

## 4 REPORTS

### 4.1 DEVELOPMENT ASSESSMENT

#### 4.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (EXTENSION TO SHOPPING COMPLEX) AND PRELIMINARY APPROVAL FOR BUILDING WORKS AT 119 POINT CARTWRIGHT DRIVE, 10 AND 12 TUMUT STREET, 2-18 BERMAGUI CRESCENT AND TUMUT STREET BUDDINA KNOWN AS KAWANA SHOPPINGWORLD

File No: 2008/500027

Author/Presenter: Principal Development Planner, Planning Assessment

Appendices: Appendix A – Conditions of Approval (SPC Pg 24)

Attachments: [Att 1 - Proposal Plans](#) (SPC Att Pg 3)  
[Att 2 - Concurrence Agency Response \(DTMR\)](#) (SPC Att Pg 7)  
[Att 3 - Advice Agency Response \(DERM\)](#) (SPC Att Pg 21)  
[Att 4 - Buddina Urban Village Concept Plan](#) (SPC Att Pg 27)

Link to PD Online:

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

| SUMMARY SHEET                                       |  |
|---|--|
| APPLICATION DETAILS                                 |  |
| Applicant:  | Mirvac Funds Limited   |
| Proposal  | Development Permit for Material Change of Use of Premises (Extend an Existing Shopping Complex)<br>Preliminary Approval for Building Works |
| 1 <sup>st</sup> Properly Made Date:                 | 17 April 2008  |
| 1 <sup>st</sup> Information Request Date:           | 17 June 2008   |
| 2 <sup>nd</sup> Properly Made Date:                 | 29 October 2010<br>(Applicant made change to application and responded to council's Information Request items)                             |
| 2 <sup>nd</sup> Information Request Date:           | 8 December 2010  |
| 2 <sup>nd</sup> Information Response Received Date: | Not Applicable   |
| 3 <sup>rd</sup> Properly Made Date:                 | 25 March 2011<br>(Applicant made change to application and responded to council's Information Request items)                               |
| 3 <sup>rd</sup> Information Request Date:           | No Further Information Request Made  |
| 3 <sup>rd</sup> Information Response Received Date: | Not Applicable   |
| 4 <sup>th</sup> Properly Made Date:                 | 30 August 2011<br>(Applicant made change to application)   |
| 4 <sup>th</sup> Information Request Date:           | No Further Information Request Made  |
| 4 <sup>th</sup> Information Response Received Date: | Not Applicable   |
| Decision Due Date:                                  | 16 November 2011   |
| Number of Submissions:                              | 6 Not Properly Made submissions<br>As the application is Code Assessable, there was no formal notification                                 |

|                                    |  |
|------------------------------------|--|
| <b>PROPERTY DETAILS</b>            |  |
| <b>Division:</b>                   | 4  |
| <b>Property Address:</b>           | 119 Point Cartwright Drive, 10 & 12 Tumut Street, 2 - 18 Bermagui Crescent and Tumut Street BUDDINA known as Kawana Shoppingworld  |
| <b>RP Description:</b>             | Lot 3 RP 185626, Lot 2 SP 202887, Lot 802 B 92942, Lot 803 B 92942, Lot 804 B 92942, Lot 805 B 92942, Lot 806 B 92941, Lot 807 B 92941, Lot 808 B 92941, Lot 809 B 92941, Lot 810 B 92941, Lot 811 B 92941, Lot 812 B 92941  |
| <b>Land Area:</b>                  | 11.03 ha (Lot 2)<br>12 m <sup>2</sup> (Lot 3 – Access Restriction Strip)<br>551 m <sup>2</sup> (Lot 802)<br>555 m <sup>2</sup> (Lot 803)<br>555 m <sup>2</sup> (Lot 804)<br>555 m <sup>2</sup> (Lot 805)<br>570 m <sup>2</sup> (Lot 806)<br>600 m <sup>2</sup> (Lot 807)<br>600 m <sup>2</sup> (Lot 808)<br>600 m <sup>2</sup> (Lot 809)<br>650 m <sup>2</sup> (Lot 810)<br>612 m <sup>2</sup> (Lot 811)<br>587 m <sup>2</sup> (Lot 812) |
| <b>Existing Use of Land:</b>       | Existing Shopping Complex  |
| <b>STATUTORY DETAILS</b>           |  |
| <b>SEQR Designation:</b>           | Urban Footprint  |
| <b>Planning Scheme</b>             | Caloundra City Plan 2004 (8 August 2011)   |
| <b>Strategic Plan Designation:</b> | Not Applicable   |
| <b>Planning Area:</b>              | Kawana Waters  |
| <b>Planning Precinct / Zone:</b>   | Specialist Retail Area   |
| <b>Assessment Type:</b>            | Code   |

### 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 (Extend an Existing Shopping Complex) and Preliminary Approval for Building Works.

The application is before council at the request of the divisional councillor.

### EXECUTIVE SUMMARY

This application proposes to expand the existing Kawana Shoppingworld complex by 8,940 m<sup>2</sup> to a total gross floor area of 39,600 m<sup>2</sup>.

The key issues for consideration relate to location of the shopping complex, impacts on adjacent residential development, the possible impact on other Principal and Major Activity Centres and car parking numbers.

The location of the shopping complex is supported by the provisions in the Caloundra City Plan 2004 given the expansion occurs only on land zoned Specialist Retail Area. It is acknowledged that specific provisions require that residential amenity is protected.

As part of the expansion, Bermagui Crescent will be transformed from a purely residential street to a mix of commercial/residential interface with the expansion directly fronting Bermagui Crescent. This design is in accordance with the Caloundra City Plan 2004 requirements which seek to create the Buddina Urban Village on those lots on the eastern side of Bermagui Crescent. It is expected that these lots will be redeveloped in the future with mixed use development up to 21 metres in height.

Whilst the current land uses of those sites across the road may be affected by this development, there is an increased ability for these sites to be redeveloped to allow the creation of the Buddina Urban Village. Conditions have been imposed to minimise any loss of residential amenity regarding noise, traffic and limiting the upgrade of frontage works to the western side of Bermagui Crescent.

Advice regarding the impact upon the progress of the Kawana Town Centre and Maroochydore Principal Activity Centre was received prior to the change to the application and subsequent reduction in gross floor area. The advice suggested that the development may result in a delay in the development of the Kawana Town Centre. However, the development no longer proposes a discount department store or cinemas, two of the major drawcards in determining the impact of the development upon these centres. As such, it is unlikely that the development will have any adverse impact on the development of the Kawana Town Centre or the Maroochydore Principal Activity Centre.

The development proposes a shortfall in parking against the provisions of the planning scheme. The Scheme requires the provision of 2607 bays based on the ratio of 1 space per 20 m<sup>2</sup> for the first 2000 m<sup>2</sup>, and 1 space per 15 m<sup>2</sup> for any additional gross floor area. The development proposes 1827 bays at a rate of 1 per 21.6 m<sup>2</sup>. The Sustainable Transport Strategy, which is guiding council's new planning scheme, identifies that the parking ratios should be reduced, but this figure is not yet known.

The application has been assessed against the requirements of the planning and found to be generally compliant with the Caloundra City Plan 2004. Accordingly the application is recommended to be supported.

#### **OFFICER RECOMMENDATION**

**That Council APPROVE WITH CONDITIONS Application No. 2008/500027 and grant a Development Permit for a Material Change of Use (Extensions to Shopping Complex) and Preliminary Approval for Building Works situated at 119 Point Cartwright Drive, 10 and 12 Tumut Street, 2-18 Bermagui Crescent and Tumut Street, Buddina, 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 estimated that the infrastructure charges required by this development are \$1,376,550.

**PROPOSAL**

The application seeks approval for an expansion of the existing Kawana Shoppingworld site by 8,940 m<sup>2</sup> from 30,660 m<sup>2</sup> to 39,600 m<sup>2</sup>. The expansion is intended to be located on the northern and eastern sides of the existing Kawana Shoppingworld site. The expansion will result in the shopping complex being extended to the site's eastern boundary, fronting Bermagui Crescent.

The additional floor space is intended to accommodate an Aldi supermarket and other speciality stores.

The proposed expansion intends to increase the amount of parking provided on site from 1,720 car parking spaces to 1,834 parking spaces (although, only 1,827 can be counted given the officer discussion below) including a second storey carpark above the additions catering for 361 car parking spaces. An additional 18 spaces are proposed to be provided along Bermagui Crescent within the council road reserve.

The application intends to realign Bermagui Crescent to provide a 90 degree T-intersection with Tumut Street and relocate the existing pedestrian crosswalk further west for children to walk to Buddina State School.

**SITE DETAILS****Background/Site History**

The subject site has been known as the Kawana Shoppingworld site for many years since opening in 1979 with a Woolworths and Big W anchoring the shopping complex. The site was redeveloped in 2002 to the current total use area of 30,660 m<sup>2</sup>. The site now contains an additional anchor, being Coles, with other smaller anchors of JB HiFi, Best and Less, Terry White Chemist and City Beach.

The subject application has been modified 3 times since original lodgement in 2008, where the application proposed to increase the gross floor area by 18,739 m<sup>2</sup> including a cinema complex, Aldi store and other specialty stores. The applicant has subsequently reduced the proposed increase in gross floor to 8,940 m<sup>2</sup>, removing the cinema complex, but retaining the Aldi store and some of the proposed specialty stores.

The current application was properly made on 30 August 2011, resulting in the application being considered under the decision rules of the *Sustainable Planning Act 2009*.

The application includes an Access Restriction Strip that was created in 1974 from a previous subdivision of the site, presumably to give council some control regarding any future development of the Kawana Shoppingworld.

**Site Description**

The site is largely dominated by the existing Kawana Shoppingworld. The Shopping complex proposes to extend into the existing residential dwellings on the western side of Bermagui Crescent. The site is generally flat.

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





### Surrounding Land Uses

The subject site is immediately bordered by residential development to the south-east and south (with the exception of the Ambulance base in Arunta Street), Buddina State School to the north-east, Nicklin Way to the west, Point Cartwright Drive to the northern boundary.

