagram from cultural heritage assessment provided by the applicant illustrates the current built form of the dwelling on the left and the likely original core of the building on the right



- the building is no longer in use as a railway station master's house and has no prospect of returning to such a use in the future
- the dwelling's poor physical condition and highly altered state mitigate against the building's ability to demonstrate any aspect of significance, which might otherwise be considered rare, uncommon or endangered

- the station masters' houses were of conventional form, materials, construction and detailing such that no significant new information that would contribute to our understanding of the Shire's or locality's history
- the building appears to be a conventional house of its era with no distinguishing or important characteristics, which would identify it as a former railway station master's house
- there is no evidence to suggest that former railway workers or the railway heritage community hold the place in particularly high regard and
- various recent local and regional studies have failed to attribute any heritage significance to the dwelling.

Council engaged an independent conservation architect to undertake a peer review of the cultural heritage assessment submitted by the applicant. This review concurred with the applicant's findings and agreed that the house has no significant value to render its retention necessary. The author contends that, despite this recommendation, the dwelling does contribute to the overall heritage character of central Palmwoods.

Despite the above findings, the applicant has proposed to retain the central dwelling and an adaptive re-use of the original 'core' of the building in response to community concerns (noting that the building would need extensive repair if it were to be re-used). The applicant has submitted a structural adequacy report of the dwelling indicating the main core of the building being generally structurally sound and viable for future use. Council's Urban Design Specialist believes that, while the building has no specific cultural significance, given the age of the house, the contribution it makes to the Palmwoods streetscape and the public interest in the building, it is appropriate that the original core of the building be retained and reused on site in close proximity to the street.

Therefore, it is recommended that this structure be retained on the site and reused within the development. However, as it may not be financially viable to convert the dwelling into a commercial building given the amount of 'retro fitting' that would need to occur to bring it up to current standards (e.g. disabled access and fire rating) and the need for additional infrastructure (e.g. car parking), it is recommended that the dwelling be used either as a residential unit or for communal purposes (recreation area, offices) associated with the multiple dwelling units with access from the podium communal area. This will ensure a viable reuse of the building whilst preserving its historic qualities and streetscape connection (continuing to have a front veranda facing Main Street). While a number of options were considered, the most appropriate location for the dwelling to be maintained on the site is fronting Main Street in between the 2 unit buildings, as this maintains a connection with Main Street and the rail line (and will minimise any impact on the proposed unit design).

Based on the above discussion, the proposed development is considered to comply with the intent of the heritage provisions of Maroochy Plan 2000 and the Palmwoods Planning Area.

Acoustic Impacts

Concerns have been raised by submitters of potential amenity impacts to future occupiers of the units, as the Palmwoods Hotel has approval to operate into the night hours with entertainment (bands, DJ's) to 12.00am and 2.00am on certain days. Concerns related to the possibility of complaints being made from occupiers of the units as a result of noise nuisance caused by the music and/or patron dispersal during late evening or night hours, thereby impacting upon the operations of the Hotel.

In context, the precinct guidelines allow for residential development in the village centre as a preferred use and such increased densities are expected to occur in the centre and within close proximity to the Hotel.

In addition, the Department of Transport and Main Roads' conditions, as a result of the train bypass noise at the Palmwoods Station, require building treatments to the units to achieve the attenuation of this bypass noise (external to internal) to the level set within the conditions. The building envelope construction (i.e. type of materials and/or thickness of windows, wall, doors, roof) to achieve the necessary attenuation needs to be determined by a future acoustic assessment. The inclusion of treatments for this purpose will provide a future occupier with the opportunity to close windows and doors when music, patron dispersal and/or rail noise is perceived to cause a nuisance.

The applicant has submitted an acoustic assessment considering the above matters which made a number of building design recommendations to mitigate against noise impacts. council's Environment Specialist has assessed this assessment and found that:

- the acoustic requirements of Department of Transport and Main Roads will address noise generated by patrons leaving the Hotel (through the use of glazing and ventilation treatments)
- the assessment does not adequately address the noise generated internally from the Hotel site (i.e. amplified music) and
- council can condition, in accordance with the Code for Low-rise Multi-unit Residential Premises, that a detailed acoustic assessment be submitted prior to construction, which considers all noise sources (including from the hotel itself). This will inform the building standards and treatments required for the unit development and ensure a suitable acoustic environment for future residents.

In addition to conditions requiring the submission of a further acoustic report, it is recommended that property notes be included on the subject property to raise the awareness of future residents of the potential noise impacts from the Hotel and railway operations.

Landscaping and Tree Retention

The application exceeds the required landscape and recreation area required by the relevant codes and provides for landscape buffering around much of the site's perimeter. While no planting details of the landscape buffer to Main Street have been provided, council's Landscape Specialist is satisfied that the proposed buffer widths will allow for deep planting of significant trees as well, as a screening understorey. Conditions are recommended requiring a minimum of 75% of the unit blocks be screened when viewed from Main Street within 8 years of planting.

A number of mature trees on, and adjacent to, the site have been identified for retention by the applicant, as identified in an arborist's report, including a large flooded gum on the Hill Street frontage (28m high) and a mango tree along the Main Street frontage (adjacent to the shop). This vegetation contributes to the vegetated character of Palmwoods Village and will assist in providing some screening of the built form until such time as the new landscape buffer planting becomes established. Conditions are recommended requiring tree retention and protection works be carried out in accordance with this arborist's report.

Parking and Access

Onsite car parking complies with the residential parking requirements of the Maroochy Plan 2000. However, no onsite parking has been shown for the proposed shop. The applicant

has suggested that 2 additional tandem parking spaces can be achieved in front of basement bays 18 and 19 (this tandem arrangement is acceptable but may be more suitable for the residential uses with 2 parks being allocated to the one unit). The acceptable measures of the Code for Transport, Traffic and Parking require 3 parking spaces be provided for the 65m² shop (with the parking rate being 1 space per 20m²). While only 2 additional bays are proposed, this is considered to comply with the performance outcomes of the Code given that these parks are likely only to be used for staff parking and there is on street parking available for customers of the shop (there are approximately 16 on street bays within a 50m radius of the shop). The Palmwoods Planning Area Code recognises the importance of this on street parking in providing convenient access to businesses.

Should the heritage dwelling be used as residence, the code provisions (acceptable measures) would require an additional parking bay be provided on site. An additional bay is not considered necessary in this instance given that:

- the site is in close proximity to a variety of public transport options (including the railway line and a bus stop)
- motorcycle parking has been provided in the basement which is seen as a viable alternative to driving a car
- parking for the shop will not be utilised at all times (i.e. when the shop is closed) allowing for some 'sharing' of parking between the uses
- a minimum of one parking bay per unit can be provided as there are 37 residential parking bays provided (as well 8 visitor bays)
- the draft New Planning Scheme reduces the parking rate to one bay per unit (regardless of the number of bedrooms) which means there will potentially be a surplus of 7 parks on site if the application was remade under the draft planning scheme and
- the historic and townscape benefits of allowing the building to be used for its original purpose outweigh the need to strictly comply with parking requirements.

The applicant has provided a traffic report assessing the impact of the development on traffic in Hill Street. The development proposes 30 units on a site that currently contains one dwelling, which will increase traffic volumes by around 180 vehicles per day although, given the close proximity of the railway station, it is anticipated that many people will walk to and use the train to get to work. Council's engineer believes that this traffic volume is within the capacity of the adjoining road network. The submitted traffic report identifies the existing 4.5m wide traffic lane in Hill Street, north of the site, as a potential issue and recommends either the removal of parking or the creation of a one-way section of road. Council's engineer believes that the latter option is the best given the potential impact on local businesses resulting from removal of parking. This will restrict this end of Hill Street to northbound traffic only, with access to the site being only via the western end of Hill Street. Conditions are recommended which will require the applicant to undertake works to ensure that the eastern end of Hill Street is one way only (line marking and signage).

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport and Main Roads

The department is a concurrence agency for public transport matters (proximity to the railway station). The department responded by letter dated 4 January 2013 (Reference No. TMR12-003218) imposing conditions in relation acoustic amelioration measures and meeting specific acoustic criteria.

Other Referrals

Unitywater

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

Internal Referrals

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

- Development Engineer, Engineering and Environment Assessment Branch
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Branch
- Landscape Officer, Engineering and Environment Assessment Branch
- Environment Officer, Engineering and Environment Assessment Branch and
- Urban Designer, Planning Assessment Branch.

Economic Development Branch

Council's Economic Development Branch provided the following advice about the application

"Having reviewed the proposal and due to its predominately residential nature, on this occasion, the Economic Development Branch has no comment on this application in line with previous policy and procedure in not commenting on small residential proposals."

Strategic Planning Branch

Council's Strategic Planning Branch provided the following advice about the application:

- the proposal generally meets the intention of Maroochy Plan 2000; the site is within the Palmwoods village centre precinct, which aims to maintain and reinforce this centre for Palmwoods
- the subject site is located within the Urban Footprint of the South East Queensland Regional Plan and is consistent with the higher objectives of the Regional Plan by locating higher residential densities close to established transport and other infrastructure

- the proposal meets the intention of council's affordable living strategy by proposing a multi-unit development close to public transport and services
- consideration needs to be given to character and identity issues, specifically the proportions, bulk and scale of the buildings and whether a flat roof design is appropriate and
- Consideration should be given to opportunities to strengthen the main street function though additional active uses at ground level.

With regard to the last 2 items, these matters have been discussed in detail in the previous sections of this report.

External Referrals

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

- Peter Marquis-Kyle Conservation Architect

Public Notification

The application was publicly notified in accordance with the requirements of the *Sustainable Planning Act 2009*, a total 370 properly made submissions and 38 not properly made submissions were received.

The application was notified twice as the applicant failed to notify for the required 15 business days during the first round.

It should be noted that, of the total 370 properly made submissions, 144 of these submissions were made by individuals not from a Palmwoods residential address.

First Round of Notification

Of the 174 submissions made, 155 were properly made and 19 were not properly made. Furthermore, 154 were against the development application, while one was in support of the development application.

Petition 1

Signatures: 375

Opposing grounds:

- The development proposal will compromise the 'quality of life' of Palmwoods residents. High density residential developments are inappropriate for the subject site.
- Proposed density, height and architectural design is 'out of character' with surrounding area (being of heritage significance).
- Proposed development will impact on traffic safety and congestion within the area.
- Proposed car parking provision is 'inadequate' and will result in overflow parking in nearby streets.

Petition 2

Signatures: 161

Opposing grounds:

- Proposed development is 'out of character' within the precinct.

Concerns raised by submitters during the first round of notification outlined issues around the following aspects of the application:

- Density
- Car Parking
- Inconsistent Use within the Precinct
- Acoustic Issues with the Palmwoods Hotel
- Heritage
- Affordable Housing impacts and compliance
- Land Description
- Investigation of 'Structurally Unsound' Dwelling
- Height
- Design
- SEQRP Compliance
- 'Mixed Use Development'
- Transport and Traffic
- Waste Storage
- Amenity and Acoustic Impacts
- Using the shopping complex site for density calculations
- Environmental Issues
- Social Issues
- Community Consultation/Public Notification
- Setbacks
- Draft Planning Scheme

Second Round Notification

Of the 196 submissions made, 177 submissions were properly made and 19 were not properly made. All submissions opposed the development application.

The second round of notification produced no new issues to those raised within the first round of notification.

The following table provides a more detailed summary and assessment of the issues raised by submitters during the notification periods. It is noted that many of the issues raised by submitters have been discussed in detail previously in this report under the section 'Statutory Instruments – Planning Scheme'.

Issues	Comments
<p><u>Density:</u> The proposed density of the application exceeds that required by the precinct guidelines.</p> <p>Integration of the adjoining approved shops for calculation of the DUF is unjustifiable.</p>	<p>As discussed previously in the report, while the proposed density exceeds the deemed to comply requirements, the applicant has demonstrated compliance with the broader performance criteria of the Code for Low-rise Multi-unit Residential Premises.</p> <p>It is agreed that utilising the site area of the shopping complex site for the calculation of DUF is not appropriate and each development should be treated independently. However, as discussed above, the proposed density complies with the performance based outcomes of the planning scheme.</p>

Issues	Comments
<p><u>Car Parking:</u> Proposed development lacks provision of sufficient residential and visitor parking.</p> <p>Proposal to situate car parking for the shops within the adjoining proposed Shopping Centre.</p>	<p>‘Under Schedule 2 of the Code for Transport, Traffic and Parking the applicant is required to provide 37.5 residential car parks and 7.5 visitor car parks for the multiple dwelling units, which the applicant has complied with.</p> <p>It is agreed that parking for the proposed shop should not be located off site in the shopping complex carpark. As such, it is recommended that two additional bays be provided within the multiple dwelling unit basement car park, which are allocated to the shop. Council’s engineer is satisfied that two additional bays can be accommodated within the basement carpark which comply with the applicable standards. A condition and plan amendment has been recommended requiring the additional parks.</p>
<p><u>Inconsistent Use within the Precinct:</u> The location for proposed units in the village centre is inappropriate and unsuitable.</p> <p>The application is incorporating the adjoining shopping complex, which is partly under the Neighbourhood Residential Precinct. An assessment against the Palmwoods Village Residential planning area is therefore required.</p>	<p>Under the Table of Development Assessment Multiple dwelling units are code assessable (preferred and acceptable use) within the Village Centre precinct, provided units are above ground storey and comply with the height and density requirements for area. Multiple dwelling units are otherwise Impact Assessable, but are not identified as an inappropriate use for the precinct. A mix of commercial and residential developments within the village centre is seen as key to establishing a vibrant and viable centre.</p> <p>The issue of the shopping complex development extending into the neighbourhood residential precinct was assessed previously when this application was approved. As the current proposal is limited only to the village centre Precinct this issue does not need to be revisited.</p>
<p><u>Acoustic Issues with the Hotel:</u> Conflicting noise issues of the Palmwoods Hotel and the proposed units.</p>	<p>The applicant has submitted a noise assessment to demonstrate that the proposal will address noise nuisance from patrons leaving the Palmwoods Hotel. The requirements of the Department of Transport and Main Roads for building treatments to attenuate train bypass noise will also achieve attenuation of noise coming from patrons exiting the hotel during late trading hours. Council’s environment specialist believes that the development can comply with noise requirements subject to conditions. A condition is recommended requiring a detailed assessment to be undertaken by the applicant to</p>

Issues	Comments
Anti-social behaviour from Hotel.	<p>consider noise generated from the hotel site (eg amplified music). This assessment will inform the building treatments (glazing to doors and windows) necessary for the development to ensure compliance with the standard.</p> <p>It is noted that anti-social behaviour from hotel patrons is not the immediate responsibility of the applicant, nor is this issue provided for by the planning scheme. However, in addition to the recommended conditions, property notes should be included on subject property to raise the awareness of future residents of the potential noise impacts from the Hotel operations.</p>
<p><u>Heritage:</u> Inadequate consideration of heritage within the precinct, such as the general townscape significance, and sites such as the Hotel, Memorial Hall and Police Station.</p> <p>Inadequate consideration of site specific heritage such as the Station Masters House, and the Gum Tree (at the corner of Hill St). The two old buildings at Lot 21 are deemed to have heritage significance, due to their deterioration it is recommended they are relocated and preserved. The same recommendation follows for the old shop located on Lot 20.</p>	<p>As discussed previously, the architectural design of the proposed units is sensitive to the character of the precinct through a variety of themes. It is not necessary for the applicant to replicate the existing architectural form.</p> <p>A cultural heritage impact report prepared by the applicant (which was peer reviewed by an independent conservation architect) concluded that the existing buildings on the site are of no individual cultural heritage significance. Despite this, the applicant has volunteered to retain the central dwelling on site and conditions have been recommended to ensure its retention and reuse. Recommended conditions of approval will ensure the flooded gum tree is to be retained.</p>
<p><u>Affordable Housing impacts and compliance:</u> Negative impacts resulting from the provision of affordable housing.</p> <p>The proposed development does not follow the Queensland Government Affordable Housing Guidelines by 'not fitting in' to the neighbourhood, impairing the privacy of neighbouring properties and inadequate provision of vegetation.</p>	<p>There is no evidence to suggest that higher density living causes negative social impacts. Rather, the planning scheme seeks to promote the availability of housing diversity, to allow for a range of housing types. This is further supported by Sunshine Coast Council's Affordable Living Strategy 2010-2020.</p> <p>The Queensland Government Affordable Housing Strategy is not relevant to the assessment of development applications. As discussed above, the application has demonstrated compliance with the character, amenity and landscape provisions of Maroochy Plan 2000.</p>
<p><u>Land Description:</u> The land is 'not vacant' as described in town planning report.</p>	<p>The applicant has referred to the subject site as 'vacant', in terms of there being no residence</p>

Issues	Comments
	<p>living in the detached houses. The applicant's town planning report goes on to state that two small residential buildings front Main Street. The applicant amended the public notification sign on the subject land to read "Detached Houses (2) and Commercial Development Multiple Dwelling Units (30 Units) and Shop".</p>
<p><u>Investigation of 'Structurally Unsound' Dwelling:</u> Questioning the applicant's description of the existing dwelling being 'structurally unsound' (an independent report is needed).</p>	<p>The applicant has subsequently provided a Structural Adequacy report by professional engineers, which found that everything but the central core of the dwelling as being structurally unsound.</p>
<p><u>Height:</u> Proposed height is 'out of character'.</p>	<p>The Statement of Desired Precinct Character for Palmwoods Village Centre states a Maximum building height of '3 storeys (but not more than 12 metres)'. The development application has proposed a maximum building height of 11.1m, therefore complying with provisions of the precinct.</p>
<p><u>Design:</u> Architectural design is 'out of character', through its 'contemporary' and 'box-like' themes.</p> <p>Compliance of required 40% of landscaped and recreational areas and planted vegetation is unclear. Plans need to identify landscaped areas of level 1 and 2. Scale issues were also identified in the applicants provided plans.</p> <p>Private open space areas and dimensions for the units have not been shown on submitted plans.</p> <p>A 2m wide landscape strip along the Hill Street frontage should be provided.</p>	<p>As discussed previously in this report, the architectural design of the proposed units is sensitive to the character of the precinct through a variety of themes. Further, the proposed setbacks to Main Street provides for significant landscape buffering that helps to screen the bulk of the buildings.</p> <p>The applicant has submitted plans demonstrating compliance with the minimum 40% required landscaping and recreational area.</p> <p>Revised plans in the applicant's information request response detail areas of private open space.</p> <p>The proposed buffer/setback to Hill Street varies in width from 1.5m down to approximately 1m. This is considered a suitable buffer width, given the level of the carpark is significantly lower (by 2-3m) than Hill Street. As such, the carpark hardstand area will not be overly obtrusive when viewed from Hill Street and increasing landscaping to 2m wide will not assist in</p>

