Adopted Report
of the
City Planning Committee Meeting
held
Wednesday, 23 May 2012
at
09:00 am
G6 Committee Room
Nerang Administration Centre
Nerang Southport Road Nerang

Our positioning statement
Working for our future - today

Our city vision
Defined by our spectacular beaches, hinterland ranges, forests and waterways, the Gold Coast is an outstanding city which celebrates nature and connects distinct communities with the common goal of sustainability, choice and wellbeing for all.

Our mission
Leading the way towards a bold future that can sustain growth and economic development while retaining a lifestyle that is uniquely ‘Gold Coast’.
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<td>4</td>
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**General Business**

**KEY:**

CEO - Chief Executive Officer  
BI - Business Improvement  
CG - City Governance  
CMS - Community Services  
EDMP - Economic Development & Major Projects  
ES - Engineering Services  
OS - Organisational Services  
PET - Planning Environment & Transport  
WR - Water Reform
ATTENDANCE

Cr C M Caldwell Chairperson
Cr G J Betts
Cr D Gates
Cr T C Gilmore
Cr W M A Owen-Jones Left the room at 9.03am and returned at 9.04am
Cr P A Taylor
Cr G M Tozer

Cr M Grummitt (Visitor) Left the room at 9.20am
Cr C Robbins (Visitor)

Mr W Rowe Director Planning Environment & Transport
Mr M Hulse Manager Implementation & Assessment
Mr D Corkill Manager Strategic & Environmental Planning & Policy
Mr S Hossain Executive Coordinator Engineering & Environment Assessment
Mr R Sharpe Executive Coordinator Planning Assessment
Ms A Swain Supervising Planner MCU North & South
Mr K Travers (Part)
Mr J Bougoure (Part)

APOLOGIES

PROCEDURAL MOTION

Moved Cr Gates Seconded Cr Caldwell

That the apology of Cr A J D Bell be received.

CARRIED

ADOPTION BY COUNCIL 29 MAY 2012

RESOLUTION  G12.0529.011 Moved Cr Caldwell Seconded Cr Grummitt

That the Report of the City Planning Committee Meeting held on Wednesday, 23 May 2012, covered by Recommendations numbered CP12.0523.001 to CP12.0523.005 be received.

CARRIED

RESOLUTION  G12.0529.014 Moved Cr Caldwell Seconded Cr Bell

That the Report of the City Planning Committee's Recommendations of Wednesday, 23 May 2012, numbered CP12.0523.001 to CP12.0523.005, be adopted with the exception of:-

Recommendation Numbers CP12.0523.003 and CP12.0523.004 which were specifically resolved.

CARRIED UNANIMOUSLY
BRIEF SUMMARY

Council is in receipt of an application for a Development Permit for a Material Change of Use to establish a Café, Convenience Shop, Restaurant, Service Industry (Group A), Shop, Takeaway Food Premises and Commercial Services. The subject site is located at 27-35 Brisbane Road & 6 Loder Street, Biggera Waters, properly described as Lot 5 on RP80238, Lot 6 on RP80238, Lot 7 on RP80238, Lot 8 on RP80238, Lot 9 on RP80238 & Lot 11 on RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

The application was deemed properly made on 1 June 2009 and therefore requires assessment under Council’s Gold Coast Planning Scheme 2003, Version 1.2.

The subject site is situated within the Residential Choice Domain. The proposed land uses are listed as either Code Assessable (Convenience Shop), Impact Assessable (Café), or are unlisted land uses (Restaurant, Service Industry (Group A), Shop, Takeaway Food Premises and Commercial Services) within Table of Development A: Material Change of Use for the Residential Choice Domain. As such, the proposed development is subject to Impact Assessment.

The proposal involves the construction of a single level commercial development and associated car parking, consisting of fourteen (14) tenancies and two (2) outdoor alfresco areas, providing local residents and passing motorists with a mix of dining, service industry and convenience shopping needs.

The proposed development has been assessed against the Residential Choice Domain Place Code; Car Parking, Access and Transport Integration and Flood Affected Areas Constraint Codes; and the Retail and Related Establishments and Landscape Work Specific Development Codes.

The proposal generally complies with the relevant Acceptable Solutions of the applicable codes of the Planning Scheme. However, Alternative Solutions are proposed by the Applicant with respect to setbacks, building appearance, car parking provision and location, and vehicular access.

The application was referred to the Department of Transport and Main Roads as a Concurrence Agency, having regard to the development being located within 100 metres of a State-controlled road. The department has provided a response, including conditions of approval regarding access from Brisbane Road, refuse service vehicle access, land dedication, closure of existing accesses located along Brisbane Road, landscaping, and stormwater drainage. This response is required to be attached to Council’s Decision Notice.

The application was also referred to the Department of Environment and Resource Management as an Advice Agency, having regard to State Planning Policy 2/02: Planning and Managing Development involving Acid Sulfate Soils. This department has provided a response, advising that the application does not require referral as it does not involve any significant excavations or filling. Accordingly, no further advice has been provided with respect to the application.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

In response to public advertising, three (3) properly made objections and one (1) properly made petition were received. The main points of objection relate to car parking provision, traffic impacts, visual and acoustic amenity, waste removal, construction damage to nearby dwellings, flooding, security concerns, and the need for such a development in a residential area. The grounds of objection have been sufficiently addressed through conditions of approval and are not considered to warrant refusal of the application.

An assessment of the application has determined the proposal generally complies with the Performance Criteria of the applicable Codes and higher order elements of the Planning Scheme, and that an appropriate outcome can be achieved for the site. Where required, conditions have been included in the Assessing Officer’s recommendation to ensure compliance with the relevant Performance Criteria.

BASIC INFORMATION

| Title Details | Lot 5 on RP80238, Lot 6 on RP80238, Lot 7 on RP80238, Lot 8 on RP80238, Lot 9 on RP80238 & Lot 11 on RP80238 |
| Address       | 27-35 Brisbane Road & 6 Loder Street, Biggera Waters |
| Applicant     | Yomix Pty Ltd |
| Owner At Time Of Lodgement | Yomix Pty Limited (Lot 8 & 9), Britta Dansky (Lot 6), Nils Joseph Dansky (Lot 7), & Marlin Investment Group Pty Ltd (Lot 5 & 11) |
| Current Owner | Yomix Pty Limited (Lot 8 & 9), Britta Dansky (Lot 6), Nils Joseph Dansky (Lot 7) & Marlin Investment Group Pty Ltd (Lot 5 & 11) |
| Site Area     | 3,136m² (Lot 5 – 508m², Lot 6 – 604m², Lot 7 – 506m², Lot 8 – 506m², Lot 9 – 506m², & Lot 11 – 506m²) |
| Date Application Received | 1 June 2009 |
| Date Entered Decision | 25 May 2011 |
| Decision Due Date | 29 May 2012 |
| Domain        | Residential Choice Domain |
| LAP & Precinct | N/A |
| State Planning Policies | N/A |
| Approval Type | Development Permit |
| Submissions   | Three (3) properly made objections and one (1) properly made petition |
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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PROPOSAL

The Applicant is seeking a Development Permit for a Material Change of Use to establish a Café, Convenience Shop, Restaurant, Service Industry (Group A), Shop, Takeaway Food Premises and Commercial Services. The subject site is located at 27-35 Brisbane Road & 6 Loder Street, Biggera Waters, properly described as Lot 5 on RP80238, Lot 6 on RP80238, Lot 7 on RP80238, Lot 8 on RP80238, Lot 9 on RP80238 and Lot 11 on RP80238.

Building design

The proposal involves the construction of a single level local commercial development, providing shopping, dining and other similar services primarily directed towards the needs of local residents, and passing motorists along Brisbane Road.

The layout of the development consists of a single building situated parallel to, and running the length of the sites rear (northern) property boundary, with the majority of car parking provided at grade towards the sites frontage with Brisbane Road and Loder Street.

Within the building are fourteen (14) commercial tenancies, two (2) alfresco dining areas and toilet facilities. The two (2) areas of alfresco dining are located in the north western corner and central area of the site.

The proposed commercial development will be constructed in a modern architectural style with rendered external walls, extensive areas of glass to the front façade, and skillion sheet metal roofing.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

Gross floor area
The proposed development seeks a total commercial floor space of approximately 760m², including staff facilities and amenities.

The following table provides a breakdown of the mix of tenancies and gross floor areas provided:

<table>
<thead>
<tr>
<th>Use</th>
<th>Indicative Tenancy</th>
<th>Tenancy Area</th>
<th>GFA for Parking purposes</th>
<th>Specific use Permitted</th>
<th>Total Area (GFA for Car parking Purposes)</th>
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</thead>
<tbody>
<tr>
<td>Retail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>98m²</td>
<td>88.2m²</td>
<td></td>
<td>Interchangeable Uses: Café, Convenience shop, Restaurant, Shop, Takeaway food Premises.</td>
<td>594m²</td>
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<tr>
<td>2</td>
<td>100m²</td>
<td>90m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>100m²</td>
<td>90m²</td>
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<tr>
<td>4</td>
<td>100m²</td>
<td>90m²</td>
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</tr>
<tr>
<td>5</td>
<td>100m²</td>
<td>90m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>100m²</td>
<td>90m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>62m²</td>
<td>55.8m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Dining</td>
<td>Retail Outdoor Dining</td>
<td>60m²</td>
<td>54m²</td>
<td>Café, Restaurant, Takeaway food Premises.</td>
<td>60m²</td>
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<tr>
<td>Commercial</td>
<td>Office</td>
<td>50m²</td>
<td>45m²</td>
<td>Commercial Services (only)</td>
<td>45m²</td>
</tr>
</tbody>
</table>

Site coverage
The proposed development has a maximum site coverage of 32.44% (or 1,017.35m²), generated by the single storey building and two (2) metre wide covered pedestrian walkway running the length of the buildings southern facade.

Setbacks
The proposed development generally maintains the following building setbacks:

East – the proposed setback to Loder Street is a minimum of approximately 13 metres.

West – a zero lot line setback is proposed for retail tenancy 1 in the north western corner of the subject site.

North – the proposed setback to adjoining allotments to the north of the subject site is 1.5 metres.

South – the proposed setback to Brisbane Road is a minimum of approximately 10 metres.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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Car parking and access
The proposal has a total car parking provision of forty (40) spaces, located adjacent to the Brisbane Road and Loder Street frontages. Bicycle parking spaces are also provided adjacent to Loder Street.

The subject site has two (2) road frontages to Brisbane Road and Loder Street. Vehicular access to the proposed car parking area consists of a left-in only entrance to the site from Brisbane Road and an entry/exit driveway off Loder Street. The entrance from Brisbane Road is provided with a slip lane (queuing lane) to ensure that cars entering the site do not impact upon traffic flow.

Pedestrian connectivity
Two (2) primary pedestrian entry nodes are incorporated along the Brisbane Road frontage, connecting the existing footpath to the building. An additional pedestrian entrance is located along the Loder Street frontage.

Adjoining the southern facade of the building is a two (2) metre wide, covered pedestrian walkway.

Waste Management
The proposed development is intended to be serviced by Bulk Refuse Collection, with provision made for refuse storage within the car park towards the sites frontage with Loder Street. Extensive landscaping is provided between the waste storage area and adjoining allotments.

Landscaping
The proposed development is commercial in nature with the majority of the site dedicated to buildings and hardstand car parking and access areas. However, landscaping is proposed in the form of plantings adjacent to the sites Brisbane Road and Loder Street frontages, consisting of a mix of hedged screening shrubs and trees to soften the carpark area. In addition, tall screening shrubs are proposed along the sites rear property boundaries to screen the development from adjoining residences.

Trees with massed groundcover will be positioned within carparking areas to further soften these areas and provide visual relief for this hardstand area.

Alternative Solutions
Alternative Solutions are sought by the Applicant with respect to setbacks, building appearance, car parking provision and location, and vehicular access.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

SITE & ENVIRONMENT

Characteristics of the Site

The subject site, being Lot 5 on RP80238, Lot 6 on RP80238, Lot 7 on RP80238, Lot 8 on RP80238, Lot 9 on RP80238 and Lot 11 on RP80238, is situated within the Residential Choice Domain. The site has a total area of 3,136m².

The site is located to the north of Brisbane Road and to the west of Loder Street, and is bordered by residential development to the north, east and west. Dimensions of the development site include a primary road frontage to Brisbane Road with a width of 74 metres, a secondary road frontage to Loder Street with a width of 33 metres, a northern (rear) boundary length of 89 metres, a western (side) boundary length of 39 metres, and an eastern (side) boundary length of 29 metres. The site is irregular in shape.

The six (6) allotments making up the development site contain a diverse range of uses as follows:

- 6 Loder Street: two (2) storey Detached Dwelling with pitched roof and exposed brickwork and timber facades. The site has two (2) crossovers to Loder Street;
- 27 & 29 Brisbane Road: these sites are improved by the Marlin Motel. The Marlin Motel is an older fibro-cement sheeting and exposed brickwork structure of one (1) and two (2) storeys in height. The motel incorporates three (3) vehicle crossovers, two (2) for guest access from Brisbane Road and a service entrance from Loder Street;
- 31 Brisbane Road: contains a single level Attached Dwelling containing two (2) units. The structure is constructed of exposed brickwork, with access via a single vehicle crossover from Brisbane Road;
- 33 Brisbane Road, Biggera Waters: improved by an older single level Detached Dwelling with fibro-cement sheet cladding. Access is provided via a single vehicle crossover from Brisbane Road; and
- 35 Brisbane Road, Biggera Waters: contains a single level multi-unit dwelling with exposed brickwork facades and a flat roof. Access is provided via a single vehicle crossover from Brisbane Road.

The site is relatively flat and existing landscaping consists predominantly of hardstand car parking areas and grass.

The subject site is fully serviced by water and wastewater connections.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

Characteristics of the Surrounding Environment

Both the subject site and surrounding area are contained within the Residential Choice Domain.

The surrounding area contains a range of housing choices characterised by a mix of low density residential developments, comprising predominantly older style Detached Dwellings and more recently constructed modern Attached Dwellings, Townhouses and Apartment Buildings.

A number of allotments with frontage to Brisbane Road contain low impact commercial developments that provide a buffer and transition between the traffic and noise generated from Brisbane Road and buildings used for residential purposes. In particular, surrounding uses include:

- Directly opposite the subject site to the south west is the Labrador Squash Centre and Christian Church on land between Billington Street and Turpin Road.
- Immediately to the east of the site is a real estate office, located in a former dwelling house.
- Directly to the south east and opposite the site at 30-46 Brisbane Road is a local shopping strip comprising various shops including a newsagent, video store, takeaway food premises and bakery.
- To the west of the site is the Sunburst Motel at 37 Brisbane Road. A drainage line traverses the western boundary to the subject site. Further to the west along Brisbane Road are vehicle sales premises and showrooms including car yards and boat yards located in the Fringe Business Domain.
- To the north of the site are residential land uses in Loder Street and Clark Street, consisting primarily of low-medium scale residential development comprising duplex dwellings, detached dwellings and low-rise apartment buildings.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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DEVELOPMENT ASSESSMENT

Planning Scheme assessment

<table>
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<tr>
<th>Place Code</th>
<th>Constraint Code</th>
<th>Specific Development Code</th>
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<tbody>
<tr>
<td>Residential Choice</td>
<td>Car Parking, Access and Transport</td>
<td>Retail and Related Establishments</td>
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<tr>
<td>Domain</td>
<td>Integration</td>
<td>Landscape Work</td>
</tr>
<tr>
<td></td>
<td>Flood Affected Areas</td>
<td></td>
</tr>
</tbody>
</table>

Relationship to the Domain or LAP

The subject site is located in the Residential Choice Domain.

Pursuant to the Planning Scheme, the proposed land uses are defined as Café, Convenience Shop, Restaurant, Service Industry (Group A), Shop, Takeaway Food Premises and Commercial Services, as follows:

*Cafe*
Premises in which refreshments or meals are served to the public for gain, but where alcohol is not consumed, dancing is not performed, and only one person may provide live entertainment. This term does not include a Restaurant or Tavern.

*Convenience Shop*
A shop with a GFA not exceeding 150m² that sells food for human consumption and which may also sell or hire other convenience goods.

*Restaurant*
Any premises used, or intended to be used, for the serving of meals to the public for gain, where entertainment, including dancing, may be provided and alcohol may be served, subject to an on premises meals licence being issued under the Liquor Act 1992. This term includes the provision of an ancillary take-away food service. It does not include a Fast Food Premises, Take-Away Food Premises, Tavern, Adult Entertainment Premises, Nightclub or Reception Rooms.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

Service Industry
Any premises used, or intended to be used, for conducting industrial activities, provided that any offsite effects do not cause any detriment to the amenity of the area. In particular, the noise levels generated, any dust, fumes, odours or other emissions produced from the site, the appearance of the site and any traffic generated by the activities on the site must be managed so as not to cause detriment to adjoining sites. The eligible industrial activities included within the service industry definition are:

Group A (Retail Service Establishments):
- boot and shoe repairing;
- bread, cake and pastry production;
- clock, watch and jewellery manufacturing and repairing;
- dressmaking, tailoring and millinery;
- cleaning and dyeing;
- duplicating and copying service;
- engraving;
- film developing and printing;
- locksmith’s establishment;
- musical instrument maintenance;
- parcel delivery depots;
- photographic studio;
- printing or photocopying service;
- sports goods maintenance;
- watchmaker’s establishment.

Shop
Any premises used, or intended to be used, for the sale or hire of goods to members of the public. This term includes the display of goods for sale and the rendering of personal services by retail. It does not include a Tavern, Manufacturer’s Shop, Cafe, Restaurant, Retail Plant Nursery, Service Industry Premises, Service Station, Shopping Centre Development, Showroom, Convenience Shop, Take-Away Food Premises, Fast Food Premises, Tourist Shop, Vehicle Hire, Vehicle Sales, Warehouse or Commercial Services.

Take-Away Food Premises
Any premises used, or intended to be used, for the sale to the public of prepared food which is ready for immediate consumption and which is packaged so that it can be taken and consumed away from the premises. This term includes the provision of ancillary facilities for the consumption of food on the premises. It does not include a cafe, restaurant or fast food premises.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ,
CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP,
TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238,
LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT
11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS -
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Commercial Services

Any premises used or intended to be used as a bank, building society, credit union,
finance company, real estate agency, funeral business (administration/office only) or
Totalisator Administration Board agency (TAB) which advertises or displays its
business for direct dealings with the general public.

The proposed land uses are listed as either Code Assessable (Convenience Shop), Impact
Assessable (Café), or are unlisted land uses (Restaurant, Service Industry (Group A), Shop,
Takeaway Food Premises and Commercial Services) within Table of Development A:
Material Change of Use for the Residential Choice Domain. As such, the proposed
development is subject to Impact Assessment.

The intent statement for the Residential Choice Domain reads as follows:

This domain seeks to support the provision of a range of housing choice that is
responsive to the changing demographic structure of the City, whilst maintaining an
efficient land use pattern. The purpose of this domain is to support the development of
a residential pattern comprising mixed dwelling types, including detached dwellings,
attracted dwellings and apartment buildings that relate well to each other. This domain
seeks to:

- support residential densities that are moderately higher than traditional detached
dwelling areas;
- facilitate a wide variety of home office, home occupation and residential support
services to be located within the domain, commensurate with local residents' needs; and
- achieve a high standard of residential amenity across the range of dwelling types
in the domain.

Council Officers consider that the proposed commercial development is generally consistent
with the intent of the Residential Choice Domain, providing residential support services for
both passing motorists and the local community.

The proposal is further considered to retain a similar character and scale to existing
developments in the area, both those occupying the subject site and surrounding it. The site
is currently improved by a mix of uses, including tourist ‘motel’ style accommodation. The
proposed development, being single storey, is considered to be of a similar scale to such
uses, with the proposed building materials to be of similar nature to those used in residential
style development. Similar scaled commercial development are also located in close
proximity along Brisbane Road.
Is it also considered that the proposed development will not cause any further detrimental effects to the amenity of the adjoining properties to that which is currently experienced from the existing land uses. The proposed development is not likely to generate any additional acoustic and/or visual impacts above what is already existing on the subject site. In addition, the proposed use recognises the compromised potential residential amenity afforded by direct frontage to Brisbane Road and provides an appropriate transition and buffer between Brisbane Road and the residential properties to the north. A detailed discussion of the amenity impacts of the development is explored in further detail below.

It is therefore considered that the proposed commercial development does not detract from the character of the area and is consistent with the intent of the Residential Choice Domain.

**Compliance with the Residential Choice Domain Place Code**

The proposal complies with all of the Residential Choice Domain Place Code’s Acceptable Solutions and Performance Criteria, except as follows:

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
</tr>
</thead>
</table>
| PC4                  | AS4.1.1  
The building (excluding a covered car parking space or carport) is setback not less than six metres from the frontage of the site and setback from the side and rear boundaries at not less than:  
a) 1.5 metres, measured from the outermost projection of that part of the building which is 4.5 metres or less above ground level;  
b) 2 metres, measured from the outermost projection of that part of the building which is greater than 4.5 metres but not greater than 7.5 metres above ground level;  
c) 2 metres, plus 0.5 metres for every three metres or part thereof, measured from the outermost projection of that part of the building, which is greater than 7.5 metres above ground level. |
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

Acceptable Solution AS4.1.1 states:

The building (excluding a covered car parking space or carport) is setback not less than six metres from the frontage of the site and setback from the side and rear boundaries at not less than:

a) 1.5 metres, measured from the outermost projection of that part of the building which is 4.5 metres or less above ground level;

b) 2 metres, measured from the outermost projection of that part of the building which is greater than 4.5 metres but not greater than 7.5 metres above ground level;

c) 2 metres, plus 0.5 metres for every three metres or part thereof, measured from the outermost projection of that part of the building, which is greater than 7.5 metres above ground level.

The proposal includes a zero lot line setback for retail tenancy 1 in the north western corner of the subject site.

The Applicant therefore proposes an Alternative Solution to address Performance Criteria PC4, which states:

All buildings must provide for setbacks from the street frontage and the side and rear boundaries of the site, which are appropriate to the efficient use of the site and the streetscape character of this domain.

Applicant’s Comments

The Applicant has provided the following justification:

The subject application seeks Council approval of an alternate acceptable solution to allow a portion of the proposed structure to be located on the zero-lot line of the subject sites northern property boundary. It is noted that with the exception of the alternate solution sought the proposed development provides setbacks to all of the sites other property boundaries which are either equal to, or in excess of, the minimum requirements of the Planning Scheme.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

It is submitted that the proposed development has been designed in accordance with the requirements of Performance Criteria PC4 for the following reasons:

- As the wall built to the boundary will occur at the rear of the site it will not have any impacts upon the streetscape of the area;
- The proposed layout is considered the most efficient given the unusual configuration of the subject site;
- The proposed structure is of single storey construction and as such will not create impacts on the adjoining residence which are significantly greater than what would occur if a two (2) metre high boundary fence was provided;
- The dwelling on the adjoining site is set towards this properties frontage with Clark Street. As such it is considered that the proposal will not create overshadowing of this dwelling;
- The adjoining site has a carport and garden shed located close to the property boundary which will soften the wall and assist in alleviating any negative visual impacts that may be created;
- The wall built to the property boundary will be rendered and painted to ensure that it maintains an appropriate finish reminiscent of modern boundary fencing; and
- Given that it is intended that the tenancy adjoining the northern property boundary will be utilised as either a cafe or restaurant it is considered that the absence of a setback is beneficial. Specifically, in many circumstances the setback area to restaurants and cafes is commonly utilised for the storage of products and location of waste receptacles.

Accordingly, it is submitted that in accordance with Performance Criteria PC4 the proposed development makes the most efficient use of the unusual configuration of the site and does not create negative impacts upon the streetscape.

Furthermore, it is considered that the wall will not have a significantly greater impact than a boundary fence and that the absence of a setback to this boundary creates positive amenity impacts as it precludes the ability of this area to be used for the storage of products or waste.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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Assessing Officer’s Comments

Council Officers consider that the proposed zero lot setbacks are acceptable, and generally accord with the intent of the Performance Criteria.

Council’s Assessing Officer agrees with the Applicant that the subject site, being of an irregular shape and bounded to the north and west by residential development, presents significant design challenges to ensure that an appropriate development can be achieved on the site without impacting upon the amenity of adjoining dwellings and the existing streetscape of the area.

The proposed zero lot setbacks are not located on any street frontage, as such it is considered that these setbacks will not impact on the streetscape character of the area.

Furthermore, it is considered that the proposed zero lot setback will assist in mitigating any adverse noise impacts on the adjoining development to the west. To the east of this tenancy is an alfresco dining area, as such it is expected that some noise will be generated in this area of the site. Without the inclusion of the tenancy, an acoustic fence would be required to be constructed along this property boundary. Council Officers consider that the inclusion of the tenancy is a preferred visual amenity outcome to an acoustic fence, and as such consider that the proposed setback represents an efficient use of the site.