On the tip of the northern boundary is a small commercial development with a restaurant and small commercial facilities. The Kawana Waters Library and Community Centre is located on the northern side of the small commercial development.

Immediately to the east of the site is land currently used for residential development, but able to be developed for mixed use as part of the identified Buddina Urban Village.

Beyond Nicklin Way and the eastern section of Point Cartwright Drive is residential development. On the opposite corner of Nicklin Way and Point Cartwright Drive is a commercial development containing offices, Red Rooster, Dan Murphy's and the Kawana Waters Tavern.

## **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.

#### **State Planning Policies**

State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulphate Soils applies to this application.

This policy 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 separate assessment.

#### **South East Queensland Regional Plan**

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposed development is consistent with the Desired Regional Outcomes of the SEQ Regional Plan for the Urban Footprint.

#### **State Planning Regulatory Provisions**

For the purpose of the *Sustainable Planning Act 2009*, the regulatory provisions contained within the SEQ Regional Plan are defined as State Planning Regulatory Provisions. The proposal is consistent with the regulatory provisions of the South East Queensland Regional Plan.



### Planning Scheme

The applicable planning scheme for the application is Caloundra City Plan 2004 (8 August 2011). The following sections relate to the provisions of the Planning Scheme.

#### *Desired Environmental Outcomes*

The development is generally consistent with the Desired Environmental Outcomes of Caloundra City Plan 2004, with the exception of certain aspects which are addressed in greater detail below.

#### *Assessment*

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

#### *Location of Shopping Complex*

The subject site is located in the Kawana Waters Planning Area within the Specialist Retail Area (Area A).

The Planning Area designates this site as being currently occupied by Kawana Shoppingworld and also allows for expansion of the centre within the confines of the Specialist Retail Area as noted in the following extract from the Kawana Waters Planning Area Code:

- (i) *Kawana Shoppingworld and associated commercial and shopping development which extends west along the Nicklin Way:*
  - (i) *maintains and reinforces its role as a specialist retail area;*
  - (ii) *provides for improved and expanded commercial, business and community functions; and*
  - (iii) *is not extended beyond the boundaries of the Specialist Retail Area Precinct.*

Whilst the land use itself is generally supported, the planning scheme identifies other considerations regarding urban design/orientation and impacts on adjoining residential development.

#### *Outcomes from the Kawana Waters Planning Area Code*

In general, the Overall Outcomes of the Kawana Waters Planning Area state that:

*development in the Specialist Retail Area and Local Business Centre Precincts provides for a high standard of architectural and landscape design to achieve an attractive and comfortable meeting environment conducive to community interaction. Associated car parking and servicing areas are designed and located to be unobtrusive from the street*

A number of specific outcomes of the Kawana Waters Planning Area also provide guidance as to the design of any expansion of Kawana Shoppingworld. These are replicated below:

**O18** *Development in the Specialist Retail Area Precinct provides:*

- (a) *an attractive streetfront address and achieves a high level of visual amenity; and*
- (b) *a high level of comfort and convenience to pedestrians*

- O21 *Development in the Specialist Retail Area Precinct in Bermagui Crescent, Buddina (Area G on Map KWP4):*
- (a) *integrates development with Kawana Shoppingworld;*
  - (b) *improves connections between Kawana Shoppingworld, Area E on Map KWP4 and the foreshore;*
  - (c) *maximises site area to achieve good quality urban design;*
  - (d) *is designed to exhibit a high standard of architectural design; and*
  - (e) *provides active and attractive street frontages to pedestrian connections.*

These issues are discussed below.

#### *Location of Car Parking Areas*

The overall outcome identifies that car parking and servicing areas are to be designed to be unobtrusive from the street.

The current car parking arrangement is highly visible from any street network. Services for the shopping complex are undertaken on the eastern side of the site behind a 3 metre high wall at the back of residential properties fronting Bermagui Crescent. Existing at-grade car-parking around the majority of the site is intended to remain relatively unaltered, and there are limited opportunities to change this existing condition.

The proposed new car parking area is proposed to be elevated on the eastern boundary fronting Bermagui Crescent, with some minor car parking facilities for staff at grade on the eastern side of the shopping complex screened by providing narrow shop frontages and landscape treatment along Bermagui Crescent. Service Vehicles propose to use Point Cartwright Drive for access to the site, travelling to the eastern side to access loading docks.

The car parking on the first floor can be screened with landscaping or other means to ensure that such facilities are not highly visible. The at grade car parking facilities are also proposed to be screened either by walls or landscaping.

Accordingly, the proposal can meet the desired outcomes regarding the location of parking.

#### *Urban Design*

The proposed development demonstrates an appropriate response to the existing conditions and urban design vision described in Caloundra City Plan 2004. The design improves cross-block connections, incorporates new active edges and entrances and provides a more legible internal layout. A significant new entry to the north of the site (towards Point Cartwright Drive) provides good quality outdoor dining opportunities and meaningful articulation of the building façade, which acknowledges the positive aspects of the subtropical climate and effectively folding the space outward to address the street. The streetscape outcome for Point Cartwright Drive includes new entrances and shops fronting the internal "street" and is considered a significant improvement on the existing arrangement.

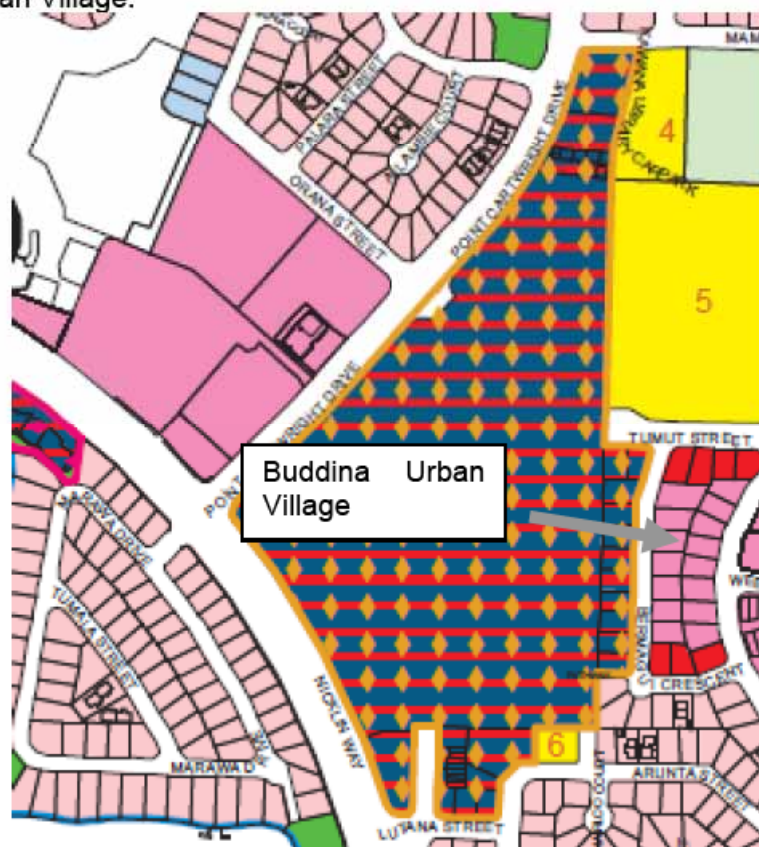
Despite the continued dominance of at-grade car parking to most of the street frontages, streetscape outcomes are generally improved as a result of the proposed development. As discussed later in this report, the only significant change to the Nicklin Way street frontage is caused by the Department of Transport and Main Roads conditions requiring new and improved bus stops for the proposed development.



The Bermagui Crescent streetscape will undergo the most dramatic alteration as a result of the proposed development changing from a residential street with a character defined by low-scale detached houses to an asymmetric commercial/residential street. The development provides an active interface with Bermagui Crescent and presents the opportunity for the creation of the Buddina Urban Village. This concept is discussed further within the body of this report. The residential amenity of the southern portion of Bermagui (off Lowanna Drive) has been maintained by creating a cul-de-sac street, thereby separating the commercial elements of the street from the purely residential.

#### *Buddina Urban Village*

The land bordered by Bermagui Crescent, Tumut Street and Lowanna Drive (immediately to the east of the shopping complex) is envisaged by the Planning Scheme to be developed as the Buddina Urban Village.



As shown in the diagram above, these sites are designated in Caloundra City Plan 2004 as Multi Unit Residential (shown in red) and Mixed Use Residential (shown in dark pink) in order to facilitate the creation of a new urban village linking Kawana Shoppingworld to Kawana Surf Club by pedestrian way and providing active frontages which encourage movement and interaction between private development and the adjacent foreshore areas.

The Planning Scheme states that:

*Development at this location provides for higher density residential accommodation in the form of accommodation buildings and multiple dwellings.*

The Tables of Development Assessment support this statement and identify numerous commercial uses including restaurant and shop as being either code or self assessable, effectively allowing for a range of uses on the ground floor with residential units above.

Specific Outcome O20 of the Kawana Waters Planning Area code details the desire to:

- (a) integrate development with Kawana Shoppingworld;
- (b) improve connections between Kawana Shoppingworld, Area E on Map KWP4 and the foreshore;
- (c) maximise site area to achieve good quality urban design;
- (d) be designed to exhibit a high standard of architectural design; and
- (e) provide active and attractive street frontages to pedestrian connections.

The original application did not show any interaction or street relationship between the Kawana Shoppingworld and the future Buddina Urban Village. However, discussions between officers and the applicant have resulted in the building design now before council.

As these sites are currently occupied by single storey residential development and not mixed use development, it is likely that there will be some impact on the residential amenity. This is discussed below.

#### *Impacts on Adjoining Development*

DEO No 2 – Community Life and Wellbeing and Specific Outcome O20 of the Kawana Waters Planning Area code identify respectively that:

*The identity of existing communities is retained by careful attention to the location, scale and intensity of new development; AND  
Development in the Specialist Retail Area Precinct does not have any undue adverse impacts on existing or likely future surrounding land uses.*

The proposed development is intended to have an active street presence to Bermagui Crescent, consistent with the provisions of the Planning Scheme. However, this may create some adverse impacts to the existing residential development including noise and additional traffic.