Issues	Comments
	screening this area.
<p><u>South East Queensland Regional Plan Compliance:</u> Development does not comply with specific sections of the Regional Plan. Proposed 30 ‘box like’ units disregard policy 8.3 “Urban Character and design”, reflection of South East Queensland’s subtropical climate and local character. The proposal also doesn’t comply with policy 8.3.1 by reinforcing the individual character of the urban area, and 8.3.3 by incorporating subtropical design principles.</p>	<p>The land is located in the Urban Footprint designation, which is intended to accommodate the regions urban development in a more compact form. While Palmwoods is not within a Development Area or Identified Growth Area, Sunshine Coast hinterland towns have been identified as accommodating limited residential growth within transit oriented communities. As discussed previously in the report, the application is considered to be consistent with the desired character of the planning area as detailed in Maroochy Plan 2000. All living and dining areas have direct access to balconies which will encourage subtropical outdoor living.</p>
<p><u>‘Mixed Use Development’:</u> Integration of the adjoining approved shopping complex does not constitute a ‘mixed use development’. The included shop is deemed a ‘standalone commercial use’ as it has a small gross floor area, is located on the very southern boundary, and does not have on-site parking.</p> <p>The pedestrian connection between the proposed units and shopping centre has not been adequately addressed.</p> <p>There is insufficient activities to facilitate interactions along Main Street – such as shopfronts or cafes.</p>	<p>As discussed previously, the adjoining shopping complex approval is to be treated as a standalone development. Despite this, the applicant has included a shop component on the multiple dwelling unit site that meets the definition for a “Mixed use building” in Maroochy Plan 2000. Parking for the shop use can be conditioned to comply within the basement. The very small commercial component could be viewed as being ‘tokenistic’, but the planning scheme does not specify a ratio requirement.</p> <p>The applicant has proposed a pedestrian connection from the podium level of the units into the shopping complex car park for future residents (not general public). This link is not required by the planning scheme, but there is no objection to it being provided. The applicant has demonstrated that a pedestrian connection can be provided without impacting on the parking requirements of the shopping complex approval.</p> <p>The proposed shop with direct frontage to Main Street will provide an active frontage for a small portion of the Main Street frontage and will integrate with the adjoining shopping complex approval. It is acknowledged that the planning scheme seeks to achieve a more intense commercial activity for the entire frontage, providing a continuous built form fronting the street. However, as discussed previously in this report, there are site specific constraints that prevent this from occurring. Furthermore, there is the opportunity to achieve this on the opposite side of Main Street (north of the IGA building).</p>

Issues	Comments
<p><u>Transport and Traffic:</u> The proposed residential development will impact an 'already saturated' road network, major upgrades to nearby intersections and roads will be required, including road widening. The intersections at Churchill Street, Hill Street and Church Street will be impacted. The applicant should provide a revised access from Main Street or Church Street. Better connections should be provided to public transport facilities.</p>	<p>It is noted that the proposed shopping complex application will be required to upgrade both Hill Street and Church Street intersections. Given the development will increase traffic travelling along Hill Street, it is recommended the applicant upgrade the Hill Street and Churchill Street intersection. This upgrade will include the formation of a T-intersection, two way access, and widening of specific parts of the road (this is consistent with the conditions of the shopping complex approval). There may be some broader traffic issues in Palmwoods, but the applicant should be not be expected to address these when the development is having little impact on the overall traffic generation for the area. Given the existing retaining walls (which are identified as having heritage significance), site access from Main Street is impractical and contrary to the planning scheme. The applicant is proposing a pedestrian crossing on Main Street to better connect the development to the train station and bus stop. This is recommended to be a condition of approval.</p>
<p><u>Waste Storage:</u> Location and size of waste storage area does not meet required standards, extensive street frontage is required for 60 wheelie bins.</p>	<p>The plans show waste facilities which comply with the code requirements i.e. basement waste bin storage where occupiers dispose of waste by taking the lift to the basement. Conditions are recommended for the provision of on-site storage for six low noise bulk bins for general and recyclable material waste, an adequate number for the waste generated weekly by the development. This approach has been facilitated by Council's Waste & Resource Management Branch to avoid the need for wheelie bins along the frontage of the site on waste collection day.</p>
<p><u>Acoustic Impacts:</u> Insufficient consideration of acoustic impacts of surrounding land uses (railway, proposed shopping centre, Palmwoods Hotel and other commercial uses/areas) on the proposed units.</p>	<p>Council's environment specialist believes that the development can comply with noise requirements subject to conditions. A condition is recommended requiring a detailed assessment to be undertaken by the applicant to consider noise generated from the hotel site (eg amplified music) that will inform the building treatments (glazing to doors and windows) necessary for the development to ensure internal noise limits fall within the required standards.</p>
<p><u>Environmental Issues:</u> Environmental factors haven't been adequately addressed such as an underground river directly under</p>	<p>Council mapping overlays indicate there are no areas of nature conservation management, waterways or wetlands on the subject site. It is</p>

Issues	Comments
<p>proposed development, fruit bat and Lorikeet populations within the trees on site, removal of 'significant' trees and fauna and flora.</p> <p>Failure to incorporate sustainable building principle 'passive climate control'.</p>	<p>noted that site is within a commercial precinct and there is no requirement in the planning scheme for the applicant to maintain trees for the purposes of fauna habitat. The significant amenity trees on the site (as identified by the submitted arborist report) are proposed to be retained. Conditions are recommended to ensure that all necessary actions are taken to protect the health of these trees.</p> <p>The majority of the proposed units have an ideal solar orientation (north eastern) minimising the need for air conditioning.</p>
<p><u>Social Issues:</u> Density, location and design of the proposed units has the potential to effect social interactions, community cohesion and the wellbeing of people within the area. Overcrowding has the potential to develop into slums.</p>	<p>The density of the proposed development is noted to be above the preferred outcomes provided for in the planning scheme. However, the applicant has provided a sufficient performance based justification through the provision of necessary infrastructure, lack of environmental constraints and design merits.</p> <p>There is no evidence to suggest that increased density translates to low socio economic residences. It could be argued that the proposed development creates opportunities for social interactions and community cohesion. This is achieved through the provision of housing diversity within the area that isn't currently available. This could potentially attract a variety of social groups or allow residents of Palmwoods to remain in the area (where residents are looking to downsize from a detached dwelling).</p>
<p><u>Community Consultation/Public Notification:</u> The applicant did not provide adequate community consultation and public notification.</p>	<p>The applicant has complied with the public notification requirements of the <i>Sustainable Planning Act 2009</i>. It is noted the applicant notified the application a second time as they did not initially notify the application for the correct length of time as prescribed by the Act (15 business days). During the second round of notification, the applicant replaced the signage on the site to ensure font size and land description requirements were complied with. This amended signage was kept on the site for the required timeframe. Under s304 of the <i>Sustainable Planning Act 2009</i>, it is deemed these factors haven't adversely affected the public awareness of the existence and nature of this application, or restricted the opportunity of the public to make a properly made submission.</p>

Issues	Comments
<p><u>Setbacks:</u> Development does not comply with applicable setbacks (stated in the Code for Low rise Multi-unit Residential Premises).</p> <p>To mitigate the impacts of the proposed height fronting onto Main Street, the setback distances needs to be increased or building height needs to be decreased in addition to planted vegetation.</p> <p>Pedestrian path needs to be preserved along the top of the retaining wall.</p>	<p>The proposed setbacks have been assessed in the context of the existing and approved development in the area rather than seeking strict compliance with the acceptable measures of the Code. The proposed setbacks are consistent with the existing and intended character for the area (noting the site is within a commercial precinct).</p> <p>The proposal complies with the height requirements for this precinct> However, to minimise the visual impact of the building from Main Street vegetated buffering has been provided that varies in width from 5.1 metres up to 6 metres. Council’s landscape specialist believes that this buffer width can accommodate trees and shrubs that will result in 75% of the unit buildings being screened once the vegetation is established. Conditions have been recommended accordingly.</p> <p>The proposal will maintain all existing footpaths along the Main Street frontage.</p>
<p><u>Draft Planning Scheme:</u> The proposed development application fails to address and is in conflict with the draft Sunshine Coast Draft Planning Scheme. The Draft Plan states active street frontages, with Main Street to be retained as the primary focus for centre activities.</p> <p>The proposed development exceeds the maximum site coverage of 40% stated within the Multi-Unit Residential Uses Code. The proposal also doesn’t comply with a 4m side boundary setback and a 6m rear boundary set back.</p>	<p>The Draft Planning Scheme seeks to achieve similar built form outcomes to the current scheme. The issue of active frontages has been discussed in detail above. There are sufficient planning grounds and site constraints which prevent a viable and effective active frontage to Main Street.</p> <p>The issues of site cover and setbacks have been discussed in detail above. The proposed setbacks and site coverage is consistent with the existing and intended character of the village centre (noting that code complying commercial developments are afforded minimal setbacks and maximum site cover).</p>

DRAFT SUNSHINE COAST PLANNING SCHEME

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

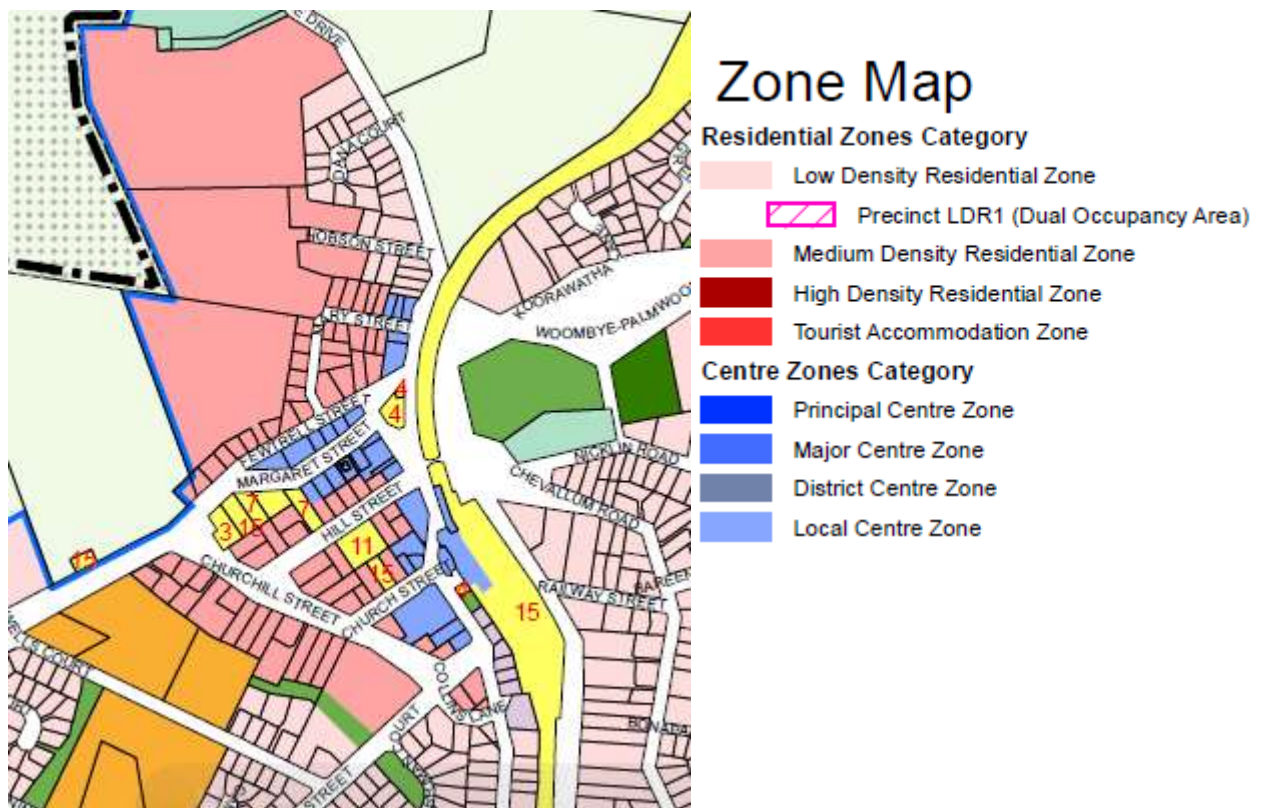
The application would trigger **code assessment** under the draft planning scheme, and would be affected by the following Overlays:

- Steep Land (15-20% Slope)
- Regional Infrastructure (Railway Corridor Buffer)

- Biting Midges and Mosquitoes and
- the land is adjacent to an identified scenic route (Main Street Palmwoods), with a very small portion of the eastern boundary covered by the Land Subject to Scenic Amenity Overlay.

The development is generally consistent with the draft New Planning Scheme. The following key matters are noted:

- land surrounding the Local Centre has now been upzoned from Low Density Residential to a Medium Density Residential Zone. The extent of the medium density residential zone can be seen in the below zone map



- there are no longer specific density requirements for development which raise the level of assessment. Rather, density is to be determined by requirements such as site cover, height, setbacks and providing the required infrastructure, landscaping and open space
- the Business Uses and Centre Design Code identifies a building site cover of up to 70% where the building does not exceed 8.5m and 40% for the part of the building exceeding 8.5m. The Multi-unit Residential Uses Code identifies a 40% site cover for buildings 2 or more storeys
- the Local Area Plan identifies the sites frontages to Hill and Main Streets as having primary active street frontages
- Main Street is identified as a 'Primary Streetscape Treatment Area' and key pedestrian cycle linkage

- character vegetation is identified along the sites frontage to Hill Street (the flooded gum)
- the height limit of 12m is maintained for this site
- the site has not been identified being within heritage or character area and as such the application would not require assessment against the heritage provisions of the draft New Planning Scheme and
- the Strategic Framework identifies the 'country town' feel, traditional Main Street built form and heritage and streetscape character of the Palmwoods Town Centre as being an important element to retain and reinforce, with Main Street and Margaret Street enhanced as wide, attractive and pedestrian friendly street.

The application is maintaining and enhancing pedestrian connectivity along the site's frontage and is retaining vegetation, which contributes to the streetscape character. While the development does not achieve active street frontages for the entire frontage, there are site constraints and planning grounds as to why this is not viable or practical (discussed in detail above).

CONCLUSION

A detailed assessment has been made against the provisions of the Maroochy Plan 2000 and it was found that there were areas of non-compliance with the deemed to comply provisions that required a more detailed assessment against the performance criteria of various applicable codes. The quantum of residential development and the lack of commercial development at ground level that precluded a continuous active frontage to Main Street, were the most significant issues considered.

Due to the site's steep topography, to achieve an active commercial frontage, a further retaining wall or raised platform up to 2m high would need to be constructed above the existing heritage stone retaining wall to ensure equitable access. This outcome would create a very imposing and intrusive wall when viewed from street level and the railway line that would have limited overall community benefit, and would create an ongoing maintenance cost. Hence, a multi-storey residential development was proposed with a minimal 65m² commercial shop component with a more visually pleasing green presentation to Main Street.

The developer responded to the site constraints in the form of slope, vegetation, the heritage retaining wall and house and acoustic concerns with a design that demonstrated compliance with the broader performance outcomes of the planning scheme. The proposed building height, setbacks and site cover are all consistent with the desired character of the village centre precinct.

The innovative building design ensures it responds sensitively to the local character and amenity. It has incorporated a number of design measures to minimise its impact and ensure the development will be respectful of, and compatible with, the key Palmwoods character elements, including a significant landscape buffer for the majority of the Main Street frontage, the retention of 2 landmark trees, 3 slimmer building structures, the use of appropriate colours, materials, building form, and the adaptive reuse of the existing historic dwelling. All these design features will lessen the impact of the development when viewed from strategic locations such as the railway on the eastern side of Main Street.

In consideration that the Maroochy Plan 2000 is a performance based planning scheme (and the draft New Planning Scheme places less emphasis on density requirements) the proposed development complies with the broader desired outcomes of creating successful

and attractive centres. Furthermore, the development is consistent with the intent of the South East Queensland Regional Plan to increase residential densities around public transport corridors and within planned centres. The proposal is a mixed use development, albeit with a very minimal commercial component, which will contribute to the vibrancy and activity of the village centre, while providing much needed housing diversity in an area that is dominated by detached housing.

On balance, it has been found that the grounds for supporting the proposal outweighed those for refusal and it is recommended that the application be approved subject to reasonable and relevant conditions.

7.2.4 ADOPTION OF PRIORITY INFRASTRUCTURE PLANS AND ADOPTED INFRASTRUCTURE CHARGES RESOLUTION AMENDMENT

File No:	ECM
Author:	Coordinator Infrastructure Planning Regional Strategy & Planning Department
Appendices:	App A - Priority Infrastructure Plan for The Noosa Plan (Provided Separately on CD)..... View App B - Priority Infrastructure Plan for Maroochy Plan 2000 (Provided Separately on CD)..... View App C - Priority Infrastructure Plan for Caloundra City Plan 2004 (Provided Separately on CD)..... View App D - Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No. 4) 2011 203
Attachments:	Att 1 - Copy of Unitywater Letter dated 25 July 2013 241 Att 2 - Copy of letter from the Deputy Premier, Minister for State Development, Infrastructure and Planning dated 16 May 2013 243

PURPOSE

This report seeks Council's endorsement of amendments to and adoption of:

- (a) the Priority Infrastructure Plans for the Sunshine Coast's three existing planning schemes (The Noosa Plan 2006, Maroochy Plan 2000 and Caloundra City Plan 2004) and the associated amendments of the planning schemes in accordance with Council's previous resolution of 16 November 2011 and
- (b) Council's Adopted Infrastructure Charges Resolution adjusted due to adoption of the Priority Infrastructure Plans for the Sunshine Coast's three existing planning schemes in accordance with Council's previous resolution of 7 December 2011.