For the abovementioned reasons, Council Officers consider that the proposed development complies with Performance Criteria PC4, and is recommended for approval.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC9</td>
<td>AS9.1</td>
</tr>
<tr>
<td>All buildings must be designed and constructed to a high aesthetic standard, and complement or enhance the character of the local area.</td>
<td>The massing and proportions of new buildings are consistent with those of adjoining or neighbouring buildings.</td>
</tr>
<tr>
<td>AS9.2</td>
<td>Building materials, patterns, textures and colours used in new buildings are complementary to those of nearby buildings.</td>
</tr>
</tbody>
</table>

Acceptable Solutions AS9.1 and AS9.2 state:

AS9.1

*The massing and proportions of new buildings are consistent with those of adjoining or neighbouring buildings.*

AS9.2

*Building materials, patterns, textures and colours used in new buildings are complementary to those of nearby buildings.*
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

The proposal involves a commercial style development situated over six (6) allotments. The land uses adjoining the development are a real estate office located in a former dwelling house to the east, a local shopping centre comprising of various shops to the south, the Sunburst Motel to the west and residential land uses to the north, consisting primarily of low-medium scale residential development comprising duplex dwellings, detached dwellings and low-rise apartment buildings. As such, while the proposal is of a massing and proportion with local shopping facilities located in close proximity to the site, the development is of a greater bulk and scale than the existing dwellings to the north.

The Applicant therefore proposes an Alternative Solution to address Performance Criteria PC9, which states:

All buildings must be designed and constructed to a high aesthetic standard, and complement or enhance the character of the local area.

Applicant’s Comments

The Applicant has provided the following justification:

The built form of the development, whilst remaining single storey in height, offers enhanced architectural interest incorporating: diversity in the scale and alignment of roofing forms; relief to the wall plane through variation in alignments and projections; and a range of materials, colours and textures which break down the built form and assist in providing legibility and creation of a sense of place within the convenience centre.

A centrally located ‘alfresco’ and pedestrian space enhances opportunities for interaction and introduces a more human scale to the development which had previously been dominated by its built form and car parking.

The rear access to the commercial tenancies has been removed in favour of providing individual courtyards, improving acoustic amenity and providing opportunity for the establishment of small trees capable of projecting above the fence line and softening the roofed form of the building.

The previously dominant and potentially harsh appearance of the car parking and hardstand areas are alleviated through patterned and coloured pavement treatments.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

As requested by Council, particular attention has been given to the Loder Street frontage in the centre redesign. In particular:

- The car parking and access layout is amended to provide for landscape planting between perpendicular car parking and the road frontage property boundary.
- The landscaped setback along the rear boundary adjacent the Loder Street frontage has been substantially increased, and a generous planting area is provided between the car parking spaces and the boundary of Lot 12 RP86238 allowing for the planting of large trees adjacent the road frontage reflecting a typically residential streetscape.
- The appearance of the length of driveway viewed from Loder Street is softened by pavement treatment low level plantings and visible entry structures and feature trees in the background.
- The proposal presents well to Loder Street and maintains a scale compatible with the neighbouring residential streetscape.

Assessing Officer’s Comments

Council Officers consider that the proposed development achieves the intent of Performance Criteria PC9. The proposal includes a single storey development, to be constructed of varied colours and materials and of a design generally in keeping with the surrounding residential neighbourhood. A mix of colours, roof lines and architectural elements have been included in the layout to assist in breaking down the mass and bulk of the building.

Of note, when viewed from Loder Street, which is primarily a residential street, the development is setback a considerable distance from the property boundary, and is of a size and scale similar to that of a residential dwelling. The visual impact and bulk of the building is directed more towards Brisbane Road.

Brisbane Road, being a major transport corridor, incorporates a mix of residential and commercial style development. Immediately opposite the site is a low scale commercial/retail development, with vehicle and boat sales operations located in close proximity to the west. Immediately adjacent to the west is a two (2) storey motel style development. As such, it is considered that the proposal, as viewed from Brisbane Road, is of a similar character and scale to existing developments within the immediate area.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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For the abovementioned reasons, Council Officers consider that the proposed development complies with Performance Criteria PC9, and is recommended for approval.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC13</td>
<td>AS13</td>
</tr>
<tr>
<td>The proposed use must not detract from the amenity of the local area, having regard, but not limited, to the impact of: a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity; g) privacy; h) odour and emissions.</td>
<td>No acceptable solution provided.</td>
</tr>
</tbody>
</table>

Acceptable Solution AS13 of the Residential Choice Domain Place Code does not provide an Acceptable Solution to achieve PC13 which states:

PC13

The proposed use must not detract from the amenity of the local area, having regard, but not limited, to the impact of:

a) noise;
b) hours of operation;
c) traffic;
d) lighting;
e) signage;
f) visual amenity;
g) privacy;
h) odour and emissions.
Assessing Officer’s Comments

The proposed development is considered to satisfy Performance Criteria PC13 of the Residential Choice Domain Place Code, based on the following grounds:

Noise

The establishment of the proposed development will involve the introduction of a noise source to the local area through car park activities, alfresco dining, background music, waste collection, deliveries and mechanical plant. As the proposal will be introducing a noise source, measures need to be taken to ensure the amenity of the surrounding residential dwellings are not worsened as a result of the proposal.

The Applicant has submitted an acoustic report in support of the development which concludes that the proposed development will generally be within acceptable levels of the adopted criterion, subject to the following acoustic treatments and operational restrictions:

- Retail and commercial hours be limited to the daytime and evening hours of 7am to 10pm;
- Restaurant/Café hours of operation be limited to 7am to midnight, with doors and windows being closed after 10pm to minimise noise breakout;
- Alfresco dining be limited to the daytime/evening periods of 7am to 10pm;
- Allocate the easternmost car spaces as staff;
- Construction of a 2 metre high acoustic barrier along the entire northern property boundary adjacent to residential development, and at the western boundary of the alfresco dining area adjacent to Lot 20 on RP80238;
- Construction of a sound lock system for the access to toilet facilities with two (2) doors, and full height walls at the northern end of the central alfresco dining area;
- Waste collection and deliveries be limited to the daytime period between 7am and 6pm;
- Amplified music not to be played in outdoor areas, unless an amplified music assessment is undertaken;
- Amplified music within internal areas of Restaurants/Cafes should not exceed 75dB(A), unless an amplified music assessment is undertaken; and
- Drainage grating over trafficable areas to be well secured to prevent rattling.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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Council’s Environmental Health Officers have assessed this component of the application and have provided the following comments:

An acoustic report was submitted with the original application and was found to be satisfactory. Due to amendments to the development in response to Council’s Information Request and the Department of Transport and Main Roads requirements, an amended acoustic assessment was undertaken and submitted. Council’s Health and Regulatory Services section consider that the amended development layout is deemed more suitable from an acoustic perspective. The amended report has been found to be satisfactory.

As such, subject to the inclusion of attenuation measures as recommended by the acoustic report, the proposed development is not considered to result in undue impacts on the amenity of the local area as a result of noise.

Hours of operation

As stated above, the submitted acoustic report outlines that the appropriate hours of operation for the development would be between 7am to 10pm. Council’s Environmental Health Officers have reviewed these proposed hours of operation, and consider these to be satisfactory, however also consider that waste collection and delivery times should be limited to between 7am to 6pm. Conditions of approval have been included in the Assessing Officer’s recommendation to restrict the hours of operation, waste collection and delivery to these timeframes.

Traffic

The proposed development is not considered to result in undue impacts on the amenity of the local area as a result of traffic.

- Brisbane Road

Given that Brisbane Road is a State-controlled road, the Department of Transport and Main Roads are the appropriate authority to assess the impact of the development on the adjoining road network. This Department has provided a response, including conditions of approval requiring a dedicated turning land, and limiting access to left in only, to ensure that there are no adverse safety and operational impacts on Brisbane Road from the proposed development.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

- Loder Street
  Loder Street is predominantly a local residential collector road. The Applicant has submitted a Traffic Impact Assessment, which concludes that no adverse impact will result from the proposed development on the surrounding road network. Of note, while all exiting traffic will be required to utilise the Loder Street vehicle crossover, it is expected that the bulk of vehicular traffic exiting the site will be drop in traffic from Brisbane Road. As such, the majority of traffic is expected to exit to Loder Street to the right and continue along Brisbane Road. Local residents only are expected to turn left into Loder Street and access the surrounding residential streets, as such it is considered that the additional traffic generated by this development will have a minimal impact on the vehicle trips along Loder Street and connecting residential streets.

- Car Parking
  A total of forty (40) car parking spaces are provided on site, which represents a shortfall of one (1) spaces to that which is required by the Planning Scheme. Council Transport Planners are willing to accept the alternative solution proposed by the applicant which proposes a total of forty (40) off street parking spaces.

City Transport comments
A review of the Car Parking, Access and Transport Integration Constraints Code has highlighted only one point of non compliance relating to car parking numbers. As previously stated the applicant has a shortfall of one (1) off street car parking space within this development, nevertheless City Transport are willing to accept this shortfall as the alternative solution proposed by the applicant adequately addresses the concerns from City Transport.

It is the recommendation of City Transport that the development application be supported subject to the insertion of reasonable and relevant Condition/s of Approval into Council’s Decision Notice.

Signage
All advertising devices or signage are required to be in accordance with the Planning Scheme requirements which seek to protect amenity. The establishment of advertising devices requires further approvals, which is conditioned within the recommendation below.
As such, any signage associated with this development will be assessed to ensure that it does not detract from the amenity of the local area.

Visual Amenity
The visual amenity impacts of the proposed development have been considered above having regard to Performance Criteria PC9 of the Residential Choice Domain Place Code. It is considered that the proposal would not result in any adverse visual amenity impacts for the surrounding local area.
Privacy

The proposed development, being single storey, does not create any adverse privacy impacts within the surrounding area. With a development of this height, the required acoustic fencing along the site’s northern property boundary adjacent to residential development is considered appropriate to screen any views from this development into surrounding dwellings.

Odour and Emissions

It is not expected that the proposed development will produce unreasonable odours and/or emissions from the site which will detract from the amenity of the local area.

The development proposes a waste storage area located towards the Loder Street frontage of the site, with significant areas of landscaping included between this area and adjoining allotments. Furthermore, the Applicant will be conditioned to screen this waste storage area to eliminate any odours. The areas to the rear of the tenancies, along the northern property boundary, are also to contain a significant landscaping buffer to residential dwellings further north. It is considered that this landscaping will restrict the ability for the occupants of these tenancies to store waste or other such products along this property boundary. As such, it is considered that all odour and emissions emanating from the use will be contained within the built form, and will therefore represent no adverse impacts for the surrounding area.

As the subject site is located within a residential area, traffic, noise and the visual presence of the development has the potential to impact upon the amenity of the area. However, as demonstrated above, the proposed development, subject to conditions, is not considered to result in unreasonable impacts and therefore is considered to satisfy Performance Criteria PC13 of the Residential Choice Domain Place Code.

Compliance with the Car Parking, Access and Transport Integration Constraint Codes

The proposal complies with all of the Car Parking, Access and Transport Integration Constraint Code’s Acceptable Solutions and Performance Criteria, except as follows:

<table>
<thead>
<tr>
<th>Car Parking, Access and Transport Integration</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC16 Performance Criteria</td>
<td>AS16.1</td>
</tr>
<tr>
<td>Sufficient car parking spaces must be provided to meet the car parking needs of the development. The number of car parking spaces provided must be consistent with the practical opportunities available for shared car parking provision and the operation of alternative transport modes to private motor vehicles.</td>
<td>Car parking is provided in accordance with the number of spaces required for the specific use listed in the Table to Acceptable Solution AS16.1.</td>
</tr>
</tbody>
</table>
Acceptable Solution AS16.1 states:

*Car parking is provided in accordance with the number of spaces required for the specific use listed in the Table to Acceptable Solution AS16.1.*

Table to Acceptable Solution AS16.1 requires the following car parking provision:

<table>
<thead>
<tr>
<th>Use</th>
<th>GFA for car parking purposes</th>
<th>Car parking rate required</th>
<th>Car parking required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Café, Convenience Shop, Restaurant, Shop, Takeaway Food Premises</td>
<td>660m² (TUA 594m²)</td>
<td>1 space/15m²</td>
<td>39.6</td>
</tr>
<tr>
<td>Commercial Services</td>
<td>50m²(TUA 45 m²)</td>
<td>1 space/25m²</td>
<td>1.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>710m² (TUA 639 m²)</strong></td>
<td>-</td>
<td><strong>41.4= 41 spaces</strong></td>
</tr>
</tbody>
</table>

The proposal has a total car parking provision of forty (40) spaces, located adjacent to the Brisbane Road and Loder Street frontages.

The Applicant therefore proposes an Alternative Solution to address Performance Criteria PC16, which states:

*Sufficient car parking spaces must be provided to meet the car parking needs of the development. The number of car parking spaces provided must be consistent with the practical opportunities available for shared car parking provision and the operation of alternative transport modes to private motor vehicles.*

**Applicant’s Comments**

The Applicant has provided the following justification:

- The site is located within comfortable walking distance to a large residential catchment;
- The site is well serviced by public transport;
- The proposed mix of uses will result in some cross-utilisation of parking; and
- It is likely that a number of tenancies will be café’s and restaurants which will have peak trading times outside standard business hours resulting in a peak on site car parking demand of 35 spaces in the daytime and 25 spaces during the evening.
ITEM 1 (Continued)  
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4  
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Assessing Officer’s Comments

Council Officers consider that the number of off street car parking spaces is adequate enough to accommodate the anticipated customer volumes to the development. The proposed mix of uses proposed for the development will break up the traffic volume as it is anticipated that peak traffic times will vary between the proposed businesses. As such it is imagined that the demand for parking on site will not exceed the amount of parking proposed, due to the cross-utilisation of business uses.

In addition, City Transport have reviewed the application and are not “anticipating that the minor parking shortfall would result in a significant parking impact. City Transport are therefore willing to accept the alternate solution requiring a total provision of 40 off street car parking spaces.”

For the abovementioned reasons, Council Officers consider that the proposed development complies with Performance Criteria PC16, and is recommended for approval.

<table>
<thead>
<tr>
<th>Car Parking, Access and Transport Integration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Performance Criteria</strong></td>
</tr>
</tbody>
</table>
| PC18  
Vehicle crossovers must be constructed to minimise conflict with passing traffic and pedestrians. | AS18  
Access to developments with more than one frontage road is via minor roads. Impacts of driveway traffic are concentrated on less busy roads, with traffic distributed to major roads via existing intersections. |

Acceptable Solution AS18 states:

*Access to developments with more than one frontage road is via minor roads. Impacts of driveway traffic are concentrated on less busy roads, with traffic distributed to major roads via existing intersections.*

The subject site has two (2) street frontages to Brisbane Road and Loder Street. A left-in only access is located along Brisbane Road, while an entrance/exit is provided via the minor road, being Loder Street.

The Applicant therefore proposes an Alternative Solution to address Performance Criteria PC18, which states:

*Vehicle crossovers must be constructed to minimise conflict with passing traffic and pedestrians.*
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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Assessing Officer’s Comments

Council Officers consider that the proposed access to the development is appropriate and warrants favourable consideration. Brisbane Road is a State-controlled road, and as such access to and from this road has been assessed by the Department of Transport and Main Roads. This department has found this access to be a safe and acceptable outcome for passing traffic, subject to the inclusion of a turning lane for vehicles to enter the development.

The secondary access on Loder Street provides an entrance and exit to the development. It is considered that the two (2) proposed crossovers are suitable, given that a significant proportion of traffic will be accessing the site via Brisbane Road. Given that Loder Street is predominantly a residential street, it is considered undesirable to direct all traffic to enter and exit the development from this road frontage. As such, the additional access from Brisbane Road will help to alleviate traffic movements on Loder Street.

Furthermore, the subject site currently contains several vehicle crossovers, which will be removed to facilitate the development. This will result in a net loss of vehicle crossovers along the Brisbane Road frontage, facilitating a safer pedestrian environment.

For the abovementioned reasons, Council Officers consider that the proposed development complies with Performance Criteria PC18, and is recommended for approval.

Compliance with the Flood Affected Areas Constraint Codes and Overlay Maps

Council’s Hydraulic Engineering section has reviewed the proposed development, and consider that the proposal complies with all of the Flood Affected Areas Constraint Code’s Acceptable Solutions and Performance Criteria, subject to conditions that have been included in the Assessing Officer’s recommendation.

Compliance with the Retail and Related Establishments Specific Development Code

The proposal complies with all of the Retail and Related Establishments Specific Development Code’s Acceptable Solutions and Performance Criteria, except as follows:

<table>
<thead>
<tr>
<th>Retail and Related Establishments</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC3</td>
<td>AS3</td>
</tr>
<tr>
<td>All buildings and ancillary structures must ensure that a reasonable standard of amenity is maintained for any adjoining residential activities or parkland.</td>
<td>The site adjoins a residential lot or public open space area, and the building or structure is set back a minimum of two metres from the common boundary with the residential lot or public open space, and the setback area includes:</td>
</tr>
<tr>
<td></td>
<td>a) a landscape buffer area consisting of screen planting at least 1.8 metres in height;</td>
</tr>
<tr>
<td></td>
<td>b) screen fences at least 1.8 metres in height.</td>
</tr>
</tbody>
</table>
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

Acceptable Solution AS3 states:

The site adjoins a residential lot or public open space area, and the building or structure is set back a minimum of two metres from the common boundary with the residential lot or public open space, and the setback area includes:

a) a landscape buffer area consisting of screen planting at least 1.8 metres in height;

b) screen fences at least 1.8 metres in height.

A reduced setback of zero (0) metres is proposed to the north western boundary adjoining both residential development and public open space, while the northern setback to adjoining residential development is proposed to be 1.5 metres.

The Applicant therefore proposes an Alternative Solution to address Performance Criteria PC3, which states:

All buildings and ancillary structures must ensure that a reasonable standard of amenity is maintained for any adjoining residential activities or parkland.

Applicant’s Comments

The Applicant has provided the following justification:

It is considered that the proposed setbacks are appropriate to the site and will not compromise the amenity or future development potential of the neighbouring residential lots for the following reasons:

- As shown on Plan SK-002 ‘Roof/Photo Location Plan’ prepared by Angelo Nicolosi Architects dated June 2010 existing uses on the adjoining lots do not overlook the subject site. Further the primary living areas of dwellings on these lots are located toward Loder and Clark Streets, with sheds separating dwelling and private open space areas from the subject site.

- The proposal is of single storey in height and is likely to have less impact on privacy and visual amenity than would a residential development on the site. Any residential proposal over the subject site would be a minimum of 2 storeys in height, or alternatively a mixed use development of three (3) storeys including ground level commercial uses would be justifiable in the Brisbane Road location. These uses would be more invasive than the current proposal.

- The access way to the rear of the commercial building has been removed to prevent the setback area being used for service access for stock and waste removal, and to accommodate planting.

- The setback to the adjoining attached dwelling on Lot 12RP80236 adjoining Loder Street has been increased to allow for substantial landscape planting and feature trees.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

Assessing Officer’s Comments
Council Officers consider the proposed setback to residential allotments to the north of the site is inadequate to protect the amenity of these adjoining residential dwellings. The 1.5 metre setback provides a limited area to accommodate landscaping necessary to screen the development from these neighbouring properties. Given the length and scale of the proposed building, Officer’s consider that a 1.5 metre setback, incorporating a landscape buffer, would be a superior outcome, to ensure that the visual amenity of the development, when viewed from these adjoining dwellings, is maintained.

As such, a condition has been included in the Assessing Officer’s recommendation requiring the submission of amended plans showing a minimum 1.5 metre setback to the northern property boundary for the full length of the development.

For the abovementioned reasons, Council Officers consider that the proposed development can comply with Performance Criteria PC3, and is recommended for approval.

<table>
<thead>
<tr>
<th>Retail and Related Establishments</th>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC5</td>
<td>All car parking areas must not be visually intrusive or the dominant feature of any individual development.</td>
<td>AS5</td>
</tr>
</tbody>
</table>

Acceptable Solution AS5 states:

The car park area is provided at ground level, and is located to the side or the rear of the main building on the site.

The proposal includes all car parking to be located towards the Brisbane Road and Loder Street frontages of the site.

The Applicant therefore proposes an Alternative Solution to address Performance Criteria PC5, which states:

All car parking areas must not be visually intrusive or the dominant feature of any individual development.
Applicant's Comments

The Applicant has provided the following justification:

Due to the existence of residential allotments adjoining the subject sites rear property boundaries an Alternate Acceptable Solution is sought to allow car parking to be located towards the sites frontage with Brisbane Road.

It is submitted that the proposed car parking arrangements are appropriate in present circumstances for the following reasons:

- The rear property boundary of the subject site adjoins a number of allotments utilised for residential purposes. As such the provision of car parking at the rear of the building is considered to create a more detrimental impact, in terms of residential amenity, than that which is proposed;
- The provision of car parking at the front of the site will ensure that the building acts like a buffer to residential areas, reducing the impacts of noise and light on the amenity of adjoining residents;
- The provision of car parking towards the sites front property boundary is considered to provide the most optimal solution in terms of legibility for cars attempting to access the site;
- The car parking area is of relatively modest size, consisting of car parking sleeved down either one or both sides of the access aisle; and
- The car parking area will be softened and screened through landscape buffers and gardens beds.

Accordingly, it is submitted that in accordance with Performance Criteria PC5 the car parking area will not be the dominant feature of the site, being of relatively modest size and appropriately screened and softened through landscaping.

Furthermore, the location of the car parking towards the front of the site is considered to provide the most appropriate solution in terms of legibility for visitors accessing the site and residential amenity of adjoining allotments.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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Following concerns raised in Council’s Information Request with regard to the impact of the proposed car parking areas on the character of the local area, the Applicant provided amended plans, outlining the following changes:

As requested, the amended plans submitted herein provide for:

- Pavement treatment to lessen the visual dominance of the driveway and parking areas;
- Improved landscape treatment to the edges of the parking and driveway area, and along the Loder street and Brisbane Road frontages, including modification of the access and parking layout adjacent to Loder Street to enable a suitable landscape buffer and reduction in hardstand visible from the residential area.
- Enhancement of the Brisbane Road frontage through provision of pedestrian entry’s and associated structures which will lessen visual impact of car parking situated behind.
- Planting of canopy shade trees which will soften visual impact and provide for shading of the hardstand spaces.

It is considered that these amendments will ensure that access and parking areas complement the architectural character of the development and neither dominate nor detract from streetscape amenity.

Assessing Officer’s Comments

Council Officers acknowledge that the inclusion of car parking areas to the rear of the development is undesirable, given the location of the site immediately adjacent to residential dwellings. It is considered that the location of the car parking to the Brisbane Road and Loder Street frontages will assist in minimising any adverse acoustic impacts from this car parking area on nearby residents. The Applicant has provided for sufficient landscaping within this car parking area to ensure that it does not form a dominant feature of the site, with screening vegetation and several large trees proposed throughout the site. Furthermore, pavement treatments provided along the entire driveway surface will provide for some visual relief in this hard stand area.
ITEM 1  (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA

For the abovementioned reasons, Council Officers consider that the proposed development complies with Performance Criteria PC5, and is recommended for approval.

<table>
<thead>
<tr>
<th>Retail and Related Establishments</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Performance Criteria</strong></td>
<td><strong>Acceptable Solution</strong></td>
</tr>
<tr>
<td>PC8</td>
<td>AS8.1</td>
</tr>
<tr>
<td>All buildings and ancillary structures must demonstrate a high standard of design and finish which:</td>
<td>The building’s massing and proportions, materials, patterns, textures and colours visually integrate with the prevailing or proposed character of the area.</td>
</tr>
<tr>
<td>a) will contribute to the urban character of the local area;</td>
<td>AS8.2</td>
</tr>
<tr>
<td>b) adds visual interest to the streetscape;</td>
<td>The building facade is detailed and articulated with design indentations or window openings.</td>
</tr>
<tr>
<td>c) differentiates between buildings;</td>
<td></td>
</tr>
<tr>
<td>d) avoids stark or austere appearances.</td>
<td></td>
</tr>
</tbody>
</table>

The proposed development’s appearance and visual amenity impacts on the surrounding area has been considered above with respect to Performance Criteria PC9 of the Residential Choice Domain Place Code

For the abovementioned reasons, Council Officers consider that the proposed development complies with Performance Criteria PC8, and is recommended for approval.

**Compliance with the Landscape Work Specific Development Code**

Council’s Landscape Planning section has reviewed the proposal, and consider that the proposal can comply with all of the Landscape Work Specific Development Code’s Acceptable Solutions and Performance Criteria, subject to the inclusion of conditions of approval to be included in the Assessing Officer’s recommendation.

**Assessment of Other Aspects of the Proposal**

**Economic Impact Assessment**

Due to the inclusion of several land uses in the proposal that were not envisaged within the Residential Choice Domain, the Applicant was requested to provide an Economic Impact Assessment to demonstrate that the proposal would not have an adverse economic impact on the surrounding area.
The submitted report, titled ‘Proposed Local Centre Brisbane Road, Biggera Waters – Economic Impact Assessment’, dated September 2009 and prepared by Foresight Partners Pty Ltd provided the following advice:

- The nearest existing convenience centre is the Brisbane Road retail strip located opposite the site. Whilst this caters for the basic convenience needs of nearby residents, it is an ageing strip with limited parking. Upgrades to Brisbane Road are likely to further constrain this car parking which may compromise the centre’s convenience function.