The impacts of noise are able to be conditioned to ensure that any loss of amenity is minor.

It is expected that some additional traffic will traverse along Bermagui Crescent. The Traffic Impact Assessment shows only a minor increase in traffic numbers along this road.

The applicant, through discussions with officers, has modified the road network to include a cul-de-sac at the elbow of Bermagui Crescent to ensure that those dwellings within the Low Density Residential precinct (to the south of the Buddina Urban Village) are protected from any additional traffic movement from within the Kawana Shopping world site. This “closure” will only affect vehicular traffic, and will not impede the flow of pedestrians or cyclists. This is anticipated to reduce any impacts upon residential amenity within the Low Density Residential precinct.

Whilst the current land uses of those sites across the road may be affected by this development, there is an increased ability for these sites to be redeveloped to allow the creation of the Buddina Urban Village. Conditions have been imposed to minimise any loss of residential amenity regarding noise, traffic and limiting the upgrade of frontage works to the western side of Bermagui Crescent.

Without progression of this Kawana Shoppingworld application, the Buddina Urban Village is unlikely to come to fruition as envisaged by the planning scheme given the commercial market would be reliant upon the development and attraction of the Kawana Shoppingworld to draw patronage to the Urban Village site. Further commentary on this can be found within the Economic Development section of this report.

## **Other Matters for Consideration**

### **Car Parking**

The current development application for Kawana Shoppingworld proposes parking at a rate of 4.6 spaces per 100 m<sup>2</sup> of GFA, or 1 space per 21.7 m<sup>2</sup>.

The Caloundra City Plan 2004 requires car parking be calculated on the basis of 1 space per 20 m<sup>2</sup> for the first 2000 m<sup>2</sup>, and 1 space per 15 m<sup>2</sup> for any additional gross floor area. This provision is contrary to the contemporary approach where car parking rates usually decrease as GFA increases i.e. through economies of scale.

Based on the overall gross floor area of the shopping complex, including the proposed additions, a total of 2607 parking bays would be required under City Plan 2004. The application proposes a total of 1834 parking bays, a shortfall of 773 parking bays based on current scheme requirements. The applicant has provided a traffic report that details reasons in support of the resultant shortfall in parking for the proposed development, based on a comparison of parking rates for similar shopping centres in other locations and a survey of actual car park usage for the existing centre.

Prior to consideration of the shortfall in parking, there is a need to review the overall proposal for parking to be provided on site as part of the proposed additions to the shopping centre. The site is located on a major sub-arterial road with a high frequency bus service and sits adjacent to a substantial residential area with good pedestrian and cycle connectivity. The existing centre is well serviced by at grade car parking with various accesses to Nicklin Way, Point Cartwright Drive and adjoining residential streets. The proposal includes reconfiguring the existing at grade parking areas, improving access and manoeuvring for service vehicles, improving circulation through the site and proposes an improved signalised access off Nicklin Way. In addition, the majority of the additional parking to be provided as part of the shopping centre additions is proposed to be provided in a rooftop configuration. The provision of an electronic monitoring system for the rooftop car park would likely assist in a higher utilisation of spaces, resulting in a higher rate of parking efficiency onsite.

In consultation with the Department of Transport and Main Roads, the applicant has made provision for dedication of land that will allow for the upgrade of the existing bus stops on Nicklin Way fronting the shopping centre. This will allow for improved utilisation of bus services through the provision of an interchange facility and will ultimately accommodate premium bus stops on both sides of Nicklin Way with lift/stairs and overpass between stops on either side of the road provided by the Department of Transport and Main Roads. The proposal also includes the provision of a significant number of bicycle parking spaces for staff and customers, as well as end of trip facilities for staff (showers, etc).

To promote good pedestrian connectivity between the shopping centre and the enhanced public transport stops, the applicant proposes an additional zebra crossing through the western car park to link up to the eventual overpass proposed by Department of Transport and Main Roads, and the bus interchange. In combination with two existing similar pedestrian routes between the shopping centre and the Nicklin Way frontage, this will greatly improve the movement of pedestrians safely through the car park area and will promote the use of public transport to access the shopping centre.

To achieve this outcome, a small number of parking bays (7 in total) must be lost to accommodate these crossings. It is noted that other modifications are required to achieve compliance with Caloundra City Plan 2004 and the Australian Standards, but these do not affect car parking numbers to any significant degree. The necessary pedestrian connections and enhancements to the car park layout can be conditioned as part of any approval.

Accordingly, the resultant total number of car parks able to be accommodated is reduced to 1827 bays, a shortfall of 780 bays. This slight reduction equates to an overall rate of 1 space per 21.6 m<sup>2</sup> of GFA.

With respect to the specific outcome sought by the planning scheme, the requirement is:

*Sufficient on-site car parking is provided for the number and type of vehicles likely to be generated by the development activity.*

In considering the rate of parking being provided, it is important to note that other shopping complexes within the Sunshine Coast have differing parking rates as noted in the table below.

| Shopping Complex                   | Approximate Gross Floor Area | Approximate number of bays provided | Parking rate adopted at major shopping complex |
|------------------------------------|------------------------------|-------------------------------------|--|
| Kawana Shoppingworld (as proposed) | 39,600 m <sup>2</sup>        | 1827                                | 1 space per 21.7 m <sup>2</sup>                |
| Sunshine Plaza                     | 59,054 m <sup>2</sup>        | 3122                                | 1 space per 21 m <sup>2</sup>                  |
| Noosa Civic                        | 23,900 m <sup>2</sup>        | 1292                                | 1 per 18.5 m <sup>2</sup>                      |
| Stockland Caloundra                | 15,703 m <sup>2</sup>        | 870                                 | 1 per 18 m <sup>2</sup>                        |
| Nambour Plaza                      | 11,315 m <sup>2</sup>        | 802                                 | 1 per 14.1 m <sup>2</sup>                      |
| Big Top Shopping Centre            | 11,942 m <sup>2</sup>        | 850                                 | 1 per 14 m <sup>2</sup>                        |

As noted above, the proposed parking ratio would be the lowest of those major shopping complexes on the Sunshine Coast. However, as a general rule, as the floor area increases within a shopping centre, the rate of parking provision may reduce. This is attributed to the fact that trips generated by the development do not increase in a linear fashion, due to generated trips being shared between the various uses within the centre, e.g. customers will generally complete several shopping tasks during the one trip, such as banking, grocery shopping and shopping for other retail goods. Contemporary practice in Planning Schemes is to require a reduced rate of parking for large shopping centres, based on the increase in alternative modes of transport (walking, cycling, bus and taxis) and acknowledging the sharing of trips between retail generators, as well as the increasing usage of intelligent parking systems and electronic monitoring of car park occupancy. The comparison in the above table demonstrates this philosophy of decreasing parking rates for larger centres, which is consistent with data published in traffic assessment guides used by authorities such as the Road and Traffic Authority (NSW).

A similar position has been taken by Toowoomba Regional Council, where the new draft Planning Scheme for the region includes the parking requirement for shopping complexes at a rate of 3.5 spaces per 100 m<sup>2</sup> (or 1 space per 28.5 m<sup>2</sup>), well below the current expectations of all three Planning Scheme for the Sunshine Coast.

The new Planning Scheme for the Sunshine Coast is expected to review parking requirements in line with the Sunshine Coast Sustainable Transport Strategy 2011 - 2031, but the requirements are not known at this time. In lieu of a formal position by council, calculations have been made on several options.



| Source                                  | Parking Rate  | Number of bays required |
|---|---|-------------------------|
| Toowoomba Regional Council              | 3.5 spaces per 100 m <sup>2</sup>   | 1386                    |
| Maroochy Plan (based on Sunshine Plaza) | 1 space per 20 m <sup>2</sup> for the first 2000 m <sup>2</sup> of GFA, then 1 space per 15 m <sup>2</sup> of GFA thereafter, or Refer to Schedule 3<br>OR<br>5.3 spaces per 100 m <sup>2</sup> of GFA for complexes with greater than 20,000 m <sup>2</sup> GFA, and having multi-deck car parks, and regional public transport provisions | 2098                    |
| Alternative Rate                        | 1 per 25 m <sup>2</sup>   | 1584                    |

As indicated above, the applicant has submitted a Traffic Impact Assessment as part of the application to justify the parking shortfall. While the Traffic Impact Assessment bases its justification on peak periods on surveys conducted on a Thursday and Saturday during October, it is generally accepted that developments of this nature are not required to meet 100% of the peak parking demand. On this basis, the rationale presented in the report is considered reasonable, in combination with the sharing of trips and public transport availability.

Further, the Sustainable Transport Strategy identifies that:

*The role of council to provide public transport is limited, however it does have a very important role to play in public transport take up through land use planning, and travel demand management measures including parking management (discussed at section 5.3).*

*Current parking policies require new developments to comply with minimum parking requirements. The aim of these requirements is to ensure that each development provides sufficient parking for their own estimated average near-peak demand for free parking. This is based on the type and size of development, where size is often measured in terms of gross floor area or (for residential uses) the number of bedrooms. Developments are then required to provide at least this amount of parking regardless of other geographic, demographic or management factors that may affect parking demand.*

As part of this strategy, four policy directions were adopted by council:

- Parking requirements for new development progressively shift from minimum requirements to performance-based requirements, starting with reducing minimum requirements
- Parking demand not provided on-site may be offset through contributions taken under a parking management scheme and forming an Accessibility and Amenity Improvement Fund, which may assist in providing local area transport and streetscape improvements or shared parking facilities
- Parking areas provide for safe manoeuvring and accessibility of vehicles
- Electronic parking management systems are progressively introduced, monitoring utilisation and linking with real time and website information on location, availability and pricing of facilities.

As indicated above, one method to improve the efficiency of parking onsite would be to put in place electronic parking management systems that would identify where free car parking spaces are, or at least identify available parking numbers, similar to those at Sunshine Plaza. This will assist in guiding customers to car parking and also reduce traffic for those searching for a car parking space. Whilst this would achieve a better outcome if applied across the site, these systems are more difficult to retrofit in existing car parks. However, as there is a shortfall identified, it would be reasonable to request that such systems be put in place for the new car parking provided on site, i.e. the rooftop car park area.