EXECUTIVE SUMMARY

The requirement for Planning Schemes to include Priority Infrastructure Plans was first introduced in October 2004 and has been subject to numerous amendments in the legislation and guidelines governing their development and implementation since that time.

At the Special Meeting of 29 September 2008, Council approved the submission of draft Priority Infrastructure Plans for each of its three existing Planning Schemes to the State Government for first State interest reviews. These plans included Infrastructure Charges Schedules that formed the basis of development charges for the provision of trunk infrastructure.

The State's review of the draft Priority Infrastructure Plans was impacted on by many factors that extended the review period well beyond normal expectations. During this review period, the State Government's infrastructure charges reforms also introduced the draft *State Planning Regulatory Provision (adopted charges)* which commenced on 1 July 2011 and resulted in the removal of Infrastructure Charges Schedules from Priority Infrastructure Plans.

Council received approval from the Minister for Local Government and Planning on the 24 October 2011 to proceed to public notification of the documents subject to conditions including the removal of Infrastructure Charges Schedules.

At its Ordinary Meeting of 16 November 2011, Council authorised the public consultation, review of submissions, and subsequent steps to enable adoption of the Priority Infrastructure Plans.

The three Priority Infrastructure Plans and amendments to the planning schemes underwent public consultation from 21 November 2011 until 13 January 2012. Review of public submissions resulted in minor amendments to the documents which were then resubmitted on 8 May 2012 to the Minister, State Development, Infrastructure and Planning for the Department's second State interest review.

At its Ordinary Meeting of 7 December 2011, Council authorised the amendment of Council's Adopted Infrastructure Charges Resolution on gazettal of the three Priority Infrastructure Plans by removing those sections from the Adopted Infrastructure Charges Resolution that will be replaced and then governed by the adopted Priority Infrastructure Plans.

On 16 May 2013, the Deputy Premier and Minister for State Development, Infrastructure and Planning gave his approval for Council to proceed to adoption of the three Priority Infrastructure Plans, subject to conditions (refer Attachment 2 – Copy of the letter from the Deputy Premier, Minister for State Development, Infrastructure and Planning dated 16 May 2013).

The documents have been amended in accordance with the Minister's conditions of approval and Council's approval is now sought to proceed with the adoption of the three Priority Infrastructure Plans, consequential amendments required for the three current planning schemes and consequential amendment to Council's Adopted Infrastructure Charges Resolution in order to:

- (a) satisfy the legislative requirement for existing planning schemes to have a Priority Infrastructure Plan and
- (b) enable the ability to apply conditions for additional infrastructure costs if required to cater for development that is inconsistent with the planning assumptions with respect to the type, scale, location and timing of the development.

The State Government is currently undertaking further legislative reform with the discussion paper *"Infrastructure planning and charging framework review"* released for public consultation with the intention being for a new Infrastructure Planning and Charges regime to commence on 1 July 2014. The full impact of the proposed reform will not be known until after February 2014 however initial review indicates that it may result in further amendments to Plans for Trunk Infrastructure and Adopted Infrastructure Charges Resolutions.

The details of this reform discussion paper will be the subject of a separate briefing to Council.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Adoption of Priority Infrastructure Plans and Adopted Infrastructure Charges Resolution Amendment”
- (b) endorse amendments made to the three Priority Infrastructure Plans and amendments to the planning schemes for The Noosa Plan 2006, Maroochy Plan 2000 and Caloundra City Plan 2004 to satisfy the conditions outlined in the letter of approval by the Deputy Premier, Minister for State Development, Infrastructure and Planning, dated 16 May 2013
- (c) adopt the Priority Infrastructure Plan for The Noosa Plan (Appendix A), Priority Infrastructure Plan for Maroochy Plan 2000 (Appendix B) and Priority Infrastructure Plan for Caloundra City Plan 2004 (Appendix C) and associated amendments to the planning schemes for The Noosa Plan, Maroochy Plan 2000 and Caloundra City Plan 2004 in accordance with section 19 of the repealed *Integrated Planning Act 1997*
- (d) adopt the Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.4) 2011 (Appendix D) to replace the previous Adopted Infrastructure Charges Resolution (No. 3) 2011
- (e) authorise the Chief Executive Officer to:
 - i. publicly notify the adoption of the Priority Infrastructure Plans and planning scheme amendments in accordance with section 20 of Schedule 1 of the repealed *Integrated Planning Act 1997*
 - ii. publicly notify the adoption of the Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No. 4) 2011 in accordance with section 648D of the *Sustainable Planning Act 2009*
- (f) forward the adopted Priority Infrastructure Plans, planning scheme amendments and adopted Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No. 4) 2011 to the Chief Executive, Department of State Development, Infrastructure and Planning in accordance with the respective legislation and
- (g) note that with respect to (b) to (f) above and the relevant financial sustainability implications for council, local governments’ ability to obtain infrastructure charges contributions for future asset provision, may be substantially set aside within the next 12 months as a result of the impact of significant proposed changes relating to infrastructure charging by the State Government.

FINANCE AND RESOURCING

Public notification will involve minor costs for newspaper advertisements. These costs should total less than \$3,000 and will be funded from the current operational budget.

Adoption of the Priority Infrastructure Plans will provide additional powers to impose conditions for additional trunk infrastructure costs, if required, to cater for inconsistent development inside the Priority Infrastructure Area. All other infrastructure charging matters remain unchanged under the current Adopted Infrastructure Charges Regime.

CORPORATE PLAN

Corporate Plan Theme: *Robust Economy*

Emerging Priority: 1.3 - Infrastructure for economic growth

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

Corporate Plan Theme: **Ecological Sustainability**

Emerging Priority: 2.6 - Environmentally friendly infrastructure and urban design

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

Corporate Plan Theme: **Managing Growth**

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

Strategy: 7.4.1 - Prepare comprehensive infrastructure plans, policies and strategies in line with long term financial plans
7.4.2 - Require appropriate infrastructure provision and agreements as a component of development approvals so the cost of infrastructure is not a burden on the current generation

CONSULTATION

Internal Consultation

Consultation with internal stakeholders has been ongoing throughout the drafting of the Priority Infrastructure Plans and for revisions necessary to address the State Government's requirements during State interest reviews and the Minister's final conditions of approval.

External Consultation

The draft Priority Infrastructure Plans and planning scheme amendments have undergone the required State interest reviews with State Government agencies resulting in the Minister's approval being granted. Engagement with Unitywater has been undertaken and is ongoing in respect to the Water Supply and Sewerage networks.

Community Engagement

The draft Priority Infrastructure Plans and planning scheme amendments underwent extensive public consultation from 19 November 2011 to 13 January 2012 which allowed the community the opportunity to view and make submissions on the proposed documents. Review of submissions resulted in some amendments to occur in the documents before returning to the State for their second review.

PROPOSAL

Background

At its meeting of 9 November 2011, Council was informed of the history and details regarding preparation of the three Priority Infrastructure Plans as follows and is included for review and the information of new Councillors:

"Under the current provisions of the Sustainable Planning Act a local government planning scheme is required to include a Priority Infrastructure Plan by 31 December 2011. The Sunshine Coast Council's three existing planning schemes (The Noosa Plan 2006, Maroochy Plan 2000 and Caloundra City Plan 2004) do not, as yet, include a Priority Infrastructure Plan.

Priority Infrastructure Plans for the three planning schemes were drafted and the process for adoption was commenced, in accordance with the Schedule 1 (Process for making or amending planning schemes) of the repealed Integrated Planning Act 1997 prior to amalgamation. The Schedule 1 process for amendment of a planning scheme to incorporate a Priority Infrastructure Plan involves the following key steps:

- a) Resolution to amend the planning scheme.*
- b) Agreement with the State regarding planning assumptions and the Priority Infrastructure Area.*
- c) Consideration of State interests (First State interest review).*
- d) Subject to Ministerial approval, public notification of the Priority Infrastructure Plan and planning scheme amendments for a minimum period of 30 business days.*
- e) Consideration of submissions.*
- f) Reconsideration of State interests (Second State interest review).*
- g) Subject to Ministerial approval adoption of the Priority Infrastructure Plan and planning scheme amendments.*

For each of the Sunshine Coast's planning schemes steps a) and b) were completed by the former Councils prior to amalgamation as well as submission of the original draft Priority Infrastructure Plans to the State for first State interest review. Changes in State requirements and guidelines required modifications to these Priority Infrastructure Plans and resubmission to the State, post amalgamation.

The resubmission of the Priority Infrastructure Plans to the Department of Local Government and Planning for first State interest reviews was the subject of a report to Council on 29 September 2008. At this meeting Council authorised the Chief Executive Officer to amend the draft Priority Infrastructure Plans as required by the guidelines and State Government and, provided amendments were minor, proceed with public consultation. The resolution also required that a further status report, including financial implications, be considered by Council prior to public consultation.

The Priority Infrastructure Plans that were submitted to the State in 2008 were developed under guidelines that required inclusion of Infrastructure Charges Schedules and the State Government's review required an assessment of the Infrastructure Charges Schedules by the Queensland Competition Authority. This introduced complexities that dramatically increased the duration of the State's review. Interim comments were received from the State and Queensland Competition Authority and each Priority Infrastructure Plan was modified to address issues raised and resubmitted to the Department of Local Government and Planning with the latest amendments in November, 2010.

Further progress on the State's review of the Priority Infrastructure Plan amendments were interrupted by the State Government's Infrastructure Charges reforms which culminated in the Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Act 2011 and subsequent introduction of the draft State Planning Regulatory Provision (adopted charges).

The State Planning Regulatory Provision controls how Local Governments can levy infrastructure charges under an adopted infrastructure charges regime and has effect until June, 2014. As a consequence of the introduction of the State Planning Regulatory Provision, Council has adopted the Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No. 1) 2011. The adopted Infrastructure Charges

Resolution (No. 1) 2011 provides the mechanism for infrastructure charging across the Sunshine Coast's three planning schemes effectively superseding the infrastructure contributions Planning Scheme Policies and fulfilling the function of the Infrastructure Charges Schedules sections of the three Priority Infrastructure Plans.

The adopted Infrastructure Charges Resolution (No. 1) 2011 also includes other elements common with a Priority Infrastructure Plan namely:

- a) definition of the trunk infrastructure networks,*
- b) schedule of future trunk infrastructure projects and costs; and*
- c) desired standards of services.*

However, the Adopted Infrastructure Charges Resolution has limitations and adoption and insertion of the three Priority Infrastructure Plans into the respective planning schemes is justified on the following grounds:

- a) Comply with the legislative requirements of the Sustainable Planning Act that existing planning schemes include a Priority Infrastructure Plan by 31 December 2011. With the minimum consultation period required by the legislation, this deadline can now not be met; however every endeavour should be made to adopt a Priority Infrastructure Plan as early as possible.*
- b) Give Council control over the Priority Infrastructure Area. The Priority Infrastructure Area is generally as specified in schedule 2 of the draft State Planning Regulatory Provision unless there is an adopted Priority Infrastructure Plan for the planning scheme area, in which case, the Priority Infrastructure Area in the Priority Infrastructure Plan prevails.*
- c) Provide additional powers to impose conditions for additional trunk infrastructure costs for development that is inconsistent with a Priority Infrastructure Plan's planning assumptions with respect to the type, scale, location or timing of development. Without a Priority Infrastructure Plan, these additional conditioning powers are limited to development that is outside the Priority Infrastructure Area.*

Under Section 779 of the Sustainable Planning Act the process of amending a planning scheme under the repealed Integrated Planning Act 1997 Schedule 1 may continue if it started before the commencement of the Sustainable Planning Act. This applies to the three draft Priority Infrastructure Plans that have been submitted to the State and in recognition of this the Minister for Local Government and Planning has granted conditional approval for the Sunshine Coast Regional Council to proceed to public consultation for the draft Priority Infrastructure Plans and associated planning scheme amendments. The most significant condition is the removal of the Infrastructure Charges Schedules from the Priority Infrastructure Plans as this is not required whilst the State Planning Regulatory Provision has effect as explained above. Other conditions are of a minor nature and all three draft Priority Infrastructure Plans have been amended to remove the Infrastructure Charges Schedules section and associated references and address the remaining conditions of the Minister's approval. It is proposed to run the public consultation for the three draft Priority Infrastructure Plans concurrently commencing on 21 November 2011 and finishing on 13 January 2012."

At the ordinary meeting of 16 November 2011, Council authorised the public consultation, review of submissions, subsequent minor amendments, re-submission to the Minister for second review of State interests and subject to the Minister's approval not requiring significant changes, to amend, adopt and publicly notify the adoption of the Priority Infrastructure Plans and planning scheme amendments.

The three Priority Infrastructure Plans and amendments to the planning schemes underwent public consultation from 21 November 2011 until 13 January 2012. Public submissions were reviewed resulting in minor amendments to the documents which were then resubmitted on 8 May 2012 to the Minister, State Development, Infrastructure and Planning for the Department's second State interest review.

On 16 May 2013, the Minister congratulated Council on its efforts in progressing the draft Priority Infrastructure Plans and gave his approval for Council to proceed to adoption, subject to conditions (refer Attachment 2) which included:

- removal of planning scheme elements that conflict with, or will be made redundant by the *State Planning Regulatory Provision (adopted charges) 2012* prior to the adoption of the Priority Infrastructure Plans. It should be noted that this requirement was already addressed in the documents prior to commencing public consultation
- removal of recreational trails from the trunk infrastructure networks
- reflect current Queensland Government department names, dates, documents and standards and
- The Minister also advised that the plans for trunk infrastructure to address new or changed planning circumstances or information may be made under the statutory guideline for preparation of Priority Infrastructure Plans that allows for such amendments to occur after public notification provided such changes are considered not significant to require additional notification.

The Priority Infrastructure Plans have been amended to comply with the Minister's conditions and the amendments to the planning schemes remain predominantly as publicly notified.

In summary, the amendments include:

- removal of Trails from trunk infrastructure networks
- transfer of the "coastal path" from the Trail network to the Paths network in the Caloundra PIP
- adjustment of the plans for trunk infrastructure and schedule of works planned dates to accord with Council networks in the current Adopted Infrastructure Charges Resolution and capital works program. This has mainly involved amending from a proposed completion date to either a completed status or a future five year cohort
- complete replacement of the Desired Standards of Service, Plans for Trunk Infrastructure Maps and Schedules of Works for the Water Supply and Sewerage networks to reflect Unitywater's current Netserv planning in accordance with their request and justification as being minor amendments (refer Attachment 1) and
- minor changes in amendments to the current planning schemes to reflect changed references and notations due to other planning scheme amendments having occurred and subsequent amendments made to the Priority Infrastructure Plans.

At the ordinary meeting of 7 December 2011, Council authorised the amendment of Council's Adopted Infrastructure Charges Resolution to remove those sections from the resolution that will be replaced and then governed by the adopted Priority Infrastructure Plans.

In summary, the Sunshine Coast Regional Council Adopted Infrastructure Charges Resolution (No.4) 2011 placed before Council (see appendix 4) has amended sections 4 to 7

and 14 to 17 to now simply refer to “*details in the Priority Infrastructure Plan for the specified Local Government Planning Scheme/s*”. Two additional minor amendments have been also been made to better clarify the definition of “*impervious area*” and network apportionments of the resulting net charge.

Adoption of the Priority Infrastructure Plans into the current three planning schemes and associated amendment to Council’s Adopted Infrastructure Charges Resolution will:

- remove the risks identified in the legal and risk sections of this report by complying with the legislative requirement for existing Planning Schemes to have a Priority Infrastructure Plan
- strengthen Council’s and Unitywater’s conditioning powers relating to additional trunk infrastructure costs brought about by inconsistent development inside the Priority Infrastructure Area
- have no adverse impacts for the remaining Sunshine Coast Council and the new Noosa Council following de-amalgamation on 1 January 2014 and
- strengthen Unitywater’s position in relation to offset arrangements for Water Supply and Sewerage “trunk” infrastructure.

On the 1 July 2013, the State Government released the discussion paper “*Infrastructure planning and charging framework review*” for public consultation. It is a continuation of the process set by the previous State Government which implemented the interim Adopted Infrastructure Charges regime on 1 July 2011 and for a new Infrastructure Planning and Charges regime to commence on 1 July 2014.

An initial review of the document indicates that whilst the desired objectives and outcomes of the proposed reform appear sincere and based on sound planning principles, the form of delivery is quite challenging for Local Government. The full impact of the proposed reform will not be known until after February 2014 and may result in Council further amending its Plans for Trunk Infrastructure and Adopted Infrastructure Charges Resolution.

The details of this reform discussion paper will be the subject of a separate briefing to Council.

Legal

The *Sustainable Planning Act* requires that existing planning schemes have a Priority Infrastructure Plan by 30 June 2010 which the Minister for Local Government and Planning, through gazettal notice, extended to 31 December 2011.

Legal opinion provided by Herbert Geer on the possible legal implications of not having a planning scheme with a Priority Infrastructure Plan were previously summarized and provided to Council at its meeting of 9 November 2011, which advice was applied as the PIPs were progressed.

Council has applied its best endeavours to meet State Government requirements and this received implicit recognition when the Minister signed off on the three PIP documents.

Adoption of the Priority Infrastructure Plans will remove all risks by completing the legislative requirement for Council’s current Planning Schemes to include Priority Infrastructure Plans.