- Other significant centres include Treasure Cove, Metro Market and Labrador Park Shopping Centre.

- The proposed centre is to cater mainly for residents within a 500 metre radius, representing a walkable distance for local residents, and for eastbound traffic on Brisbane Road.

- The trade area population is forecast to increase to 3,000 people by 2012 and 3,220 people by 2016. This growth will largely be generated by the redevelopment of existing detached housing into higher density development.

- An assessment of the market feasibility and need for the proposed local convenience centre concludes that it should be capable of attracting about $3.6 million in retail sales in 2012, with a significant part of the centre’s sales expected from eastbound passing traffic.

- It is concluded that the proposed local centre will not jeopardise the vitality or viability of existing centres.

- An inspection of existing sites within the Local Business Domain indicates no available sites that may accommodate the proposed local convenience centre.

- A maximum of twelve (12) dwellings may be accommodated on the subject site. The proposal would result in a loss of seven (7) residential units. As such, the impact on local residential dwelling stock would be minimal.

Council sought an independent assessment of the submitted Economic Impact Assessment from Leyshon Consulting Pty Ltd. Their assessment concluded that the analysis presented in the EIA was entirely reasonable. It was their opinion, notwithstanding the potential for a relatively high impact on the existing shops opposite the subject site on the southern side of Brisbane Road, that the trade area residents would experience a net benefit and any impact flowing from the development in retail terms would be made good by the proposal.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

Desired Environmental Outcomes and/or Land Use Themes

The subject application is an Impact Assessable development application under the Integrated Planning Act 1997 and therefore the entire Planning Scheme is relevant to the assessment of the application.

As outlined above, it has been established that the proposed development adequately addresses the intent of the Residential Choice Domain, and furthermore achieves compliance with the Performance Criteria of the applicable Planning Scheme Codes. Given the structure of the Planning Scheme, any development which has demonstrated compliance with the intent statement of the relevant Place Code is considered to also address other higher order provisions of the Planning Scheme, which are responsible for informing the intent of the area.

However, below is a brief assessment of the proposed development having regard to the relevant higher order provisions of the Planning Scheme as they relate to the subject site.

Desired Environmental Outcomes

In assessing the proposed development, DEO’s Ecol.3, Econ.1, Econ.2, Soc.1, Soc.2 and Soc.5 are considered to be the most relevant DEO’s, having regard to the possible impact of the proposed land use on the surrounding predominantly residential environment.

Desired Environmental Outcome DEO Ecol.3

DEO Ecol.3 provides the following:

The maintenance of high standards of air quality, including minimising and reducing greenhouse gas emissions.

Planning Objective Ecol.3.1 seeks to achieve an urban form that reduces the need to travel and minimises the length of trips, thereby minimising the emission of greenhouse gases, while Ecol.3.2 seeks to achieve an urban form that supports the maximum use of public transport systems and non-motorised means of transit.

It is considered that the proposed development assists in achieving DEO Ecol.3 by providing a range of convenience goods and services within close proximity to residential areas. The development proposal provides employment and shopping opportunities within walking distance to a significant population catchment.

Desired Environmental Outcome DEO Econ.1

DEO Econ.1 provides the following:

The provision of an efficient land use pattern that is conducive to business activity, and attractive for new business opportunities, particularly those that complement existing or emerging business activity and those that offer opportunities for sustainable new businesses which diversify the existing economic base of the city.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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It is considered that the proposed development will provide opportunities for businesses to establish and service the needs of local residents. With a significant number of passing motorists also expected to utilise the development, the location of the site is considered to accommodate viable business opportunities.

*Desired Environmental Outcome DEO Econ.2*

DEO Econ.2 provides the following:

*Enhanced employment and investment opportunities through better integration of residential and business activity, whilst protecting the residential amenity.*

As outlined in the report above, the proposed development is considered to provide for convenience goods and services to meet the needs of the surrounding area, whilst ensuring minimal adverse amenity impacts on the surrounding area. It is further considered that the proposal will provide a buffer between existing residential development and Brisbane Road, and as such represents an improved development outcome over a residential development located immediately adjacent to Brisbane Road.

*Desired Environmental Outcome DEO Soc.1*

DEO Soc.1 provides the following:

*The establishment, conservation and enhancement of local character and the promotion of a distinctive local identity and sense of place for the various communities of Gold Coast City.*

Brisbane Road has a diverse character of built form and land uses, with a mix of residential and commercial development. As such, it is considered that the proposed development is generally in keeping with the prevailing character of the area when viewed from this street frontage. Loder Street, being a predominantly residential street, has been considered in the design of the development, with a significant setback and minimal bulk presented to this street frontage.

*Desired Environmental Outcome DEO Soc.2*

DEO Soc.2 provides the following:

*The location and design of residential areas and support facilities to maximise accessibility to community facilities and places of employment, and to maximise opportunities for community interaction.*
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ,
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TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238,
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The development proposes Café and Restaurant facilities, with alfresco dining providing an
opportunity for local residents to interact. Furthermore, the location of the subject site in
close proximity to residential development and public transport opportunities will provide for
convenient access for local residents to retail/commercial facilities and employment
opportunities.

Desired Environmental Outcome DEO Soc.5

DEO Soc.5 provides the following:

The maintenance of residential amenity, through the minimisation of any environmental
harm or adverse social impacts occurring from the construction and operation of
commercial, community, tourism, industrial and extractive industry activities.

As outlined in the report above, the proposed development is considered to provide for
convenience goods and services to meet the needs of the surrounding area, whilst ensuring
minimal adverse amenity impacts on the surrounding area. It is further considered that the
proposal will provide a buffer between existing residential development and Brisbane Road,
and as such represents an improved development outcome over a residential development
located immediately adjacent to Brisbane Road.

SOUTH EAST QUEENSLAND REGIONAL PLAN

The South East Queensland Regional Plan 2009 designates the subject site within the Urban
Footprint. The Urban Footprint identifies land that can meet the region's urban development
needs to 2031 in a more compact form.

The proposed development can be appropriately included within the definition of an urban
activity, and thus is envisaged to occur in such a location. It is considered that the provisions
of the South East Queensland Regional Plan are appropriately reflected in Council's
Planning Scheme. However, as several of the proposed land uses are not listed land uses
and thus not specifically envisaged for the area, the following assessment against relevant
aspects of the South East Queensland Regional Plan 2009 is provided.

Desired Regional Outcome 8 – Compact Settlement

The Desired Regional Outcome 8 of the South East Queensland Regional Plan 2009
provides the following:

A compact urban structure of well planned communities, supported by a network of
accessible and convenient centres and transit corridors linking residential areas to
employment locations establishes the context for achieving a consolidated urban
settlement pattern.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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The proposed commercial development is located on Brisbane Road, being part of a major transport network within the Gold Coast area, and is surrounded by significant areas of residential accommodation. With a significant residential population located within walking distance to the site, and convenient opportunities for public transport located along Brisbane Road, the site is intended to service the convenience needs of a significant population catchment. As such, it is considered well located to provide commercial and retail goods and services to the local community.

Similar commercial style developments currently exist within the immediate surrounding area along Brisbane Road, including directly opposite the subject site. It is considered that the proposed development would complement these existing developments, servicing the needs of surrounding residents and passing motorists.

As such, Council’s Assessing Officer consider that the proposal achieves the aim of DRO 8, and should be supported.

Desired Regional Outcome 12 – Integrated Transport

The Desired Regional Outcome 12 of the South East Queensland Regional Plan 2009 provides the following:

A connected and accessible region based on an integrated transport system that is planned and managed to support more compact urban growth and efficient travel; connect people, places, goods and services; and promote public transport use, walking and cycling.

The proposed commercial development is located adjacent to a major thoroughfare in Brisbane Road, within easy walking distance to residential development with a mix of Detached Dwellings, Attached Dwellings and Apartment accommodation. The subject site is further easily accessible by public transport which provides for convenient access to and from other areas within the Gold Coast. The location of a commercial/retail development in such a location is thus considered desirable, as it provides convenient local services for the surrounding residents, the majority of whom will be able to walk, cycle or use public transport to access the development.

As such, Council’s Assessing Officer consider that the proposal achieves the aim of DRO 12, and should be supported.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

REFERRALS

IDAS Referrals

Department of Transport and Main Roads

The application was referred to the Department of Transport and Main Roads for assessment as a Concurrence Agency, due to the subject site being located on a State-controlled road. The Department has provided conditions of approval, through their correspondence dated 13 January 2012, reference number 230/11A/5-9RP80238 DA2 kzm-kzm.162 –amended 9925 TMR 11000598, regarding access from Brisbane Road, refuse service vehicle access, land dedication, closure of existing accesses located along Brisbane Road, landscaping, and stormwater drainage. These conditions of approval are required to be attached to Council’s Decision Notice.

Department of Environment and Resource Management

The application was referred to the Department of Environment and Resource Management for assessment as an Advice agency, having regard to State Planning Policy 2/02: Planning and Managing Development involving Acid Sulfate Soils. The Department, through their correspondence dated 30 July 2009, reference number IA0709BEE0032/GOL2812, has advised Council that the application was incorrectly referred, as the development does not involve any significant excavations or filling. Accordingly, no further advice has been provided.

Internal Referrals

The subject application was made available for referral to representatives within Council through the DART process. From this meeting the application was referred to the following branches:

Health and Regulatory Services

Waste

The Applicant has advised that a bin storage area has been located adjacent to tenancy 2, accessible from Loder Street. Council’s Health and Regulatory Services section consider this to be acceptable.

Conditions of approval have been provided for inclusion within the officers recommendations.

Transport Planning

Review of the Car Parking, Access and Transport Integration Constraints Code has highlighted only one point of non compliance relating to car parking numbers.

PC16 requires that sufficient car parking be provided to meet the car parking needs of the development. To comply with the acceptable solution the applicant would need to provide 41 off street car parking spaces. The proposed design shows a total of 40 off street car parking spaces equating to a shortfall of 1 space. It is not anticipated that the minor parking shortfall would result in a significant parking impact. City Transport are therefore willing to accept the alternate solution requiring a total provision of 40 off street car parking spaces.

Conditions of approval have been provided for inclusion within the officers recommendations.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

Landscape Assessment
Council’s Landscape Assessment section have provided conditions of approval with respect to tree plantings along Brisbane Road, and landscape buffering to the residential uses to the rear of the site.

These conditions require significantly sized tree plantings along the Brisbane Road frontage of the site, to lessen the potential for a poor landscape outcome on the site which could occur due to the minimal landscape buffers between the car-parking areas and the property boundary with Brisbane Road.

These conditions also require a continuous one metre wide landscape buffer extending along the boundary at the rear of the buildings (except for at the rear of “Retail 9”) to aid in separating the use from the neighbouring residential uses and limit the potential for storage at the rear of the buildings.

Conditions of approval have been provided for inclusion within the officers recommendations.

Arboricultural Assessment
Upon an initial desktop review of the development site, Council’s Arboricultural Planning Officer originally considered that the proposed development layout would impact on protected size vegetation within the proposed building envelope and immediately adjacent to construction areas. Through Council’s Information Request, the Applicant was requested to make changes to the development layout to facilitate retention of the existing Ficus benjamina – Weeping Fig.

In response to this Information Request, the Applicant provided the following:

We understand that the applicant has removed the Weeping Fig due to ongoing maintenance concerns – in particular damage caused to services by the trees invasive root system. We understand that approval was given by Council to remove the tree.

Notwithstanding, given the size of the fig it would not have been practical to retain this tree within the site layout. To maintain the character of the site and improve streetscape amenity the amended proposal submitted herein provides for several large feature trees within the Loder Street and Brisbane Road setback areas. It is intended that these trees be planted as semi-mature/mature specimens which will adequately compensate for the loss of amenity resulting from removal of the fig tree.

Council’s Arboricultural Planning Officer has advised that no application has been received nor has Council approval been given for the removal of the abovementioned tree. However, discussions held with the Landscape Planner have found an opportunity to replace this tree within the proposed development layout.

As a result, a condition is included in the Assessing Officer’s recommendation for advanced specimen trees to be planted on site to replace the lost landscape amenity.
Hydraulic Engineering

The subject site is flood affected, with a combination of Biggera Creek catchment flooding and storm surge flooding (2.38m AHD) having no sufficient access or egress.

The Applicant, in response to Council’s Information Request, submitted a stormwater management plan being "Information Request Response, Proposed Commercial Retail Development Lot 5, 6, 7, 8, 9 and 11 on RP80238, 27-35 Brisbane Road and 6 Loder Street, Biggera Waters" prepared by Knobel Consulting, dated 21 September 2010 (File No: K1507-0041-A). Appendix B of this report contains a permeability test conducted by Wagner Soil Testing while Appendix C of the report contains a flood evacuation management plan.

Following a review of the abovementioned report, Council's Hydraulic Engineering section is willing to support the application, subject to conditions of approval to be included in the Assessing Officer's recommendation.

Principal Architect/Urban Design, Environmental Planning, Parks and Recreational Services, Engineering Services, Plumbing and Drainage, Allconnex Water

Each of these branches has reviewed the application and are satisfied that the proposal complies with the Planning Scheme provisions relevant to their assessment, subject to the imposition of conditions of approval required to achieve compliance with the relevant Performance Criteria. Such conditions have been included in the Assessing Officer’s recommendation.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
PN12088/01/DA1

INFRASTRUCTURE CHARGES CALCULATIONS

ADOPTED INFRASTRUCTURE CHARGE NOTICE

Thursday, 04 August 2011
Application PN12088/01/DA1
Site Address: 6 LODER STREET, BIGGERA WATERS
Application No. & code 2900333 MCU
Application Description COMMERCIAL SERVICES, SERVICE INDUSTRY, RESTAURANT, CAFE, TAKEAWAY FOOD PREMISES, CONVENIENCE SHOP, SHOP
Officer Name: Kathy Altabasoff

<table>
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<th>Charge Calculation</th>
<th>Qty</th>
<th>Rate</th>
<th>Gross Charge Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<td>760 sq m Gross Floor Area</td>
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<td>$75,924.00</td>
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<tr>
<td>Proposed Impervious Area</td>
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Net Charge Summary

Gross Charge Amount | Applied Credit Amount | Net Charge Amount
$103,814.00 | $97,060.00 | $6,754.00

ALLCONNEX WATER INFRASTRUCTURE CHARGE NOTICE

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<td>PIP : Water Supply Network Infrastructure - Molendinar (Category 1)</td>
<td>10,750 @</td>
<td>4,287.88</td>
<td></td>
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</table>

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<th>Account</th>
<th>Calculation</th>
<th>Amount</th>
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<td>10,750 @</td>
<td>19,973.58</td>
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</tr>
</tbody>
</table>

Total Allconnex Water Infrastructure Charge : $126,146.05

Important The infrastructure charge amounts included in the charge calculation are subject to indexation and review.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

ADVERTISING

The Applicant has submitted a written notice stating that public notification of the application has been completed in accordance with the requirements of the Integrated Planning Act 1997.

In response to advertising, three (3) properly made objections and one (1) properly made petition were received. The main points of objection are listed, followed by the Officer’s comment.

<table>
<thead>
<tr>
<th>Point of Objection</th>
<th>Officer’s Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposal is unclear regarding the number of tenancies that will be provided within the development.</td>
<td>The submitted plans show fourteen (14) individual tenancies, and two (2) outdoor dining areas. These plans are to be included as the approved plans for the development, and must be complied with following development approval.</td>
</tr>
<tr>
<td>The proposed building height is undesirable.</td>
<td>The Planning Scheme prescribes a height limit for the subject site of two (2) storeys. The proposed development, being only single storey, therefore represents a lesser height than what could be achieved through an alternative design. As such, the Assessing Officer considers that the proposed building height is acceptable.</td>
</tr>
<tr>
<td>The proposal will result in an undesirable level of noise impacting upon local residents without increased fencing along the northern property boundary.</td>
<td>The Applicant has submitted an acoustic report which has been assessed by Council’s Health and Regulatory Services section. This section considers that the report is adequate and that no adverse acoustic impacts will result from the development, subject to the inclusion of recommended fencing and operational restrictions that will be conditioned as part of the approval. As such, Council’s Assessing Officer considers that this point of objection has been addressed through appropriate conditions of approval.</td>
</tr>
<tr>
<td>The proposal will result in an increased amount of litter as people drop waste in the surrounding area.</td>
<td>The proposed development is considered to include sufficient waste storage areas to meet the needs of the development. General littering in the surrounding area is subject to Queensland littering laws which are considered sufficient to deter such behaviour.</td>
</tr>
<tr>
<td>The construction of the proposed development may cause damage to existing works on adjoining lots.</td>
<td>The construction of the proposed development will be governed by the Building Code of Australia and other relevant building laws. A construction management plan has been conditioned to be provided to ensure that no adverse impacts arise from the construction activities on the subject site to any surrounding allotments.</td>
</tr>
</tbody>
</table>
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
PN12088/01/DA1

<table>
<thead>
<tr>
<th>The proposal provides an inadequate number of car parking spaces on site, thus cars will be required to park within Loder Street.</th>
<th>The proposed development has a shortfall of one (1) off street car parking space, as such it is considered that the development will provide adequate parking facilities, so that all parking requirements are contained within the subject site. The proposed mix of uses proposed for the development will break up the traffic volume as it is anticipated that peak traffic times will vary between the proposed businesses. As such it is imagined that the demand for parking on site will not exceed the amount of parking proposed, due to the cross-utilisation of business uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposal will result in increased traffic flow along Loder Street.</td>
<td>The Applicant has submitted a Traffic Impact Assessment, which concludes that the bulk of vehicular traffic exiting the site will be drop in traffic from Brisbane Road. As such, the majority of traffic is expected to exit to Loder Street to the right and continue along Brisbane Road. Local residents only are expected to turn left into Loder Street and access the surrounding residential streets. As such, it is considered that the additional traffic generated by this development will have a minimal impact on the vehicle trips along Loder Street and connecting residential streets.</td>
</tr>
<tr>
<td>The proposal will result in a reduction in available rental residential accommodation in the local area.</td>
<td>The Applicant has submitted an Economic Impact Assessment, which states that a maximum of twelve (12) dwellings may be accommodated on the subject site, while the proposal would result in a loss of seven (7) residential units. This report concludes that the impact on local residential dwelling stock would thus be minimal.</td>
</tr>
<tr>
<td>The proposed development is unnecessary in an area already provided with shops, restaurants and cafes.</td>
<td>An independent assessment of the Applicant's submitted Economic Impact Assessment concludes that the trade area residents would experience a net benefit from the proposal, and any negative impact flowing from the development in retail terms would be made good by the proposal.</td>
</tr>
<tr>
<td>The proposal will increase the flooding risk for neighbouring dwellings.</td>
<td>Council's Hydraulic Engineering section has reviewed the proposal, and consider that the development is acceptable from a hydraulic perspective, subject to conditions included in the Assessing Officers recommendation</td>
</tr>
<tr>
<td>The proposal will result in increased security risks from people gathering in the narrow pathway between the shops and the northern property boundary.</td>
<td>Conditions of approval have been included in the Assessing Officer's recommendation requiring the provision of extensive landscaping along the narrow pathway between the shops and the northern property boundary, limiting the accessibility of such an area for unwanted individuals. Furthermore, these areas will be fenced between tenancies, and to not represent a thoroughfare where passing pedestrians may gather. As such, Council Officers consider that it is unlikely that people will gather in these areas of the site.</td>
</tr>
</tbody>
</table>

Council’s Assessing Officer therefore considers that the abovementioned grounds can be adequately addressed through conditions of approval, and as such do not warrant the refusal of the application.
CONCLUSION

Council is in receipt of an application for a Development Permit for a Material Change of Use to establish a Café, Convenience Shop, Restaurant, Service Industry (Group A), Shop, Takeaway Food Premises and Commercial Services. The subject site is located at 27-35 Brisbane Road & 6 Loder Street, Biggera Waters, properly described as Lot 5 on RP80238, Lot 6 on RP80238, Lot 7 on RP80238, Lot 8 on RP80238, Lot 9 on RP80238 & Lot 11 on RP80238.

The subject site is situated within the Residential Choice Domain. The proposed land uses are listed as either Code Assessable (Convenience Shop), Impact Assessable (Café), or are unlisted land uses (Restaurant, Service Industry (Group A), Shop, Takeaway Food Premises and Commercial Services) within Table of Development A: Material Change of Use for the Residential Choice Domain. As such, the proposed development is subject to Impact Assessment.

The proposed development has been assessed against the Residential Choice Domain Place Code; Car Parking, Access and Transport Integration and Flood Affected Areas Constraint Codes; and the Retail and Related Establishments and Landscape Work Specific Development Codes.

The proposal generally complies with the relevant Acceptable Solutions and Performance Criteria of the applicable codes of the Planning Scheme, and the higher order provisions of the Planning Scheme. The primary areas of concerns for the development proposal relate to the possible adverse impacts of the development on surrounding residential dwellings, and the economic need for the development within the Residential Choice Domain. Council Officers consider that these issues have been sufficiently addressed to warrant a favourable decision.

The application was referred to the Department of Transport and Main Roads as a Concurrence Agency, having regard to the development being located within 100 metres of a State-controlled road, and the Department of Environment and Resource Management as an Advice Agency, having regard to State Planning Policy 2/02: Planning and Managing Development involving Acid Sulfate Soils. The Department of Transport and Main Roads has provided conditions and advice that has been considered in the Assessing Officer’s recommendation. The Department of Environment and Resource Management provided a response, advising that the application does not require referral as it does not involve any significant excavations or filling.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

In response to public advertising, three (3) properly made objections and one (1) properly made petition were received. The main points of objection relate to car parking provision, traffic impacts, visual and acoustic amenity, waste removal, construction damage to nearby dwellings, flooding, security concerns, and the need for such a development in a residential area. The grounds of objection have been sufficiently addressed through conditions of approval and are not considered to warrant refusal of the application.

An assessment of the application has determined the proposal generally complies with the Performance Criteria of the applicable Codes and higher order elements of the Planning Scheme, and that an appropriate outcome can be achieved for the site. Where required, conditions have been included in the Assessing Officer’s recommendation to ensure compliance with the relevant Performance Criteria.

RECOMMENDATION

It is recommended Council resolve:

Real Property Description
Lot 5 on RP80238, Lot 6 on RP80238, Lot 7 on RP80238, Lot 8 on RP80238, Lot 9 on RP80238, Lot 11 on RP80238

Address of Property
27-35 Brisbane Road & 6 Loder Street, Biggera Waters

Area of Property
3,136m² (Lot 5 – 508m², Lot 6 – 604m², Lot 7 – 506m², Lot 8 – 506m², Lot 9 – 506m², & Lot 11 – 506m²)

Decision Type
Development Permit for a Material Change of Use

Further Development Permits
Building Work, Vehicle Crossover, Operational Work (Advertising Devices), Operational Work (Works for Infrastructure), Operational Work (Landscape Work), Operational Work (Vegetation Works), Operational Work (Public Landscape Work)

Further Compliance Permits
Sewerage Works, Water Supply Plumbing Work, Fire Services Plumbing Work

Compliance Assessment required for documents or works
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ,
CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP,
TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238,
LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT
11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS -
DIVISION 4
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NATURE OF DECISION

A Council approves the issue of a development permit for a Material Change of Use to
establish a Café, Convenience Shop, Restaurant, Service Industry (Group A), Shop,
Takeaway Food Premises and Commercial Services, subject to the following
conditions:

APPROVED PLANS/DRAWINGS

1 Amended plans/drawings to be submitted
   a Amended plans/drawings must be submitted generally in accordance with:

<table>
<thead>
<tr>
<th>Plan No.</th>
<th>Rev.</th>
<th>Title</th>
<th>Date</th>
<th>Prepared by</th>
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<tr>
<td>SK-001</td>
<td>E</td>
<td>Ground/Site Plan Overlay Council Road Plan</td>
<td>17-10-11</td>
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<td>Angelo Nicolosi Architects</td>
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<td>D</td>
<td>Revised Landscape Layout</td>
<td>September 2010</td>
<td>Scenetics Landscape Planners &amp; Consultants</td>
</tr>
</tbody>
</table>

showing the following amendments:

i The provision of a 1.5’ metre setback between all tenancies and the
   property boundary adjacent to Lot 12, 13, 14, 15, on RP80238, and
   BUP101838.

ii Remove the pedestrian zebra crossing shown on the Loder Street vehicle
   crossing.

iii Where the access driveway meets the front property boundary (at Loder
   Street) within the site show a clear triangulated sight line of 2m either side
   of the vehicular crossing and 2.5m back into the site. This area shall remain
   free from all obstructions.

iv Widen the aisle between the parallel and angle parking spaces by an
   additional 0.5m in addition to the 6.2m or 6.6m aisle required for User Class
   3A spaces in accordance to Section 2.4.4 of AS2890.1-2004.

v Reduce the length of the turn bay located between the pedestrian entry
   from Brisbane Road and car parking bay number 07 to 4.4m such that a
   vehicle cannot physically park in the space.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

b The amended plans/drawings are to be submitted to Council for approval by the Chief Executive Officer prior to the earlier of:
   i Issue of a development permit for the carrying out of building work.
   ii Commencement of the use of the premises.

c The amended plans/drawings, when approved by the Chief Executive Officer, will be the approved plans/drawings forming part of this approval and a stamped copy will be returned to the applicant. The development must be carried out in general accordance with the approved plans/drawings.