Total numbers aside, it would be expected that during the busy Christmas and Easter periods, parking may be more difficult to access. A likely outcome would be for any overflow parking to be accommodated within existing residential areas to the east or the nearby school.

Based on the promotion of alternative modes of transport and the recommended provision of electronic monitoring of the rooftop car park occupancy, it is considered that the resulting car parking rate of 1 space per 21.6m<sup>2</sup> of GFA will provide adequate car parking for the overall development. It is therefore recommended that a total of 1827 car parking spaces be required for the development, if approved.

The Sustainable Transport Strategy identifies above that contributions may be collected under a parking management scheme to provide incentives to provide less parking. No contributions policy has been adopted at this time. However, officers are satisfied that the proposed parking numbers provided will satisfy parking demand, and therefore, this is not required.

#### *Commercial Floor Space*

The applicant provided an Economic Impact Assessment upon lodgement of the original application in April 2008 in support of the application and justifying the 18,739 m<sup>2</sup> increase in gross floor area.

Council sought an independent review of the advice provided by the applicant, which provided the following conclusions:

*...we feel that there is supportable evidence from an economic perspective for council to justify the proposed shopping centre at the subject site. In particular:*

- (a) The proposed expansion would allow Kawana Shoppingworld to offer a more diverse range of retail and entertainment based uses ensuring its continued operation as a major shopping complex, as intended by the planning documents. The expansion would ensure Kawana Shoppingworld remains viable as a Major Activity Centre where all other major centres have plans for future expansion and development including Maroochydore, Sippy Downs, Nambour and Caloundra;*
- (b) The proposed expansion would not adversely affect the capacity of Maroochydore to function as a Principal Activity Centre due to the significant comparative offer of Maroochydore. There are also significant future plans for expansion and redevelopment within Maroochydore to further enhance its role;*
- (c) There is continuing household and retail spending growth within the main and total trade area, creating increased demand for retail and commercial activities;*
- (d) A number of positive economic and employment benefits would be generated from the proposed development; and*

- (e) *The likely impacts of the proposed expansion may result in the delay of future retail development activities at the Kawana Town Centre and Caloundra; however this is considered to be minimal and would not undermine the role and function of these centres. There is expected to be minor impacts upon other competitive centres that would not result in a change to their respective role and function.*

This information supports consistency with the statements contained within the Desired Environmental Outcome No 1 - Economic Development where it states:

- (a) *Development occurs in accordance with Caloundra City's Business Centre hierarchy and the regional activity centres network, where:*
- (ii) *Kawana Town Centre Sub-regional Business Centre comprises one part of a major activity centre (the Kawana Major Regional Activity Centre);*
- (iii) *Kawana Shoppingworld and Environs Specialist Retail Area comprises one part of a major activity centre (the Kawana Major Regional Activity Centre);*
- (c) *The development of business centres in Caloundra City does not significantly adversely affect the capacity of the Maroochydore Principal Activity Centre to fulfil its role as the pre-eminent centre for business, commercial and community uses in the Sunshine Coast Sub-region.*

Although this advice was provided over 3 years ago, an amended Economic Impact Assessment has not been sought given the application was changed to reduce the proposed floor space. Furthermore, the advice did provide information regarding the key shopping nodes in Kawana Town Centre, Sunshine Plaza and other smaller retail properties within the nearby vicinity. As such, it was not considered necessary to request amended advice from the applicant or seek further instruction from external consultants.

On the above basis, officers are satisfied that the gross floor area will not adversely impact on the development of the Kawana Town Centre or the Maroochydore Principal Activity Centre.

#### *Summary*

The Planning Area clearly designates this site for the future occupation and expansion of Kawana Shoppingworld within the confines of the Specialist Retail Area as noted in the Kawana Waters Planning Area Code.

The proposal satisfies the above criteria as the shopping complex is confined to the Specialist Retail Area precinct, provides opportunity to trigger expanded commercial and business in the Buddina Urban Village to the east of the site and reinforces its commercial presence in the Buddina locality.

Whilst there will be impacts associated with the development on the existing residential development within the Buddina Urban Village (mitigated to some extent by the Conditions of Approval), the approval of this application will allow for the commencement of the Buddina Urban Village.

**Sunshine Coast Council Policy Framework - Strategies**

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

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

**Economic Implications**

Buddina falls within the Caloundra (C) – Kawana Statistical Local Area. According to the Small Area Labour Market Series produced by the federal Department of Education, Employment and Workplace Relations, the smoothed unemployment rate for the area for the June 2011 quarter was 5.5%. This compares favourably to 6.1% for the Sunshine Coast region generally and equates to the unemployment rate of 5.5% for Queensland for the same period. This also represents a decrease in unemployment for the area from 5.9% for the June 2010 quarter.

The application is Code Assessable under the *Caloundra City Plan 2004* and seeks to expand the existing Kawana Shoppingworld complex. The application now seeks to expand the existing gross floor area from the existing 30,660 m<sup>2</sup> by an additional 8,940 m<sup>2</sup>, which will provide for an additional 73 tenancies in the complex. The majority of the proposed expansion will occur to the east and south east of the existing building footprint. The existing premises opened in 1979 and were acquired by the applicant (Mircvac) in 1998.

The applicant has advised that the proposed expansion of the Kawana Shoppingworld will generate (based on a \$47 million construction cost) the following estimated employment impacts:

| Phase             | Direct Employment* | Supplier Employment Multiplier Effects* | Total* |
|-------------------|--------------------|---|--------|
| Construction      | 201                | 322                                     | 523    |
| Retail operations | 372                | 353                                     | 725    |
| Total             | 573                | 675                                     | 1248   |

\*includes both full and part time employment

The Economic Development Branch has examined matters relevant to this application in the context of the *Caloundra City Plan 2004*, council's *Corporate Plan 2009-2014* and council's *Economic Development Strategy 2010-2014*.



The Economic Development Branch has no objection to the application and notes that, in the context of council's Corporate Plan and Economic Development Strategy, the development:

- will have substantial employment impacts for the local area, based on a consideration of the advice provided by the applicant. Retail Trade is the largest single industry by employment for the Caloundra (C) – Kawana Statistical Local Area, employing 15.6% of the area's employed labour force, followed closely by Construction (15.1%) (*Source: Australian Bureau of Statistics, 2006*);
- will support new local retail business investment and potentially enable some existing retail businesses to expand through the availability of new tenancies, although this cannot be quantified with precision;
- configuration should lead to improvements to the functionality of the centre which may have positive flow-on effects for retailers;
- should not impact adversely on the Desired Outcomes and value proposition for the Maroochydore Principal Regional Activity Centre;
- may have potential implications for the Kawana Town Centre in terms of market competition, given its proximity (within 5 kilometres) to Kawana Shoppingworld. It is noted that Stockland has made a submission (not properly made) opposing the proposed expansion of the Kawana Shoppingworld. While a detailed assessment on the commercial implications for the Kawana Town Centre has not been undertaken, it is worth noting that the development of the Sunshine Coast University Hospital complex, predicted associated business investment adjacent to the site and predicted population growth in the area will likely provide key competitive advantages for the Kawana Town Centre as a retail proposition; and
- is unlikely to lead to a broadening of the economic base for the region, given that it will primarily generate direct employment in the retail and construction sectors. This alone however, does not provide a policy rationale that would warrant refusal of the application as council is equally committed to fostering growth in the three main sectors of the regional economy – tourism, retail and construction.

### Traffic and Transport

#### *Vehicular Traffic and Public Transport*

As part of their Concurrence Agency Response, the Department of Transport and Main Roads has required substantial upgrades to Nicklin Way including a new bus interchange (eastern side) and placement of new traffic. These works assist in satisfying the overall outcomes of the Kawana Waters Planning Area code where it states:

- (n) *The transport network is progressively upgraded to meet the needs of the Kawana Waters community and to reduce pressure on Nicklin Way. Key components of this network comprise:*
  - (i) *the Nicklin Way – Sunshine Motorway Link, providing a new north – south road link in the western part of the Planning Area to improve access between the Sunshine Motorway and several points along Nicklin Way;*
  - (ii) *the Multi Modal Transport Corridor (MMTC) linking Caloundra Road with the Sunshine Motorway; and*
  - (iii) *the Dedicated Transit Corridor (CAMCOS) Public Transport Corridor, linking Maroochydore and Caloundra with Kawana Waters; and*

- (iv) *the Local Transit, Pedestrian and Bicycle Corridor (GREENLINK), linking Kawana Town Centre and the Dedicated Transit Corridor (CAMCOS) to Palmview.*
- (o) *Development in the Planning Area does not compromise the future provision and operation of the above transport corridors and Nicklin Way.*

As part of connecting to the external road network, the application proposes to include an additional left in/left out arrangement to Point Cartwright Drive (near the site's northern end) to minimise the likelihood of queuing at the existing Point Cartwright Drive roundabout entry to the subject site. The Traffic Impact Report submitted by the applicant highlights the improvement to this intersection and is supported by officers.

The planning scheme seeks that any frontage to Bermagui Crescent have an active street presence. The proposal meets this intent. However, the requirement for an active frontage on Bermagui Crescent necessitates removal of part of the existing circulating roadway along the current (inactive) rear of the site. Consequently, the north-south portion of Bermagui Crescent is required for access and circulation. Proposed conditions of approval require the widening of the Bermagui Crescent reserve to provide parking lanes and footpaths on both sides.

It is not expected that traffic volumes on Tumut Street past the Buddina State School will change significantly as a result of the proposed development, since there is already a limited residential catchment for the shopping centre in this direction.

It should be noted that a proposed condition of approval does not permit service vehicles to access the site via Bermagui Crescent or Tumut Street.

#### Pedestrian Connectivity

The internal layout of the Kawana Shoppingworld site will allow for through access from Nicklin Way to Bermagui Crescent (and eventually to the foreshore upon creation of the Buddina Urban Village) both during and outside opening hours. Additional pedestrian crossings have been requested in the western car park to allow for through movement for pedestrians from the Kawana Shoppingworld site to the bus interchange.