Policy

This report proposes actions that amend Council's existing planning schemes. Adoption of the Priority Infrastructure Plans into the planning schemes will also have significance in relation to Council's current Adopted Infrastructure Charges Resolution (No. 3) 2011 with respect to:

- defining the Priority Infrastructure Area
- detailing the standards of service for the trunk infrastructure networks and
- identifying future trunk infrastructure projects and costs for the purpose of determining offsets for trunk infrastructure that is provided by development.

This report also proposes actions to amend Council's Adopted Infrastructure Charges Resolution in catering to the above items in compliance with the applicable legislation.

Risk

The legal risks associated with not having Priority Infrastructure Plans enabling compliant planning schemes, are detailed in the "Legal" section above.

Financial Risks

With the introduction of the adopted charges regime, the revenue from infrastructure charges is dependent on the State Planning Regulatory Provision and Council's Adopted Infrastructure Charges Resolution. The works schedules detailed in the Adopted Infrastructure Charges Resolution were based on the Plans for Trunk Infrastructure from the draft Priority Infrastructure Plans and the financial implications in delivering the Priority Infrastructure Plan program are the same as for the Adopted Infrastructure Charges Resolution.

Adoption of the Priority Infrastructure Plans will therefore not impact on the current risks associated with Council's current Adopted Infrastructure Charges Resolution.

The commitment associated with the Plans for Trunk Infrastructure project lists will have short term effect only. The Priority Infrastructure Plan being developed for the new Sunshine Coast Planning Scheme will provide a revised trunk project list that will replace the Caloundra and Maroochy Priority Infrastructure Plans and the Noosa Priority Infrastructure Plan can be amended as decided by the new Noosa Council after 1 January 2014.

Of course, the current State Government review underway will provide a new infrastructure charges and planning regime, with the likelihood that the new Priority Infrastructure Plan may follow the adoption of the new Planning Scheme by 12 months.

Previous Council Resolution

Council resolution SM08/07 from the Special Meeting of 29 September 2008 authorised the submission of the draft Priority Infrastructure Plans and planning scheme amendments to the Department of Infrastructure and Planning, (now the Department of State Development, Infrastructure and Planning) for first State interest check and depending on the extent of changes required to proceed to public consultation. The resolution also required a report for Council's consideration on the financial implications of the Priority Infrastructure Plans prior to public consultation.

Council resolution OM11/287 from the Ordinary Meeting of 16 November 2011 authorised the public consultation, review of submissions, subsequent minor amendments, re-submission to the Minister for second review of State interests and subject to the Minister's approval not requiring significant changes, to amend, adopt and publicly notify the adoption of the Priority Infrastructure Plans and planning scheme amendments.

Council resolution OM11/314 from the Ordinary Meeting of 7 December 2011 authorised the amendment of Council's Adopted Infrastructure Charges Resolution on gazettal of the three Priority Infrastructure Plans by removing those sections from the Adopted Infrastructure Charges Resolution that will be replaced and then governed by the adopted Priority Infrastructure Plans.

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

The date of 31 December 2011 set by the Minister for planning schemes to include a Priority Infrastructure Plan has well passed, however having now received the Minister's approval, it is considered imperative that they be adopted as soon as possible to have fully compliant planning schemes in this regard.

Implementation

It is proposed to public notify Council's adoption of the three Priority Infrastructure Plans, planning scheme amendments and Adopted Infrastructure Charges Resolution (No.4) 2011 as soon as practicable after Council's adoption of the documents to take effect.

7.3 COMMUNITY SERVICES

7.3.1 MOOLOOLAH RECREATION RESERVE MASTER PLAN 2013-2028

File No:	Statutory Meetings
Authors:	Development Officer Sport and Facility Planning Community Services Department Landscape Architect / Urban Designer Infrastructure Services Department
Appendices:	App A - Mooloolah Recreation Reserve Master Plan 2013-2028 (Under Separate Cover) Att Pg 97

PURPOSE

To seek council's approval to endorse the Mooloolah Recreation Reserve Master Plan 2013 - 2028 and note the future stages for the development of the site as outlined in this report.

EXECUTIVE SUMMARY

The purpose of the revised Mooloolah Recreation Reserve Master Plan 2013-2028 (The Master Plan) is to provide a long term vision (2013-2028) for the site, identifying what it should look like and how it should function into the future.

The subject area incorporates the area known as the Mooloolah Recreation Reserve and the adjoining Lot 6, currently licensed to the Mooloolah Pony Club who is the only user group with a formal agreement to use the site. Other identified community groups with an interest in the site were the Mooloolah River Water Watch and Landcare Inc and the Mooloolah Valley Community Association Inc.

The Mooloolah Recreation Reserve is an important yet underutilised facility, providing informal sport, recreation, community and active living opportunities and contributing to the social fabric of the area.

The Master Plan was initiated by Infrastructure Services Branch after community requests, and was completed in partnership with Community Services in consultation with the community. Requests from the community, the underutilisation of the open space of Lot 3, the potential impact of the Landsborough to Nambour Rail Upgrade and issues with the use of the entire site by the Mooloolah Pony Club have necessitated a review of the previous plan and the development of a new master plan.

The Master Plan provides a clear guideline for the development of the site for the next 15 years. It builds on the existing infrastructure to reflect best value-for-money, whilst retaining flexibility for changes in future use and/or multi-use options. The process in developing this Master Plan has been sensitive to ensuring alignment with other key council strategies, community needs, statutory policies and regulations.

As a result, this report and the accompanying Master Plan, seeks to confirm the next stages of development of this site in line with council's strategic direction and will be considered in the development of the ten year Capital Works Program budget allocations.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Mooloolah Recreation Reserve Master Plan 2013-2028”
- (b) adopt the Mooloolah Recreation Reserve Master Plan 2013 - 2028 (Appendix A)
- (c) note that the implementation of future stages of development for the Mooloolah Recreation Reserve as per the Master Plan, will be considered in accordance with the council’s ten year Capital Works Program and the successful application for external funding and subsequent development priorities as outlined within this report and
- (d) present the Mooloolah Recreation Reserve Master Plan 2013-2028 to the relevant user groups, to assist those organisations with future planning considerations and also in identifying and seeking external funding opportunities to supplement council’s implementation costs.

FINANCE AND RESOURCING

Future allocations toward the implementation of the Mooloolah Recreation Reserve Master Plan 2013 - 2028 will be through external funding, club/community organisation funding and will be considered in council’s current ten year Capital Works Program, operations and maintenance funding.

There are currently no allocations in council’s ten-year Capital Works Program for staged construction of the Master Plan initiatives. Any further work on the Master Plan will require external funding, budget allocations and/or feasibility analysis. The cost of implementing recommendations would be beyond the responsibility and capacity of council to fund in its own right.

The adoption of this Master Plan provides council and the stakeholders with a sound base to lobby the state and federal governments for implementation funding assistance for the recommended upgrades and improvements to the associated infrastructure. It will also provide council with a strategic direction to implement improvements in a clear and focussed way, and provide a foundation for grant applications and facilities planning.

Most importantly, the master plan development process and the resultant plan acts as a catalyst and planning tool for activating sites and communities. The process undertaken to develop this master plan has already stimulated action on this site including:

- the Mooloolah Pony Club successfully attaining a state government grant for \$84,622 for field lighting
- minor improvements to the visual amenity of the site through appropriate maintenance
- derelict buildings scheduled for removal by mid July 2013 resulting in improved safety and amenity.

The above indicates that some recommendations of master plans can be implemented without the requirement of allocated council capital.

CORPORATE PLAN

Corporate Plan Theme: *Robust Economy*
Emerging Priority: 1.1 - A broad economic base
Strategy: 1.1.3 - Facilitate the development of the region's knowledge-based economy in particular the creative, health, environmental, leisure and sporting sectors

Corporate Plan Theme: *Health & Wellbeing*
Emerging Priority: 4.2 - Active lifestyles
Strategy: 4.2.2- Encourage healthy and balanced lifestyles
4.2.3 - Promote physical activity and recreation
4.2.4 - Support community-based sport and recreation organisations and programs

Corporate Plan Theme: *Social Cohesion*
Emerging Priority: 5.3 - A sense of identity and belonging
Strategy: 5.3.1 - Support community programs and infrastructure that encourage interaction, contribute to place making and a sense of community

CONSULTATION

- **Internal Consultation**
 - Division 5 Councillor
 - Community Facilities Branch
 - Community Development Branch
 - Parks and Gardens Branch
 - Building and Facility Services Branch
 - Transport and Engineering Services Branch
 - Business and Major Projects Services Branch
 - Infrastructure Policy Branch
 - Property and Business Branch
 - Planning Assessment Branch
 - Strategic Land Use Planning Branch
 - Environment Policy Branch
 - Environmental Operations Branch
 - Social Policy Branch
- **External Consultation**
 - Mooloolah Pony Club
 - Mooloolah River Water Watch and Landcare Inc
 - Mooloolah Valley Community Association Inc
 - Residents living in adjoining properties to the site
 - Mooloolah community

Community Engagement

The Mooloolah Recreation Reserve Master Plan was endorsed by Caloundra City Council in 2001. A revision of the Mooloolah Recreation Reserve was instigated by former Councillor Grosskreutz after requests from the Mooloolah Valley Community Association and subsequent correspondence from the Association to the Councillor in August, 2011. The

Mooloolah Valley Community Association received written notice of the review of the Master Plan by Infrastructure Services in October 2011.

It is noted that Division 5 Councillor McKay has continued to follow up with the Master Plan review and actively promoted it throughout the community.

The current Draft Mooloolah Recreation Reserve Master Plan is a review of the previously endorsed plan and has been developed internally.

The following approach was under taken by council officers in the Community Sport and Planning team in partnership with Parks and Gardens staff in the development of the master plan:

- Stage 1: Situational Analysis
 - Review of literature
 - Site and demographic mapping analysis
 - Targeted community consultation
- Stage 2: Option Development
 - Design option
 - Targeted community consultation
- Stage 3: Draft Design Concept Plan
 - Draft design concept plan
 - Broader community consultation

In addition to consultation with identified user groups, a number of consultation methods were implemented to engage wider community members, these included:

- Two information stalls outside the IGA Supermarket in Mooloolah (Tuesday evening and Saturday morning)
- Two presentations to Mooloolah Community and Business Breakfast Meetings as convened by the Divisional Councillor
- Public site tour of the Recreation Reserve, Mooloolah Pony Club grounds and clubhouse, including a walk along proposed pathways access
- Community Feedback Surveys were made available through IGA stalls, the Mooloolah Valley Community Centre and council's website
- Display of the draft concept plan on the Mooloolah Valley Community Centre notice board with feedback forms and a collection box
- Council staff door knock of residents in adjoining properties
- Page on council website with feedback forms and the draft concept plan
- Media release (article appearing in the Sunshine Coast Daily, councillor columns in Glasshouse Mountains News)
- Council's Facebook page.

63 written surveys were received from the Mooloolah Valley community. An analysis of these surveys and the feedback received from other consultations identified the following:

- improvement required to entry signage to define and improve access to the site

- general tidy up of the site including removal of derelict buildings, broken fencing and other miscellaneous rubbish to improve aesthetics and perceptions of safety
- increase usability of the open space through improvements to drainage and parking facilities on Lot 3
- improve usability of Lot 6 to reduce the need for Mooloolah Pony Club activities on Lot 3
- minimise major infrastructure on site to protect natural amenity
- provide large picnic/BBQ shelters and associated supporting infrastructure to accommodate larger family or group/community gatherings
- continue to allow access for dog exercise
- provide walking/cycling tracks
- maintain a green buffer between residential (current and future) properties
- consider the installation of informal sporting infrastructure to promote active recreation and physical activity (i.e. synthetic wicket, goal post, etc.)
- refurbish toilet block with PWD facilities and in line with Crime Prevention Through Environmental Design (CPTED) principles.

PROPOSAL

The Mooloolah Recreation Reserve Master Plan 2013 - 2028 encompasses the Mooloolah Recreation Reserve and the adjoining property to the east, currently occupied by the Mooloolah Pony Club. This area is otherwise known as Lot 3 CG1466 and Lot 6 RP845347 and covers a total area of 6.928ha.

Both Lots are defined as Open Space – Sport and Recreation in the *Caloundra City Plan 2004*. A master plan of the recreation reserve was completed by the former Caloundra City Council in 2001. As recommended from the 2001 master plan, the Mooloolah Pony Club was relocated from Lot 3 to Lot 6 with infrastructure constructed to support the operation of the club. The caretaker's residence was also removed; however evidence suggests no other recommendations from the plan were implemented.

Requests from the community, the underutilisation of the open space of Lot 3, the potential impact of the Landsborough to Nambour rail upgrade and issues with the use of the entire site by the pony club have necessitated a review of the previous plan and the development of a new Master Plan. Mooloolah Recreation Reserve Master Plan 2013 - 2028 provides a long term vision of council's intent for the Mooloolah Recreation Reserve and the adjoining Lot 6.

The *Sunshine Coast Open Space Strategy 2011* concentrates on council controlled and managed open space and identifies key challenges and issues shaping open space on the Sunshine Coast. The Mooloolah Recreation Reserve is identified in the Open Space Strategy as a District Recreation Park. District Recreation Parks are primarily used by the community for recreation, social, cultural and leisure activities and may provide for other complimentary values (e.g. landscape amenity or biodiversity conservation). District Recreation Parks provide more diverse opportunities for recreation experiences and may support nature based recreational experiences. The *Open Space Strategy 2011* requires the following actions which are applicable to recreation park master planning:

- Identify recreation parks that have suitable attributes or capacity to support biodiversity outcomes and link core habitat areas
- Strengthen pedestrian links to parks and community hubs to improve transport options
- Identify park locations with opportunities for public transport, cycle links and integration into transport planning

- Continue to apply the Desired Standard of Service (DSS) to ensure the land and embellishments are responsive to community values and changing needs;
- Integrate whole of life costs into open space planning, landscape development and infrastructure selection
- Apply resource efficient and effective strategies in park and sports ground development (e.g. water reuse and native planting)
- Ensure development in the open space network is accessible using the standards of universal access and safety
- Actively seek to reduce space lost to secondary uses such as car parking, commuter paths and storage areas
- Continue to engage with communities on detailed planning, management and delivery in accordance with Council's Community Engagement Policy.

As the adjoining Lot 6 is included within the scope of this Master Plan, the key consideration for sports grounds are also relevant within this context. Key considerations of sports ground policy direction include improving financial viability through:

- Shared support infrastructure such as club houses
- Car parks
- Sustainable water use initiatives
- Planning for effective links to community by public transport
- Cycle and pedestrian paths
- Considering accessibility to the community for unstructured recreational activities
- Advocating for appropriate investment in land, construction and maintenance to increase capacity of existing open space and minimise need for additional open space.

The Mooloolah Recreation Reserve Master Plan 2013 - 2028 is intended to provide a 15 year vision for the site, identifying what it should look like and how it should function into the future. The Master Plan will be used to guide and inform staged development from 2013 - 2028 and provides a framework for:

- Modifications to open space layout to maximise and rationalise use as demand increases
- Essential improvements to vehicular and pedestrian access
- Management strategies for the natural areas of the site and their interface with recreation activities
- Infrastructure development based on community need and demand.

The Master Plan aligns to strategic council documents and identifies key guiding principles relevant to the site. Key guiding principles of the Master Plan include:

- Provide community involvement and inclusion opportunities through consultation
- Retain the character and amenity of the site including cultural and historical relevance
- Protect and enhance the ecological values of the site including the biodiversity and water quality of the Mooloolah River tributaries
- Maximise access opportunities for community and recreation activities

- Provide active recreation facilities
- Consider environmental sustainability initiatives
- Encourage the facilitation of social equity
- Provide flexibility in design to accommodate for future use and growth.

Key recommendations of the Master Plan include:

- Improve and define entry to the reserve through improvements to access, signage and removal of old fencing and miscellaneous rubbish;
- Improve drainage on Lot 3 to increase functionality of site
- Provide greater access for pedestrians through the provision of walking trails
- Provision of picnic shelters including one large shelter for family or group gatherings or events and supporting infrastructure such as rubbish bins
- Refurbishment of toilet block including improved access pathway and lighting
- Formalise Mooloolah Recreation Reserve car parking
- Installation of bollards on Mooloolah Recreation Reserve to control vehicle access on open grassed areas
- Manage and protect riparian areas
- Minor works to improve functionality and safety of grassed areas for pony club users
- Installation of infrastructure to support Mooloolah Pony Club operations including equipment storage shed/s and lighting
- Investigate shared use opportunities for Mooloolah Pony Club clubhouse and grounds
- Extension of gravel access and improved drainage to provide additional and overflow car parking for Mooloolah Pony Club events within Lot 6.

It is important to note that the intent of the Mooloolah Recreation Reserve Master Plan 2013 – 2028 is to inform the future development of the area over an extended period of time (15 years) so that ad-hoc improvements are avoided and community use and long term viability are maximised.

Legal

There are no legal implications to this report, however upgrades will need to be considered in line with current and future clauses in tenure arrangements.

Policy

The *Sunshine Coast Sport and Active Recreation Plan 2011-2026* forms council's policy on sport and active recreation for the region and provides a direction for the future. This policy has been reviewed and used to guide the final recommendations within the Mooloolah Recreation Reserve Master Plan 2013 – 2028.

Risk

Failure to maintain an adequate level of sport and active recreation land at the Mooloolah Recreation Reserve may result in insufficient areas for these activities in the future.

Raising community expectations without adequate funding options available to implement recommendations contained within the Master Plan.

Master planning reduces the risk of short term ad-hoc development, which may be to the detriment of future service provision and uses.