2 Decision notice and approved plans/drawings to be submitted with subsequent application

A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any building development application relating to or arising from this development approval.

3 Decision notice and approved plans/drawings to be retained on-site

A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

4 Any deviations require further approval

Any proposed deviation from the approved plans/drawings as a result of on-site or in-situ conditions must not be made unless amended plans/drawings are submitted and approved by Council. The development must be carried out in accordance with the approved amended plans/drawings.

5 Notice of works timetable

After successful completion of any pre-start inspections required by conditions of this or other development approvals and at least 3 business days prior to the commencement of any works on-site, the applicant must give Council written notice of the following:

a Application number;

b Site address;

c Name and telephone number (work and after hours) of the project manager and the site owner;

d Works intended to be carried out;

e The proposed timetable associated with the works, including expected commencement, duration and completion date.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

The notification is to be sent to Council’s Development Compliance Team Leader (fax: 07 5596 8080; phone: 07 5582 8184). This notification is in addition to any other notifications required by other conditions of this or other development approvals.

A form is available to assist in providing the information relating to Notice of Works/Commencement requirements. The form can be obtained at Council Offices (Nerang, Bundall and Coolangatta). It also can be found on Council’s website at www.goldcoast.qld.gov.au/forms (Building & Development).

6 Lots to be amalgamated
Lot 5 on RP80238, Lot 6 on RP80238, Lot 7 on RP80238, Lot 8 on RP80238, Lot 9 on RP80238 and Lot 11 on RP80238 must be amalgamated into one lot. The plan of amalgamation must be registered prior to commencement of the use of the premises.

ADVERTISING DEVICES

7 Advertising device approval required
No advertising device is to be erected on the premises without the necessary development permit for operational work (advertising device) and/or approval under Council’s Local Law No. 16 (Licensing) and Subordinate Local Law 16.8 (Advertisement). The applicant should contact Council’s Health, Regulatory & Lifeguard Services Branch on (07) 5581 6140 to discuss approval requirements.

AMENITY

8 Location of equipment and ventilation/refrigeration units
All service equipment, mechanical ventilation and refrigeration units associated with the use of the premises must be installed and located to the satisfaction of the Chief Executive Officer so as not to cause nuisance or disturbance to persons outside the curtilage of the premises.

9 Screening of storage
The storage of any machinery, materials or vehicles must be screened so as not to be visible from any road to which the site has frontage, to the satisfaction of the Chief Executive Officer.

10 No nuisance from lighting
All lighting devices must be positioned on the premises and shielded to the satisfaction of the Chief Executive Officer so as not to cause glare or other nuisance to surrounding residents and motorists.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

11 Rear tenancy courtyards
   a Fencing must be erected and maintained between the rear courtyards of each tenancy, and between the rear courtyard of Commercial Tenancy (Office) and the eastern landscaped area, to restrict access to the public. The fencing must be a maximum height of 2.0 metres and be of an open style with a minimum of 50% permeability, to the satisfaction of the Chief Executive Officer.
   b The rear tenancy courtyards are not to be utilised for the storage of any materials or waste.

BUILT FORM

12 Maximum gross floor area
   The gross floor area of the uses must not exceed:
   a Café, Convenience Shop, Restaurant, Shop, Takeaway Food Premises – a maximum of 660m² GFA:
   b Commercial Services – a maximum of 50m².

   For the purposes of this condition, gross floor area is to be calculated in accordance with the definition of ‘Gross Floor Area’ for car parking purposes, in the planning scheme applying at the date of this decision notice.

CAR PARKING AND ACCESS

13 OFF-STREET CAR PARKING FACILITIES
   Off-street car parking facilities must be designed and constructed to the satisfaction of the Chief Executive Officer and at no cost to Council, prior to the commencement of the use the subject of the development approval, in accordance with the following:
   a The off-street car parking facilities (including landscaping) must be designed in accordance with:
      i The plan/s of development referred to in this development approval providing a minimum of 40 off street car parking spaces; and
      ii Car Parking, Access and Transport Integration Constraints Code (Gold Coast City Council Planning Scheme 2003 Version 1.2 amended October 2010); and
   b The off-street car parking facilities must only be used for vehicle parking.
   c All off street car parking bays must be designed and constructed to User Class 3A standard.
   d The area of pavement between car parking bay number 07 and the pedestrian path connection from Brisbane Road into the site must be marked as no parking.
   e The off-street car parking facilities must be drained, sealed and line-marked to a reasonable standard acceptable to a RPEQ qualified Engineer.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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14 FREELY ACCESSIBLE CAR PARKING
All car parking spaces must be freely accessible to employees for the time the use is open for business to bona fide visitors for the duration of any visit to the site. Car parking spaces for employees and visitors must be provided free of cost and have no gateways, doors or similar devices which restrict vehicular access.

15 OFF-STREET COMMERCIAL VEHICLE FACILITIES
Off-street commercial vehicle facilities must be designed and constructed to the satisfaction of the Chief Executive Officer, prior to the commencement of the use the subject of the development approval, in accordance with the following:

a The off-street commercial vehicle facilities (including landscaping) must be designed in accordance with:
   i The plan/s of development referred to in this development approval; and
   ii Car Parking, Access and Transport Integration Constraints Code (Gold Coast City Council Planning Scheme 2003 Version 1.2 amended October 2010); and

b The off-street commercial vehicle facilities must only be used for short term loading and unloading of vehicles.

c The off-street commercial vehicle facilities must be drained, sealed and line-marked to a reasonable standard acceptable to a RPEQ qualified Engineer.

16 LOADING AND UNLOADING

a Loading and unloading operations must be conducted wholly within the site.

b Vehicles waiting to be loaded and unloaded must stand entirely within the site.

c Vehicles must enter and exit the site in a forward gear.

17 OFF-STREET BICYCLE PARKING / END-OF-TRIP FACILITIES
Off-street bicycle parking/end of trip facilities must be provided on-site, prior to the commencement of the use, the subject of the development approval and maintained to the satisfaction of the Chief Executive Officer, generally in accordance with the following:

a The plan/s of development referred to in this development approval; and

b AUSTROADS Guide to Traffic Management (2009): Part 11 – Parking (specifically s6.8.5, Commentary 2 – C2.2 & Commentary 9); and


18 SIGHT DISTANCE FOR PEDESTRIAN SAFETY
Where the access driveway meets the front property boundary (at Loder Street) within the site maintain a clear triangulated sight line of 2m either side of the vehicular crossing and 2.5m back into the site. This area shall remain free from all obstructions.
WASTE

19 Waste facilities

Waste facilities must be designed and constructed in accordance with GROUND/SITE PLAN OVERLAY COUNCIL ROAD PLAN prepared by Angelo Nicolosi Architects, dated June 2010, drawing number SK-001B.

Information Note: A trade waste approval must be obtained from Allconnex Water prior to the discharge from the premises of any trade waste to the wastewater system. Further information may be obtained from Allconnex Water on 1300 000 928.

20 Permanent storage areas

Permanent storage point/s for waste and recycling bulk containers must be provided in accordance with the following provisions:

a. sufficient size for all required containers including an additional area for the manoeuvring of bins;
b. constructed of a solid concrete base or an acceptable equivalent;
c. located to ensure containers remain stationary when not being serviced;
d. located or screened to ensure containers are not visible from passing vehicle or pedestrian traffic, or neighbouring properties; and

e. positioned such that the distance from the point of generation to the waste storage area is not greater than 80m.

21 Commercial wash down facilities

Wash down area/s must be provided for the regular cleaning of waste containers. This area may be incorporated into the permanent storage point or located such that containers can be easily moved to the allocated wash down facility. The wash down area must comply with the following provisions:

a. constructed of a solid concrete base or acceptable equivalent and graded to fall to a drainage point located within the wash down area;
b. drainage point must be connected to sewer and approved by the Implementation & Assessment Branch of Council’s Planning Environmental & Transport Directorate;
c. be covered and designed to prevent rainfall and other surface water flowing into the wash down area;
d. provided with a hose cock within the vicinity of the wash down area; and

e. not be located within 2 metres of an eating or living area of any premises.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

22 Entry to property

Roadways within the development that the waste service vehicle will be required to utilise must comply with the following provisions:

a designed and constructed to allow unobstructed access to and from the servicing point;
b constructed to withstand the fully loaded weight of the waste collection vehicles;
c must not have a gradient greater than 17%;
d designed to enable the vehicle to enter and exit the development in a forward motion and not be required to reverse within the property, unless within cul-de-sacs at roadway ends or within the commercial component of the development.

NOISE

23 Acoustic barrier

A 2.0 metre high acoustic barrier must be designed and constructed in accordance with the recommendations of sketch 1 and section 6.1 of the acoustic report by Carter Rytenskild Group, dated 12 October 2010, reference 08106a report rev 2.

24 Amplified music

a Amplified music is not permitted in the alfresco dining areas of the cafes/restaurants at any time.
b Amplified music within internal areas of restaurants/cafes shall not exceed 75dB(A) measured at 1m from the speakers.

25 Delivery and collection hours

Delivery and collection activities must not be conducted between the hours of 7am to 6pm daily.

26 Alfresco dining hours

Alfresco dining associated with the commercial component of the development is restricted to between the hours of 7am to 10pm daily.

27 Operating hours

Retail/commercial/restaurant and cafes hours of operation is restricted to between the hours of 7am and 10pm daily.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
PN12088/01/DA1

28 Staff car parking
The easternmost car spaces are to be allocated as staff car spaces as detailed in sketch 1 and section 6.1 of the acoustic report by Carter Rytenskild Group, dated 12 October 2010, reference 08106a report rev 2.

29 Sound-lock system
The sound-lock system with two doors and full height walls is to be constructed as detailed in sketch 1 and section 6.1 of the acoustic report by Carter Rytenskild Group, dated 12 October 2010, reference 08106a report rev 2.

VEHICULAR CROSSINGS AND DRIVEWAYS

30 Vehicular crossings
a A vehicular crossing (driveway entry within the road reserve) must be designed and constructed by the applicant (at no cost to Council) in accordance with the following Council Standard Drawing/s for vehicular crossings as applicable:
   i 05-02-301 Vehicular crossing industrial, commercial and multi unit residential.

b The applicant must apply for and obtain a licence from Council for the construction of the vehicular crossing/s.

c The applicant is responsible for securing any necessary approvals from the Department of Main Roads in relation to the proposed access from Brisbane Road, as a State controlled road.

d The vehicular crossing/s must be constructed to the satisfaction of the Chief Executive Officer prior to commencement of the use on the site.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

ROAD RESERVE ALTERATIONS/RECONSTRUCTION

31 Approval required for alterations to road reserve/Council services

The applicant must obtain a development permit for operational work (works for infrastructure) before any alterations to the road reserve or Council water, sewer and/or stormwater services and all other Council assets can be carried out. Such alterations may include but are not limited to:

a Reinstatement of disused driveway crossovers with kerb and channel;
b Vehicle crossovers;
c Footpath construction;
d Pavement construction;
e Kerb and channel;
f Kerb ramps;
g Alteration to footpath levels;
h Signage and linemarking;
i Alterations, connections or additions to Council’s stormwater, water and sewer systems and other assets;
j Retaining walls;
k Medians and traffic islands; and
l All road furniture.

32 Alterations in road reserve to provide equitable access

Any alterations in the road reserve must provide for equitable access, including satisfaction of the requirements of AS1428 Design for access and mobility as if they applied to the road reserve.

33 Reconstruction of kerb and channel / footpath

a Where kerb and channel / footpath is removed or damaged, the applicant must reconstruct the kerb and channel / footpath for the full frontage/s of the development site at Brisbane Road and Loder Street to meet the requirements of section 3.4 of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, prior to the earlier of a request for compliance assessment of the subdivision plan or the commencement of the use of the premises.

b The reconstruction of any service pits or infrastructure necessary to achieve the requirements of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings when constructing/reconstructing kerb and channel and footpaths is to be at the applicant’s cost and at no cost to Council.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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34 Removal of redundant stormwater kerb adaptors / service pits
   The applicant must, at the applicant's cost and at no cost to Council and prior to the earlier of a request for compliance assessment of the subdivision plan or the commencement of the use of the premises, remove any redundant stormwater kerb adaptors and disused service pits from the kerb and channel (including any associated pipework across the footpath).

35 Redundant vehicular crossings
   All redundant vehicle crossings must be removed and kerb and channel reinstated in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings. The removal and reinstatement must be to the satisfaction of the Chief Executive Officer, at no cost to Council, prior to the commencement of the use.

LANDSCAPE WORKS ON PRIVATE LAND

36 Detailed landscape plan to be submitted for approval
   a The applicant must submit to Council for approval a detailed landscape plan, by making a development application for operational work (landscape work). Approval of proposed landscape work must be obtained prior to the earlier of the commencement of operational works (landscaping) or the issue of a certificate of classification.
   b Without limiting the requirements of the planning scheme's Landscape Work Specific Development Code, the detailed landscape plan must:
      i Be prepared by a qualified landscape architect or similar landscape design professional;
      ii Be in general accordance with the Statement of Landscape Intent, being Dwg: 0100901106-LSI, Rev: D, Title: Revised Landscape Layout, Date: September 2010, By: Scenetics;
      iii Reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this approval; and
37 The required landscaping plan must also incorporate the following:

a. Screening shrubs must be installed in the garden beds between the car-park areas and the street front property boundaries;

b. The four (4) feature trees proposed to be planted along the Brisbane Road frontage of the site must be minimum 400 litre bag size at time of planting;

c. A landscape buffer of minimum one (1) metre width must be installed in the setback area between the proposed buildings and neighbouring residential properties. This buffer must extend along the inside of the fence for the entire length of this setback area except for at the rear of “Retail 9” due to access arrangements for the amenities. This buffer must contain dense plantings of appropriate screening shrub species which naturally maintain an acceptable form without requiring regular hedging (e.g. Syzygium “Hinterland Gold”);

d. To enable the planting of tree species, the bio-retention systems must be modified to contain a minimum filter depth of 0.8 metres; and

e. The detailed landscape plan must show locations of, and detailed design drawings of the bio-retention systems that are required by the Stormwater Management Plan prepared for the site. The detailed landscape plan must also incorporate an appropriate list of species in the plant schedule which are suitable for a bio-retention area.

VEGETATION MANAGEMENT

38 Vegetation works OPW application required

This approval does not approve vegetation clearing or damage. Prior to commencement of such works, a development application for operational work (vegetation works) must be made to and approved by Council for any works proposing clearing or damage to any Protected Vegetation. The application must be accompanied by a copy of each of the following plans (and, where a plan has already been approved, that plan must be accompanied by the corresponding approval documentation (ie. decision notice or letter of approval)):

a. The approved MCU / ROL layout plan.

b. The approved bushfire management plan.

c. Plans clearly identifying which vegetation is proposed to be removed and which vegetation is proposed to be retained.

d. A letter from an EPA-approved spotter-catcher together with any necessary fauna management plan or a QPWS-endorsed fauna translocation management plan.

e. A sediment and erosion control and construction management plan.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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For this condition ‘Protected Vegetation’ is defined as vegetation that is:

- equal to, or in excess of, 40 centimetres in girth (circumference) measured at 1.3 metres above average ground level irrespective of the domain or LAP; or
- equal to, or in excess of, four metres in height in the Rural, Park Living or Emerging Communities Domains, Burleigh Ridge LAP, Coomera LAP (Precincts 7, 9 and 10), Coomera Town Centre (Precincts 8, 10 and 11), Currumbin Hill LAP, Eagleby LAP (Precinct 6), East Coomera/Yawalpah Conservation LAP, Guragunbah LAP, Hope Island LAP (Precinct 3), Mudgeeraba Village LAP, Nerang LAP (Precincts 9 and 10), South Stradbroke LAP, Uplands Dr and Woodlands Way LAP, West Burleigh Township LAP or Yatala Enterprise Area LAP.

LANDSCAPE WORKS ON PUBLIC ROAD RESERVE

39 Installation of street trees within public road reserve

The applicant must install street trees in the public road reserve fronting the site along Loder Street and Brisbane Road. All street tree details must be shown and approved on the OPW public landscape application and must be installed, established and maintained in accordance with Council’s Planning Scheme Policies and guidelines.

40 Endorsement of Concepts

The contents of the Statement of Landscape Intent (‘SLI’) referenced in this Decision Notice are approved only in concept. Where details, drawings and the level of embellishment do not comply with endorsed Council policy or guidelines, the Council policy or guideline prevails over the contents of the endorsed SLI.

41 Detailed landscape plans for public landscaping to be submitted for approval

a The applicant must submit to Council for approval detailed landscape plans, by making a development application for operational work (public landscape work).

b Landscape works must not commence on the site until Council has issued a development permit for operational work (public landscape work), or unless otherwise approved by a Council Officer from the Parks & Recreational Services Branch.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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c Without limiting the requirements of the planning scheme’s Landscape Work Specific Development Code, the detailed landscape plan must:
   i be prepared by a qualified landscape architect or similar landscape design professional;
   ii be in general accordance with the Statement of Landscape Intent, being Revised Landscape Layout, project number: 0100901106-LSI, Issue D, prepared by Scenetics Landscape Planners and Consultants and dated September 2010;
   iii reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this approval;
   iv Incorporate the compensatory / replacement vegetation into the landscape works for the site, in accordance with the conditions of this approval;
   vi for works in the road reserve – comply with the following requirements:
      A Trees must not be aligned with side boundaries or where underground services are located;
      B Tree planting must be set back a minimum of one metre from the nominal kerb line;
      C Trees must be a single-trunked canopy shade species able to attain a clear trunk height of 1800 mm on maturity;
      D Trees must be kept a minimum distance of two metres laterally from inlet gullies;
      E Trees must not be planted within twenty metres of the approach side and six metres of the departure side of intersections that are not equipped with traffic signals;
      F Trees must not be planted within fifteen metres of the approach side and six metres of the departure side of a pedestrian crossing or bus stop;
      G All built structures associated with an entry statement must be located within private property. Planting associated with the entry statement is acceptable in the road reserve area only where it achieves the requirements of Planning Scheme Policy 13 - Landscape Strategy Part 2 - Landscape Works Documentation Manual and Planning Scheme Policy 6: Entry Statements; and

d The landscape works must be constructed, in accordance with the approved landscape plan, prior to the commencement of the use of the premises.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

42 ‘Pre-start’ inspection required

Prior to the commencement of approved landscape works on site, the applicant must arrange and attend an on-site ‘Pre-start’ meeting with Council asset owners, Contributed Assets personnel and development representatives. The applicant must contact Council’s Contributed Assets Section (ph: (07) 5582 8052) to schedule the meeting.

43 Establishment period for public road reserve landscaping

a Upon completion of the landscape works in accordance with the approved landscape plans, the applicant must notify Council’s Contributed Assets Section (ph 5582 8052) for an on-site meeting, prior to acceptance by Council of the commencement of the ‘Establishment Period’.

b The applicant is responsible for the establishment of all living components of the public road reserve, to the satisfaction of the Chief Executive Officer, for the duration of a six month ‘Establishment Period’, prior to commencement of the ‘On Maintenance’ period, in accordance with section 6.17 of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

c Without limiting the obligations under section 6.17 of the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings the applicant must, during the ‘Establishment Period’:

i rectify any defects arising from substandard workmanship;

ii replace any planted vegetation of poor quality or inappropriate species where used instead of specified species; and

iii maintain all components and their environs.

44 ‘On Maintenance’ period for public road reserve landscaping

a Upon satisfactory completion of the ‘Establishment’ period and Council notifying the applicant that the public road reserve landscaping has been formally accepted as being ‘On Maintenance’ following an ‘On Maintenance’ inspection, the applicant is responsible for undertaking a 12 month ‘On Maintenance’ period in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

b Without limiting the obligations under section 6.18 of the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, the applicant, and not Council, is responsible for:

i Maintaining public road reserve areas; and

ii For the rectification of defects and any damage that occurs, unless the damage is directly attributable to Council activities.
45 Preparation of preliminary maintenance management plan
   a A preliminary maintenance management plan (‘Preliminary MMP’) for all land identified as Road Reserve in the plans specified in this development approval must be prepared.
   b The Preliminary MMP must be prepared by a suitably qualified professional.
   c The Preliminary MMP must be in accordance with Council’s Open Space Management Guideline: Guideline for the preparation of Reports and Plans associated with the dedication of Public Open Space (November 2007, Version 1).

46 Compliance assessment of Preliminary MMP
The Preliminary MMP is a document requiring compliance assessment under the Sustainable Planning Act 2009. A request for compliance assessment must be made in accordance with the Sustainable Planning Act 2009 for a compliance certificate approving the document, in accordance with the following:
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

| Matters or things against which the document must be assessed | • The planning scheme's Change to Ground Level and Creation of New Waterbodies Specific Development Code;  
|                                                          | • The planning scheme’s Reconfiguring a Lot Specific Development Code;  
|                                                          | • The planning scheme’s Landscape Works Specific Development Code;  
|                                                          | • The planning scheme’s Vegetation Management Specific Development Code;  
|                                                          | • The planning scheme’s Works for Infrastructure Specific Development Code;  
|                                                          | • The planning scheme’s Bushfire Management Areas Constraint Code;  
|                                                          | • The planning scheme’s Canals and Waterways Constraint Code;  
|                                                          | • The planning scheme Car Parking, Access and Transport Integration Constraint Code;  
|                                                          | • The planning scheme’s Cultural Heritage (Indigenous) Constraint Code;  
|                                                          | • The planning scheme’s Natural Wetland Areas and Natural Waterways Constraint Code;  
|                                                          | • The planning scheme’s Nature Conservation Constraint Code;  
|                                                          | • The planning scheme’s Ocean Front Land Constraint Code;  
|                                                          | • Planning Scheme Policy 6 – Entry Statement;  
|                                                          | • Policy 10 – Guidelines for Preparing Management Plans and Plans of Development;  
|                                                          | • Planning Scheme Policy 11 – Land Development Guidelines;  
|                                                          | • Planning Scheme Policy 12 and 13 – Landscape Works Documentation Manual;  
|                                                          | • Planning Scheme Policy 15 – Management of Coastal Dune Areas;  
|                                                          | • Planning Scheme Policy 17 – Site Analysis; and  

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<thead>
<tr>
<th>Compliance assessor</th>
<th>Gold Coast City Council</th>
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</thead>
<tbody>
<tr>
<td>When the request for compliance assessment must be made</td>
<td>At the same time as any development application for operational work (public landscape work) and before any requests for compliance assessment of the subdivision plan/s.</td>
</tr>
</tbody>
</table>

The Preliminary MMP is not an approved plan until a compliance certificate has been issued in respect of it.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ,
CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP,
TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238,
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47 Compliance certificate with requests for compliance assessment of subdivision
plans
A copy of the compliance certificate must be provided with any requests for compliance
assessment of the subdivision plan/s.

48 Preparation of final maintenance management plan
a A final maintenance management plan (‘Final MMP’) for all land identified as
Road Reserve in the plans specified in this development approval must be
prepared.
b The Final MMP must accurately reflect the final, on ground layout of all land
identified in paragraph (a) and identify the most appropriate maintenance regimes
for these areas.
c The Final MMP must be prepared by a suitably qualified professional.
d The Final MMP must be in accordance with Council’s Open Space Management
Guideline: Guideline for the preparation of Reports and Plans associated with the

49 Compliance assessment of Final MMP
The Final MMP is a document requiring compliance assessment under the Sustainable
Planning Act 2009. A request for compliance assessment must be made in
accordance with the Sustainable Planning Act 2009 for a compliance certificate
approving the document, in accordance with the following:
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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<td>When the request for compliance assessment must be made</td>
<td>A minimum of six weeks prior to the ‘on maintenance’ inspection for the open space.</td>
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</tbody>
</table>

The Final MMP is not an approved plan until a compliance certificate has been issued in respect of it.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

ACID SULFATE SOILS AND GROUNDWATER

50 Excavation/filling requiring consideration of acid sulfate soil
   If the proposed development will affect soils below 5m AHD and involves either:
   a The excavation of 100m$^3$ or more of soil or sediment; or
   b The filling of land involving 500m$^3$ or more of material with an average depth of 0.5m or greater,
   the following conditions in relation to acid sulfate soil investigation, management plan preparation and submission of documents to Council must be complied with.