#### Safety of School Children

A concern was raised during the assessment of the application that an increase in traffic would affect the nearby Buddina State School and would encourage additional traffic through Tumut Street. The proposal has been modified through discussions with the applicant to ensure that pedestrians and school children are still able to successfully navigate without crossing any intersections. Children attending the site from Lowanna Street to the south would be able to gain access to the school using only footpaths and pedestrian crossings given conditions are recommended requiring the construction of a footpath on the eastern side of Bermagui Crescent.

The existing pedestrian crossing is to be relocated further west of its current location in line with the realigned Bermagui Crescent, ensuring that access can safely be achieved to the site.

**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 20 September 2011 approving the proposal subject to conditions. Conditions imposed by the Department of Transport & Main Roads relate to the following; a single relocated 'all movement' vehicle access (new intersection) to Nicklin Way, safety and efficiency impacts and works on the state-controlled road, bus interchanges, taxi ranks, footpath network, covered walkways, end of trip facilities, bicycle parking, stormwater run off and the state-controlled road network, lighting and roadside advertising devices.

**Advice***Department of Environment and Resource Management*

The department is an advice agency for Acid Sulphate Soils. The department responded by letter dated 13 September 2011 advising that both the Acid Soils Investigation Report and the Acid Soils Management Plan should be amended to be consistent with SPP 2/02 Guidelines with particular regard to the Sampling Guideline and liming rates. It will be conditioned that the recommended amendments be made to this document before it is approved by council.

**Internal Referrals**

The application was forwarded to the following internal council units/branches:

- Economic Development Branch;
- Infrastructure Policy Branch;
- Environment Policy Branch;
- Urban Design Unit, Planning Assessment Branch;
- Hydraulics and Water Quality Unit, Operational Works Branch;
- Environment and Landscape Unit, Operational Works Branch; and
- Integrated Transport Branch.

Their assessment forms part of this report.

**Public Notification**

The application was not required to be publicly notified as the application is Code Assessable. Notwithstanding this, 6 submissions were lodged. They are included for the purpose of comprehensive reporting only.

The following table provides a summary and assessment of the issues raised by submitters. It should be noted that the submitters do *not* have 3<sup>rd</sup> party appeal rights.

| Issues  | Comments  |
|---|---|
| <p>Moving the bus interchange onto Point Cartwright Drive.</p> <p>Preference for locating the interchange at the existing bus stop on the Nicklin Way in front of the centre utilising some underutilised car parking.</p>  | <p>This formed part of the previous proposal. The bus interchange is located on Nicklin Way.</p>  |
| <p>Post office parking be reserved for customers of the post office.</p>  | <p>It is expected that the management of Kawana Shoppingworld will consider the needs of their clientele such as the designation of short term parking bays (if required).</p>  |
| <p>The proposal is in conflict with the relevant codes of the Caloundra City Plan, in particular, the overall outcomes and specific outcomes of the Kawana Waters Planning Area Code (Planning Area Overall Outcomes – b, i and j) and the Business Code (Overall Outcome 2a).</p> <p>The proposal undermines the business centre hierarchy for Caloundra City, including Kawana Town Centre, which is recognised as a sub-regional business centre and as Caloundra's second largest business centre. Kawana Shoppingworld is of a lower order.</p> <p>Approval of the proposal will delay and jeopardize the establishment and success of the Kawana Town Centre. It will exceed the GFA presently intended for Kawana Town Centre and usurp its intended role as the second largest business centre.</p> | <p>These sections of the codes seek to ensure that the commercial development is confined to the Specialist Retail Area. As noted in the report, the application complies in this regard.</p> <p>An external economic consultant reviewed the Economic Impact Assessment provided by the applicant. Whilst it acknowledges that approval of this application may slow the progress of the Kawana Town centre, this would not adversely affect its ability to function when developed.</p> <p>These comments relate substantially to the previous application. The gross floor area will now be consistent with that of Kawana Town Centre. In saying this, Kawana Town Centre will have additional office and business space, which Kawana Shoppingworld does not currently have.</p> |
| <p>The expanded retail facilities are not 'expanded shopping functions predominantly in the form of showrooms and bulky goods retailing' as set out in the Planning Area Overall Outcomes.</p>  | <p>This comment relates to properties along Nicklin Way and on the opposite corner of Point Cartwright Drive and Nicklin Way, and not the subject site. The proposal is considered to comply with the Overall Outcomes of the Planning Area Code.</p>   |
| <p>The Proposal conflicts with the South East Queensland Regional Plan and the draft Caloundra City Local Growth Management Strategy.</p>   | <p>There is no perceived conflict with the South East Queensland Regional Plan. The Local Growth management Strategy is being considered as part of the new Planning Scheme for the region.</p>   |



| Issues   | Comments   |
|--|--|
| The proposal has the potential to create a Major Activity Centre focused on Kawana Shoppingworld, which is only one component of a Major Activity Centre. It also has the potential to undermine the Maroochydore Principal Activity Centre.   | An external economic consultant reviewed the Economic Impact Assessment provided by the applicant. Whilst it acknowledges that approval of this application may slow the progress of the Kawana Town Centre, this would not adversely affect its ability to function when developed.   |
| Impact upon adjacent residential development from air conditioning, internal and external lighting and air handling systems associated with development fronting Bermagui Crescent. It is considered unreasonable to have high intensity development within such close proximity to existing low density residential development. No details of how noise, light, overlooking and massing and scale impacts will be buffered and screened. | It is expected that lighting and air conditioning systems would not affect residential amenity. The design of the building ensures that no overlooking would be possible of private areas not already seen by the public.<br><br>The existing residential development has the ability to be redeveloped into taller buildings (up to 21 metres) with a range of uses. Single detached residential dwellings are unlikely to remain in this location given the development rights that these sites already enjoy. |
| 'Escalation of Bermagui Crescent from access street to a trunk collector' and associated impacts from noise, pedestrian safety and loss of residential amenity.  | This road network is not expected to be upgraded in the road hierarchy. Measures have been taken through the car park to reduce the likelihood of "rat-running".   |
| Changes to traffic conditions and impact of increased traffic movements upon school. Suggest alternatives including diversion of traffic down Bermagui Crescent rather than Tumut Street or signalized pedestrian crossings on both Tumut St and Iluka Avenue.   | These options were considered as part of the assessment of the application. However, the properties along Tumut Street are able to be redeveloped for taller buildings within the Multi Storey Residential precinct.   |
| Buddina State School staff car park should be kept as a separate stand-alone entrance.   | The design has since been modified in consultation with the applicant to achieve this outcome.   |
| Removal of proposed landscaping fronting Bermagui Crescent to buffer the car park from adjoining residential development. Suggestions for alternative location of multi-storey car parking and access in order to enable Bermagui Crescent to remain unchanged.  | The planning scheme seeks to change Bermagui Crescent to allow for a greater interface between the foreshore and the Kawana Shoppingworld site. The possible impacts of the multi storey car park can be mitigated by the imposition of conditions.  |

### CONCLUSION

The application proposes to expand the existing Kawana Shoppingworld complex by 8,940 m<sup>2</sup> to a gross floor area of 39,600 m<sup>2</sup>.

The key issues for consideration relate to location of the shopping complex, impacts on adjacent residential development, the possible impact on the Kawana Town Centre development and car parking numbers.

The location of the shopping complex is supported by the Caloundra City Plan 2004. It is acknowledged that specific provisions require that residential amenity is protected.

The adjacent residential dwellings to the east form part of the Buddina Urban Village, which is intended to accommodate a mixture of commercial and residential land uses and multi storey development. The planning scheme requires that when Kawana Shoppingworld expands, it should present an active street front to Bermagui Crescent to allow for interaction between this site and the Buddina Urban Village.

Some impacts will be seen on Bermagui Crescent regarding additional traffic and possible noise. Conditions can be applied to address these issues.

Expert external advice was sought for the original application (which sought a greater gross floor area than currently before council) regarding the economic need for the expansion of the centre. That advice stated the development would not adversely impact on the ability of the Kawana Town Centre to function, although this might delay its development timeframes. The advice confirmed that no impact is foreseen on the Maroochydore Principal Activity Centre. The floor space has since been considerably reduced and it is accepted that the comments above are equally applicable.

The application proposes a shortfall of parking of 780 parking bays based on current planning scheme requirements. However, it is generally acknowledged that the present rates should be reduced, and this position has been acknowledged by council through the Sustainable Transport Strategy. A reasonable approach might be to adopt a middle rate, such as 1 space per 25m<sup>2</sup>. This would require 1,584 spaces, a surplus of roughly 150 spaces. Further to this, increased access to public transport is to be provided as part of the Department of Transport and Main Roads conditions. Accordingly, the variation to car parking can be supported.

Given the above and on balance, the application is recommended for support.

### APPENDIX A - CONDITIONS OF APPROVAL

#### 1. APPLICATION DETAILS

|                            |  |
|----------------------------|--|
| Application No:            | 2008/500027  |
| Street Address:            | 119 Point Cartwright Drive, 10 & 12 Tumut Street, 2 - 18 Bermagui Crescent and Tumut Street BUDDINA known as Kawana Shoppingworld  |
| Real Property Description: | Lot 3 RP185626, Lot 2 SP202887, Lot 802 B92942, Lot 803 B92942, Lot 804 B92942, Lot 805 B92942, Lot 806 B92941, Lot 807 B92941, Lot 808 B92941, Lot 809 B92941, Lot 810 B92941, Lot 811 B92941, Lot 812 B92941 |
| Planning Scheme:           | Caloundra City Plan 2004 (8 August 2011)   |

#### 2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use (Extensions to Shopping Complex)
- Preliminary Approval for Building Works

#### 3. RELEVANT PERIOD OF APPROVAL

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

#### 4. ASSESSMENT MANAGER CONDITIONS

##### PLANNING

1. The applicant must comply with all of the conditions of this Development Permit prior to the commencement of use, unless otherwise stated.
2. The applicant must undertake the development generally in accordance with the approved plans and approved documents (subject to the required amendments) and Caloundra City Plan 2004.
3. Site development works including earthworks, roadworks, stormwater drainage, water supply and sewerage infrastructure, electrical reticulation, lighting, landscaping, revegetation and other relevant services must be designed and constructed in accordance with the Codes and Policies of the Caloundra City Plan 2004 unless specifically directed otherwise in the conditions contained herein.