Previous Council Resolution

Open Space Strategy – Special Meeting

Council Resolution (SM11/11)

That Council:

- (a) receive and note the report titled “Sunshine Coast Open Space Strategy 2011”;*
- (b) adopt the Sunshine Coast Open Space Strategy 2011 (Appendix A) to guide Council and the community in future open space planning, management and decision making, subject to consideration in annual budget processes;*
- (c) request the Chief Executive Officer to develop a detailed implementation and staging plan based on Councils’ long term financial model and other revenue sources, for future consideration by Council; and*
- (d) thank the 47 submitters for their contribution to the preparation of the Sunshine Coast Open Space Strategy 2011.*

Sport and Active Recreation Plan – Special Meeting - 7th March 2011

Council Resolution (SM11/9)

That Council:

- (a) receive and note the report titled “Sunshine Coast Sport and Active Recreation Plan 2011-2026”;*
- (b) discontinue Caloundra City Council Recreation Policy [ref 727] and Noosa Council Recreation Policies [ref 03094 –R-4] (Appendix A);*
- (c) adopt the Sunshine Coast Sport and Active Recreation Plan 2011-2026 (Appendix B) as amended;*
- (d) develop a detailed and prioritised multi year implementation plan based on Councils’ long term financial model and other revenue sources; and*
- (e) delegate to the Chief Executive Officer to make appropriate amendments to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026” in consultation with divisional councillors in accord with established criteria and upgraded input information;*
- (f) acknowledge and thank the wider community for their contribution in the development of the Sunshine Coast Sport and Active Recreation Plan 2011-2026; and*
- (g) acknowledge and thank the staff from the Active and Healthy Communities branch of the Community Services Department for their contribution to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026”.*

Related Documentation

- Sunshine Coast Community Plan: Looking Forward to 2030
- Sunshine Coast Council Corporate Plan 2009 – 2014
- Wellbeing Charter 2010
- SCRC Place Making Charter: People, Place and Partnerships
- Sunshine Coast Open Space Strategy 2011
- Sunshine Coast Social Infrastructure Strategy 2011
- Sunshine Coast Sport and Active Recreation Plan 2011 – 2026
- Sunshine Coast Aquatic Plan 2011 - 2026
- Sunshine Coast Recreation Trail Plan 2011
- Sunshine Coast Sustainable Transport Strategy 2011-2031
- Sunshine Coast Active Transport Plan 2011 – 2031
- Sunshine Coast Positive Ageing Strategy 2011-2016
- Sunshine Coast Youth Strategy 2010-2015
- Caloundra City Plan 2004

- Access and Inclusion Plan 2011 - 2016
- Sunshine Coast Waterways and Coastal Management Strategy 2011-2021
- Sunshine Coast Council Reconciliation Action Plan 2011-2016
- Sunshine Coast Biodiversity Strategy 2010-2020.

Critical Dates

It is imperative that council has a policy framework and direction which has the capacity to respond to the needs of sport and active recreation facilities and services across the region. Sports grounds and recreation spaces are experiencing increasing demand which will continue to grow into the future due to population growth, expansion pressures and the need to support active and healthy lifestyles within our community.

Implementation

The implementation of this Master Plan will be reliant on council and user groups securing external funding and weighted against the needs and demand of the local community. Consideration to reprioritisation of projects would be required to implement recommendations within this Master Plan from council's ten year Capital Works Program.

7.3.2 MAROOCHYDORE MULTI-SPORTS COMPLEX MASTER PLAN 2013 - 2028

File No:	ECM Statutory Meetings
Authors:	Development Officer Community Sport & Facility Planning Community Services Department Development Officer Community Sport & Facilities Plan Community Services Department
Appendices:	App A - Maroochydore Multi-Sports Complex Master Plan 2013 - 2028 (Under Separate Cover) Att Pg 147

PURPOSE

To seek council's approval to:

- adopt the Maroochydore Multi-Sports Complex Master Plan 2013 – 2028 and
- note the future stages for the development of the site as outlined in this report

EXECUTIVE SUMMARY

The purpose of the *Maroochydore Multi-Sports Complex Master Plan 2013 – 2028* is to provide a long term vision for the complex, identifying what it should look like and how it should function into the future.

The draft Maroochydore Multi-Sports Complex Master Plan was endorsed by council on 30 November 2010. Since this time, a number of changes have occurred requiring the update of the draft Master Plan, including:

- The adoption of the *Sunshine Coast Open Space Strategy 2011* and *Sunshine Coast Sport and Active Recreation Plan 2011 – 2026*; and
- Increased sporting membership and pressure placed on sporting facilities due to population growth within the catchment area.

The Maroochydore Multi-Sports Complex is considered a regional sporting facility with district level elements that provides centrally located sporting and recreational opportunities for the Sunshine Coast community. The facility is managed and maintained by council on behalf of the sporting bodies who pay hire fees for this service.

The Maroochydore Multi-Sports Complex is home to a number of user groups, including:

- Buderim United Churches Soccer
- Sunshine Coast Netball Association
- Maroochydore Australian Football Club
- Maroochydore Roos Junior Australian Football Club
- Sunshine Coast Masters Australian Football Queensland
- Sunshine Coast AFL Umpires, and
- AFL Queensland.

The process in developing the Master Plan has ensured alignment with key council strategies, community needs, population projections, statutory policies and regulations. Of note are the aspirations and recommendations of council's adopted *Sunshine Coast Sport*

and Active Recreation Plan 2011 - 2026 which committed to finalise and progressively implement the Maroochydhore Multi-Sports Precinct Master Plan (short term).

The *Maroochydhore Multi-Sports Complex Master Plan 2013 - 2028* provides clear direction for the development of the site for the next 15 years. It builds on the existing infrastructure to reflect best value-for-money, whilst retaining flexibility for changes in future use.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Maroochydhore Multi-Sports Complex Master Plan 2013 - 2028”
- (b) adopt the “Maroochydhore Multi-Sports Complex Master Plan 2013 – 2028” (Appendix A)
- (c) note the future stages of development for the Maroochydhore Multi-Sports Complex (as per the Master Plan) will be determined in accordance with council’s Ten-Year Capital Works Program, successful applications for external funding and subsequent development priorities as outlined within this report; and
- (d) present the revised Master Plan to relevant user groups to assist those organisations in co-ordinating and identifying external funding opportunities to supplement council’s implementation costs.

FINANCE AND RESOURCING

Project funding has been allocated for the development of the Maroochydhore Multi-Sports Complex Master Plan. Future allocations towards the implementation of the Master Plan will be made through council’s Ten-Year Capital Works Program. Council’s capital works program (2012/2013 – 2020/2021) includes:

- \$120,000 in 2012/2013 (adopted by Council)
- \$200,000 in 2013/2014 (adopted by Council)
- \$275,000 in 2014/2015 (indicative budget pending council approval).

The cost of implementing the recommendations of the Master Plan would be beyond the capacity of council to fund in its own right. The adoption of this Master Plan provides council and stakeholders a sound base to lobby for external funding opportunities to implement recommended upgrades and improvements. It will also provide council with a strategic direction to implement improvements in a clear and focussed way, and provides a foundation for grant applications and facilities planning.

CORPORATE PLAN

Corporate Plan Theme: *Robust Economy*

Emerging Priority: 1.1 - A broad economic base

Strategy: 1.1.3 - Facilitate the development of the region’s knowledge-based economy in particular the creative, health, environmental, leisure and sporting sectors

Corporate Plan Theme: *Health & Wellbeing***Emerging Priority:** 4.2 - Active lifestyles**Strategy:**
4.2.2 - Encourage healthy and balanced lifestyles
4.2.3 - Promote physical activity and recreation
4.2.4 - Support community-based sport and recreation organisations and programs**Corporate Plan Theme: *Social Cohesion*****Emerging Priority:** 5.3 - A sense of identity and belonging**Strategy:**
5.3.1 - Support community programs and infrastructure that encourage interaction, contribute to placemaking and a sense of community**CONSULTATION**

Consultation has been conducted with the following relevant stakeholders:

Internal Consultation

- Division 7 Councillor
- Community Facilities Branch
- Community Response Branch
- Community Planning and Strategy
- Community Development Branch
- Parks and Gardens Branch
- Building and Facilities Branch
- Property and Business Branch
- Transport and Engineering Services Branch
- Business and Major Project Services Branch
- Economic Development Branch
- Integrated Transport Services
- Strategic Planning Branch
- Social Policy Branch
- Environment Policy Branch
- Planning Assessment Branch
- Transport Strategy Branch
- Infrastructure Policy Branch
- Engineer and Environment Assessment Branch.

Regional Strategy and Planning representatives provided a collaborative response to the *Maroochydore Multi-Sports Complex Master Plan 2013 – 2028*.

External Consultation

- Department of National Parks, Recreation, Sport and Racing
- Sunshine Coast Rugby Union

- Sunshine Coast Churches Soccer
- Buderim United Churches Soccer
- AFL Queensland
- AFL Sunshine Coast
- Maroochydore Australian Football Club
- Maroochydore Roos Junior Australian Football Club
- Sunshine Coast Masters Australian Football Queensland
- Sunshine Coast AFL Umpires
- Sunshine Coast Netball Association
- Adjacent residents
- Local community members.

Community Engagement

In addition to the external consultation listed above, a series of sports user's group forums, individual stakeholder meetings and a community engagement session were conducted. A range of issues, ideas and options were discussed resulting in the following summarised priorities:

- Improve capacity of sports (playing surface improvements including drainage, irrigation and field lighting)
- On-site storage and shade are considered priorities for implementation
- Ensure existing user groups are catered for prior to introducing new users
- Improve traffic flow and accessibility
- Provide connectivity throughout the site and
- Inclusion of recreational elements.

The public review and feedback stage was available for a 20 business day period and included a number of consultation methods:

- Media release
- Council's webpage
- Feedback forms (available on website or in hard copy)
- Local Councillor's Column and
- A community engagement session located at the Complex.

A number of responses were received by council during the public consultation and feedback period. Key themes included:

- Recreational elements – provision of recreational elements to facilitate health and wellbeing opportunities were received favourably
- Accessibility – residents were pleased that additional car parking was included as part of the Master Plan recommendations
- Capacity – recommendations for improvements to existing sporting infrastructure will facilitate and provide greater usage opportunities and

- Safety – favourable response to the consideration of site constraints (i.e. flooding, waterways and wetlands buffer).

Responses were collated and analysed to inform the final *Maroochy Multi-Sports Complex Master Plan 2013 - 2028*.

PROPOSAL

At the Ordinary Meeting of 7 March 2011, council endorsed the *Sunshine Coast Sport and Active Recreation Plan 2011 – 2026*. This Plan guides the current and future provision of facilities and services to meet the needs of the Sunshine Coast diverse communities over a 15 year period. Key recommendations that align to the Maroochy Multi-Sports Complex Master Plan are to finalise and progressively implement the Maroochy Multi-Sports Precinct Master Plan.

At the Ordinary Meeting of 30 November 2010, council endorsed the draft Maroochy Multi-Sports Complex Master Plan for public review. One of the catalysts for the review of the draft Maroochy Multi-Sports Complex Master Plan (November 2010) was the need to formalise the undeveloped area to the east of the complex.

The final version of the Maroochy Multi-Sports Complex Master Plan 2013 – 2028 aligns with sporting and community needs, projected populations, council's Ten-Year Capital Works Program, statutory policies, strategies and regulations by considering the following:

- the functionality, configuration, usage and capacity of the site
- the current character and functionality of the landscape
- needs across various sports, including current and future tenants
- emerging trends and issues
- priorities, levels of service and resources
- catchment area and demands
- events and sports delivery
- car parking and traffic movement/management requirements
- public expectations and needs
- the realities of the economic, social, environmental and legislative context of the time; and
- alignment with council's *Sunshine Coast Sport and Active Recreation Plan 2011 – 2026* and *Sunshine Coast Open Space Strategy 2011*.

Key recommendations of the Master Plan include:

- Improved capacity for existing users by supporting/assisting improvements to playing surfaces. Works to include drainage, surface profiling and installation of appropriate turf varieties
- Maroochy Multi-Sports Complex to be recognised as the regional home of AFL and Netball on the Sunshine Coast
- Additional shade and storage
- Improved connectivity throughout site
- Introduction of recreational elements for the community through proposed recreation trail and fitness stations and

- Flexibility in design to adapt to any future changes in demand for playing fields.

Although an additional multi-use field is proposed for development within the Complex site (medium term), this will not address the shortfall of sport and recreation land in the locality of Maroochydore as evidenced in council's *Open Space Strategy 2011* and *Sport and Active Recreation Plan 2011 - 2016*;

- Open Space Strategy: Urban C (Maroochydore, Buderim, Kuluin, Mons, Kunda Park)
'Investigate opportunities to develop a district sports ground to offset shortfalls in the east and adjacent localities such as Mooloolaba'.
- Sport and Active Recreation Plan: Locality 25 – Maroochydore
'Strategic land allocation – need to ensure developers allocate suitable land for sport and recreation purposes/ future public open space and Council needs to undertake strategic purchasing of suitable land for the future (deficit of -6.35ha in 2006 and expected to increase to -45.03ha by 2026 if no additional sport and recreation land is purchased).

It is therefore imperative that investigations continue for the purchase of suitable sport and recreation land to cater for potential shortfalls and increasing demands for the Maroochydore and Buderim – Kuluin – Mons - Kunda Park Localities of Interest.

It is important to note that the intent of the Master Plan is to inform the future development of the Maroochydore Multi-Sports Complex over an extended time period (up to 15 years), so that ad-hoc improvements are avoided and community use and long term viability are maximised. It is likely that over time, some of the Master Plan design elements may assume a higher priority over others.

As a result, this report and the accompanying Master Plan, seeks to confirm the next stages of development of this regional sport and recreation precinct for prioritisation in line with council's strategic direction and endorsed Ten-Year Capital Works Program budget allocations.

Legal

There are no legal implications to the development and endorsement of this report however upgrades will need to be considered in line with current and future clauses in user agreements.

Policy

The *Sunshine Coast Open Space Strategy 2011* and the *Sunshine Coast Sport and Active Recreation Plan 2011 - 2026* forms council's policy on sport and active recreation for the region and provides a direction for the future. Both documents have been reviewed and used to guide the final recommendations within the Maroochydore Multi-Sports Complex Master Plan.

Risk

Failure to maintain an adequate level of service for sport and active recreation facilities may result in increased future costs and community dissatisfaction.

Raising community expectations without adequate funding options available to implement recommendations contained within the Master Plan.

Master Planning also reduces the risk of short term, ad-hoc development, which may be to the detriment of future service provision and uses.

Previous Council Resolution

Draft Maroochydore Multi-Sports Complex Master Plan – 30 November 2010 Council Resolution

That Council:

- (a) receive and note the report titled “ Maroochydore Multi Sports Complex Master Plan”; and*
- (b) endorse the draft Maroochydore Multi Sports Complex Master Plan for the purposes of community consultation (Appendix A).*

Open Space Strategy Council Resolution (SM11/11)

That Council:

- (a) receive and note the report titled “Sunshine Coast Open Space Strategy 2011”;*
- (b) adopt the Sunshine Coast Open Space Strategy 2011 (Appendix A) to guide Council and the community in future open space planning, management and decision making, subject to consideration in annual budget processes;*
- (c) request the Chief Executive Officer to develop a detailed implementation and staging plan based on Councils’ long term financial model and other revenue sources, for future consideration by Council; and*
- (d) thank the 47 submitters for their contribution to the preparation of the Sunshine Coast Open Space Strategy 2011.*

Sport and Active Recreation Plan - 7 March 2011 Council Resolution (SM11/9)

That Council:

- (a) receive and note the report titled “Sunshine Coast Sport and Active Recreation Plan 2011-2026”;*
- (b) discontinue Caloundra City Council Recreation Policy [ref 727] and Noosa Council Recreation Policies [ref 03094 –R-4] (Appendix A);*
- (c) adopt the Sunshine Coast Sport and Active Recreation Plan 2011-2026 (Appendix B) as amended;*
- (d) develop a detailed and prioritised multi-year implementation plan based on councils’ long term financial model and other revenue sources; and*
- (e) delegate to the Chief Executive Officer to make appropriate amendments to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026” in consultation with divisional councillors in accord with established criteria and upgraded input information;*
- (f) acknowledge and thank the wider community for their contribution in the development of the Sunshine Coast Sport and Active Recreation Plan 2011-2026; and*
- (g) acknowledge and thank the staff from the Active and Healthy Communities branch of the Community Services Department for their contribution to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026”.*

Related Documentation

- Sunshine Coast Council Corporate Plan 2009 – 2014
- Maroochy Plan 2000
- Draft Sunshine Coast Planning Scheme 2012
- Sunshine Coast Open Space Strategy 2011

- Sunshine Coast Sport and Active Recreation Plan 2011 - 2026
- Sunshine Coast Skate and BMX Plan 2011-2020
- Sunshine Coast Sustainable Transport Strategy/Active Transport Plan 2011-2031
- Sunshine Coast Biodiversity Strategy 2011
- Sunshine Coast Youth Strategy 2010 – 2015
- Sunshine Coast Access and Inclusion Plan 2011 – 2016
- Sunshine Coast Reconciliation Action Plan 2011 - 2016
- Sunshine Coast Place Making Charter: People, Place and Partnerships
- Sunshine Coast Recreation Trail Plan 2011
- Sunshine Coast Social Infrastructure Strategy 2011
- Sunshine Coast Waterways and Coastal Management Strategy 2011-2021
- Sunshine Coast Difficult to Locate Sports Study 2009 - 2028
- Maroochy Multi-Sports Complex Flood Assessment – February 2012
- Usage Threshold Report Multi-Sports Complex – June 2012
- Elizabeth Daniels Sports Complex Draft Master Plan

Critical Dates

It is imperative that council has a policy framework and direction which has the capacity to respond to the needs of sport and active recreation facilities and services across the region. Sports grounds are experiencing increasing demand, which will continue to grow into the future due to population growth, expansion pressures and the need to support active and healthy lifestyles within our community.

Implementation

The Capital Works Program includes the allocation of funding to contribute towards the staged detailed planning and construction of Master Plan initiatives and outlines future stages of development to be prioritised in accordance with council's Ten-Year Capital Works Program. The Master plan will allow investigation of joint partnership opportunities and additional external funding alongside council's capital works funding and council's community grants program. This will be conducted in consultation with the affiliate groups, the community and council.

The adoption of the Master Plan will also provide council and the stakeholders with a sound base to lobby the state and federal governments for implementation funding assistance for the recommended upgrades and improvements to the associated infrastructure.