51 Acid sulfate soil investigation
   An acid sulfate soil investigation must be completed. The investigation sampling and analysis must be prepared in accordance with the *Guidelines for Sampling & Analysis of Lowland Acid Sulfate Soils in Queensland* Version 4 (October 1998, Ahern et al 1998) and *Acid Sulfate Soil Laboratory Method Guidelines* Version 2.1 (June 2004, Ahern et al 2004). The investigation must establish the following:
   a The presence/absence of acid sulfate soils over the entire excavation area (ie. through soil investigations);
   b The degree (ie. concentration) of acid leachate generating potential of soils;
   c The required soil dosage rates and quantity of lime required to mitigate acid leachate; and
   d The potential impacts on surrounding environment features.

52 Preparation of acid sulfate soil management plan
   At the completion of the investigation required by the above condition, an acid sulfate soil management plan (‘ASSMP’) directed towards enabling works to be undertaken in a safe and effective manner must be prepared in accordance with:
   a The *Queensland Acid Sulfate Soil Technical Manual* Version 3.8 (November 2002, Dear et al); and
   b Conditions of this approval.
Compliance assessment of acid sulfate soil management plan

The ASSMP is a document requiring compliance assessment under the Sustainable Planning Act 2009. The details of the acid sulfate soil investigation completed pursuant to Condition 4 (including bore hole logs, laboratory results and chain of custody documentations) must be submitted with the ASSMP. A request for compliance assessment must be made in accordance with the Sustainable Planning Act 2009 for a compliance certificate approving the document, in accordance with the following:

<table>
<thead>
<tr>
<th>Matters or things against which the document must be assessed</th>
<th>State Planning Policy 2/02: Planning and Management Development Involving Acid Sulfate Soils (with Guideline for SPP 2/02);</th>
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<tr>
<td></td>
<td>The planning scheme’s Changes to Ground Level and Creation of New Waterbodies Specific Development Code; and</td>
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<td>Planning Scheme Policy 14 – Management of Activities Located Within Areas of Acid Sulfate Soils.</td>
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</table>

When the request for compliance assessment must be made

Before the earlier of:

- A development application for operational work; or
- Any works commencing on-site.

The acid sulfate soil management plan is not an approved plan until a compliance certificate has been issued in respect of it.

Compliance certificate with future operational work development applications

A copy of the compliance certificate for the acid sulfate soil management plan must be provided with any future operational work development applications.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ,
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HYDRAULICS & STORMWATER (QUALITY & QUANTITY) MANAGEMENT

55 Amendment of and compliance with stormwater management plan

a The stormwater management plan being "Information Request Response,
Proposed Commercial Retail Development Lot 5, 6, 7, 8, 9 and 11 on RP80238,
27-35 Brisbane Road and 6 Loder Street, Biggera Waters" prepared by Knobel
Consulting dated 21 September 2010 (File No: K1507-0041-A) is conceptually
approved subject to the following:

i The applicant must submit certification from a Registered Professional
Engineer Queensland (RPEQ) specialising in geotechnical stating that the
seepage loss of 73mm/hr within the site is obtained by considering different
field conditions (e.g. seasonal variation, ground water table etc).

ii The bund level of the bio-retention basins must be located above Q_{20} flood
extent while the invert level of the bio-retention outlet must be at least
above the Q_{3\text{months}} flood level in relation to the adjacent water course. The
applicant must provide the scaled map of the treatment devices on a flood
map showing the Q_{20} and Q_{3\text{months}} flood lines.

iii The stormwater (quality and quantity) management devices identified in the
report must be located such a way that the stormwater runoff from different
areas (car parking, driveway, landscaping) including the roof areas are
directed towards the devices by gravity. In support of this point, the
applicant must provide the detailed sketch of the devices clearly indicating
the inlet and outlet (high & low water) details, riser pipes, inspection
maintenance pipes, scour protection/energy dissipation (if required), weir
detail, planting details, outlet and inlet grating details, pipe invert levels.

iv Any changes in the approved development layout may trigger for revised /
amended stormwater management plan for Council’s approval that must be
prepared in accordance with Council’s current Guidelines / Policies.

v The owner(s) and/or legal authority of the development will be responsible
for monitoring and maintaining the stormwater management devices during
both construction and operational phases at no cost to the Council.
Moreover, the owner(s) will also be responsible to ensure that the OSD
tanks are empty after each rainfall event.

b The amended plans must be submitted prior to lodgement of any future
development application with Council or prior to commencement of work on site,
whichever occurs first and approved by Council to the satisfaction of the CEO;
and

c All stormwater related works must be carried out and completed, and all
maintenance and monitoring must be carried out by the
applicant/developer/owner of the subject property in accordance with the Council
approved stormwater management plan.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

56 No worsening
The development must be designed and constructed so as to result in:
   a No increase in peak flow rates downstream from the site; and
   b No increase in flood levels external to the site; and
   c No increase in duration of inundation external to the site that could cause loss or damage.

57 No loss of floodplain storage
The proposed development shall result in no loss of floodplain storage up to the 100 year ARI regional flood event.

58 Flood management (evacuation & emergency situation)
The flood evacuation management plan (FEMP) being “Flood Hazard Mitigation Plan, Proposed Commercial Retail Development, Lot 5, 6, 7, 8, 9 and 11 on RP80238, 27-35 Brisbane Road and 6 Loder Street, Biggera Waters” prepared by Knobel Consulting dated 3 September 2010 (Project No: K1507-0042) is conceptually approved subject to the following:
   a The flood forecasting, warning and evacuation procedure must be in accordance with the submitted FEMP. The owner/occupants shall take necessary measures to evacuate the residents/occupants of the property into a safe place during a range of flood events including and up to the designated flood event.
   b The proposed development shall ensure no additional burden on SES and Council’s emergency service during the major flood events.

59 Flood hazard signage
The applicant must install flood markers and warning signs within the proposed development site informing occupants that the site is subject to flooding. The applicant must provide details of the design and location(s) of the proposed flood markers and warning signs to Council for approval, prior to the earlier of a request for compliance assessment of the subdivision plan or the issue of a certificate of classification.

Information only:
Prior to the earlier of compliance assessment of the subdivision plan or the issue of a certificate of classification, a notation shall be applied to the rates card stating that the property does not have flood free access during ARI 100 year flood event.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

60 Alteration of overland flow paths
Overland flow paths on the site must not be altered in a way that inhibits or alters the characteristics of existing overland flows on other properties or that creates an increase in flood damage on other properties.

61 Hardstand areas graded towards landscape areas
All hardstand areas must be graded towards landscape areas to promote infiltration of stormwater runoff. No impervious runoff is to be diverted to Council’s drainage system without proper treatment.

62 Certification that engineering drawings reflect stormwater management treatment train
The applicant must provide to Council, in conjunction with any development application for operational work (works for infrastructure), certification from a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater that the submitted engineering drawings accurately reflect the stormwater management treatment train contained within the to be approved (as part of these Conditions of Approval) stormwater management plan.

63 Certification that stormwater management treatment train implemented
a The applicant must provide to Council certification from a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater that the stormwater management treatment train in the to be approved (as part of these Conditions of Approval) stormwater management plan and associated design drawings has been installed on-site and is functioning as designed.

b Certification must be provided prior to the earlier of endorsement of survey plans or the commencement of the use.

64 SQIDs maintenance management plan
The applicant must submit to Council prior to commencement of works, or prior to registration of survey plan, or whichever occurs first, a stormwater quality improvement devices maintenance management plan that is:

a Prepared by a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater; and

ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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EARTHWORKS DESIGN AND MANAGEMENT

65 Erosion and sediment control plan

a The applicant must submit to Council, a detailed erosion and sediment control plan. The plan must:
   i Be prepared by a suitably qualified professional;
   ii Detail erosion and sediment control measures responsive to the nature of the works being undertaken and the site’s constraints;
   iii Reflect the planning scheme’s Sediment and Erosion Control Constraint Code, the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites (The Institution of Engineers, Australia Queensland Division June 1996) and Best Practice Erosion & Sediment Control for Building and Construction Sites, November 2008 prepared by IECA Australia.

b Works must not commence until the plan is approved. All works must be carried out in accordance with the approved plan.

PLUMBING AND DRAINAGE

66 Application for compliance permit for sewerage works required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated sewerage works within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must:

a be accompanied by a hydraulic design for all sewerage works within the property;

b comply with Council’s:
   i Trade Waste Policy; and
   ii Trade Waste Pre-treatment Policy and Guidelines; and

c comply with Council’s Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Gold Coast dated January 1995.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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Information note:

- Sewerage works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.
- Plumbing and drainage approval is not an approval to discharge trade waste to Council’s wastewater system. The generator of trade must complete an Application for Approval to Discharge Trade Waste to Council’s Wastewater System (available on Council’s website) prior to discharging any trade waste.

67 Application for compliance permit for water supply plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated water supply plumbing work within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must:

a. be accompanied by a hydraulic design for all water services within the property; and
b. comply with Section 7 of Council’s Land Development Guidelines.

Information note:

Water supply plumbing works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.

68 Application for compliance permit for fire services plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for all fire services plumbing work within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must be accompanied by a hydraulic design for all fire services within the property.

Information note:

Plumbing works for fire services must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.
CONSTRUCTION MANAGEMENT

69 Construction management plan

a A construction management plan must be submitted to, and approved by, Council prior to the issue of any development permit for the carrying out of building work.

b The construction management plan must be submitted in accordance with the Application for Construction Management Plan form and Guidelines for Construction Management Plans are available on Council’s website.

c The construction management plan must address all activities associated with construction (excluding noise and dust issues), including but not limited to:

i Vehicle access (including responsibility for maintenance of the defined cartage route) during hours of construction;

ii Traffic management (including loading and unloading);

iii Parking of vehicles (including on site employees and delivery vehicles);

iv Maintenance of safe pedestrian movement across the site’s frontage/s (including by people with disabilities);

v Building waste / refuse disposal;

vi Presentation of hoarding to the street;

vii Tree management.

d The construction management plan must demonstrate that:

i the general public will be adequately protected from construction activities;

ii the building site will be kept clean and tidy to maintain public safety and amenity; and

iii demand for occupation of the street and protection of Council assets will be well managed.

e The approved construction management plan must be complied with and kept on-site at all times.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

70 Haulage access / site management

a. Prior to the commencement of works, the applicant must provide a vehicle barrier along the frontages of the land, to ensure that all vehicles only use crossovers approved by the Chief Executive Officer.

b. Loading/unloading operations must be conducted entirely within the site and vehicles waiting to be loaded/unloaded must also stand within the site.

c. All reasonable methods are to be used to reduce nuisance from dust, noise, vibration, smoke and material tracked onto public roads as a result of hauling and filling operations. Upon receipt of a dust nuisance complaint or notification of a dust nuisance by the Council, the applicant is to take reasonable and immediate action to remedy the dust problem to the satisfaction of the Contributed Assets Inspector.

d. The site must be maintained in a clean and tidy state at all times. Satisfactory arrangements must be made for the collection, storage and disposal of all waste materials.

e. Non-recyclable debris must be transported from the site and disposed of at an approved waste facility. Combustion of any material is not permitted on the subject site without prior approval of Council.

f. The applicant must ensure that gravel access areas to the site, transport dust covers and shake (hose) down areas are in place to control both on-site dust nuisance and contamination of external properties, roadways and receiving waterways.

g. Any damage to property (including pavement damage) is to be rectified to the satisfaction of Council prior to the earlier of Council issuing a letter accepting the works on-maintenance or a request for compliance assessment of the subdivision plan. The surrounding carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the applicant’s expense and any such cost are payable prior to the earlier of acceptance of the works on-maintenance or a request for compliance assessment of the subdivision plan.

71 Transport of soil/fill/excavated material

During the transportation of soil and other fill/excavated material:

a. All trucks hauling soil, or fill/excavated material must have their loads secure and covered;

b. Any spillage that falls from the trucks or their wheels must be collected and removed from the site and streets along which the trucks travel, on a daily basis; and

c. Prior to vehicles exiting the site, measures must be taken to remove soil from the wheels of the vehicles to prevent soil and mud being deposited on public roads.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

72 Workplace health and safety
The Workplace Health and Safety Act 1995 and AS 1742 Manual of Uniform Traffic Control Devices must be complied with in carrying out the works, including ensuring safe traffic control and safe public access in respect of works being conducted on a road.

73 Public safety to be ensured
The applicant must, at no cost to Council, ensure that all reasonable safeguards in and around the works are undertaken and maintained at all times to ensure the safety of the public. Such safeguards include, but are not limited to, erecting and maintaining barricades, guards, fencing and signs (and ensuring removal after completion of works) and watching and flagging traffic.

REFERRAL AGENCY CONDITIONS

74 Concurrence agency conditions
The applicant must comply with the conditions set out in the attached correspondence from the following concurrence agencies:


ALLCONNEX WATER CONDITIONS OF APPROVAL

Advice Note: The following part of this development approval represents the conditions for water supply, recycled water and wastewater for Allconnex Water:

WASTEWATER

75 Wastewater reticulation

a The development must be connected to Allconnex Water’s reticulated wastewater system, prior to the commencement of the use of the premises, at the applicant’s cost.

b The size of the property service connection shall be 150mm in accordance with the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, unless otherwise approved by the Allconnex Water.

c Private wastewater reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.

76 Connection point
The existing 150mm wastewater main within the development site, to be capped off at the boundary of Lot 7 on RP80238, must be used as the connection point, unless otherwise approved by Allconnex Water.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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77 Cap-off of Allconnex Water’s wastewater main
   a The existing 150mm wastewater mains within the development site shall be capped off to the boundary of the development site by Allconnex Water at the applicant’s cost.
   b The developer shall submit ‘As Constructed’ data in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, to be completed prior to the commencement of the use of the premises or the issuing of a certificate of classification, whichever occurs first.

78 Connections – arrangements with Allconnex Water
   All live connections to the existing wastewater main are to be performed by Allconnex Water at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection and to obtain a quotation for the work.

79 Redundant wastewater connections
   a Any redundant wastewater house connections within the site or servicing the development must be sealed and capped by Allconnex Water at the applicant’s cost.
   b The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of acceptance of any works ‘On Maintenance’ or the commencement of the use of the premises.

WATER SUPPLY RETICULATION

80 Water supply reticulation (potable only)
   a The development must be connected to Allconnex Water’s water supply system prior to the commencement of the use, at the applicant’s cost.
   b Private water reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.

81 Connection point
   The existing 100mm main in Loder Street must be used as the potable water supply connection point, unless otherwise approved by Allconnex Water.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

82 Installation of property service, water meter box, and meters
   a Provide potable water property service (size to be approved by Allconnex Water) and water meter box to the boundary of the development site, in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings; and
   b All works shall comply with Clause 4.2.7 of Planning Scheme Policy 11- Land Development Guidelines.

83 Individual sub-metering to be provided
   The developer shall provide individual sub-metering for all units within the complex including any common property, in accordance with Sub-metering Policy dated 1 January 2008, as follows unless otherwise approved by Allconnex Water.
   a All meters and their locations shall be approved by Plumbing and Drainage.
   b Automatic Meter Reading (AMR) technology shall be utilised where free access for meter reading cannot be provided.

84 Connections – arrangements with Allconnex Water
   All live connections to the existing water main are to be performed by Allconnex Water at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection (including to obtain a quotation for the work).

85 Redundant water connections
   a Any redundant water meter connections within the site or servicing the development must be removed by Allconnex Water at the applicant’s cost.
   b The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of the acceptance of any works ‘On Maintenance’ or the commencement of the use of the premises.

86 Supply standard
   The applicant must provide water supply to the standard specified in Section 7 of Allconnex Water’s Land Development Guidelines.

87 Fire loading
   Fire loading must not exceed 15L/s unless otherwise approved by Allconnex Water.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

RAINWATER TANKS

88 Rainwater tanks – reticulated supply regions
To achieve water savings targets all:
  a  “Commercial Building” or “Non-residential Building”
  must meet the requirements of Clause 7.3.2.4 (Rainwater Tanks) of Planning Scheme Policy 11- Land Development Guidelines 2005 as amended from time to time.

  Information Note:
  b The terms ‘Commercial Building’ and ‘Non-residential Building’ are defined in the code.

ADVISORY NOTES TO APPLICANT

B Referral agencies
The referral agencies (and their addresses) for the application are listed below.
Any referral agency conditions are identified in the conditions of approval.

<table>
<thead>
<tr>
<th>Referral agency</th>
<th>Address</th>
<th>Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Transport and Main Roads</td>
<td>PO Box 442</td>
<td>Concurrence agency – State</td>
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<tr>
<td></td>
<td>NERANG QLD 4211</td>
<td>controlled road matters</td>
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<tr>
<td>Department of Environment and Resource</td>
<td>GPO Box 2454</td>
<td>Advice Agency – Acid Sulfate Soils</td>
</tr>
<tr>
<td>Management</td>
<td>BRISBANE QLD 4001</td>
<td></td>
</tr>
</tbody>
</table>

C Properly made submissions
There were properly made submissions about the application. The name and address of the principal submitter for each properly made submission is attached to the decision notice.

D Rights of appeal
The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 4.1.27 of the Integrated Planning Act 1997. A copy of that section is attached to the decision notice.
Submitters who made properly made submissions have a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 4.1.28 of the Integrated Planning Act 1997. A copy of that section is attached to the decision notice.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

E Applicant responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;

b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the Environmental Protection Act 1994 of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity');

c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);

d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes;

e Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds $80,000. Acceptable proof of payment is a Q.Leave – Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991; and

f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.
ITEM 1 (Continued)

MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

F Indigenous cultural heritage legislation and duty of care requirement

The Aboriginal Cultural Heritage Act 2003 (‘AHCA’) is administered by the Department of Environment and Resource Management (DERM). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

a Is not negated by the issuing of this development approval;
b Applies on all land and water, including freehold land;
c Lies with the person or entity conducting an activity; and
d If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA. The applicant should contact DERM’s Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the AHCA.

G Greenhouse gas emissions

As part of Council’s commitment to reducing greenhouse gas emissions Council is encouraging the expansion of the natural gas reticulation network. In particular, the use of natural gas hot water systems will result in significantly less greenhouse gas emissions than equivalent electric storage hot water systems.

The applicant should contact the local natural gas reticulator (APA Group) to arrange an assessment of the suitability of the proposed development for connection to the existing gas reticulation network. Please contact Ramon O’Keefe on 0438708798 or email: ramon.o'keefe@apa.com.au.

H Infrastructure charges

Infrastructure contribution policies for the Water, Wastewater, Recreation, Stormwater and Transport Networks are no longer applicable and therefore monetary contribution conditions for these networks are no longer included in the decision notice. Infrastructure charges are now levied under an Adopted Infrastructure Charges Resolution by way of an infrastructure charges notice, which accompanies this decision notice.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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I Obligation to ensure electrical safety

Under the Electrical Safety Act 2002 you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work.

If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.

Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.

Information note:

An exclusion zone sets the minimum safe approach distance to the powerline. Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.

For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations’ web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Infoline – 1300 650 662.

J Rainwater Tanks

A notation is to be placed on Council’s property system for each property, prior to the earlier of endorsement of survey plans or the issue of a certificate of classification, that states:

- A rainwater tank is required to be installed on the premises in accordance with Condition 88 of the decision notice;
- The owner must maintain the rainwater tank system in accordance with all relevant statutory requirements; and
- Council inspectors may undertake a random and risk-based rainwater tank monitoring program involving compliance inspections.

Author:
Lisa Rogers/Keivan Travers
Town Planner
May 2012

Authorised by:
Warren Rowe
Director Planning Environment & Transport
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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Changed Recommendation

As per memo distributed by the Manager of I&A at the meeting conditions 45 – 49 have been deleted and all subsequent conditions renumbered.

COMMITTEE RECOMMENDATION  CP12.0623.001
moved Cr Gates  seconded Cr Tozer

The Council resolve:

Real Property Description Lot 5 on RP80238, Lot 6 on RP80238, Lot 7 on RP80238, Lot 8 on RP80238, Lot 9 on RP80238, Lot 11 on RP80238

Address of Property 27-35 Brisbane Road & 6 Loder Street, Biggera Waters

Area of Property 3,136m² (Lot 5 – 508m², Lot 6 – 604m², Lot 7 – 506m², Lot 8 – 506m², Lot 9 – 506m², & Lot 11 – 506m²)

Decision Type Development Permit for a Material Change of Use

Further Development Permits Building Work, Vehicle Crossover, Operational Work (Advertising Devices), Operational Work (Works for Infrastructure), Operational Work (Landscape Work), Operational Work (Vegetation Works), Operational Work (Public Landscape Work)

Further Compliance Permits Sewerage Works, Water Supply Plumbing Work, Fire Services Plumbing Work

Compliance Assessment required for documents or works Preliminary Maintenance Management Plan, Final Maintenance Management Plan, Acid Sulfate Soil Management Plan

NATURE OF DECISION

K Council approves the issue of a development permit for a Material Change of Use to establish a Café, Convenience Shop, Restaurant, Service Industry (Group A), Shop, Takeaway Food Premises and Commercial Services, subject to the following conditions:
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

APPROVED PLANS/DRAWINGS

1 Amended plans/drawings to be submitted

a Amended plans/drawings must be submitted generally in accordance with:

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<th>Title</th>
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<td>Revised Landscape Layout</td>
<td>September 2010</td>
<td>Scenetics Landscape Planners &amp; Consultants</td>
</tr>
</tbody>
</table>

showing the following amendments:

i The provision of a 1.5 metre setback between all tenancies and the property boundary adjacent to Lot 12, 13, 14, 15, on RP80238, and BUP101838.

ii Remove the pedestrian zebra crossing shown on the Loder Street vehicle crossing.

iii Where the access driveway meets the front property boundary (at Loder Street) within the site show a clear triangulated sight line of 2m either side of the vehicular crossing and 2.5m back into the site. This area shall remain free from all obstructions.

iv Widen the aisle between the parallel and angle parking spaces by an additional 0.5m in addition to the 6.2m or 6.6m aisle required for User Class 3A spaces in accordance to Section 2.4.4 of AS2890.1-2004.

v Reduce the length of the turn bay located between the pedestrian entry from Brisbane Road and car parking bay number 07 to 4.4m such that a vehicle cannot physically park in the space.

b The amended plans/drawings are to be submitted to Council for approval by the Chief Executive Officer prior to the earlier of:

i Issue of a development permit for the carrying out of building work.

ii Commencement of the use of the premises.

c The amended plans/drawings, when approved by the Chief Executive Officer, will be the approved plans/drawings forming part of this approval and a stamped copy will be returned to the applicant. The development must be carried out in general accordance with the approved plans/drawings.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

2 Decision notice and approved plans/drawings to be submitted with subsequent application
A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any building development application relating to or arising from this development approval.

3 Decision notice and approved plans/drawings to be retained on-site
A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

4 Any deviations require further approval
Any proposed deviation from the approved plans/drawings as a result of on-site or in-situ conditions must not be made unless amended plans/drawings are submitted and approved by Council. The development must be carried out in accordance with the approved amended plans/drawings.

5 Notice of works timetable
After successful completion of any pre-start inspections required by conditions of this or other development approvals and at least 3 business days prior to the commencement of any works on-site, the applicant must give Council written notice of the following:

a Application number;
b Site address;
c Name and telephone number (work and after hours) of the project manager and the site owner;
d Works intended to be carried out;
e The proposed timetable associated with the works, including expected commencement, duration and completion date.

The notification is to be sent to Council’s Development Compliance Team Leader (fax: 07 5596 8080; phone: 07 5582 8184). This notification is in addition to any other notifications required by other conditions of this or other development approvals.

A form is available to assist in providing the information relating to Notice of Works/Commencement requirements. The form can be obtained at Council Offices (Nerang, Bundall and Coolangatta). It also can be found on Council's website at www.goldcoast.qld.gov.au/forms (Building & Development).

6 Lots to be amalgamated
Lot 5 on RP80238, Lot 6 on RP80238, Lot 7 on RP80238, Lot 8 on RP80238, Lot 9 on RP80238 and Lot 11 on RP80238 must be amalgamated into one lot. The plan of amalgamation must be registered prior to commencement of the use of the premises.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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ADVERTISING DEVICES

7 Advertising device approval required

No advertising device is to be erected on the premises without the necessary development permit for operational work (advertising device) and/or approval under Council’s Local Law No. 16 (Licensing) and Subordinate Local Law 16.8 (Advertisement). The applicant should contact Council’s Health, Regulatory & Lifeguard Services Branch on (07) 5581 6140 to discuss approval requirements.

AMENITY

8 Location of equipment and ventilation/refrigeration units

All service equipment, mechanical ventilation and refrigeration units associated with the use of the premises must be installed and located to the satisfaction of the Chief Executive Officer so as not to cause nuisance or disturbance to persons outside the curtilage of the premises.

9 Screening of storage

The storage of any machinery, materials or vehicles must be screened so as not to be visible from any road to which the site has frontage, to the satisfaction of the Chief Executive Officer.

10 No nuisance from lighting

All lighting devices must be positioned on the premises and shielded to the satisfaction of the Chief Executive Officer so as not to cause glare or other nuisance to surrounding residents and motorists.