##### Approved Use

4. The approved development is a Shopping Complex in accordance with the definitions within Caloundra City Plan 2004 and the approved plans.
5. The gross floor area of the development must not exceed 39,600 m<sup>2</sup> without the written consent of Council.

##### Amendments to Approved Plans and Documents

6. The applicant must, prior to the approval of any Operational Works application, provide to Council amended plans and documents which incorporate the amendments listed within this Decision Notice.

**Amalgamation of Lots**

7. All lots included in the application (with the exception of Lot 3 RP185626) are to be amalgamated into one lot prior to the commencement of the use.

**Road Reserve Dedication**

8. The boundaries of the site must be reconfigured, generally in accordance with the approved plans, to dedicate the required additional road reserve to accommodate the roadworks required external to the site, and the alterations to or creation of easements within the site. Lot 3 RP185626 must also be dedicated as road reserve. The Plan of Survey (and where appropriate, any associated easement documentation) must be lodged with Council for endorsement prior to the issue of a Development Permit for Building Works and registered with the Department of Environment and Resource Management prior to the commencement of the use.

**CIVIL ENGINEERING**

9. All necessary action must be taken to ensure that development activities do not damage any other property. Where damage to another property occurs as a result of development activities, rectification of the damage must be undertaken prior to the acceptance of the works as complete.
10. All works required for this development must take due regard of any and all existing services. Any existing services affected by the proposed works must be altered or relocated as necessary. In particular, any signs, poles or other obstructions must be relocated clear of pedestrian paths and vehicular driveways.
11. All necessary alterations to public utility mains and services arising from construction of works associated with the development must be undertaken at no cost to the service provider.
12. All earthworks must be undertaken in accordance with the provisions of AS 3798 ("Guidelines on Earthworks for Commercial and Residential Developments).
13. A separate development permit for operational works must be granted for bulk earthworks and the removal of fill from the site prior to any works commencing, unless those works form part of approved building work on the land. A development permit for operational works must also be obtained for any site proposed to source fill for, or receive fill from, the development. Transport routes for the haulage of material between the site and any land receiving or sourcing fill material must be identified and approved by Council's delegate.
14. Prior to commencement of any building works (excluding works associated with the removal of the existing detached houses), operational works and prior to any application for a permit under council's Local Laws for erection of hoardings, temporary road/ footpath closure, etc, a *Construction and Traffic Management Plan* must be submitted to Council for review and endorsement. This Plan must detail any areas of road/footpath reserve proposed to be closed as well as the proposed duration of the closure, and must include details of proposed temporary works to minimise disruption to vehicular and/or pedestrian traffic in the locality. The Plan must also include details of proposals for construction workers' car parking during construction of the development, in locations which will not excessively impact on nearby residences and/or vehicular and pedestrian traffic in the locality.
15. The operations and construction work associated with this development must be undertaken in accordance with the requirements of Council's *Development Design Planning Scheme Policy*. In particular, no environmental nuisance is to be caused to adjoining properties or other persons by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is spilled or carried onto existing roads, it must be removed forthwith so as to restrict dust nuisance and ensure traffic safety. Adequate safety precautions must be maintained where work is undertaken on existing roads. Any damage attributable to the progress

- of the works or vehicles travelling to or from the site must be remedied at no cost to Council.
16. All new works associated with property accesses must be located a minimum of one (1) metre clear of existing power poles, streetlights or other signage. The developer is responsible for any necessary relocation of other existing services clear of the access that will serve the property and is required to contact all relevant service authorities and comply with their requirements in relation to these works.
  17. Any existing unnecessary property access must be removed, and the kerb, footpath, and any verge area reinstated to match the existing footpath and/or verge treatments. Grassed verge areas to be reinstated must be provided with topsoil and grass seed or turf, and must be maintained by the developer until established.
  18. Kerb and channelling alignments must be established prior to detailed design, having regard to the location of existing kerb and channel in the vicinity, significant vegetation and existing or proposed services. Kerb and channelling must be of industrial barrier type.
  19. Any pavement construction or widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard to allow for the above.
  20. Pavement design and construction for donated road infrastructure must be undertaken in accordance with the relevant Council Planning Scheme Policy.
  21. All street surfacing must consist of a 35mm minimum depth of an approved hot mixed asphaltic concrete.
  22. All works associated with pedestrian and cycle paths must be constructed in accordance with the following:
    - (a) Provision must be made for wheelchair/pram access at all kerb crossings associated with pathways, in accordance with Council's standard drawing.
    - (b) The provision of paths must be carried out following completion of all development works on the site, but prior to the commencement of the proposed use.
    - (c) The required work includes any surface earthworks/grinding/saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard.
    - (d) Any concrete footpath/cycle way must comply with Council's standard drawing and where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.
  23. All frontage works must match neatly with existing road/footpath features. Additional works beyond the frontage may be required to provide an acceptable transition back to existing road/footpath profiles.
  24. Prior to the commencement of the use, the developer must underground the power lines on the western side of Bermagui Crescent, including removal of power poles and reconnection of any existing properties where applicable. Such works must be undertaken at the developer's cost.
  25. Street lighting is to be placed on the western side of Bermagui Crescent in accordance with the Australian Standards. Where the existing frontage street does not have adequate street lighting in accordance with the Australian Standard, the developer must arrange for its installation as part of the additional intersection lighting required for the development works. Any new street light poles required on external streets must be of a consistent standard (i.e. steel poles) to street light poles in the vicinity.
-



### Car Parking

26. Internal to the site, the proposed vehicle access to/from all carparking areas must be designed by a Registered Professional Engineer of Queensland (RPEQ) and must include the provision of adequate driveway width and turnouts to suit the proposed entry and exit manoeuvres of the relevant design vehicle. Such works must include suitable tapers, flares and/or radiused turnouts, lane widths, signage, line marking and traffic control devices identified as part of the traffic report for the development, or as specifically required by this permit.
27. The following alterations are required to the design of the internal car parking area and pedestrian facilities, and must be included with the submission of the required operational works application:
  - (a) Compliance with the requirements of the DTMR Concurrence Agency Response dated 20 September 2011 with respect to all internal works. Note: Prior to submission of an application for operational works, provide Council with a copy of the DTMR endorsement of the plans for the internal works as complying with their requirements;
  - (b) The proposed parallel parking bays on both sides of the northern circulating roadway adjacent to the northern on-grade car park should be a minimum of 6.5 metres long;
  - (c) the four parallel parking bays located near the Big W loading dock must be setback a minimum of 1 metre from the building with a raised kerb to act as a barrier. Such bays must be a minimum of 6.5 metres in length;
  - (d) The proposed western one-lane vehicle access between the northern circulating roadway and northern on-grade car park must allow for left-turns into the car park from the internal roadway only. No other turns to or from the northern car park at this location are permitted;
  - (e) Raised platforms, in accordance with the requirements of Section 1.29, Volume 1 of the Queensland Department of Transport and Main Roads' Traffic and Road Use Manual, must be installed at zebra crossings within the site at the following locations:
    - (i) The three zebra crossings across the southern circulating roadway between Nicklin Way and Bermagui Crescent, including the zebra crossing at the south-east corner of the site near Bermagui Crescent;
    - (ii) The zebra crossing adjacent to the eastern end of Burns Street in the southern on-grade car park;
    - (iii) The three zebra crossings across the western circulating roadway to the western on-grade car park;
    - (iv) The zebra crossing across the north-western circulating roadway to the north-west on-grade car park;
    - (v) The two zebra crossings across the northern circulating roadway to the northern on-grade car park;
    - (vi) The zebra crossing on the eastern circulating roadway opposite the footpath on the northern side of Tumut Street;
  - (f) The vehicle access at the eastern end of the southern on-grade car park (opposite the ramp to/from the proposed Level 1 car park) must be deleted;
  - (g) Wheelstops must be installed on all parking bays immediately adjacent to the shared path through the site (near the southern on-grade car park) linking Bermagui Crescent with Nicklin Way;
  - (h) An additional two pedestrian pathways, located on the northern and southern side of the proposed zebra crossing on the western circulating roadway as generally found on site, must be extended through the western on-grade car park to Nicklin Way and the car park layout modified accordingly;
  - (i) The intersection between the western at-grade car park and the western circulating roadway, and the associated two mid-block vehicle connections between parking aisles, must be relocated such that they are not directly

- adjacent the proposed pedestrian connection through the car park to Nicklin Way. The re-located mid-block vehicle connections between the parking aisles are to be staggered so as not to create four-way intersections within the car park; and
- (j) Lane separating lines must be marked on the entire main circulation roadway
  28. All car parks and driveways must be constructed, sealed, linemarked and drained in accordance with the *Development Design Planning Scheme Policy* and *AS2890.1*. works must be designed and certified by an RPEQ.
  29. Pavement design must be undertaken in accordance with the relevant standards. Structural integrity of the internal driveway and carpark areas will remain the responsibility of the developer and their engineering consultant.
  30. The premises must be provided with a minimum of 1827 on-site car parking spaces, together with standing and manoeuvring for service vehicles including 9 Vans, 3 SRV's, 4 MRV's, 3 HRV's and 2 AV's. Car parking and manoeuvring areas must:
    - (a) be provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the relevant Planning Scheme and *AS2890 - Parking Facilities*;
    - (b) achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that complies with the requirements of *AS2890.1*;
    - (c) be designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of outlined in *AS2890.1* Clause 2.4.5 and *AS1428.1* Clause 1.7.2;
    - (d) be provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
    - (e) be designed to enable all vehicles to enter and leave the site in a forward gear;
    - (f) be kept and used exclusively for vehicle parking and manoeuvring; and
    - (g) be accessible to the general public and/or staff during approved hours of operation.
  31. The first floor car park containing 361 bays must be fitted with an Electronic Parking Management System showing availability of bays. All signage associated with this system is to be located within the subject site. Details for the system are to be provided to Council prior to the approval of any Operational Works application.
  32. The premises must be provided with a minimum of 132 bicycle bays for employees and 77 bicycle bays for visitors. The premises must also provide for shower cubicles with ancillary change rooms provisions for both males and females. Details are to be provided prior to the approval of any Operational Works.
  33. The developer must provide internal pedestrian paths within the car parking areas, to promote safe pedestrian routes to the shopping centre entry. Internal pedestrian paths must be located generally as shown on the approved drawings, subject to the specific alterations required in this permit.
  34. Suitable safety measures, including warning signage, must be installed internal to the site to improve driver awareness of pedestrians at crossing points and to enhance pedestrian safety. Provision must be made for wheelchair/pram access at all kerb crossings within the subject site, in accordance with Council's standard drawing.
  35. Lighting must be provided to pedestrian paths, building entries, driveways and car parking areas in accordance with the requirements of the *Design for Safety Code*.
  36. Plans and specifications for all works associated with roadworks, car parking and vehicular access, stormwater drainage, sewer protection, or any works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer.