7.3.3 REVIEW OF FEES AND CHARGES - NOT-FOR-PROFIT ORGANISATIONS

File No: ECM
Author: Community Lands Permit Manager
 Community Services Department

PURPOSE

The purpose of this report is to seek Council endorsement of the proposed changes to the approved fees and charges for not for profit organisations for regulated activities, street stalls and temporary events on public and/or private land.

EXECUTIVE SUMMARY

Council in the preparation of the 2013/2014 budget adopted the setting of a new fee for permits payable by not for profit organisations utilising Council controlled public land and private land. It is noted that there was previously no charge by Council for not for profit organisations for this activity.

Since the introduction of this fee, concern has been expressed by not for profit organisations and some Councillors that the introduction of a fee for not for profit organisations for regulated activities, street stalls and temporary events held on public or private land would impact on the fund raising capability of not for profit organisations. As such, this report recommends the fees be reduced to \$0 for not for profit organisations.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Review of Fees and Charges - Not-for-Profit Organisations"
- (b) authorise the Chief Executive Officer to modify the fees and charges schedule to delete fee charges for permit applications from not for profit organisations related to regulated activities, street stalls and temporary events on public or private land.
- (c) review the Revenue Policy prior to the preparation of the 2014/2015 budget with regard to setting fees and charges for not for profit organisations.

FINANCE AND RESOURCING

The Community Land Permits Unit 2013/14 adopted budget is as follows:

Revenue	-\$525,038 (fees and charges)
Expenses	\$685,427 (employee costs and material & services)
Operating Costs	<u>\$160,389</u>

For financial year 2013/2014 full cost recovery fees adopted by Council for commercial events on public and private land are:

- \$619 to assess a high impact event (and regulated activity on public land)
- \$463 to assess a low impact event (and regulated activity on public land)

The above costs factor in:

- Preparation/Inspection/Travelling labour; and
- Administration and assessment labour

There is minimal difference in the time spent by Council staff in the assessment of a commercial application versus not for profit applications to use Council controlled land. However, taking into account not for profit organisations' ability to pay so as to assist Council with cost recovery and balancing this with the important fund raising requirements of not for profit events, a 50% fee reduction was proposed to Council in the preparation of the 2013/2014 budget. The fee structure adopted by Council for not for profit organisations holding regulated activities, street stalls and temporary events on public/private land is:

- \$360 to assess a high impact event and regulated activities
- \$231 to assess a low impact event and regulated activities
- \$25 to assess a street stall

Only one permit fee is payable per annum by not for profit organisations for multiple events, activities and street stalls held over a calendar year.

It is noted that the majority of not for profit events, activities and street stalls on public or private land are of a low impact nature, which requires assessment times by Council of staff of between 1 and 8 hours. In the calendar year 2012, there were 378 not for profit events held on public land. Approximate costs are within the following range for Council in conducting this service:

	MIMIMUM COST	MAXIMUM COST
	1 Hour Processing**	8 Hours Processing**
378 permits per annum processed by 1 staff member @ \$32.00 per hour (Level 3 Officer full time)	\$12,096	\$96,768

** Variation in assessment hours are due to various requirements to travel to the site, site inspections, meetings with stakeholders and preparation of permits.

Currently all permit fees for use of Council controlled public land by not for profit organisations have been put into abeyance pending a decision by Council in response to this report.

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

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

Strategy: 8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation

CONSULTATION

Internal Consultation

- Councillors
- Executive Director – Community Services
- Community Sports and Facilities Planning
- Community Land Permits

External Consultation

Various community and not for profit groups.

Community Engagement

Feedback from not for profit community organisations has been considered in the preparation of this report to Council. However, no community engagement plan has been developed.

PROPOSAL

In the development of the 2013/2014 budget, Council adopted full cost recovery fees, in accordance with Council's Revenue Policy, for commercial events on public and private land. The fees are as follows:

- \$619 to assess a high impact event and regulated activity on public land
- \$463 to assess a low impact event and regulated activity on public land
- \$619 to assess a high impact event on private land
- \$463 to assess a low impact event on private land

The above costs factor in.

- Preparation/Inspection/Travelling labour and
- Administration and assessment labour

Council officers use the following definitions to determine the event, activities and street stall impact:

- "*High Impact*" permits are for events that have a higher intensity of use and therefore may have a more significant impact on the use of community land. The following will be considered for determining if the event is High Impact:
 - regular community use is heavily impacted upon;
 - the event involves road closures and/or major traffic interruptions;
 - the event includes food stalls, temporary structures and/or other high risk activities.
- "Low Impact" permits are for events on community land that are not considered "High Impact", and where events will have a lesser intensity of use. The following will be considered for determining if the event is Low Impact:
 - regular community use and/or events can easily be accommodated in the area,
 - the event is minor use, and
 - the event involves low risk activities only.

As part of the 2013/2014 budget Council also adopted the setting of a new fee for permits payable by not for profit organisations utilising Council controlled public land. There was previously no charge by Council for not for profit organisations for this activity. Only one permit fee is payable per annum by not for profit organisations for multiple events held over a calendar year. The purpose of the fee is to cover the application processing costs and the fee set represented a 50% reduction to the fee charging principle in Council's Revenue

Policy which states that “All fees and charges will be set with reference to full cost pricing. Cost recovery fees will be charged up to a maximum of full cost. Commercial charges will be at commercial rates.”

The adopted fees are as follows:

- Regulated Activity Not-for-Profit Organisations Application – Low Impact \$231.00
- Regulated Activity Not-for-Profit Organisations Application – High Impact \$308.00
- Street Stalls - \$25.00
- Temporary event Not-for-Profit Organisations Application – Low Impact \$231.00
- Temporary event Not-for-Profit Organisations Application – High Impact \$308.00
- Temporary event – Low Impact (Private Land) \$619.00
- Temporary event – High Impact (Private Land) \$463.00

Since the adoption of the 2013/2014 budget concern has been raised by community organisations and some Councillors regarding these fees. Concerns have centred around not for profit organisation’s ability to pay and the impact that the fee will have on fund raising efforts. In response to these concerns a number of Councillors have expressed the view that given that Council already provides in kind support, fee waivers and grants programs supporting not for profit organisations, that Council should continue to wear the processing costs of applications from not-for-profit groups who wish to use Council controlled land.

In response to these concerns, this report recommends reducing the fee to \$0 for permit applications from not for profit organisations relating to regulated activities, street stalls and temporary events on Council controlled public land.

Currently all fees for use of Council controlled public or private land by not for profit organisations have been placed in abeyance pending a decision by Council in response to this report.

Legal

Council’s *Local Law 1 (Administration) 2011* outlines that an approval is required for prescribed activities such as the operation of temporary entertainment events (both on council controlled land and private land), commercial use of local government controlled areas and roads, and undertaking regulated activities on local government controlled areas and roads. These prescribed activities are defined in the local law as follows:

- Operation of a temporary entertainment event means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the *Sustainable Planning Act 2009*.
- Commercial use of local government controlled areas and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit.
- Undertaking regulated activities on local government controlled areas and roads means undertaking one of the following activities on a local government controlled area or road:
 - abseiling;
 - camping;
 - depositing goods or materials;
 - occupying a local government controlled area or road for the purposes of construction work on private property;
 - driving or leading animals to cross a road;

- driving extraordinary traffic;
- entering or leaving a local government controlled area other than through a designated access;
- conducting a wedding service;
- holding a public meeting;
- holding a social gathering of more than fifty people, excluding a wedding service or a temporary entertainment event;
- landing an aircraft or vessel within a park reserve;
- launching a hang glider;
- obstructing access to any footpath thoroughfare, track, walkway or other means of access into a local government controlled area;
- operating a loudspeaker or other sound amplifying device, other than as part of a temporary entertainment event;
- operating a model aircraft propelled by a motor;
- providing public entertainment, excluding a temporary entertainment event;
- riding a horse in a local government controlled area;
- undertaking a public place activity prescribed under a subordinated local law for this paragraph, excluding the operation of a temporary entertainment event.

Schedules contained within council's *Subordinate Local Law 1 (Administration) 2011* outline the specific provisions, such as documents required for approval and conditions that will ordinarily be imposed on approvals for prescribed activities, these include:

- Schedule 11 Operation of temporary entertainment events (for temporary events to take place on public land and private land)
- Schedule 6 Commercial use of local government controlled areas and roads (for street stalls to take place on public land); and
- Schedule 14 Undertaking regulated activities on local government controlled areas and roads (for regulated activities on public land).

Policy

Council's Revenue Policy with regard to cost recovery fees currently states: "*All fees and charges will be set with reference to full cost pricing. Cost recovery fees will be charged up to a maximum of full cost. Commercial charges will be at commercial rates.*"

The policy is silent on the matter of fees and charges for not for profit organisations. An amendment to the Revenue Policy for this purpose would provide clarity in the preparation of annual budgets, noting that Council would need to consider the different categorisations of not for profit organisations that operate either on the Sunshine Coast or if not on the Coast for the benefit of residents of the Sunshine Coast.

Risk

There is a risk that if the fees and charges set for not for profit organisations are not amended, that some organisations may have their funding raising abilities impacted upon.

Previous Council Resolution

Council Resolution (SM13/14)

That Council:

- (a) *receive and note the report titled "Register of Cost-recovery Fees and Commercial Charges 2013/2014"*
- (b) *adopt the fees detailed in the Register of Cost-recovery Fees and Commercial Charges 2013/14 (Appendix A, B, C and D)*
- (c) *resolve that, in relation to those cost-recovery fees to which Section 97 of the Local Government Act 2009 apply:*

- (i) the applicant is the person liable to pay these fees; and*
- (ii) the fee must be paid at or before the time the application is lodged; and*
- (d) delegate to the Chief Executive Officer the power to amend commercial charges to which section 262(3)(c) of the Local Government Act 2009 apply.*

Related Documentation

- Budget Workshop 28 May, 2013 Attachment 1: “*New Fees for Community Response Branch*”
- Register of Cost-recovery Fees and Commercial Charges 2013/14 (Appendix A, B, C and D)
- Council’s Revenue Policy

Critical Dates

Given that currently all fees for use of council controlled land by not for profit organisations have been placed in abeyance pending a decision by Council in response to this report there are no critical dates associated with this report and this holding pattern will continue until a decision from Council is obtained.

Implementation

Council officers will prepare correspondence for all not for profit groups who have held regulated activities, street stalls and temporary events over the last 12 months advising the group of Council’s decision.

7.4 INFRASTRUCTURE SERVICES

Nil

7.5 FINANCE AND BUSINESS**7.5.1 JUNE 2013 INTERIM FINANCIAL PERFORMANCE REPORT**

File No:	Financial Reports
Author:	Acting Financial Services Manager Finance & Business Department
Attachments:	Att 1 - June 2013 Interim Financial Performance Report 277

PURPOSE

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

EXECUTIVE SUMMARY

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

The operational results at 30 June 2013 show a positive variance of \$8.4 million compared to the forecast position.

The 30 June 2013 operating surplus variation is made up of higher than expected revenue of \$8.0 million (1.9%) and lower than anticipated operating expenses of \$482,000 (0.1%). Further detail is provided in the proposal section of this report.

Approximately \$5.5 million of the \$8.0 million positive revenue variance is made up of unusual unbudgeted revenue items which are not anticipated to be repeated in 2013/2014. These include early payment of 50% of the 2013/2014 Financial Assistance Grant; recoupment of Natural Disaster Recovery & Relief Arrangement works and recoupment of water charges from community groups.

It is estimated that \$5.0 million of operating expenses will be carried over into 2013/2014 budget. This mainly relates to grant and levy funded projects totalling \$4.0 million.

The major components of the positive operating variance to Budget of \$8.4 million are summarised in the table below:

	\$ million
Operating Revenue	
Federal Assistance Grant	3.5
NDRRA	1.3
Water charges recoupment	0.7
Interest from investments	1.6
Net rates and utility charges	1.6
Operating Expense	
Net under budget	0.5
Total	8.2

As at 30 June 2013, \$126.3 million (64.7%) of council's \$195.2 million 2012/2013 Capital Works Program was financially expended.

The *Local Government Regulation 2012*, gazetted 14 December 2012, has removed the practice of the creation of equity reserves. To comply with the change in Regulation, it is required that all existing equity reserve accounts are closed.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “June 2013 Interim Financial Performance Report”
- (b) in accordance with the changed requirements in the *Local Government Regulation 2012*, close all existing equity reserve accounts and
- (c) note that in relation to (b) above, a cash management system will be used to identify restricted cash and this will be reported to council on a regular basis.

FINANCE AND RESOURCING

There are no financing and resourcing implications.

CORPORATE PLAN

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

CONSULTATION

Internal Consultation

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

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

Council's financial results at 30 June show the organisation with a \$8.4 million higher than forecasted operating position against the full year budget.

The 30 June 2013 operating surplus variation is made up of higher than expected revenue of \$8.0 million and lower than anticipated operating expenses of \$482,000.

The operating revenue favourable variance of \$8.0 million is largely the result of the following items exceeding the full year budget. These include Grants and Subsidies of \$3.5 million, Other Revenue of \$2.9 million, Interest Received from Investments of \$1.6 million, Net Rates & Utility Charges of \$1.6 million and Fees & Charges of \$500,000, offset by \$900,000 lower Unitywater Tax equivalent receipts.

Early payment of 50% of the 2013/2014 Financial Assistance Grant accounts for most of the \$3.5 million favourable variance in Grants and Subsidies.

The favourable variance in Other Revenue mainly sits with Infrastructure Services (\$2.2 million) and Community Services (\$939,000). Within Infrastructure Services, the majority of the revenue relates to the Road Maintenance Performance Contract which includes reimbursement for Main Roads Natural Disaster Relief and Recovery Arrangements (NDRRA). Much of this revenue will have been incurred offsetting expenditure. Sale of recyclables and carbon credits have also exceeded budget again with offsetting expenditure. In Community Services, the favourable variance mainly relates to recoupment of Unity Water charges from community groups.

Interest Received from Investments ended the year with a higher than expected result. The cash balance as at 30 June 2013 was \$267 million which is significantly higher than forecast. Consequently interest revenue for the year was \$12.4 million against a forecast of \$10.8 million. The average annual return was 4.80% compared to 5.85% from last year.

Although General Rates have an unfavourable variance of \$4.3 million due to lower than forecast growth, Net Rates and Utility Charges have exceeded budget thanks to Prepaid Rates of \$5.3 million, higher than expected Tourism and Environment Levy income of \$59,000 and \$52,000 respectively, and lower than expected discounts and pensioner remissions.

The favourable variance in Fees and Charges is mainly due to material change of use and planning applications finishing the year higher than budget by \$1.5 million. Volumes remained below 2011/2012 although there was some improvement in the third quarter of 2012/13. However, this is offset by airline fees and Caloundra Music Festival ticket sales being lower than budget by \$1.1 million and \$114,000 respectively.

The favourable variance in operating expenses of \$482,000 is due to Materials & Services being less than full year budget by \$4.6 million offset by Employee Costs and Other Expenses exceeding the full year budget by \$2.2 million and \$1.3 million respectively. The final year end processing is yet to be completed and this is expected to reduce the favourable variance in Materials & Services.

The favourable variance in Materials & Services can be attributed to various core operational underspends across the organisation, along with the following:-

- \$2.7 million in levy projects - these funds will be either carried over or transferred to Restricted Cash;
- \$1.6 million in Waste projects with some carryovers to be requested;
- \$700,000 Water & Sewerage Funding Program (\$231,000 committed).

The unfavourable variance in Employee Costs relates to less than expected labour spend on capital works, termination payments and Value & Success Targets yet to be achieved.

The Other Expenses variance mainly relates to software maintenance, vehicle lease and additional maintenance, office equipment and building leases.

At 30 June 2013, \$126.3 million (64.7%) of council's \$195.2 million 2012/2013 Capital Works Program was financially expended. This amount is expected to increase once year end processing is finalised. Further detail by department and capital program is outlined below:

Program	Original Budget \$000	Current Budget \$000	Year to Date Actual \$000	% of Annual Current Budget Spent
---------	-----------------------	----------------------	---------------------------	----------------------------------

Infrastructure Structure Services Department

Buildings and Facilities	9,684	9,192	7,591	82.7%
Fleet	2,000	2,700	2,552	94.5%
Parks and Gardens	9,859	11,305	9,178	81.2%
Stormwater	4,526	4,576	3,951	86.3%
Transportation	54,025	65,117	55,611	85.4%
Waste	15,186	18,382	10,642	57.9%
Coast and Canals	1,073	2,543	1,843	72.5%
Environmental Assets	290	431	303	70.2%
Divisional Allocations	3,032	3,525	1,992	56.3%
Department Total	99,675	117,771	93,663	79.5%

Program	Original Budget \$000	Current Budget \$000	Year to Date Actual \$000	% of Annual Current Budget Spent
---------	-----------------------	----------------------	---------------------------	----------------------------------

Business Review Department

Aerodromes	0	154	47	30.4%
Strategic Land and Commercial Properties	31,614	52,967	14,579	27.5%
Sunshine Coast Airport	7,705	12,298	9,363	76.1%
Department Total	39,319	65,419	23,989	36.7%

Program	Original Budget \$000	Current Budget \$000	Year to Date Actual \$000	% of Annual Current Budget Spent
---------	-----------------------	----------------------	---------------------------	----------------------------------

Finance and Business Department

Holiday Parks	1,555	2,862	1,141	39.9%
Information Technology	4,566	7,155	5,814	81.3%
Quarries	655	2,004	1,657	82.7%
Department Total	6,776	12,021	8,612	71.7%

TOTAL CAPITAL WORKS PROGRAM	145,770	195,211	126,264	64.7%
------------------------------------	----------------	----------------	----------------	--------------

Equity Reserves

The *Local Government Regulation 2012* replaced the *Local Government (Operations) Regulation 2010*, the *Local Government (Beneficial Enterprises and Business Activities) Regulation 2010* and the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

Among the range of changes and deletions from the collective regulations was the removal of Sections 148 and 149 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* that governed the creation and management of equity reserves within the operating fund.