11 Rear tenancy courtyards

a Fencing must be erected and maintained between the rear courtyards of each tenancy, and between the rear courtyard of Commercial Tenancy (Office) and the eastern landscaped area, to restrict access to the public. The fencing must be a maximum height of 2.0 metres and be of an open style with a minimum of 50% permeability, to the satisfaction of the Chief Executive Officer.

b The rear tenancy courtyards are not to be utilised for the storage of any materials or waste.

BUILT FORM

12 Maximum gross floor area

The gross floor area of the uses must not exceed:

a Café, Convenience Shop, Restaurant, Shop, Takeaway Food Premises – a maximum of 660m² GFA:

b Commercial Services – a maximum of 50m².

For the purposes of this condition, gross floor area is to be calculated in accordance with the definition of ‘Gross Floor Area’ for car parking purposes, in the planning scheme applying at the date of this decision notice.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

CAR PARKING AND ACCESS

13 OFF-STREET CAR PARKING FACILITIES

Off-street car parking facilities must be designed and constructed to the satisfaction of the Chief Executive Officer and at no cost to Council, prior to the commencement of the use subject of the development approval, in accordance with the following:

a The off-street car parking facilities (including landscaping) must be designed in accordance with:
   i The plan/s of development referred to in this development approval providing a minimum of 40 off street car parking spaces; and
   ii Car Parking, Access and Transport Integration Constraints Code (Gold Coast City Council Planning Scheme 2003 Version 1.2 amended October 2010); and

b The off-street car parking facilities must only be used for vehicle parking.

c All off street car parking bays must be designed and constructed to User Class 3A standard.

d The area of pavement between car parking bay number 07 and the pedestrian path connection from Brisbane Road into the site must be marked as no parking.

e The off-street car parking facilities must be drained, sealed and line-marked to a reasonable standard acceptable to a RPEQ qualified Engineer.

14 FREELY ACCESSIBLE CAR PARKING

All car parking spaces must be freely accessible to employees for the time the use is open for business to bona fide visitors for the duration of any visit to the site. Car parking spaces for employees and visitors must be provided free of cost and have no gateways, doors or similar devices which restrict vehicular access.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

15 OFF-STREET COMMERCIAL VEHICLE FACILITIES
Off-street commercial vehicle facilities must be designed and constructed to the satisfaction of the Chief Executive Officer, prior to the commencement of the use the subject of the development approval, in accordance with the following:

a The off-street commercial vehicle facilities (including landscaping) must be designed in accordance with:
   i The plan/s of development referred to in this development approval; and
   ii Car Parking, Access and Transport Integration Constraints Code (Gold Coast City Council Planning Scheme 2003 Version 1.2 amended October 2010); and

b The off-street commercial vehicle facilities must only be used for short term loading and unloading of vehicles.

c The off-street commercial vehicle facilities must be drained, sealed and line-marked to a reasonable standard acceptable to a RPEQ qualified Engineer.

16 LOADING AND UNLOADING

a Loading and unloading operations must be conducted wholly within the site.

b Vehicles waiting to be loaded and unloaded must stand entirely within the site.

c Vehicles must enter and exit the site in a forward gear.

17 OFF-STREET BICYCLE PARKING / END-OF-TRIP FACILITIES
Off-street bicycle parking/end of trip facilities must be provided on-site, prior to the commencement of the use, the subject of the development approval and maintained to the satisfaction of the Chief Executive Officer, generally in accordance with the following:

a The plan/s of development referred to in this development approval; and

b AUSTROADS Guide to Traffic Management (2009): Part 11 – Parking (specifically s6.8.5, Commentary 2 – C2.2 & Commentary 9); and


18 SIGHT DISTANCE FOR PEDESTRIAN SAFETY
Where the access driveway meets the front property boundary (at Loder Street) within the site maintain a clear triangulated sight line of 2m either side of the vehicular crossing and 2.5m back into the site. This area shall remain free from all obstructions.

WASTE

19 Waste facilities
Waste facilities must be designed and constructed in accordance with GROUND/SITE PLAN OVERLAY COUNCIL ROAD PLAN prepared by Angelo Nicolosi Architects, dated June 2010, drawing number SK-001B.

Information Note: A trade waste approval must be obtained from Allconnex Water prior to the discharge from the premises of any trade waste to the wastewater system. Further information may be obtained from Allconnex Water on 1300 000 928.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

20 Permanent storage areas

Permanent storage point/s for waste and recycling bulk containers must be provided in accordance with the following provisions:

a sufficient size for all required containers including an additional area for the manoeuvring of bins;
b constructed of a solid concrete base or an acceptable equivalent;
c located to ensure containers remain stationary when not being serviced;
d located or screened to ensure containers are not visible from passing vehicle or pedestrian traffic, or neighbouring properties; and
e positioned such that the distance from the point of generation to the waste storage area is not greater than 80m.

21 Commercial wash down facilities

Wash down area/s must be provided for the regular cleaning of waste containers. This area may be incorporated into the permanent storage point or located such that containers can be easily moved to the allocated wash down facility. The wash down area must comply with the following provisions:

a constructed of a solid concrete base or acceptable equivalent and graded to fall to a drainage point located within the wash down area;
b drainage point must be connected to sewer and approved by the Implementation & Assessment Branch of Council’s Planning Environmental & Transport Directorate;
c be covered and designed to prevent rainfall and other surface water flowing into the wash down area;
d provided with a hose cock within the vicinity of the wash down area; and
e not be located within 2 metres of an eating or living area of any premises.

22 Entry to property

Roadways within the development that the waste service vehicle will be required to utilise must comply with the following provisions:

a designed and constructed to allow unobstructed access to and from the servicing point;
b constructed to withstand the fully loaded weight of the waste collection vehicles;
c must not have a gradient greater than 17%;
d designed to enable the vehicle to enter and exit the development in a forward motion and not be required to reverse within the property, unless within cul-de-sacs at roadway ends or within the commercial component of the development.
ITEM 1 (Continued)  
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4  
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NOISE

23 **Acoustic barrier**  
A 2.0 metre high acoustic barrier must be designed and constructed in accordance with the recommendations of sketch 1 and section 6.1 of the acoustic report by Carter Rytenskild Group, dated 12 October 2010, reference 08106a report rev 2.

24 **Amplified music**  
   a Amplified music is not permitted in the alfresco dining areas of the cafes/restaurants at any time.
   b Amplified music within internal areas of restaurants/cafes shall not exceed 75dB(A) measured at 1m from the speakers.

25 **Delivery and collection hours**  
Delivery and collection activities must not be conducted between the hours of 7am to 6pm daily.

26 **Alfresco dining hours**  
Alfresco dining associated with the commercial component of the development is restricted to between the hours of 7am to 10pm daily.

27 **Operating hours**  
Retail/commercial/restaurant and cafes hours of operation is restricted to between the hours of 7am and 10pm daily.

28 **Staff car parking**  
The easternmost car spaces are to be allocated as staff car spaces as detailed in sketch 1 and section 6.1 of the acoustic report by Carter Rytenskild Group, dated 12 October 2010, reference 08106a report rev 2.

29 **Sound-lock system**  
The sound-lock system with two doors and full height walls is to be constructed as detailed in sketch 1 and section 6.1 of the acoustic report by Carter Rytenskild Group, dated 12 October 2010, reference 08106a report rev 2.

VEHICULAR CROSSINGS AND DRIVEWAYS

30 **Vehicular crossings**  
   a A vehicular crossing (driveway entry within the road reserve) must be designed and constructed by the applicant (at no cost to Council) in accordance with the following Council Standard Drawing/s for vehicular crossings as applicable:
      i 05-02-301 Vehicular crossing industrial, commercial and multi unit residential.
   b The applicant must apply for and obtain a licence from Council for the construction of the vehicular crossing/s.
   c The applicant is responsible for securing any necessary approvals from the Department of Main Roads in relation to the proposed access from Brisbane Road, as a State controlled road.
   d The vehicular crossing/s must be constructed to the satisfaction of the Chief Executive Officer prior to commencement of the use on the site.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

ROAD RESERVE ALTERATIONS/RECONSTRUCTION

31 Approval required for alterations to road reserve/Council services
The applicant must obtain a development permit for operational work (works for infrastructure) before any alterations to the road reserve or Council water, sewer and/or stormwater services and all other Council assets can be carried out. Such alterations may include but are not limited to:

a Reinstatement of disused driveway crossovers with kerb and channel;
b Vehicle crossovers;
c Footpath construction;
d Pavement construction;
e Kerb and channel;
f Kerb ramps;
g Alteration to footpath levels;
h Signage and linemarking;
i Alterations, connections or additions to Council’s stormwater, water and sewer systems and other assets;
j Retaining walls;
k Medians and traffic islands; and
l All road furniture.

32 Alterations in road reserve to provide equitable access
Any alterations in the road reserve must provide for equitable access, including satisfaction of the requirements of AS1428 Design for access and mobility as if they applied to the road reserve.

33 Reconstruction of kerb and channel / footpath

a Where kerb and channel / footpath is removed or damaged, the applicant must reconstruct the kerb and channel / footpath for the full frontage/s of the development site at Brisbane Road and Loder Street to meet the requirements of section 3.4 of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, prior to the earlier of a request for compliance assessment of the subdivision plan or the commencement of the use of the premises.

b The reconstruction of any service pits or infrastructure necessary to achieve the requirements of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings when constructing/reconstructing kerb and channel and footpaths is to be at the applicant’s cost and at no cost to Council.

34 Removal of redundant stormwater kerb adaptors / service pits
The applicant must, at the applicant’s cost and at no cost to Council and prior to the earlier of a request for compliance assessment of the subdivision plan or the commencement of the use of the premises, remove any redundant stormwater kerb adaptors and disused service pits from the kerb and channel (including any associated pipework across the footpath).
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

35 Redundant vehicular crossings

All redundant vehicle crossings must be removed and kerb and channel reinstated in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings. The removal and reinstatement must be to the satisfaction of the Chief Executive Officer, at no cost to Council, prior to the commencement of the use.

LANDSCAPE WORKS ON PRIVATE LAND

36 Detailed landscape plan to be submitted for approval

a The applicant must submit to Council for approval a detailed landscape plan, by making a development application for operational work (landscape work). Approval of proposed landscape work must be obtained prior to the earlier of the commencement of operational works (landscaping) or the issue of a certificate of classification.

b Without limiting the requirements of the planning scheme’s Landscape Work Specific Development Code, the detailed landscape plan must:

i Be prepared by a qualified landscape architect or similar landscape design professional;

ii Be in general accordance with the Statement of Landscape Intent, being Dwg: 0100901106-LSI, Rev: D, Title: Revised Landscape Layout, Date: September 2010, By: Scenetics;

iii Reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this approval; and


37 The required landscaping plan must also incorporate the following:

a Screening shrubs must be installed in the garden beds between the car-park areas and the street front property boundaries;

b The four (4) feature trees proposed to be planted along the Brisbane Road frontage of the site must be minimum 400 litre bag size at time of planting;

c A landscape buffer of minimum one (1) metre width must be installed in the setback area between the proposed buildings and neighbouring residential properties. This buffer must extend along the inside of the fence for the entire length of this setback area except for at the rear of “Retail 9” due to access arrangements for the amenities. This buffer must contain dense plantings of appropriate screening shrub species which naturally maintain an acceptable form without requiring regular hedging (e.g. *Syzygium “Hinterland Gold”*);

d To enable the planting of tree species, the bio-retention systems must be modified to contain a minimum filter depth of 0.8 metres; and

e The detailed landscape plan must show locations of, and detailed design drawings of the bio-retention systems that are required by the Stormwater Management Plan prepared for the site. The detailed landscape plan must also incorporate an appropriate list of species in the plant schedule which are suitable for a bio-retention area.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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VEGETATION MANAGEMENT
38 Vegetation works OPW application required
This approval does not approve vegetation clearing or damage. Prior to commencement of such works, a development application for operational work (vegetation works) must be made to and approved by Council for any works proposing clearing or damage to any Protected Vegetation. The application must be accompanied by a copy of each of the following plans (and, where a plan has already been approved, that plan must be accompanied by the corresponding approval documentation (ie. decision notice or letter of approval)):

a) The approved MCU / ROL layout plan.
b) The approved bushfire management plan.
c) Plans clearly identifying which vegetation is proposed to be removed and which vegetation is proposed to be retained.
d) A letter from an EPA-approved spotter-catcher together with any necessary fauna management plan or a QPWS-endorsed fauna translocation management plan.
e) A sediment and erosion control and construction management plan.
For this condition ‘Protected Vegetation’ is defined as vegetation that is:
- equal to, or in excess of, 40 centimetres in girth (circumference) measured at 1.3 metres above average ground level irrespective of the domain or LAP; or
- equal to, or in excess of, four metres in height in the Rural, Park Living or Emerging Communities Domains, Burleigh Ridge LAP, Coomera LAP (Precincts 7, 9 and 10), Coomera Town Centre (Precincts 8, 10 and 11), Currumbin Hill LAP, Eagleby LAP (Precinct 6), East Coomera/Yawalpah Conservation LAP, Guragunbah LAP, Hope Island LAP (Precinct 3), Mudgeeraba Village LAP, Nerang LAP (Precincts 9 and 10), South Stradbroke LAP, Uplands Dr and Woodlands Way LAP, West Burleigh Township LAP or Yatala Enterprise Area LAP.

LANDSCAPE WORKS ON PUBLIC ROAD RESERVE
39 Installation of street trees within public road reserve
The applicant must install street trees in the public road reserve fronting the site along Loder Street and Brisbane Road. All street tree details must be shown and approved on the OPW public landscape application and must be installed, established and maintained in accordance with Council’s Planning Scheme Policies and guidelines.

40 Endorsement of Concepts
The contents of the Statement of Landscape Intent (‘SLI’) referenced in this Decision Notice are approved only in concept. Where details, drawings and the level of embellishment do not comply with endorsed Council policy or guidelines, the Council policy or guideline prevails over the contents of the endorsed SLI.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

41 Detailed landscape plans for public landscaping to be submitted for approval
   a The applicant must submit to Council for approval detailed landscape plans, by making a development application for operational work (public landscape work).
   b Landscape works must not commence on the site until Council has issued a development permit for operational work (public landscape work), or unless otherwise approved by a Council Officer from the Parks & Recreational Services Branch.
   c Without limiting the requirements of the planning scheme’s Landscape Work Specific Development Code, the detailed landscape plan must:
      i be prepared by a qualified landscape architect or similar landscape design professional;
      ii be in general accordance with the Statement of Landscape Intent, being Revised Landscape Layout, project number: 0100901106-LSI, Issue D, prepared by Scenetics Landscape Planners and Consultants and dated September 2010;
      iii reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this approval;
      iv Incorporate the compensatory / replacement vegetation into the landscape works for the site, in accordance with the conditions of this approval;
      vi for works in the road reserve – comply with the following requirements:
         A Trees must not be aligned with side boundaries or where underground services are located;
         B Tree planting must be set back a minimum of one metre from the nominal kerb line;
         C Trees must be a single-trunked canopy shade species able to attain a clear trunk height of 1800 mm on maturity;
         D Trees must be kept a minimum distance of two metres laterally from inlet gullies;
         E Trees must not be planted within twenty metres of the approach side and six metres of the departure side of intersections that are not equipped with traffic signals;
         F Trees must not be planted within fifteen metres of the approach side and six metres of the departure side of a pedestrian crossing or bus stop;
         G All built structures associated with an entry statement must be located within private property. Planting associated with the entry statement is acceptable in the road reserve area only where it achieves the requirements of Planning Scheme Policy 13 - Landscape Strategy Part 2 - Landscape Works Documentation Manual and Planning Scheme Policy 6: Entry Statements; and
   d The landscape works must be constructed, in accordance with the approved landscape plan, prior to the commencement of the use of the premises.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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42 ‘Pre-start’ inspection required

Prior to the commencement of approved landscape works on site, the applicant must arrange and attend an on-site ‘Pre-start’ meeting with Council asset owners, Contributed Assets personnel and development representatives. The applicant must contact Council’s Contributed Assets Section (ph: (07) 5582 8052) to schedule the meeting.

43 Establishment period for public road reserve landscaping

a Upon completion of the landscape works in accordance with the approved landscape plans, the applicant must notify Council’s Contributed Assets Section (ph 5582 8052) for an on-site meeting, prior to acceptance by Council of the commencement of the ‘Establishment Period’.

b The applicant is responsible for the establishment of all living components of the public road reserve, to the satisfaction of the Chief Executive Officer, for the duration of a six month ‘Establishment Period’, prior to commencement of the ‘On Maintenance’ period, in accordance with section 6.17 of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

c Without limiting the obligations under section 6.17 of the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings the applicant must, during the ‘Establishment Period’:
   i rectify any defects arising from substandard workmanship;
   ii replace any planted vegetation of poor quality or inappropriate species where used instead of specified species; and
   iii maintain all components and their environs.

44 ‘On Maintenance’ period for public road reserve landscaping

a Upon satisfactory completion of the ‘Establishment’ period and Council notifying the applicant that the public road reserve landscaping has been formally accepted as being ‘On Maintenance’ following an ‘On Maintenance’ inspection, the applicant is responsible for undertaking a 12 month ‘On Maintenance’ period in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

b Without limiting the obligations under section 6.18 of the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, the applicant, and not Council, is responsible for:
   i Maintaining public road reserve areas; and
   ii For the rectification of defects and any damage that occurs, unless the damage is directly attributable to Council activities.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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ACID SULFATE SOILS AND GROUNDWATER

45 Excavation/filling requiring consideration of acid sulfate soil

If the proposed development will affect soils below 5m AHD and involves either:

a) The excavation of 100m³ or more of soil or sediment; or

b) The filling of land involving 500m³ or more of material with an average depth of 0.5m or greater,

the following conditions in relation to acid sulfate soil investigation, management plan preparation and submission of documents to Council must be complied with.

46 Acid sulfate soil investigation

An acid sulfate soil investigation must be completed. The investigation sampling and analysis must be prepared in accordance with the Guidelines for Sampling & Analysis of Lowland Acid Sulfate Soils in Queensland Version 4 (October 1998, Ahern et al 1998) and Acid Sulfate Soil Laboratory Method Guidelines Version 2.1 (June 2004, Ahern et al 2004). The investigation must establish the following:

a) The presence/absence of acid sulfate soils over the entire excavation area (ie. through soil investigations);

b) The degree (ie. concentration) of acid leachate generating potential of soils;

c) The required soil dosage rates and quantity of lime required to mitigate acid leachate; and

d) The potential impacts on surrounding environment features.

47 Preparation of acid sulfate soil management plan

At the completion of the investigation required by the above condition, an acid sulfate soil management plan (‘ASSMP’) directed towards enabling works to be undertaken in a safe and effective manner must be prepared in accordance with:

a) The Queensland Acid Sulfate Soil Technical Manual Version 3.8 (November 2002, Dear et al); and

b) Conditions of this approval.

48 Compliance assessment of acid sulfate soil management plan

The ASSMP is a document requiring compliance assessment under the Sustainable Planning Act 2009. The details of the acid sulfate soil investigation completed pursuant to Condition 4 (including bore hole logs, laboratory results and chain of custody documentations) must be submitted with the ASSMP. A request for compliance assessment must be made in accordance with the Sustainable Planning Act 2009 for a compliance certificate approving the document, in accordance with the following:
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

| Matters or things against which the document must be assessed | • State Planning Policy 2/02: Planning and Management Development Involving Acid Sulfate Soils (with Guideline for SPP 2/02);
|                | • The planning scheme’s Changes to Ground Level and Creation of New Waterbodies Specific Development Code; and
|                | • Planning Scheme Policy 14 – Management of Activities Located Within Areas of Acid Sulfate Soils. |

| Compliance assessor | Gold Coast City Council |

| When the request for compliance assessment must be made | Before the earlier of:
|                                                          | • A development application for operational work; or
|                                                          | • Any works commencing on-site. |

The acid sulfate soil management plan is not an approved plan until a compliance certificate has been issued in respect of it.

49 Compliance certificate with future operational work development applications

A copy of the compliance certificate for the acid sulfate soil management plan must be provided with any future operational work development applications.

HYDRAULICS & STORMWATER (QUALITY & QUANTITY) MANAGEMENT

50 Amendment of and compliance with stormwater management plan

a The stormwater management plan being "Information Request Response, Proposed Commercial Retail Development Lot 5, 6, 7, 8, 9 and 11 on RP80238, 27-35 Brisbane Road and 6 Loder Street, Biggera Waters" prepared by Knobel Consulting dated 21 September 2010 (File No: K1507-0041-A) is conceptually approved subject to the following:

i The applicant must submit certification from a Registered Professional Engineer Queensland (RPEQ) specialising in geotechnical stating that the seepage loss of 73mm/hr within the site is obtained by considering different field conditions (e.g. seasonal variation, ground water table etc).

ii The bund level of the bio-retention basins must be located above $Q_{20}$ flood extent while the invert level of the bio-retention outlet must be at least above the $Q_{3months}$ flood level in relation to the adjacent water course. The applicant must provide the scaled map of the treatment devices on a flood map showing the $Q_{20}$ and $Q_{3months}$ flood lines.
### ITEM 1 (Continued)
**MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1**

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<tr>
<td>iii</td>
<td>The stormwater (quality and quantity) management devices identified in the report must be located such a way that the stormwater runoff from different areas (car parking, driveway, landscaping) including the roof areas are directed towards the devices by gravity. In support of this point, the applicant must provide the detailed sketch of the devices clearly indicating the inlet and outlet (high &amp; low water) details, riser pipes, inspection maintenance pipes, scour protection/energy dissipation (if required), weir detail, planting details, outlet and inlet grating details, pipe invert levels.</td>
</tr>
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<td>iv</td>
<td>Any changes in the approved development layout may trigger for revised/amended stormwater management plan for Council’s approval that must be prepared in accordance with Council’s current Guidelines/Policies.</td>
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<tr>
<td>v</td>
<td>The owner(s) and/or legal authority of the development will be responsible for monitoring and maintaining the stormwater management devices during both construction and operational phases at no cost to the Council. Moreover, the owner(s) will also be responsible to ensure that the OSD tanks are empty after each rainfall event.</td>
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</table>

b The amended plans must be submitted prior to lodgement of any future development application with Council or prior to commencement of work on site, whichever occurs first and approved by Council to the satisfaction of the CEO; and

c All stormwater related works must be carried out and completed, and all maintenance and monitoring must be carried out by the applicant/developer/owner of the subject property in accordance with the Council approved stormwater management plan.

### 51 No worsening
The development must be designed and constructed so as to result in:

a No increase in peak flow rates downstream from the site; and

b No increase in flood levels external to the site; and

c No increase in duration of inundation external to the site that could cause loss or damage.

### 52 No loss of floodplain storage
The proposed development shall result in no loss of floodplain storage up to the 100 year ARI regional flood event.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

53 Flood management (evacuation & emergency situation)

The flood evacuation management plan (FEMP) being “Flood Hazard Mitigation Plan, Proposed Commercial Retail Development, Lot 5, 6, 7, 8, 9 and 11 on RP80238, 27-35 Brisbane Road and 6 Loder Street, Biggera Waters" prepared by Knobel Consulting dated 3 September 2010 (Project No: K1507-0042) is conceptually approved subject to the following:

a. The flood forecasting, warning and evacuation procedure must be in accordance with the submitted FEMP. The owner/occupants shall take necessary measures to evacuate the residents/occupants of the property into a safe place during a range of flood events including and up to the designated flood event.

b. The proposed development shall ensure no additional burden on SES and Council’s emergency service during the major flood events.

54 Flood hazard signage

The applicant must install flood markers and warning signs within the proposed development site informing occupants that the site is subject to flooding. The applicant must provide details of the design and location(s) of the proposed flood markers and warning signs to Council for approval, prior to the earlier of a request for compliance assessment of the subdivision plan or the issue of a certificate of classification.

Information only:

Prior to the earlier of compliance assessment of the subdivision plan or the issue of a certificate of classification, a notation shall be applied to the rates card stating that the property does not have flood free access during ARI 100 year flood event.

55 Alteration of overland flow paths

Overland flow paths on the site must not be altered in a way that inhibits or alters the characteristics of existing overland flows on other properties or that creates an increase in flood damage on other properties.

56 Hardstand areas graded towards landscape areas

All hardstand areas must be graded towards landscape areas to promote infiltration of stormwater runoff. No impervious runoff is to be diverted to Council's drainage system without proper treatment.

57 Certification that engineering drawings reflect stormwater management treatment train

The applicant must provide to Council, in conjunction with any development application for operational work (works for infrastructure), certification from a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater that the submitted engineering drawings accurately reflect the stormwater management treatment train contained within the to be approved (as part of these Conditions of Approval) stormwater management plan.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

58 Certification that stormwater management treatment train implemented
   a The applicant must provide to Council certification from a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater that the stormwater management treatment train in the to be approved (as part of these Conditions of Approval) stormwater management plan and associated design drawings has been installed on-site and is functioning as designed.
   b Certification must be provided prior to the earlier of endorsement of survey plans or the commencement of the use.