**TRAFFIC & TRANSPORT****Service Vehicle Access**

37. No service vehicle access to or from the site is permitted via Bermagui Crescent or Tumut Street. Signs must be placed in a prominent position within all loading docks advising of this. The Manager of the Shopping Complex must ensure that all tenants and operators comply with this requirement.

**Roadworks - Nicklin Way**

38. At the time the applicant is required to construct the eastern bus platform and signalised intersection on Nicklin Way, the applicant must:
- (a) construct a shared path, at least 3 metres wide, along the full Nicklin Way frontage of the subject site. No poles, posts or other vertical obstructions are to be provided within the path. Existing poles, posts and other vertical obstructions must be removed or relocated as necessary to be clear of the path alignment;
  - (b) dedicate land as road reserve from the subject site such that the verge width along the Nicklin Way site frontage, north of the required eastern bus platform and south of the lift and stair to the future pedestrian bridge, is at least 4.5 metres (measured between the face of kerb and property boundary) and the shared path route across the eastern side of the signalised intersection is within road reserve.
39. The proposed signalised intersection with Nicklin Way, and associated kerb alignment of the shopping centre leg, must be designed to provide for the following:
- (a) An on-road bicycle lane, at least 1.5 metres wide, between the left-turn and right-turn vehicle lanes, from the first internal intersection (opposite Burns Street) to Nicklin Way;
  - (b) Ensure the verge width around the south-east corner of the signalised intersection is at least 4.5 metres.
40. The pylon sign on the subject site on the southern side of the proposed signalised intersection with Nicklin Way must be relocated within the site as necessary to ensure the proposed 3 metre wide east-west pathway through the site adjacent to the southern side of the intersection is provided at least one metre from the adjacent kerb and at least 0.5 metres from all vertical obstructions.

**Roadworks - Point Cartwright Drive**

41. Prior to the commencement of the proposed use, the applicant must construct the proposed left-in / left-out driveway access from the site to Point Cartwright Drive north of Orana Street. A raised splitter island must be constructed at the driveway crossover, incorporating a shared pathway connection through it to maintain pedestrian / cycle movement along the southern verge of Point Cartwright Drive. The left-out access must intersect with Point Cartwright Drive at an angle of no less than 70 degrees. A 'no stopping' line is to be installed on Point Cartwright Drive between the proposed access and the existing driveway adjacent to the northern boundary of the site.

**Roadworks - Bermagui Crescent**

42. The applicant must dedicate land from the site as road reserve and construct works on Bermagui Crescent in accordance with the following:
- (a) dedicate land as road reserve to create a carriageway at least 11 metres wide on a straight alignment along the full Bermagui Crescent frontage of the site, with a verge at least 4.5 metres wide on the development side;
  - (b) construct pavement widening, street lighting and kerb and channel to achieve an 11 metre wide carriageway on a straight alignment. The carriageway is to consist of 2 x 3 metre wide traffic lanes and 2 x 2.5 metre wide parking lanes;

- (c) construct landscaped kerb buildouts, integrated into the verge and kerb and channel, within the parking lane on the development side at regular intervals;
- (d) provide marked parking bays on the development side that are 2.1 metres wide and at least 6.3 metres long (in addition to taper areas for obstructed end bays). The parking bays are to be signed, in accordance with the Queensland Manual of Uniform Traffic Control Devices, to provide a 2 hour time limit between 8am and 5pm;
- (e) provide marked parking bays on the eastern side of Bermagui Crescent. No kerb buildouts are required to be constructed on the eastern side;
- (f) construct a fully paved verge, with street trees and landscaping, along the development side. The streetscape and drainage layout is to be consistent with the future provision of a raised platform pedestrian crossing on Bermagui Crescent in front of the proposed mall entry to the street;
- (g) Construct a cul-de-sac head and kerb and channel at the western end of the east-west portion of Bermagui Crescent; and
- (h) Construct a concrete footpath, at least 2 metres wide, along the eastern side of Bermagui Crescent opposite the site, connecting with existing footpaths on Tumut Street and around the cul-de-sac head of Bermagui Crescent –

**Roadworks - Tumut Street**

43. Prior to the commencement of the proposed use fronting Bermagui Crescent, the applicant must construct the works on Tumut Street from and including its intersection with Bermagui Crescent to its western end, generally in accordance with Drawing No. RFI\_CC\_1 by Mirvac Design. The works must include kerb and channel, pavement widening, a zebra crossing with kerb buildouts and a raised platform (in accordance with Section 1.29, Volume 1 of the Queensland Department of Transport and Main Roads' Traffic and Road Use Manual), street lighting, and a concrete footpath (at least 1.5 metres wide) and associated connections and kerb ramps on both sides. The design should maximise the amount of on-street parking provided on Tumut Street.

**HYDRAULICS & WATER QUALITY**

44. Stormwater must be collected and lawfully discharged from the development site to the existing drainage connection serving the site, in accordance with Council's *Development Design Planning Scheme Policy* and *QUDM*.
45. Works must be undertaken in a manner such that existing stormwater drainage outlets and overland flow paths (including those from upstream adjoining properties) are not obstructed, to ensure that there are no adverse impacts on existing development with respect to drainage and flooding issues.
46. Existing stormwater pipes must be relocated clear of the proposed building works and/or structurally protected, in accordance with the requirements of the relevant service authority. Where necessary, obsolete easements must be extinguished and/or new easements registered over the relocated services, at the cost of the developer.
47. The minimum floor level of the proposed Shops and Mall shall be 3.465m AHD.
48. Concurrent with any application for Operational Works, the applicant must submit detailed calculations and supporting plans/documentation prepared by a suitably experienced Registered Professional Engineer of Queensland (RPEQ) to demonstrate that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and Council's Development Design Planning Scheme Policies without causing an annoyance or nuisance to any person or property. The following requirements must be addressed as part of any submission:

- (a) The incorporation of stormwater quality treatment devices into all development site drainage
  - (b) Suitable access for maintenance vehicles to service stormwater quality treatment devices
  - (c) Extension of the piped and overland flow drainage system through the development site to cater for all external catchments
  - (d) Registration of drainage easements over all drainage structures and concentrated flow paths on private land
  - (e) Construction of conventional stormwater drainage systems in accordance with Council's Development Design Planning Scheme Policies.
49. The development shall be provided with a stormwater quality treatment system that is planned, designed and constructed in accordance with Council's Development Design Planning Scheme Policies generally in accordance with the Stormwater Management Plan (Engineering Report for the Proposed Kawana Shoppingworld Stage 4 Development prepared by Bornhorst & Ward Pty Ltd Revision C including Revision B of Drawing No. SKC020 titled Preliminary Water Quality Layout Plan) referred to hence with as the endorsed Stormwater Management Plan. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for each stormwater quality treatment device proposed in the endorsed Stormwater Management Plan.
50. The development shall be provided with a stormwater conveyance system (piped stormwater system and overland flow) that is planned, designed and constructed in accordance with Council's Development Design Planning Scheme Policies, QUDM and generally in accordance with the endorsed Stormwater Management Plan. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for each component of the stormwater conveyance system proposed in the endorsed Stormwater Management Plan. Detailed design is to be undertaken in accordance with Council's Development Design Planning Scheme Policies.
51. All proprietary stormwater quality treatment devices installed on the site must be routinely checked and serviced/cleaned out as per the manufacturers recommendations. The material extracted from the devices when being serviced and cleaned out is to be removed from the site and disposed of by either a licensed waste removal contractor or by other lawful means. Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.
52. In accordance with the endorsed Stormwater Management Plan the development constructed on the site must be provided with an operating rainwater collection tank(s) collecting rainwater from a portion of the roof area. Rainwater harvested in the tank(s) shall be re-used for internal non potable uses and outdoor uses. In conjunction with the submission for an application for Operational Works approval, provide detailed engineering design drawings and supporting calculations for the rainwater harvesting tanks. The total rainwater harvesting tank volume shall not be less than 15L per square metre of total roof area.
53. Prior to commencement of use, the applicant shall provide a certificate from a suitably qualified person to certify that the rainwater collection tank(s) and associated reticulation has been installed in accordance with these conditions of approval.

**LANDSCAPE & ECOLOGY**

54. Landscaping is to be undertaken on-site generally in accordance with the submitted Landscape Plan for Kawana Shoppingworld and in accordance with the Landscaping requirements of Caloundra City Plan 2004.