This coincides with comments raised from council's external auditors, KPMG and the Queensland Audit Office (QAO), who have indicated that council is not currently reporting the equity components of the financial report in accordance with Australia Accounting Standards.

The recommendation from QAO was that council dispense with the practice of equity reserve accounting in 2012/2013 and instead include a concise disclosure underneath the cash and cash equivalents note identifying the total amount of cash set aside for particular projects.

An internal cash management system will be used to identify restricted cash and this will be reported on a monthly basis.

Legal

This report ensures that council complies with its legislative obligations under Section 169 and 170 of the *Local Government Regulation 2012*, along with council's legislative obligations with respect to financial reporting in accordance with Section 204 of the *Local Government Regulation 2012*.

Policy

A Cash Management Policy is being developed to manage the restricted cash.

Risk

If the recommendation to close all equity reserves is not adopted, council's financial statements may result in a qualified opinion by QAO.

Previous Council Resolution

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

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

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

On 24 April 2013, council amended the 2012/2013 budget as a result of the February 2013 Financial Performance Report and Budget Review 3.

On 21 May 2013, council amended the 2012/2013 budget as a result of the March 2013 Financial Performance Report.

Related Documentation

There is no related documentation for this report.

Critical Dates

The financial results in this report do not represent the final year end financial performance for council as further year end processing is yet to be completed. Planned completion is 9 August 2013 with 2012/2013 Financial Statements by 30 August 2013. Final audited statements are expected to be presented to the 14 November 2013 Ordinary Meeting.

Implementation

The Council resolution that eventuates from this report will support the draft 2012/2013 Annual Financial Statements.

7.5.2 INVESTMENT PERFORMANCE REPORT TO JUNE 2013

File No: Investment & Loans
Author: Finance Planning & Performance Manager
 Finance & Business Department

PURPOSE

The purpose of this report is to inform council of the performance of the investment portfolio for the period to 30 June 2013 in accordance with the requirements of council's Investment Policy.

EXECUTIVE SUMMARY

As at 30 June 2013, all investment parameters remain within the guidelines established under the Investment Policy.

It is noted that cash on hand and invested as at 30 June 2013 exceeds original and revised forecasts, and as a result the return on investment for the year also exceeded forecasts. However, with the Reserve Bank of Australia reducing the official cash rate during the final quarter, the interest rate achieved was well-below what has been achieved throughout the financial year.

The margin achieved above benchmark rates remains strong, although the rates on offer from financial institutions have contracted from what was available at the start of the year.

The investment focus remains on ensuring funds are available to meet cash flow requirements and on the preservation of capital.

OFFICER RECOMMENDATION

That Council receive and note the report titled "Investment Performance Report to June 2013".

FINANCE AND RESOURCING

The full year return on investments was \$12,413,907 against a forecast yield of \$10,790,375 with the favourable surplus primarily a result of having additional funds available for investment. Total funds on hand and invested as at 30 June 2013 were \$267,027,630.

As at 30 June 2013, the relative liquidity of the portfolio (excluding trust funds) is represented in the following table:

Term to Maturity	Percentage of Portfolio
< 7 days (highly liquid)	25%
7 days to 90 days	56%
90 days to 180 days	19%
>180 days	0%

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

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

Strategy: 8.1.2 - Ensure legislative compliance and awareness

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management

Strategy: 8.2.1 - Develop indicators and measure the performance of council and the success in achieving its vision

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.3 - Strong financial management

Strategy: 8.3.2 - Ensure council's financial performance is well managed and leads to a strong financial position

CONSULTATION

Internal Consultation

The draft report was distributed to members of the Investment Oversight Committee for review.

External Consultation

Queensland Treasury Corporation has been consulted for information relating to economic forecasts and statistical benchmarking data used in the compilation of this report.

Community Engagement

There has been no community engagement in the compilation of this report.

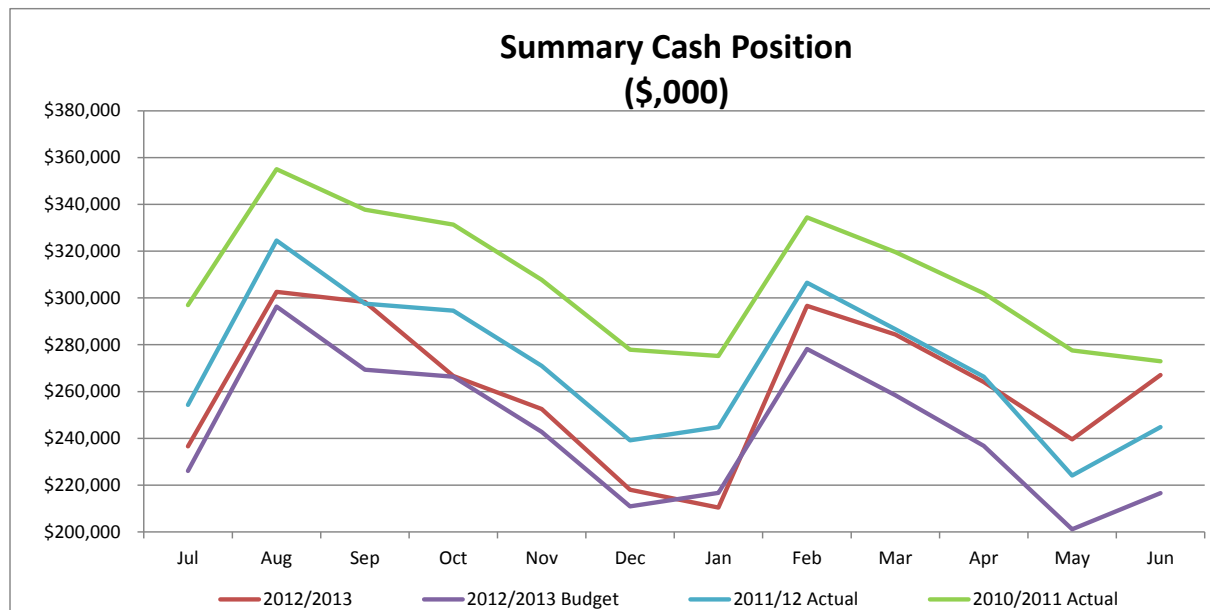
PROPOSAL

Council's year-to-date investment performance has exceeded both the revised budget forecast and industry benchmarks, primarily as a result of having more cash available for investment.

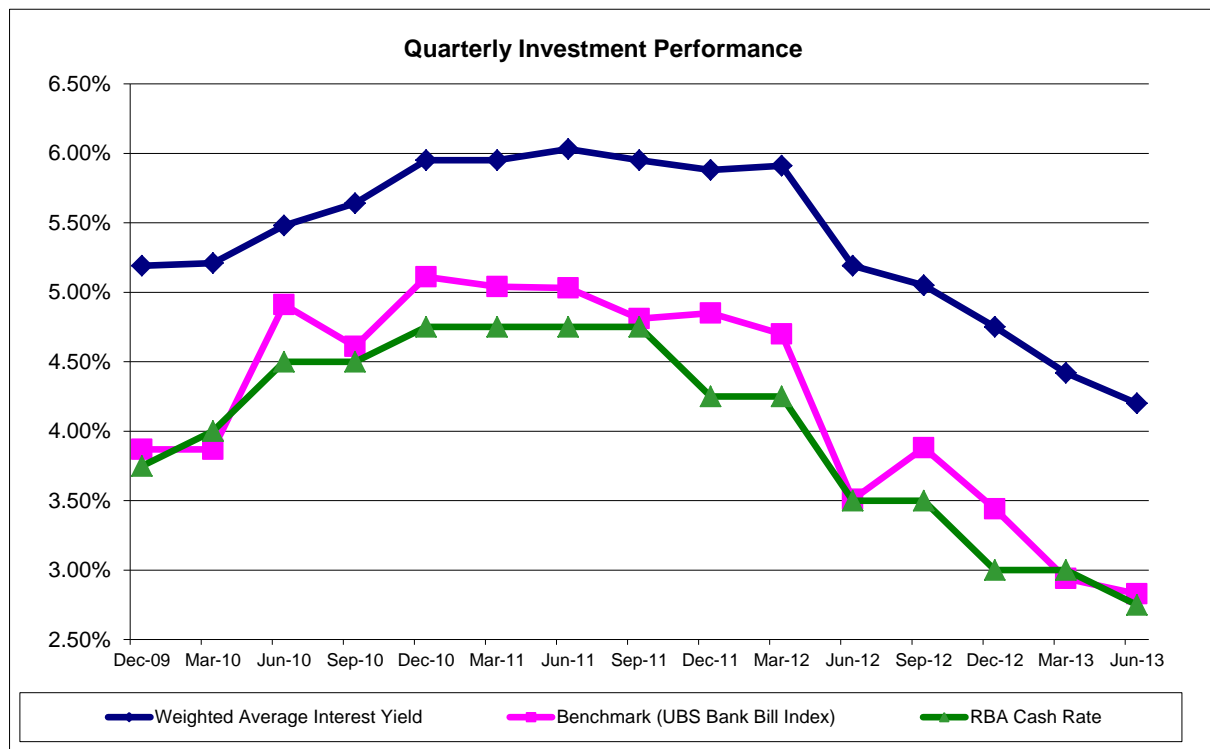
The following table provides a comparison of the 2012/13 financial year with previous periods. It is noted that with a combination of reducing interest rates and a lower cash balance available for investment, the resultant yield has declined.

Investment Performance	2012/13	2011/12	2010/11
Average Daily Cash Balance	\$ 259,567,353	\$ 273,795,318	\$ 306,962,543
Total Interest Yield	\$ 12,413,907	\$ 15,991,705	\$ 18,043,729
SCRC Average Annual Interest Rate	4.80%	5.84%	5.88%
Average UBS Bank Bill Index	3.28%	4.68%	4.98%
SCRC Average Margin Above Benchmark	1.52%	1.16%	0.90%

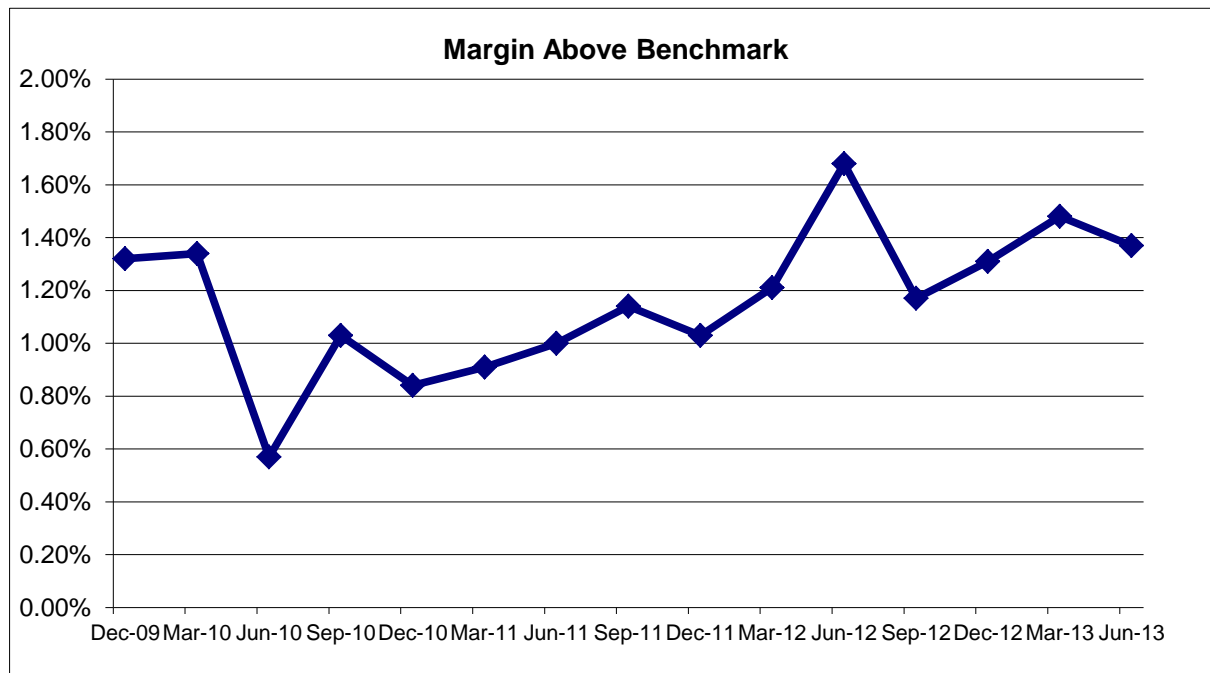
The graph below shows the actual funds available for investment throughout the year, as compared to previous periods. Whilst the funds available at the end of June were higher than anticipated, the carry-over of unspent funds into 2013/14 will account for much of the resultant "surplus".



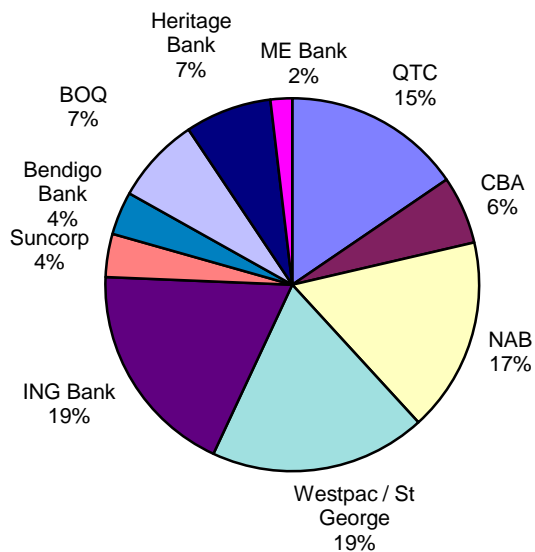
Investment performance against the market is determined by comparing actual results with industry benchmarks. The margins above benchmark are shown in the following graph using published data at the close of the reporting period.



The benchmark used to measure the performance of cash funds is the UBS Bank Bill Index, whereas the Bank Bill Swap Rate (BBSW) is applied against term deposits. These rates fluctuate daily, and the conditions prevailing as at the date of the original investment decision may be significantly different to the position as at the reporting date. The market is significantly impacted by both actual and anticipated decisions by the Reserve Bank of Australia for movements in the official cash rate, as seen above.



Council maintains a portfolio with diversity between individual counterparties, and also between different risk categories, and over different terms. As at 30 June 2013, cash funds invested and on hand were \$267,027,630. The split of investments between agencies is shown in the following chart:



Legal

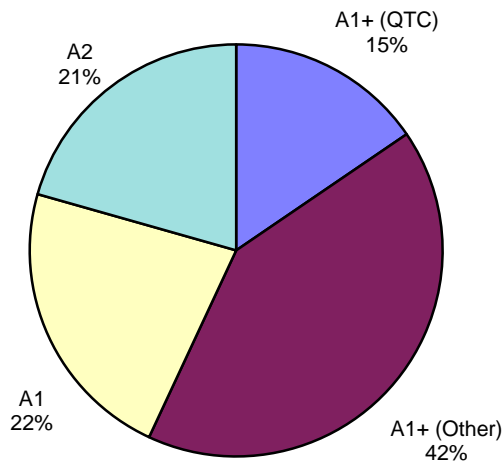
Investment of funds is in accordance with the provisions of the *Statutory Bodies Financial Arrangements Act 1982* and the associated Regulations, and the *Local Government Act 2009*.

Policy

Council's Investment Policy is reviewed annually as part of the annual budget process and provides guidance to staff throughout the year.

Risk

The Investment Policy contains clear guidance for the diversification of risk and for capital protection. The following graph shows the relative split between risk rating categories with no significant change in the risk profile over the past quarter:

**Previous Council Resolution**

There are no previous council resolutions that relate to this report.

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates that relate to this report.

Implementation

There are no implementation details to include in this report.

7.6 EXECUTIVE OFFICE

7.6.1 SHOW HOLIDAYS

File No: ECM
Author: Policy Planning and Strategy Manager
Executive Office

PURPOSE

The purpose of this report is to seek council's direction on the show holiday/s for the Sunshine Coast Region for 2014.

EXECUTIVE SUMMARY

Each year Council is approached by the Attorney-General and Minister for Justice to provide dates for gazettal as a holiday under the *Holidays Act 1983* ("the Act"). These holidays are generally for the purpose of an annual agricultural, horticultural or industrial show.

The Act provides that a holiday 'shall not be appointed in a district unless the Minister has received by a specific date, a notice signed by the Chief Executive Officer of the local government for the area in which the district is situated'.

Notwithstanding this requirement, the Act provides that the Minister may appoint the date nominated by the Chief Executive Officer for the holiday – or another date as the Minister sees fit. The Minister therefore, has complete discretion on the date appointed for a holiday of this nature.

The date by which the Chief Executive Officer must provide a notification to the Minister for the 2014 holiday is 30 August 2013.

At the request of a group of councillors, an independent consultation and assessment of the economic, community and governance aspects of the current show holiday schedule in this region has been undertaken. As part of this process, options have been identified to inform council decision making on the future of the region's show holiday schedule. Similar requests and assessments have been undertaken in previous years, each resulting in maintenance of the status quo for the holiday schedule.

As part of the overall assessment, Fresh PRM was engaged by Council to consult with a range of stakeholders including representatives from show societies, business groups, the general community, education institutes, and sports clubs. To ensure that the community engagement activity and feedback remained focused on the core issue under consideration, community consultation centred on five options:

- Option One: The Status Quo - keep the show holiday schedule as previously with two separate days
- Option Two: June - keep only the Sunshine Coast Show Day in June. No public holiday in May for Maleny Show
- Option Three: May - keep only Maleny Show Day in May. No public holiday in June for Sunshine Coast Show Day
- Option Four: New Holiday Date - Public holiday on completely different day
- Option Five: No Show Holiday - No public holiday at all

An opportunity was provided for respondents to put forward alternative options. At the Strategic Discussion Forum (SDF) held on 22 July 2013, an additional option was tabled for investigation whereby the region would have two public holidays that align with the Sunshine Coast show as well as the Maleny show. Council has been advised that only one public holiday per region is permitted and this can be granted as two separate days, split across the region such that no one area has more than one public holiday.