59 SQIDs maintenance management plan
   The applicant must submit to Council prior to commencement of works, or prior to registration of survey plan, or whichever occurs first, a stormwater quality improvement devices maintenance management plan that is:
   a Prepared by a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater; and

EARTHWORKS DESIGN AND MANAGEMENT

60 Erosion and sediment control plan
   a The applicant must submit to Council, a detailed erosion and sediment control plan. The plan must:
      i Be prepared by a suitably qualified professional;
      ii Detail erosion and sediment control measures responsive to the nature of the works being undertaken and the site’s constraints;
      iii Reflect the planning scheme’s Sediment and Erosion Control Constraint Code, the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites (The Institution of Engineers, Australia Queensland Division June 1996) and Best Practice Erosion & Sediment Control for Building and Construction Sites, November 2008 prepared by IECA Australia.
   b Works must not commence until the plan is approved. All works must be carried out in accordance with the approved plan.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LORDER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

PLUMBING AND DRAINAGE

61 Application for compliance permit for sewerage works required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated sewerage works within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must:

a be accompanied by a hydraulic design for all sewerage works within the property;

b comply with Council’s:

i Trade Waste Policy; and

ii Trade Waste Pre-treatment Policy and Guidelines; and

c comply with Council’s Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Gold Coast dated January 1995.

Information note:

- Sewerage works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.

- Plumbing and drainage approval is not an approval to discharge trade waste to Council’s wastewater system. The generator of trade must complete an Application for Approval to Discharge Trade Waste to Council’s Wastewater System (available on Council’s website) prior to discharging any trade waste.

62 Application for compliance permit for water supply plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated water supply plumbing work within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must:

a be accompanied by a hydraulic design for all water services within the property; and

b comply with Section 7 of Council’s Land Development Guidelines.

Information note:

- Water supply plumbing works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.

63 Application for compliance permit for fire services plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for all fire services plumbing work within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must be accompanied by a hydraulic design for all fire services within the property.

Information note:

- Plumbing works for fire services must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.
CONSTRUCTION MANAGEMENT

64  Construction management plan

a  A construction management plan must be submitted to, and approved by, Council prior to the issue of any development permit for the carrying out of building work.

b  The construction management plan must be submitted in accordance with the Application for Construction Management Plan form and Guidelines for Construction Management Plans are available on Council’s website.

c  The construction management plan must address all activities associated with construction (excluding noise and dust issues), including but not limited to:

i  Vehicle access (including responsibility for maintenance of the defined cartage route) during hours of construction;

ii  Traffic management (including loading and unloading);

iii  Parking of vehicles (including on site employees and delivery vehicles);

iv  Maintenance of safe pedestrian movement across the site’s frontage/s (including by people with disabilities);

v  Building waste / refuse disposal;

vi  Presentation of hoarding to the street;

vii  Tree management.

d  The construction management plan must demonstrate that:

i  the general public will be adequately protected from construction activities;

ii  the building site will be kept clean and tidy to maintain public safety and amenity; and

iii  demand for occupation of the street and protection of Council assets will be well managed.

e  The approved construction management plan must be complied with and kept on-site at all times.

65  Haulage access / site management

a  Prior to the commencement of works, the applicant must provide a vehicle barrier along the frontages of the land, to ensure that all vehicles only use crossovers approved by the Chief Executive Officer.

b  Loading/unloading operations must be conducted entirely within the site and vehicles waiting to be loaded/unloaded must also stand within the site.

c  All reasonable methods are to be used to reduce nuisance from dust, noise, vibration, smoke and material tracked onto public roads as a result of hauling and filling operations. Upon receipt of a dust nuisance complaint or notification of a dust nuisance by the Council, the applicant is to take reasonable and immediate action to remedy the dust problem to the satisfaction of the Contributed Assets Inspector.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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<td>d</td>
<td>The site must be maintained in a clean and tidy state at all times. Satisfactory arrangements must be made for the collection, storage and disposal of all waste materials.</td>
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<td>e</td>
<td>Non-recyclable debris must be transported from the site and disposed of at an approved waste facility. Combustion of any material is not permitted on the subject site without prior approval of Council.</td>
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<td>f</td>
<td>The applicant must ensure that gravel access areas to the site, transport dust covers and shake (hose) down areas are in place to control both on-site dust nuisance and contamination of external properties, roadways and receiving waterways.</td>
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<td>g</td>
<td>Any damage to property (including pavement damage) is to be rectified to the satisfaction of Council prior to the earlier of Council issuing a letter accepting the works on-maintenance or a request for compliance assessment of the subdivision plan. The surrounding carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the applicant’s expense and any such cost are payable prior to the earlier of acceptance of the works on-maintenance or a request for compliance assessment of the subdivision plan.</td>
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66 Transport of soil/fill/excavated material

During the transportation of soil and other fill/excavated material:

| a | All trucks hauling soil, or fill/excavated material must have their loads secure and covered; |
| b | Any spillage that falls from the trucks or their wheels must be collected and removed from the site and streets along which the trucks travel, on a daily basis; and |
| c | Prior to vehicles exiting the site, measures must be taken to remove soil from the wheels of the vehicles to prevent soil and mud being deposited on public roads. |

67 Workplace health and safety

The Workplace Health and Safety Act 1995 and AS 1742 Manual of Uniform Traffic Control Devices must be complied with in carrying out the works, including ensuring safe traffic control and safe public access in respect of works being conducted on a road.

68 Public safety to be ensured

The applicant must, at no cost to Council, ensure that all reasonable safeguards in and around the works are undertaken and maintained at all times to ensure the safety of the public. Such safeguards include, but are not limited to, erecting and maintaining barricades, guards, fencing and signs (and ensuring removal after completion of works) and watching and flagging traffic.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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REFERRAL AGENCY CONDITIONS

69 Concurrence agency conditions
The applicant must comply with the conditions set out in the attached correspondence from the following concurrence agencies:


ALLCONNEX WATER CONDITIONS OF APPROVAL

Advice Note: The following part of this development approval represents the conditions for water supply, recycled water and wastewater for Allconnex Water:

WASTEWATER

70 Wastewater reticulation

a The development must be connected to Allconnex Water’s reticulated wastewater system, prior to the commencement of the use of the premises, at the applicant’s cost.

b The size of the property service connection shall be 150mm in accordance with the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, unless otherwise approved by the Allconnex Water.

c Private wastewater reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.

71 Connection point
The existing 150mm wastewater main within the development site, to be capped off at the boundary of Lot 7 on RP80238, must be used as the connection point, unless otherwise approved by Allconnex Water.

72 Cap-off of Allconnex Water’s wastewater main

a The existing 150mm wastewater mains within the development site shall be capped off to the boundary of the development site by Allconnex Water at the applicant’s cost.

b The developer shall submit ‘As Constructed’ data in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, to be completed prior to the commencement of the use of the premises or the issuing of a certificate of classification, whichever occurs first.

73 Connections – arrangements with Allconnex Water
All live connections to the existing wastewater main are to be performed by Allconnex Water at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection and to obtain a quotation for the work.
74 Redundant wastewater connections
   a Any redundant wastewater house connections within the site or servicing the
development must be sealed and capped by Allconnex Water at the applicant’s
cost.
   b The applicant must provide written evidence to Allconnex Water that this has
occurred prior to the earlier of acceptance of any works ‘On Maintenance’ or the
commencement of the use of the premises.

WATER SUPPLY RETICULATION

75 Water supply reticulation (potable only)
   a The development must be connected to Allconnex Water’s water supply system
prior to the commencement of the use, at the applicant’s cost.
   b Private water reticulation works within the site must be designed and constructed
in accordance with the requirements of the Plumbing and Drainage Act 2002.

76 Connection point
   The existing 100mm main in Loder Street must be used as the potable water supply
connection point, unless otherwise approved by Allconnex Water.

77 Installation of property service, water meter box, and meters
   a Provide potable water property service (size to be approved by Allconnex Water)
and water meter box to the boundary of the development site, in accordance with
Planning Scheme Policy 11 – Land Development Guidelines, Standard
Specifications and Drawings; and
   b All works shall comply with Clause 4.2.7 of Planning Scheme Policy 11- Land
Development Guidelines.

78 Individual sub-metering to be provided
   The developer shall provide individual sub-metering for all units within the complex
including any common property, in accordance with Sub-metering Policy dated 1
January 2008, as follows unless otherwise approved by Allconnex Water.
   a All meters and their locations shall be approved by Plumbing and Drainage.
   b Automatic Meter Reading (AMR) technology shall be utilised where free access
for meter reading cannot be provided.

79 Connections – arrangements with Allconnex Water
   All live connections to the existing water main are to be performed by Allconnex Water
at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services
and Construction Branch (phone 5581 7564) to make arrangements for the connection
(including to obtain a quotation for the work).
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

80 Redundant water connections
   a Any redundant water meter connections within the site or servicing the development must be removed by Allconnex Water at the applicant’s cost.
   b The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of the acceptance of any works ‘On Maintenance’ or the commencement of the use of the premises.

81 Supply standard
   The applicant must provide water supply to the standard specified in Section 7 of Allconnex Water’s Land Development Guidelines.

82 Fire loading
   Fire loading must not exceed 15L/s unless otherwise approved by Allconnex Water.

RAINWATER TANKS

83 Rainwater tanks – reticulated supply regions
   To achieve water savings targets all:
   a “Commercial Building” or “Non-residential Building” must meet the requirements of Clause 7.3.2.4 (Rainwater Tanks) of Planning Scheme Policy 11- Land Development Guidelines 2005 as amended from time to time.
      Information Note:
   b The terms ‘Commercial Building’ and ‘Non-residential Building’ are defined in the code.

ADVISORY NOTES TO APPLICANT

L Referral agencies
   The referral agencies (and their addresses) for the application are listed below.
   Any referral agency conditions are identified in the conditions of approval.

<table>
<thead>
<tr>
<th>Referral agency</th>
<th>Address</th>
<th>Jurisdiction</th>
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<tbody>
<tr>
<td>Department of Transport and Main Roads</td>
<td>PO Box 442</td>
<td>Concurrence agency – State controlled road matters</td>
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<td></td>
<td>NERANG QLD 4211</td>
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<tr>
<td>Department of Environment and Resource Management</td>
<td>GPO Box 2454</td>
<td>Advice Agency – Acid Sulfate Soils</td>
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<td></td>
<td>BRISBANE QLD 4001</td>
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M Properly made submissions
   There were properly made submissions about the application. The name and address of the principal submitter for each properly made submission is attached to the decision notice.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

N Rights of appeal
The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 4.1.27 of the Integrated Planning Act 1997. A copy of that section is attached to the decision notice.

Submitters who made properly made submissions have a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 4.1.28 of the Integrated Planning Act 1997. A copy of that section is attached to the decision notice.

O Applicant responsibilities
The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;

b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the Environmental Protection Act 1994 of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a ‘notifiable activity’);

c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);

d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes;

e Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds $80,000. Acceptable proof of payment is a Q.Leave – Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991; and

f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4
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P Indigenous cultural heritage legislation and duty of care requirement
The Aboriginal Cultural Heritage Act 2003 (‘AHCA’) is administered by the Department of Environment and Resource Management (DERM). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

a. Is not negated by the issuing of this development approval;
b. Applies on all land and water, including freehold land;
c. Lies with the person or entity conducting an activity; and
d. Is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DERM’s Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the AHCA.

Q Greenhouse gas emissions
As part of Council’s commitment to reducing greenhouse gas emissions Council is encouraging the expansion of the natural gas reticulation network. In particular, the use of natural gas hot water systems will result in significantly less greenhouse gas emissions than equivalent electric storage hot water systems.

The applicant should contact the local natural gas reticulator (APA Group) to arrange an assessment of the suitability of the proposed development for connection to the existing gas reticulation network. Please contact Ramon O’Keefe on 0438708798 or email: ramon.o'keefe@apa.com.au.

R Infrastructure charges
Infrastructure contribution policies for the Water, Wastewater, Recreation, Stormwater and Transport Networks are no longer applicable and therefore monetary contribution conditions for these networks are no longer included in the decision notice.

Infrastructure charges are now levied under an Adopted Infrastructure Charges Resolution by way of an infrastructure charges notice, which accompanies this decision notice.
ITEM 1 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A CAFÉ, CONVENIENCE SHOP, RESTAURANT, SERVICE INDUSTRY (GROUP A), SHOP, TAKEAWAY FOOD PREMISES AND COMMERCIAL SERVICES - LOT 5 ON RP80238, LOT 6 ON RP80238, LOT 7 ON RP80238, LOT 8 ON RP80238, LOT 9 ON RP80238 & LOT 11 ON RP80238 – 27-35 BRISBANE ROAD & 6 LODER STREET, BIGGERA WATERS - DIVISION 4 PN12088/01/DA1

S  Obligation to ensure electrical safety
Under the Electrical Safety Act 2002 you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work.
If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.
Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.
Information note:
An exclusion zone sets the minimum safe approach distance to the powerline. Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.
For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations’ web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Infoline – 1300 650 662.

T  Rainwater Tanks
A notation is to be placed on Council’s property system for each property, prior to the earlier of endorsement of survey plans or the issue of a certificate of classification, that states:
• A rainwater tank is required to be installed on the premises in accordance with Condition 88 of the decision notice;
• The owner must maintain the rainwater tank system in accordance with all relevant statutory requirements; and
• Council inspectors may undertake a random and risk-based rainwater tank monitoring program involving compliance inspections.

Record of Voting:
For:  7  Cr Betts, Cr Caldwell, Cr Gates, Cr Gilmore, Cr Owen-Jones, Cr Taylor, Cr Tozer
Against:  
Absent:  Cr Bell
Abstained:  
CARRIED
# ADOPTED INFRASTRUCTURE CHARGE NOTICE

**Wednesday, 21 March 2012**

**Application:** PN12008/01/DA1

**Site Address:** 6 LODER STREET, BIGGERA WATERS

**Application No. & code:** 2900333 MCU

**Application Description:** COMMERCIAL SERVICES, SERVICE INDUSTRY, RESTAURANT, CAFE, TAKE AWAY FOOD PREMISES, CONVENIENCE SHOP, SHOP

**Officer Name:** Kathy Altabasoff

## Adopted Infrastructure Charge Calculation

<table>
<thead>
<tr>
<th>Qty</th>
<th>Area</th>
<th>Rate</th>
<th>Gross Charge Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial (Retail)</td>
<td>760 sq m Gross Floor Area</td>
<td>$79.90</td>
<td>$75,924.00</td>
</tr>
</tbody>
</table>

**Total:** $75,924.00

<table>
<thead>
<tr>
<th>Qty</th>
<th>Hectare</th>
<th>Rate</th>
<th>Gross Charge Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Impervious area</td>
<td>0.2759</td>
<td>$180,000.00</td>
<td>$27,990.00</td>
</tr>
</tbody>
</table>

**Total:** $27,990.00

## Net Charge Summary

<table>
<thead>
<tr>
<th>Gross Charge Amount</th>
<th>Applied Credit Amount</th>
<th>Net Charge Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$109,114.00</td>
<td>$97,060.00</td>
<td>$4,754.00</td>
</tr>
</tbody>
</table>

---

Office Use Only

- $6,754.00
- 4/03/2012

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$6,754.00
ITEM 2 IMPLEMENTATION & ASSESSMENT BRANCH
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14 PN1119/01/DA1

Refer 14 page attachment

BRIEF SUMMARY

Council is in receipt of a development application for a Material Change of Use for a Low Rise Apartment building comprising four storeys and eight (8) dwelling units at 2 Teemangum Street, Tugun also described as Lot 5 on RP81325. The development proposes to establish eight (8) dwelling units within a four storey apartment building, with basement car parking.

The proposed land use is defined as Apartments. The Apartment land use is listed as Code Assessable within Table of Development A for the Residential Choice Domain Place Code. However the development proposes to establish eight (8) dwelling units with a total of 19 bedrooms exceeding the code assessable density of eleven (11) bedrooms as identified by Overlay Map OM4 Residential Density for the subject sites. Furthermore, the proposed development exceeds the three (3) storey maximum building height as identified by Overlay Map OM6. As such, the development requires impact assessment pursuant to Table B: Material Change of Use Overlay Provisions of the Residential Choice Domain.

The proposed development has been assessed against the Acceptable Solutions and Performance Criteria listed in the Residential Choice Domain Place Code, the Low Rise Apartment Building Specific Development Code, Landscape Work Specific Development Code, the Gold Coast Airport and Aviation Facilities Constraint Code, Car Parking, Access and Transport Integration Constraint Code, Ocean Front Land Constraint Code and Road Traffic Noise Management Constraint Code.

The applicant has proposed Alternative Solutions relating to accommodation density, building height, building setbacks, communal open space, car park access and acoustic treatment to buildings to lessen the Impact of Aircraft Noise. The proposed alternative solutions have all been determined to satisfy the relevant Performance Criteria with the exception of Building Height and Accommodation Density. Due to this conflict, Council Officers have assessed the proposal against the applicable Desired Environmental Outcomes (DEOs) for the City and have determined that the proposal does not compromise the DEOs.

The application was referred to the Department of Transport and Main Roads (DTMR) as a Concurrence Agency, their response will be discussed herein.

In response to advertising, eight (8) submissions were received which included four (4) properly made submissions and four (4) not properly made submissions. The main points of objection related to building height, noise, parking, residential density, amenity, communal open space, setbacks and amenity. The submitters’ concerns have been addressed in this report and suitable conditions have been included in the officer’s recommendation to address such concerns where appropriate. Furthermore, the concerns raised do not warrant the refusal of the application.

It is considered that the proposed development demonstrates an acceptable outcome for the area with the application being recommended for approval subject to the conditions contained within the recommendation of this report.
ITEM 2 (Continued)  
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14 
PN1119/01/DA1

BASIC INFORMATION

Title Details          Lot 5 on RP81325  
Address               2 Teemangum Street, Tugun  
Applicant             Joel Czarnota  
Owner At Time Of Lodgement    Joel Elliott Czarnota  
Current Owner          Joel Elliott Czarnota  
Site Area              582m²  
Date Application Received 23 September 2011  
Date Entered Decision    2 April 2012  
Decision Due Date       3 May 2012  
Domain                 Residential Choice Domain  
State Planning Policies State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities  
Decision Type           Development Permit to establish an Apartment Building (8 dwelling units)  
Submissions            Four (4) properly made submissions & four (4) not properly made submissions

PROPOSAL

The applicant requests a Material Change of Use (Impact Assessment) for an Apartment building located at 2 Teemangum Street, Tugun. The subject application is applied over one allotment described as Lot 5 on RP81325.

The proposed development contains 8 residential units comprising 3 x 3 bedroom and 5 x 2 bedroom units. The development is four storeys in height not inclusive of a single level basement with car stacking pits. The development includes a communal open space area readily accessible on ground level which provides a swimming pool, landscaping, lawn areas, and barbeque area.

Car parking will be provided for through a single level basement which gains direct access from Wade Street. The basement will provide 16 residential car spaces and 2 visitor spaces. The residential car spaces will be provided by way of a single vehicle stacker for each unit’s space which can store up to two (2) cars. The car stackers do not require the removal of one car in order to remove the second car. The visitor spaces will be provided at basement level and will not utilise car stackers. It is important to note the proposed basement does not protrude more than 1 metre above ground and has a total height of 5.8 metres.
A development summary is included in the table below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity/Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Site Area</td>
<td>582m²</td>
</tr>
<tr>
<td>Gross Floor Area (GFA)</td>
<td></td>
</tr>
<tr>
<td>Apartment A (Ground Level)</td>
<td>136m²</td>
</tr>
<tr>
<td>Apartment B (Ground Level)</td>
<td>125m²</td>
</tr>
<tr>
<td>Apartment A (Levels 1-3)</td>
<td>119m² each apartment</td>
</tr>
<tr>
<td>Apartment B (Levels 1-3)</td>
<td>126m² each apartment</td>
</tr>
<tr>
<td>Total</td>
<td>1,145m²</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Teemangum Street boundary</td>
<td>1 metre</td>
</tr>
<tr>
<td>Wade Street boundary</td>
<td>2 metres</td>
</tr>
<tr>
<td>Rear boundary</td>
<td>2 metres</td>
</tr>
<tr>
<td>Total Dwelling Units</td>
<td>3 x 3 Bedroom units, 5 x 2 Bedroom units, 8 Dwellings in Total</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>19 bedrooms</td>
</tr>
<tr>
<td>Site Cover</td>
<td>47% (279m²)</td>
</tr>
<tr>
<td>Proposed Residential Density</td>
<td>1 bedroom per 30m² of net site area</td>
</tr>
<tr>
<td>Building Height</td>
<td>4 Storeys</td>
</tr>
<tr>
<td>Car Parking Provision</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>16 car spaces (one car stacker per unit)</td>
</tr>
<tr>
<td>Visitor</td>
<td>2 car spaces</td>
</tr>
<tr>
<td>Total</td>
<td>18 car spaces</td>
</tr>
<tr>
<td>Communal Open Space</td>
<td>41% (Ground Level 240m²)</td>
</tr>
</tbody>
</table>
The proposed development will require the removal of protected size trees and palms at the subject site however they are not considered to be of local significance. Protected size vegetation is also located outside the boundary of works however will not be impacted upon by the proposed development.

The built form is well articulated along all frontages with variation in balcony protrusions, roofing and the building’s main wall. The main wall will have alternate block courses of grey and charcoal rendered masonry which forms the common theme of the built form. Added to this are a mix of architectural treatments along each façade which add visual interest and variation to each elevation. The building also contributes frameless glass balustrades which border all covered balconies, aluminium window frames and colourbond roofing, guttering and fascias. Screening and glazed windows provide additional privacy and necessary protection from the weather.

The development provides landscaped treatment to Wade Street in the form of at grade garden beds with shade trees, palms and groundcovers. Furthermore, native evergreen street trees are also proposed along the road reserve to Wade Street. The rear boundary will be embellished with raised planter boxes with small evergreen screening trees, palms and large shrubs. The remainder of the open space along the rear boundary will be utilised for a paved communal access path linking communal facilities, including the barbecue. The majority of the communal open space area will be situated along the Teemangum Street frontage and will consist of a swimming pool, bench seating, decking, raised turf area and scattered garden beds.

Waste management will occur through a dedicated waste storage area within the basement of the building. A waste chute will deposit waste into the bins within the storage area.

SITE & ENVIRONMENT

Characteristics of Site

The site of the proposed development is described as Lot 5 on RP RP81325 and is situated at 2 Teemangum Street, Tugun. The subject site is triangular in shape with three road frontages to Teemangum Street, Wagawn Street and Wade Street of approximately 25 metres, 14 metres and 32 metres respectively. The site has a total area of 582m² and a single vehicular access point to the site is currently taken from Wagawn Street. Due to the shape and location of the site, the property boundary is set well back from the road creating a relatively large nature strip between the property and road.
The subject site is currently improved by a single detached dwelling, as illustrated below in Figures 1 and 2.

The site incorporates a moderate slope of approximately 4 metres from the north-western portion of the site (17 metres AHD) to the south-eastern corner of the site (13 metres AHD). Vegetation within the development site consists of landscaped areas and open gardens with scattered native and exotic trees. Several trees are of protective size however none are considered to be of local significance.

Pursuant to the Gold Coast Planning Scheme, the subject site is located within the Residential Choice Domain.

**Surrounding Environment**

The development site is located on the northern fringes of the Tugun local area. The subject site is located within close proximity to the central commercial area for Tugun which contains services such as supermarkets, shopping and other associated land uses.

Public transport is readily available in the vicinity of the site. Teemangum Street and the Gold Coast Highway form a main route for bus services in the locality with a bus stop approximately 50 metres north east of the subject site along Teemangum Street. Bus services provide access for local residents to Southport, Robina, the Pines, Currumbin, Pacific Fair and localities along each route.

The surrounding land to the north, east and west is contained within the Residential Choice Domain. To the south land falls within both the Integrated Business Domain and the Tourist and Residential Domain, more specifically the surrounding area is described as follows:
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
PN1119/01/DA1

North:
- To the immediate north of the site is a four storey apartment building (Residential Choice Domain);
- Further north along Teemangum Street is a mix of three and four storey apartment buildings which dominate the hill on Teemangum Street (Residential Choice Domain);
- A number of detached dwellings (Residential Choice Domain) and a Telstra utility building (Community Purposes Domain) are located to the north of the subject site as land falls away to Flat Rock Creek (Public Open Space Domain) and theCurrumbin Wildlife Sanctuary (Private Open Space Domain); and
- Beyond this approximately 850 metres from the subject site is the Currumbin commercial area and Elephant Rock.

East:
- To the immediate east of the site is Teemangum Street with a frontage of approximately 25 metres;
- On the other side of Teemangum Street are a number of multi storey apartment buildings (Residential Choice Domain); and
- Further to the east the residential character continues with detached dwellings and approximately 250 metres from the subject site is Flat Rock Beach (Residential Choice Domain).

South:
- To the immediate south of the subject site is Wagawn Street with a frontage of approximately 14 metres;
- Across Wagawn Street land is characterised by commercial land uses including the Tugun Fruit Market, supermarket, bakery and associated land uses (Integrated Business Domain);
- Further south commercial land uses continue along Golden Four Drive (Integrated Business Domain); and
- Approximately 1.8 kilometres south of the subject site is the Gold Coast Airport.