### ENVIRONMENTAL HEALTH

55. Acoustic barriers are to be constructed and maintained in accordance with Figures 5 and 6 of the submitted acoustic advice report (Report prepared by Ron Rumble Renzo Tonin, dated 10/6/2011, ref no. Q6460-03-F01, report rev 2). These barriers are to have no gaps in them, are to achieve a minimum surface density of 12.5kg/m<sup>2</sup> and are to be constructed of durable materials within the lot boundary alignment. Prior to the use commencing, certification shall be submitted to Council from a RPEQ certified acoustic consultant that the barriers have been constructed to achieve the required acoustic attenuation and in accordance with this condition of approval.
56. Prior to the use commencing, the services of a RPEQ certified acoustic consultant shall be engaged to conduct operational noise compliance verification testing for fixed plant and equipment to demonstrate that the noise limits set in table 9.6 of the City Plan 2004 Nuisance Code have been complied with. A report, prepared by the acoustic consultant, shall be submitted to Council for endorsement demonstrating that the measured levels comply with the noise limits set in table 9.6 of the City Plan 2004 Nuisance Code. This condition does not apply to operational fixed plant & equipment that does not emit audible noise beyond the boundary of the premises; (Refer Advice Notes)
57. Noise from the use of the shopping centre loading docks bays must not be audible at any noise sensitive dwelling(s) between the hours of 10:00pm and 7:00am on any day.
58. Articulated vehicles must not use the shopping centre loading bays between 10:00pm and 6:00am on any day. The requirements of this condition must be included in any shopping centre tenancy lease agreement, site by-laws document or equivalent document, for tenancies that use the loading docks. The shopping centre manager shall be responsible for ensuring that this condition is adhered to at all times.
59. Refuse bin servicing shall only occur between the hours of 7:00am and 6:00pm on any day.
60. Prior to or at the time application is made for Operational Works, an Environmental Management Plan shall be developed. This plan is to be prepared by a suitably qualified person in accordance with section 2.0 of the Council's Development Design Planning Scheme Policy and is to address, as a minimum, the following:
  - (a) air quality and dust control – including specific requirements for dust screens (and rubbish chutes where applicable) to be fitted to all building floor level scaffolds during construction;
  - (b) acid sulphate soils
  - (c) sediment and erosion control – linked to stage specific erosion and sediment control engineering drawings
  - (d) flora and fauna
  - (e) hazardous substance management
  - (f) light management
  - (g) mosquito and biting midge control
  - (h) noise control (including the hours of operation detailed in section 440R of the *Environmental Protection Act 1994*)
  - (i) site management
  - (j) stormwater management
  - (k) traffic management
  - (l) waste management – Recycling initiatives
  - (m) water quality and sampling (including a detailed basement excavation de-watering procedure)
  - (n) off-site impacts associated with trucks and machinery, i.e. sediment and soil deposition on roads and dust control
  - (o) incorporation of a lawfully felled vegetation disposal plan consistent with the "Waste Management Hierarchy" principles. This reference point shall by

default require the EMP to be drafted in a way to prohibit the burning of lawfully felled vegetation on the site.

61. Lighting devices to be installed on the site, i.e. security lights etc, are to be appropriately designed, sited, installed and tested to be in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting". Prior to the use commencing, certification shall be provided to Council from a RPEQ certified Electrical Engineer, to demonstrate that the above requirements have been met.
62. The development must be provided with refuse container storage areas located in accordance with the approved plans. These areas are to be:
  - (a) enclosed on at least three sides to a height of at least 1.8m using materials compatible with the site (e.g. palings, lattice work, brick or blockwork, etc) to screen the area from adjoining properties and the road; and
  - (b) adequate in size for general refuse, recycle and commercial refuse bins; and
  - (c) imperviously sealed (e.g. concrete, bitumen, etc) and provided with a washdown pit lawfully directed to sewer with a stormwater catchment area not exceeding 1m<sup>2</sup>; and
  - (d) provided with a hose cock either in or adjacent to the wash down area; and
  - (e) provided with signage in a conspicuous location adjacent to the washdown pit with letters at least 50mm high and 30mm wide stating:  
BIN WASHDOWN WASTE ONLY DISPOSAL OF ANY OTHER LIQUID OR WASTE IS PROHIBITED; and
  - (f) constructed in accordance with Section 2 of Council's Development Design Planning Scheme Policy.
63. The layout and design of the development shall be such that the design refuse collection vehicle(s) required to perform waste collection on site are afforded easy, safe and unobstructed access.

### UNITYWATER

64. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (e.g. valves, fire hydrants and sewer access chambers).
65. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
66. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings. The existing sewer mains affected by the development must be relocated accordingly.
67. Where applicable, written approval to enter and construct must be provided from property owners through which external sewers will traverse. This must be submitted with lodgement of the associated development application for Operational Works.
68. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater). Easements must be located centrally over the main. For sewers on side boundary alignments easements may be partially located within neighbouring properties.
69. All obsolete water and sewer infrastructure must be capped and sealed or removed.
70. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
71. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.
72. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs

associated with repair, replacement or alteration of infrastructure must be met by the applicant.

### 5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

| Referral Trigger                  | Referral Status | Referral Agency                           | Referral Agency and Address  |
|-----------------------------------|-----------------|---|--|
| Public Passenger Transport        | Concurrence     | Department Of Transport And Main Roads    | PO Box 1600<br>Sunshine Plaza Postal Shop<br>MAROOCHYDORE QLD 4558   |
| Future Public Passenger Transport | Concurrence     | Department Of Transport And Main Roads    | PO Box 1600<br>Sunshine Plaza Postal Shop<br>MAROOCHYDORE QLD 4558   |
| State Controlled Road             | Concurrence     | Department Of Transport And Main Roads    | PO Box 1600<br>Sunshine Plaza Postal Shop<br>MAROOCHYDORE QLD 4558   |
| Acid Sulphate Soils               | Advice          | Dept Of Environment & Resource Management | Implementation and Support Unit<br>GPO Box 2454<br>BRISBANE QLD 4001 |

A copy of any referral agency conditions is attached.

### 6. APPROVED PLANS/DOCUMENTS

#### Approved Plans

| Plan No.   | Rev. | Plan Name   | Date            |
|------------|------|---|-----------------|
| RFI_CC_2   | A    | Figure 4: Proposed Level 1 Floor Plan drawn by Mirvac Design      | February 2011   |
| RFI_06_ELE | C    | Proposed Elevations Council RFI – Option 6 drawn by Mirvac Design | 26 October 2010 |

### 7. PLANS/DOCUMENTS REQUIRING AMENDMENT

#### Plans Requiring Amendment

| Plan No.          | Rev. | Plan Name   | Date           |
|-------------------|------|---|----------------|
| RFI_CC_1          | D    | Proposed CoastConnect, The Nicklin Way Site and Floor Plan drawn by Mirvac Design | 20 August 2011 |
| <b>Amendments</b> |      | Amend as per the Car Parking conditions set out in this Decision Notice           |                |

### 8. Referenced Plans and Documents

| Document No. | Rev. | Document Name                         | Date            |
|--------------|------|---------------------------------------|-----------------|
| SKC020       | A    | Preliminary Water Quality Layout Plan | 19 October 2010 |

| Document No. | Rev. | Document Name  | Date         |
|--------------|------|--|--------------|
| 07295        | B    | Stormwater Management Plan (Engineering Report for the Proposed Kawana Shoppingworld Stage 4 Development) prepared by Bornhorst & Ward Pty Ltd | October 2010 |
| Q6460-03-F01 | 2    | Acoustic Advice Report prepared by Ron Rumble Renzo Tonin  | 10 June 2011 |

### 9. ADVISORY NOTES

#### Infrastructure Contributions

1. This development permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Councils *"Adopted Infrastructure Charges Resolution (No.1) 2011"* under the State Planning Regulatory Provision (Adopted Charges) and the *"Sustainable Planning Act 2009"*.

#### Environmental Health

2. The applicant is advised to ensure that during the detailed building design and construction phase, including the design, selection and installation of fixed plant and equipment, A/C units and refrigeration plant, mechanical exhausts, acoustic enclosures/plant rooms and the like, that the ongoing advice and design input of a suitably qualified RPEQ certified acoustic consultant is sought and implemented to ensure that the operation of such plant and equipment complies with conditions of this approval and statutory noise limits. Mechanical plant and equipment must be provided with appropriate acoustic enclosures/screening and located away from adjacent noise sensitive premises.
3. Trade waste generated on-site shall be subject to Unitywater's Trade Waste Policy and the *Water Supply (Safety & Reliability) Act 2008*. The applicant is advised to contact Unitywater's Trade Waste Officer on 5431 8333 to determine trade waste requirements.
4. All areas where food is to be stored, handled or prepared for sale or sold must be constructed and equipped in accordance with the provisions of the *Food Act 2006* and the *Food Standards Code*. Contact Council's Customer Services Unit on 1300 650 112 for further information.
5. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.  
Environmental harm is defined by the Act as any adverse affect, or potential adverse affect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

6. In accordance with the *Public Health Act 2005*, rainwater tanks must be constructed with mosquito proof screens (made from either brass, copper, aluminium or stainless steel), and constructed with a mesh size of no more than 1mm, and must be installed in a way that does not accelerate corrosion. Tanks that contain flap valves must be installed so that when closed, mosquitoes cannot pass through the valve. It is unlawful under the *Public Health Act 2005* to construct, install or be in possession of a tank that does not comply with these requirements.

### Unitywater

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

### Equitable Access and Facilities

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

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

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission "Advisory Notes on Access to Premises" and AS 1428.2;
- (b) applicants should be aware that a "Disability Standard on Access to premises" is currently being developed and most likely will impose changes on the Building Code of Australia; and
- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

### Aboriginal Cultural Heritage Act 2003

10. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*. The *ACH Act* establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the Act



can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.  
You should contact the Cultural Heritage Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

**10. PROPERTY NOTES**

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

1. This site is provided with gross pollutant traps which captures and stores pollutants from stormwater runoff generated on this site. This device is required to be routinely checked and serviced/cleaned out as per the manufacturer's recommendations. The material extracted from the device when being serviced and cleaned out is to be removed from the site and disposed of by either a licensed waste removal contractor or by other lawful means. Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.

**11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**12. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work (Civil Works, Landscaping & Electrical Reticulation)
- Development Permit for Building Work

**13. SELF ASSESSABLE CODES**

Not Applicable.

**14. SUBMISSIONS**

Not Applicable.

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

Not Applicable.

**16. RIGHTS OF APPEAL**

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

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

### 17. OTHER DETAILS

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