The Show Societies have confirmed the dates for the 2014 shows as Friday 30 May 2014 for the Maleny Show and Friday 13 June 2014 for the Sunshine Coast show.

Results of Community Engagement

As a result of the community consultation input was received from:

- 840 individuals via the online survey process – 27% of which were businesses
- 29 active participants from 20 key stakeholder groups, through individual and group focus meetings

Across all feedback channels, the following consistent themes emerged:

- Approximately half the respondents most favoured Option One - The Status Quo of two district specific local holidays; 48% of the key stakeholders; 51% of those that completed the online survey; and, 45% of businesses that completed the online survey
- There was a mixed response to Option Two - June was most favoured by 14% of key stakeholders, 21% of those that completed the online survey, and 20% of businesses that completed the online survey
- There was a consistent response to Option Three - May was most favoured by 9% of key stakeholders, 2% of those that completed the online survey, and 3% of businesses that completed the online survey
- There was a mixed response to Option Four – New Holiday Day was most favoured by 24% of key stakeholders, 13% of those that completed the online survey, and 12% of businesses that completed the online survey
- There was a mixed response to the selection of Option Five – No Show as the most preferred option; 5% of the key stakeholders; 13% of those that completed the online survey; whereas, 20% of businesses that completed the online survey

Economic Impact

The total economic impact of both the Maleny and Sunshine Coast shows is estimated at \$4.8million; however more in depth analysis is required to substantiate this initial assessment.

Other Regions

Other Council areas that have been amalgamated have taken different approaches to their show holiday schedules with Toowoomba being one of the few to make a significant change by reducing the number of holiday dates from four to two.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Show Holidays"
- (b) authorise the Chief Executive Officer to make an application to the Attorney-General and Minister for Justice to maintain current show arrangements for the Sunshine Coast Council local government area post 1 January 2014 and beyond.

FINANCE AND RESOURCING

This is an administrative matter which does not require additional financing or resourcing by council.

CORPORATE PLAN

Corporate Plan Theme: *Social Cohesion*
Emerging Priority: 5.2 – Strong community groups and networks
Strategy: 5.2.1 – Value and support community organisations and volunteers across the region

Corporate Plan Theme: *Social Cohesion*
Emerging Priority: 5.2 – Strong community groups and networks
Strategy: 5.2.3 – Support community initiatives through appropriate provision of information, expertise and resources

Corporate Plan Theme: *Social Cohesion*
Emerging Priority: 5.3 - A sense of identity and belonging
Strategy: 5.3.3 - Support community and neighborhood celebrations, events and local festivals

CONSULTATION

Consultation was undertaken with a range of key stakeholders and the wider community through an online survey.

Internal Consultation

- Councillor Dwyer
- Councillor Cox
- Councillor McKay
- Manager Corporate Governance – Finance and Business

External Consultation

Fresh PRM, a local company, was engaged to undertake a community consultation program to collect feedback regarding the future of the Sunshine Coast Show Holiday Schedule and consulted directly with the following key stakeholders:

- Sunshine Coast Agricultural Show Society
- Showmen's Guild of Australasia
- Maleny Show Society

- Queensland Chamber of Agriculture Show Societies
- Corbould Park – Sunshine Coast Turf Club
- Caloundra Chamber of Commerce
- Palmwoods Woombye Lions Club
- Maroochydore Chamber of Commerce
- Kawana Waters Chamber of Commerce
- Residents Association South Sunshine Coast
- Glasshouse Chamber of Commerce
- Maleny & District Chamber of Commerce & Industry
- Rotary Club of Glasshouse Mountains
- Rotary Club of Nambour
- Mooloolaba Business and Tourism
- Coolum Business and Tourism
- Sunshine Coast Business Council
- Nambour Alliance
- Cooroy Chamber of Commerce
- Eumundi Chamber of Commerce
- Kenilworth Chamber of Commerce
- Montville Chamber of Commerce
- Yandina Chamber of Commerce
- Chambers of Commerce Alliance
- Chamber of Commerce and Industry Queensland
- Maleny Blackall Range Lions Club
- Organisation of Sunshine Coast Ratepayers
- Department of Education
- Department of Transport
- Independent Schools Association
- Brisbane Catholic Education Office
- Parents & Citizens Queensland – Sunshine Coast Area Coordinator
- Sunshine Coast Destination Ltd
- Hinterland Tourism Sunshine Coast

Community Engagement

As part of the community engagement process an online survey located on the Council website was open for community input from Friday 28 June to Monday 8 July 2013. The survey was open to all and publicised through a multifaceted media engagement strategy together with direct newsletter email contacts.

PROPOSAL

Background

Each year the Attorney-General and Minister for Justice seeks nominations for the date of the local government's show holidays. The date is traditionally nominated to align with an annual agricultural, horticultural or industrial show (show day) and is declared as a public holiday.

Showday Holiday Options

At the request of a group of councillors, an independent consultation and assessment of the economic, community and governance aspects of the show holiday schedule has been undertaken with options identified to inform council decision making regarding the future of the region's show holiday schedule.

The report identified five options:

- Option One: The Status Quo - keep the show holiday schedule as previously with two separate days
- Option Two: June - keep only the Sunshine Coast show day in June. No public holiday in May for Maleny Show
- Option Three: May - keep only Maleny show day in May. No public holiday in June for Sunshine Coast show day
- Option Four: New Holiday Date - public holiday on completely different day
- Option Five: No Show Holiday - no public holiday at all

Additionally the option of having two public holidays that align with the Sunshine Coast show and the Maleny show for the whole region has been investigated. Council has been advised by the Office of Fair and Safe Work Queensland that only one public holiday per region is permitted and this can be granted as two separate days as long as they are split across the region such that no one area can have more than one public holiday.

The Show Societies have confirmed their show dates for 2014 as Friday 30 May 2014 for the Maleny Show and Friday 13 June 2014 for the Sunshine Coast show.

Consultation Results

The consultation process involved 29 active participants representing 20 business organisations and 840 individuals via the online survey process. Through that process, a range of views were expressed on the five options.

Across all feedback channels, the following consistent themes emerged:

- Approximately half the respondents most favoured Option One – Retention of the Status Quo of two district specific local holidays; 48% of the key stakeholders; 51% of those that completed the online survey; and, 45% of businesses that completed the online survey.
- There was a mixed response to Option Two - June was most favoured by 14% of key stakeholders, 21% of those that completed the online survey, and 20% of businesses that completed the online survey.
- There was a consistent response to Option Three - May was most favoured by 9% of key stakeholders, 2% of those that completed the online survey, and 3% of businesses that completed the online survey.
- There was a mixed response to Option Four – New Holiday Day was most favoured by 24% of key stakeholders, 13% of those that completed the online survey, and 12% of businesses that completed the online survey.
- There was a mixed response to the selection of Option Five – No Show Holiday as the most preferred option; 5% of the key stakeholders; 13% of those that completed the online survey; whereas, 20% of businesses that completed the online survey.

The possible impact of a show holiday schedule change in this region is difficult to determine at this stage due to an absence of any substantial, region-specific economic impact data. Based on information provided by the Maleny and Sunshine Coast Show Societies, an initial assessment of the total economic impact of both the shows is estimated at \$4.8million. However more in-depth analysis would be required to substantiate this initial assessment.

While the shows report a positive economic impact, there is still a disparity in opinions of the business community towards the costs and benefits of the show holiday schedule. Although

the recent consultation process clearly indicated the maintenance of the status quo was the most preferred option, the business community does experience a higher cost of operation on local public holidays and some report a decline in trade. Chambers of Commerce report that their members suffer significant impact from the payment of penalty rates, with businesses now choosing to close on public holidays. The National Retailers Association has noted that many organisations need to roster staff to work on regional public holidays due to the need to service customers outside of the region, which comes at significant additional labour costs.

Despite the disparity of views, there appears to be a strong community sentiment in support of retaining the two dates for holidays for the local shows and a perception that the success of these shows is dependent on the continuation of show holidays aligned to the individual shows. It is acknowledged the shows generate a high level of community volunteerism - provide a vehicle for community fund raising and awareness and offer a unique educational opportunity.

Showday Holidays in other Queensland regions

An examination of other Queensland regions that have experienced amalgamation or reviewed their show holiday schedule has shown although some have revised their schedule, none have opted for a single regional day.

Toowoomba which has five agricultural shows has reduced from four different public holiday dates to two different public holiday dates, one for the Toowoomba regional show, the other aligned to the Brisbane Exhibition. This change transitioned over a number of years with community support.

Bundaberg has three agricultural shows and two different public holiday dates across the region - one linked to an agricultural show plus one holiday not aligned to a show. Following public consultation the region retained two separate holiday dates.

North Burnett has six agricultural shows with two different public holiday dates across the region. Parts of the region have aligned their public holiday to the Brisbane Exhibition, whereas the other areas are linked to the local agricultural show.

Southern Downs has four agricultural shows with four different public holiday dates across the region - each linked to a local agricultural show.

Opportunities

As part of the consultation and review process, three areas that could potentially be considered for further exploration were identified. Firstly is the opportunity to improve data collection – in respect of both the business impacts of public holidays and the social and economic impact of both shows. Secondly the opportunity exists for increased integration between public holiday events, potential expansion of shows and the potential for additional supporting and linked events. Finally, an education program could be considered to raise the profile of all show holiday events and provide clarity on the public holiday areas for businesses.

There is however, no funding allocated within the current 2013-2014 council budget to devote to the exploration of these matters. In any event, it is considered that investing further resources in research and data collection and education programs will deliver little overall economic or community benefit to the region and is unlikely to significantly alter community views on the occurrence of show holidays. It is acknowledged however, that council should provide greater clarity to the business community on the public holiday areas for each show.

Legal

The Minister is empowered to appoint, upon request by the local government for the district concerned, a special holiday within a district under the *Holidays Act 1983*.

Policy

Council does not have a policy on determining public holidays. However the decision that Council takes in relation to this issue will form the basis of a proposal to the Minister in relation to the 2014 show holiday/s.

RiskOption One – The Status Quo

The retention of the status quo was the preferred option emerging from the consultation process. The risks are minimal in relation to the impact on the shows themselves, the community organisations that currently are involved with the presentation of the shows, or those that use the shows for their key annual fund and awareness raising activities. The selection of option one also has minimal impact of other existing events that occur on the existing two show holidays – such as the Ladies Oaks day at Corbould Park.

The key risk with option one is communicating the decision to elements of the business community that have been advocating since amalgamation for a single show holiday across the whole of the region. However, as has been shown through this community consultation process, there is not a clear view from the business community in relation to the option of a single show holiday, irrespective of which day it may be. There is also a lack of clear economic data that shows that a single (or no) holiday would provide an economic advantage to business in the region.

Options Two and Three – June or May

The key risk of selecting one date over the other is the impact on the other show. Both show societies and large numbers of community members indicated that the removal of “their” show holiday on the Friday would reduce the ability for their show to continue, inhibit community access and limit the range of volunteers and activities that could occur. It could also be argued that the removal of one of the public holidays would have a detrimental economic impact on the relevant catchment area for the show in the region that no longer has a show holiday – although in the absence of any clear economic data, this cannot be verified or quantified.

Option Four – New Holiday Day

There is little support for the selection of an alternative day for the public holiday – and the process has not clearly identified clear support for a particular day with a range of options being suggested although linking to the Brisbane Exhibition or Melbourne Cup Day came out as the most highlighted alternatives. Neither of these present compelling economic benefits for the region, and with this option, by default, comes the removal of the public holidays for both of the two existing shows.

Option Five – No Show Holiday

As the least preferred option by a large margin - both with the key stakeholders and the community - the selection of this option would impact both existing shows with holidays attached to them, together with the other range of activities that occur on the public holidays.

Whilst this option is the one that potentially benefits the business community the most, it was not one that was universally endorsed by the business community. It is anticipated that the selection of this option would generate a high degree of negative community feedback.

Previous Council Resolution**OM 10 July 2008; (OM08/105)**

That Council:

- (a) *advise the Minister for Transport, Trade, Employment and Industrial Relations that it wishes to retain the status quo for the Show Holidays on the Sunshine Coast and requests the following Show Holiday dates:*
- *Maleny Show – Friday, 29 May 2009 for the area of the former Caloundra City;*
 - *Sunshine Coast Show – Friday, 12 June 2009 for the area of the former Maroochy Shire;*
 - *Noosa Show – Friday, 11 September 2009 for the area of the former Noosa Shire; and*
- (b) *undertake an impact study in consultation with relevant stakeholders in preparation for the 2010 show holiday request from the Minister (by May-June 2009).*

OM 27 August 2009; (OM09/248)

That Council:

- (a) *receive and note the report titled “Future Show Holidays for the Sunshine Coast Regional Council Area”;*
- (b) *request the Chief Executive Officer make an application to the Attorney-General and Minister for Industrial Relations for the following 2010 public holidays for the Sunshine Coast Regional Council area:*
- (i) *Friday 28 May 2010; to coincide with the Friday of the Maleny Show;*
 - (ii) *Friday 18 June 2010; to coincide with the Friday of the Sunshine Coast Show – Nambour;*
 - (iii) *Friday 10 September 2010; to coincide with the Friday of the Noosa Country Show, Pomona; and*
- (c) *note that the Noosa and Maroochy Shire and Caloundra City Boundaries as at 14 March 2008 be applied in relation to each area/district show holiday for 2010.*

OM 6 October 2010; (OM10/264)

That Council:

- (a) *receive and note the report titled “Future Show Holidays for the Sunshine Coast Regional Council Area”;*
- (b) *request the Chief Executive Officer make an application to the Attorney-General and Minister for Industrial Relations for the following 2011 public holidays for the Sunshine Coast Regional Council area:*
- (j) *Friday 3 June 2011; to coincide with the Friday of the Maleny Show;*
 - (ii) *Friday 17 June 2011; to coincide with the Friday of the Sunshine Coast Show (Nambour);*
 - (iii) *Friday 9 September 2011; to coincide with the Friday of the Noosa Country Show, Pomona; and*
- (c) *note that the Noosa and Maroochy Shire and Caloundra City Boundaries as at 14 March 2008 be applied in relation to each area/district show holiday for 2011 and beyond.*

Related Documentation

- Letter from The Hon Jarrod Bleijie MP, Attorney-General and Minister for Justice dated 12 July 2013

Critical Dates

The Minister has requested a response by Friday, 30 August 2013.

Implementation

Following a determination by council recommending the dates for the 2014 show holiday schedule for the region, the following actions will occur:

- The Chief Executive Officer will write to the Attorney-General and Minister for Justice to indicate council's selected dates for the show holiday schedule for 2014
- All those listed in the External Consultation section above will be contacted and advised of council resolution
- Following the Minister's determination, notification of the appointment of the special holiday/s will be published in the Queensland Government Gazette
- Communication through council publications and information channels will occur both internally and externally
- A quick reference guide will be placed on council's website to allow residents to identify which public holiday will apply.

8 NOTIFIED MOTIONS**9 TABLING OF PETITIONS**

Petitions only eligible for submission if:

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

10 CONFIDENTIAL SESSION**10.1 REGIONAL STRATEGY AND PLANNING****10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - TEMPORARY LOCAL PLANNING INSTRUMENT 03-2013 SUNSHINE COAST AIRPORT**

File No: ECM
Author: Planning Coordinator
Regional Strategy & Planning Department

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

10.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - SHELLY BEACH

File No: REC12/0065 & LEG382
Authors: Principal Planner (Appeals)
Regional Strategy & Planning Department
Solicitor
Executive Office

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

10.1.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - NOOSAVILLE

File No: MCU12/0051 & LEG-425
Author: Coordinator Appeals Management
Regional Strategy & Planning Department

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

10.2 COMMUNITY SERVICES

Nil

10.3 INFRASTRUCTURE SERVICES

10.3.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROPERTY ACQUISITION

File No: Statutory Meetings
Author: Waste Innovation Engineer
Infrastructure Services Department

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

10.3.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - REVIEW OF SERVICE - ROAD MAINTENANCE PERFORMANCE CONTRACT FOR DEPARTMENT OF TRANSPORT AND MAIN ROADS

File No: Statutory Meeting
Author: Manager Civil Works Services
Infrastructure Services Department

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

10.4 FINANCE AND BUSINESS**10.4.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROGRESS REPORT - IMPLEMENTATION OF CORPORATE AND OPERATIONAL PLANS 2012-2013**

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

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

10.4.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ACQUISITION OF LAND KIN KIN

File No: ECM Project & Contract- Biodiversity Offsets
Author: Property Operations Coordinator
Finance & Business Department

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

10.4.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - DISPOSAL OF LAND SURPLUS TO REQUIREMENTS - MOFFAT BEACH

File No: Statutory Meetings
Author: Project Manager
Finance & Business Department

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

**10.4.4 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ACQUISITION OF LAND
- EVANS STREET MAROOCHYDORE**

File No: Land Property Commercial
Author: Property Management Coordinator
Finance & Business Department

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

**10.4.5 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ACQUISITIONS OF
LAND AND EASEMENTS**

File No: Statutory Meetings
Author: Property Management Coordinator
Finance & Business Department

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

10.5 EXECUTIVE OFFICE**10.5.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SUNSHINE COAST
AIRPORT LEASE OF SITE 1**

File No: ECM
Author: Commercial Property Coordinator
Executive Office

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

10.5.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - CALOUNDRA MUSIC FESTIVAL 2013 MEDIA SPONSORSHIP

File No: CMF2013
Author: Strategy & Business Development Officer Caloundra Music Festival Executive Office

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

10.5.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - AIR NEW ZEALAND 2014 SEASON

File No: EE
Author: General Manager Airports Executive Office

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

11 NEXT MEETING

The next Ordinary Meeting will be held on 19 September 2013 in the Council Chambers, 9 Pelican Street, Tewantin.

12 MEETING CLOSURE