West:
- To the immediate west of the site is Wade Street with a frontage of approximately 32 metres;
- Further west is the Gold Coast Highway providing access to the remainder of the Gold Coast and Kurrawong Park (Public Open Space Domain); and
- Beyond the park is a large number of detached dwellings (Residential Choice Domain).
- Approximately 1.2 kilometres west of the subject site is the Pacific Motorway.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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DEVELOPMENT ASSESSMENT

Section 314 of the *Sustainable Planning Act 2009* identifies what an assessment manager must consider when assessing an impact assessable application. In brief, the assessment manager must assess the part of the application against each of the following matters or things to the extent relevant:

<table>
<thead>
<tr>
<th>Matter</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>the State planning regulatory provisions</td>
<td>The State Planning regulatory provisions that apply to this subject site are: South East Queensland Regional Plan 2009-2031.</td>
</tr>
<tr>
<td>the regional plan for a designated region</td>
<td>The subject site is located within the ‘Urban Footprint’ of the South East Queensland Regional Plan 2009-2031.</td>
</tr>
<tr>
<td>State planning policies (unless appropriately reflected in any relevant regional plan or planning scheme)</td>
<td>State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities (refer below)</td>
</tr>
<tr>
<td>a structure plan</td>
<td>N/A</td>
</tr>
<tr>
<td>for development in a declared master planned area—all master plans for the area</td>
<td>N/A</td>
</tr>
<tr>
<td>a temporary local planning instrument</td>
<td>N/A</td>
</tr>
<tr>
<td>an earlier preliminary approval to which section 242 applies</td>
<td>N/A</td>
</tr>
<tr>
<td>a planning scheme</td>
<td>The proposal has been assessed against the relevant codes of the Planning Scheme.</td>
</tr>
<tr>
<td>the adopted infrastructure charges resolution or the priority infrastructure plan</td>
<td>The infrastructure charges have been levied under the Adopted Infrastructure Charges Resolution.</td>
</tr>
</tbody>
</table>
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
PN1119/01/DA1

In addition, the assessment manager must assess the part of the application having regard to:

- the common material
  - Common material has been regarded through the assessment

- any development approval for, and any lawful use of, premises the subject of the application or adjacent premises
  - Refer to ‘Site and Surrounding Area’

- any referral agency’s response for the application
  - Refer below

Planning Scheme assessment

<table>
<thead>
<tr>
<th>Place Code</th>
<th>Constraint Code</th>
<th>Specific Development Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Choice Domain</td>
<td>Gold Coast Airport and Aviation Facilities; Car Parking, Access and Transport Integration; Road Traffic Noise Management; and Ocean Front Land</td>
<td>Low Rise Apartment Building; and Landscape Work</td>
</tr>
</tbody>
</table>

Relationship to the Domain or LAP

The subject site is located in the Residential Choice Domain.

Pursuant to the Planning Scheme, the proposed land use is defined as Apartment:

‘A dwelling that has another dwelling immediately above or below it. It also includes dwellings contained in mixed use buildings located immediately above, below or abutting non-residential uses. This term does not include an attached dwelling.’

Apartment triggers code assessment pursuant to Table of Development A (Material Change of Use). However the development requires Impact assessable due to the following Table B: Material Change of Use Overlay Provisions:

- Overlay Map OM6-7 which indicates a maximum of three storeys in height; and
- Overlay Map OM4-17 which indicates a maximum density of 1 bedroom per 50m² of net site area.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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The intent statement for the Residential Choice Domain reads:

‘This domain seeks to support the provision of a range of housing choice that is responsive to the changing demographic structure of the City, whilst maintaining an efficient land use pattern. The purpose of this domain is to support the development of a residential pattern comprising mixed dwelling types, including detached dwellings, attached dwellings and apartment buildings that relate well to each other. This domain seeks to:

- support residential densities that are moderately higher than traditional detached dwelling areas;
- facilitate a wide variety of home office, home occupation and residential support services to be located within the domain, commensurate with local residents’ needs; and
- achieve a high standard of residential amenity across the range of dwelling types in the domain.’

Applicant’s comments
The applicant provided the following comments regarding the proposed development and how it meets the intent of the Residential Choice Domain.

“The proposed development accords with the intent of the Residential Choice Domain. The proposal is for a residential development with a density which is moderately but not significantly higher than the detached density. The building is of a high standard of design incorporating innovative and useable communal open space in addition to a high quality façade.

As the proposal is for a high quality residential development with density and height consistent with the prevailing character of the area, it is deemed to meet the intent for the Residential Choice Domain.”

Officer’s comments
An Apartment building is listed as code assessable development in the Residential Choice Domain. However, in accordance with the Material Change of Use Overlay Provisions the proposed development triggers impact assessable development. This is due to the proposed Apartment building exceeding the maximum allowable height of three storeys and the development as a whole exceeding the maximum prescribed residential density for the subject site.

The intent statement for the Residential Choice Domain specifically encourages the development of a mix of dwelling types including apartment buildings that relate well to each other. Added to this, the development supports the provision of a range of two and three bedroom housing options that respond to the changing demographic structure of the City.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
PN1119/01/DA1

The proposed apartment presents as a four storey building of a medium scale and built form in keeping with the surrounding residential land uses along Teemangum Street. The apartment building encourages moderately higher residential densities than traditional detached dwelling areas, as is specifically envisaged by the Domain.

The development seeks to respond to the existing character of Teemangum street and therefore provides a continuation in scale and built form along Teemangum Street following the topography of the surrounding land.

The proposal will provide a rejuvenation of the existing built form which currently presents poorly to the Gold Coast Highway, Teemangum Street and the commercial centre to the south. The proposed building provides a design with modern finishes featuring a well articulated form which complements the mixed character of Tugun. Such design is likely to improve public surveillance along Teemangum Street and the Gold Coast Highway whilst seeking to reduce the amenity impacts of commercial centre to the south and the Gold Coast airport through quality landscape design and acoustic treatment.

The subject site has been committed for urban development and given its locational attributes and its position within the existing transport network, the site is ideally suited to provide additional dwellings for the Tugun area. Based on the justification presented above, Council Officers consider the proposed land uses to be suitable within the Residential Choice Domain.
Compliance with the Residential Choice Domain Place Code

The proposal complies with all of the Place Code’s Acceptable Solutions and Performance Criteria, except as follows:

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC1</td>
<td>AS1.1.1</td>
</tr>
<tr>
<td>All buildings must be of a height which is in keeping with the predominant residential character of the surrounding area. Building height must not result in a significant loss of visual amenity.</td>
<td>The building has a maximum of two storeys.</td>
</tr>
<tr>
<td>PC6</td>
<td>AS6.1.1</td>
</tr>
<tr>
<td>All buildings must be of a height which is in keeping with the predominant residential character of the surrounding area. Building height must not result in a significant loss of visual amenity.</td>
<td>The building is not more than 8.5 metres in height and has a maximum of two storeys. OR AS6.1.3 The subject site is not designated with a specific maximum building height exceeding two storeys on Overlay Map OM6 – Maximum Building Height and the building is not more than 11.5 metres in height, has a maximum of three storeys (including a partial third storey), and is set back at a minimum of 10 metres from all boundaries of the site.</td>
</tr>
</tbody>
</table>

Applicant’s comments

The applicant provided the following comments regarding the proposed development and how it meets PC1 and PC6 of the Residential Choice Domain Place Code.

“The proposed height is in keeping with the predominant residential character of the surrounding area and will not result in a significant loss of visual amenity. A detailed review of the surrounding built form on Teemangum Street has concluded that relatively bulky, multi storey residential apartment buildings dominate the streetscape form a visual perspective. The photos of the immediately surrounding developments illustrated in Section 3 of this report and the streetscape drawing in Figure 10 below clearly demonstrate that bulky, 3-4 storey apartment buildings surround the development site and are the predominant land use in this particular area. Architectural drawings 04 & 12 contained within Part 11 also demonstrate that the proposed height is consistent with the apartment buildings already established on the western side of Teemangum Street.”
Due to the local topography, the proposed building will sit slightly lower than the multi storey apartment buildings located immediately to the north on Teemangum Street. The adjoining building is also four storeys in height and is considered to be significantly bulkier than the subject proposal. The other existing apartment buildings further to the north on Teemangum Street will also sit higher than the proposed building and are considered to appear as being far bulkier than the proposal due to the inclusion of various recesses, projections and open balconies.

The design of the proposed building ensures that the appearance of bulk is significantly reduced. The presence of large open balconies projecting southwards reduces the presence of hard walls within the streetscape and ensures that the main bulk of the building is setback from the main view corridor through Teemangum Street.

The proposed additional one (1) storey above the Code Assessable limit is not expected to result in any significant loss of visual amenity for the surrounding area. The location and topography of the site result in no impacts on sight lines from adjoining properties or to other places of visual interest. In addition, the lower floor of the building on the highest part of the site is proposed to be set below natural ground level which will reduce the visual impacts of the proposed height.

In summary, the proposed height is deemed to be appropriate for the site and compliant with the relevant performance criteria for the following reasons:

- The proposed height is consistent with that of the immediately surrounding development and a number of building in the immediate area are of four (4) storeys in height
- The topography of the site and immediate area ensures that the building will have less presence within the visual landscape compared to the unit developments to the north
- The high quality design of the building ensures that the appearance of bulk is reduced and that the height is not visually intrusive.
- The risk for overshadowing and overlooking (privacy) is minimal due to the topography and location of the site
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
PN1119/01/DA1

Officer’s comments

The applicant’s comments have been noted. The Residential Choice Domain Place Code addresses building height through several Acceptable Solutions which are captured within Performance Criteria 1 and 6. As such, this section will address both AS1.1.1 and AS6.1.3 which permit different building heights and have identical performance criteria.

The proposed apartment building has a height of four storeys with an overall height of 13.35 metres. The additional storey is proposed to accommodate one three bedroom unit and one two bedroom unit.

In order to satisfy Performance Criteria 1 and 6, the proposed development must address and satisfy two key elements. The first being whether the development is of a height which is in keeping with the predominant residential character of the surrounding area and the second element seeks to ensure the height of the development does not result in a significant loss of visual amenity.

In order to determine the predominant residential character of the surrounding area, the applicant has provided a cross section along Teemangum Street orientated towards the West as shown in Figure 3. The cross section clearly illustrates the height gradation from the subject site through to the adjoining four storey building to the north, and then a mix of four storey and three storey apartment developments beyond this.

![Figure 3. Teemangum Street Cross Section](image)

The applicant has also provided several montages which superimpose the proposed building perspective onto and existing site photo. The image provided below in Figure 4 presents the subject site from the south east and illustrates how the four storey building will integrate with the surrounding built form along Teemangum Street. From this image it is evident the propose height is consistent with that of adjoining buildings further along Teemangum Street.
Figure 4. Montage of subject site as viewed from the south east

The following image in Figure 5 has also been provided by the applicant in response to Council's Information Request. The image is taken from the north looking south at the subject site along Teemangum Street. The photo clearly illustrates the continuation of building height along Teemangum Street to the south. Furthermore, the proposed development does not appear to be out of character with the immediate surrounding built form in terms of height or scale. It is important to note that the proposed building is no higher than the existing apartment developments to the north as illustrated in the cross section above.
The immediate surrounding area provides a range of buildings exceeding two and three storeys in height. Notwithstanding, as the land falls to the north, east and west of the subject site it appears the majority of buildings in the surrounding area are two to three storeys in height. As such, Council Officers consider the predominant building height character of the surrounding area to be two storeys.

The second component of PC1 and PC6 strives to ensure the proposed building height does not result in a significant loss of visual amenity. To accommodate the proposed fourth storey, the applicant has designed and configured the apartment building to minimise direct views to other developments in proximity to the subject site. The apartment has been orientated so that outdoor living areas address the southern corner of the subject site to ensure the amenity of residents in the adjoining residential site to the north is not compromised. The building will address the corner of the site and is orientated towards commercial land uses across Teemangum Street and Wagawn Street to the south. As such, the additional storey of the apartment building is not considered to result in a significant loss of visual amenity along Teemangum Street or Wade Street.

Due to the location of the subject site, the land rises to the rear boundary of the lot and adjoining properties to the north are significantly elevated on the hill. This in turn has ensured the building does not appear bulky and provides a height which is commensurate with that of the adjoining buildings. As mentioned in the site context, the site has the benefit of being well setback from the road and therefore the building has a greater setback to residential developments across Teemangum Street and to commercial development to the south.
ITEM 2 (Continued)
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In order to reduce any potential visual impacts of the development, the architectural design of the apartment has incorporated balconies, glazed windows, shading devices and articulated wall sections to differentiate and visually enhance the building’s facades. This variation will ensure the building does not present as obtrusive and bulky but rather seek to develop a building which corresponds to the predominant built form character of the area. The proposed development responds to the characteristics of the local area and acts as an interface between commercial and residential sectors of northern Tugun.

Council Officers consider the height of the development does not result in a significant loss of visual amenity. However, due to the surrounding area having a predominant height character of two storeys, the proposed building height is not considered to strictly comply with PC1 and PC6. Notwithstanding, the proposed height has been assessed against the higher order provisions of the Planning Scheme which has been addressed later within this report.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC2</td>
<td>AS2.1.3</td>
</tr>
<tr>
<td>Accommodation density must be consistent with the residential character of the local area and contribute to the achievement of a variety of dwelling types in the local area.</td>
<td>The site is designated with a specific maximum residential density on Overlay Map OM4 – Residential Density and the development does not exceed the indicated maximum residential density.</td>
</tr>
</tbody>
</table>

Applicant’s comments

The applicant provided the following comments regarding the proposed development and how it meets PC2 of the Residential Choice Domain Place Code.

“The proposed density is consistent with the residential character of the local area and will contribute to the variety of dwelling types. As identified in both Sections 3.3.3 & 7.1 above, the residential character of the area is dominated by large multi storey residential apartment buildings which are generally considered to have a far bulkier appearance than the proposed.

The additional density is consistent with the residential character of the area and is not expected to appear out of character with surrounding development. Due to the site’s proximity to services and transport, it is a logical location for an increase in density above the acceptable solution.

As identified in earlier sections of this report, the site is within walking distance of a variety of services within the Tugun Local Centre and a number of existing bus routes which travel along Teemangum Street and along the adjacent Gold Coast Highway. The site is also within close proximity to a variety of open space/recreation opportunities including parkland, sporting fields and beaches. It is therefore contended that the site is in an ideal location for a development with density which exceeds that identified in the acceptable solution.
As identified earlier in this report, the proposal accords with the provisions of the South East Queensland Regional Plan as it is increasing density within an established urban area within close proximity to an identified activity centre.

The design of the building also supports the proposed density as a high quality façade and communal open space area have been provided for a site of this shape and topography. The building will not appear out of character or more bulky than the surrounding developments.

In summary, the proposed density is appropriate for the site for the following reasons;

- The location is meets the parameters identified within the SEQRP for higher density infill development due to its proximity to services and transport
- The density is consistent with the prevailing character of the immediate area;
- The site is within close walking distance to an activity centre and numerous public transport routes.
- The proposal increases density within proximity to an activity centre which accords with the objectives of the South East Queensland Regional Plan.
- The proposed design is consistent with the surrounding area and the additional density does not result a built form with incompatible with the predominant development character of the area.”

Officer's comments

The applicant’s comments have been noted. In accordance with Overlay Map OM4-17 – Residential Density, the subject site is designated as having a maximum residential density of one bedroom per 50m² of net site area. The subject site has a total site area of 582m² which as per Acceptable Solution 2.1.3 permits a maximum of 11 bedrooms. The applicant is proposing to establish 19 bedrooms on site which are included within 3 x 3 bedroom units and 5 x 2 bedroom units.

Accordingly, the applicant has proposed an Alternative Solution relating to the accommodation density for the development at the subject site.

The subject site is located in close proximity to the Tugun District Activity Centre. As a result, the subject site has direct access to key services and commercial and convenience facilities located to the south of the site. Furthermore, a higher density is considered to be a logical approach to the development of the subject site given the character of Teemangum Street to the north and the sites proximity to existing commercial land uses.
Teemangum Street and the connecting streets have a mixed character with a variety of densities ranging from single detached dwellings to apartments. Teemangum Street provides a number of densities above 1 dwelling per 400m², as provided below:

- 3 Teemangum St – 1 dwelling per 196m²
- 4 Teemangum St – 1 dwelling per 126m²
- 3 Wade St – 1 dwelling per 120m²
- 7 Teemangum St – 1 dwelling per 128m²
- 8 Teemangum St – 1 dwelling per 134m²
- 10 Teemangum St – 1 dwelling per 342m²
- 12 Teemangum St – 1 dwelling per 201m²
- 29 Teemangum St – 1 dwelling per 117.7m²

From this, it is evident the density in the surrounding area not only encompasses single detached dwellings but a number of apartment blocks and attached dwellings with increased densities. That being said, it appears the majority of buildings in the surrounding area have a density lower than that proposed as part of this application.

Having regard to the abovementioned considerations, it is considered that the proposed accommodation density of the development will contribute to the achievement of a variety of dwellings in the local area. Added to this, the site is considered to accommodate the increased density comfortably in terms of providing acceptable boundary setbacks to the adjoining development to the north, communal open space and site cover of the built form.

Council Officers consider the proposed density to be generally consistent with the immediate residential character of Teemangum Street. That being said, the proposed accommodation density is not considered to strictly comply with PC2 of the Residential Choice Domain in terms of the density being consistent with the wider residential character of the local area. Notwithstanding, the proposed density has been assessed against the higher order provisions of the Planning Scheme which has been addressed later within this report.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
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</thead>
<tbody>
<tr>
<td>PC3</td>
<td>AS3.1.2</td>
</tr>
<tr>
<td>The site coverage of all buildings must not result in a built form that is bulky and visually intrusive.</td>
<td>The site coverage does not exceed 40% of the site area for all other uses.</td>
</tr>
</tbody>
</table>

The subject site has a total site area of 582m² with a total site cover of 279m². Subsequently, the proposed built form at the subject site results in a total site cover of 48%.

The increase in site cover accommodates the large balcony areas proposed for the units which in turn provide larger areas for private open space. The proposed site cover represents an efficient use of the site without providing a building which appears visually intrusive.
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Council Officers acknowledge the site is constrained by it's irregular shape which has ultimately contributed to the design of the building. Added to this, the subject site is in a prominent location and is bound by roads on each side. As such, the proposed development responds to its constraints, being the size of the land and its configuration, by creating a visually appealing streetscape and facade along all three frontages through pushing the roofed areas closer to the boundary.

The proposed building also boasts a high quality design with modern finishes featuring a sleek yet well articulated form which complements the character of northern Tugun. Such design and reduction in setbacks aims to improve public surveillance opportunities and streetscape activity.

Given the proposed site cover does not significantly exceed the prescribed 40% site cover permitted at the subject site, Council Officers are confident the development will not result in a built form that is bulky or visually intrusive. As discussed further in this report, the development provides suitable setbacks from all site boundaries which contribute to achieving a built form that is not intrusive to the surrounding area.

Therefore, Council Officers consider the proposed site cover at the subject site represents a relatively minor increase in the site cover outlined in AS2.1.2 and therefore does not result in a built form that is bulky or visually intrusive. As such, the proposed development is considered to comply with PC3 of the Residential Choice Domain Place Code.
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MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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<tr>
<th>Performance Criteria</th>
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</thead>
<tbody>
<tr>
<td>PC4</td>
<td>AS4.1.1</td>
</tr>
<tr>
<td></td>
<td>The building and covered car parking space is setback not less than six metres from the frontage of the site.</td>
</tr>
<tr>
<td></td>
<td>AS4.1.2</td>
</tr>
<tr>
<td></td>
<td>The building (excluding covered car parking space associated with a Detached Dwelling) is set back from the side and rear boundaries at not less than:</td>
</tr>
<tr>
<td></td>
<td>a) 1.5 metres, measured from the outermost projection of that part of the building which is 4.5 metres or less above ground level;</td>
</tr>
<tr>
<td></td>
<td>b) 2 metres, measured from the outermost projection of that part of the building which is greater than 4.5 metres but not greater than 7.5 metres above ground level;</td>
</tr>
<tr>
<td></td>
<td>c) 2 metres, plus 0.5 metres for every three metres or part thereof, measured from the outermost projection of that part of the building, which is greater than 7.5 metres above ground level.</td>
</tr>
<tr>
<td>PC7</td>
<td>AS7.1.1</td>
</tr>
<tr>
<td></td>
<td>The building is on a subject site designated with a specific maximum building height exceeding two storeys on Overlay Map OM6 - Maximum Building Height and is set back in accordance with AS4.1.1.</td>
</tr>
</tbody>
</table>

Applicant’s comments

The applicant provided the following comments regarding the proposed development and how it meets PC4 and PC7 of the Residential Choice Domain Place Code.

“The proposed setbacks including the bay windows on Wade Street and the Teemangum Street encroachment of the balconies are both deemed to be appropriate for this particular site and represent efficient use of urban land which is appropriate for this location. The proposed Wade Street setback provides street edge reinforcement and contributes positively to the streetscape and the visual appearance of the building. It is also noted that this setback was not identified as an issue as part of the prelodgement meeting held with Council.”
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The shape and location of the allotment also allow for reduced setbacks to be appropriate for the development. As illustrated on the landscape plans, the site has relatively large distances between the kerb and the property boundary especially towards Wagawn Street. The distance between the boundary and the curb ranges from 5m to 13m. The large distances between the property boundaries and the curb of Wade and Wagawn Streets allows for the reduced setbacks to be applied without significantly impacting upon the visual amenity of the street.

The setback is considered to represent an appropriate and efficient use of the site that will result in an aesthetically pleasing result when viewed from Wade Street and the Gold Coast Highway. The decrease in setback does not represent an over-use of the site and will not result in an inappropriate built form for the site. It is contended that if the setback was increased the attractiveness of the streetscape would not be improved. The provision of a 6m setback to both streets would leave very little developable area left on the site due to the triangular shape of the allotment. Nevertheless, the 3m is not expected to have any negative amenity impacts on the area due to the lack of dwellings to the west, there is no visual impacts on nearby residents.

It is noted that the issue of the balconies encroaching into the Teemangum Street setback was discussed at the prelodgement meeting held with Council regarding the proposal. It was stated that Council is not necessarily opposed to the balcony setbacks but it was stated that ‘interesting facade treatments will be required to offset any setback encroachments’. As illustrated in the proposal plans contained within Part 10 of the package the facade includes a variety of interesting treatments including;

In summary the proposed setbacks are deemed to meet the relevant performance criteria for the following reasons;

- The Wade Street setback provides street edge reinforcement and will contribute positively to the streetscape
- The unusually large distances between the curb and the property boundary significantly reduce any potential impacts upon amenity and character
- There are no other developments located on the opposite side of Wade Street
- The encroachment of the balconies has been offset by interesting and varied facade treatments.”
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Officer’s comments

The subject site is bound by three road frontages being Teemangum Street to the east, Wade Street to the west and Wagawn Street to the south. As a result the site has three road frontages and a rear boundary, with the requirements of AS4.1.1 applying to each of the site’s front boundaries. In addition to this, there are minor encroachments into the prescribed setbacks from the rear boundary. The proposed development maintains the following setbacks:

- 5 metres from Teemangum Street boundary to roof overhang and 1 metre from Teemangum Street to Unit A balcony;
- 0 metres to Wagawn Street boundary;
- Ranging between 2.5 and 1.5 metres from Wade Street boundary to the roof overhang; and
- 2 metres from rear boundary to roof overhang of the Apartment.

Accordingly, the applicant has proposed Alternative Solutions relating to the development’s frontage setbacks to Wade Street, Wagawn Street and Teemangum Street and reduced rear boundary setback for that part of the building which is greater than 7.5 metres above ground level. A detailed assessment of the plans and area analysis as well as an inspection of the subject site and local area has been undertaken in order to consider the proposed Alternative Solutions.

The proposed reduced frontage setbacks to the three road frontages of the site are considered to demonstrate an acceptable outcome for the site and local area. As mentioned earlier, it is important to note that the subject site adjoins a roadway along three frontages and therefore has only one adjoining property. As such, setbacks to nearby properties are in excess of 30 metres to the east across Teemangum Street, 40 metres to the south across Wagawn Street and 90 metres across the Gold Coast Highway to the west. The building setbacks as described above, have been measured to outermost points of the building and in most instances, the majority of the built form is setback beyond these distances. The frontage setback of the buildings from Wade Street and Teemangum Street varies horizontally along each level, creating an articulated built form.

The Teemangum Street setback is for the most part 6 metres to the building wall and 5 metres from the roof overhang. The proposed 1 metre setback is to accommodate the triangular shaped balcony which offers a large private open space area for residents. As such, the reduced setback has been proposed to ensure the efficient use of the site without dominating the streetscape along Teemangum Street.
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The proposed setback to Wade Street varies along the frontage of the building due to the angle of the site and the building’s western wall. The majority of the western wall is setback in excess of 2 metres from the Wade Street boundary line with the exception of the two bay windows in Unit B. The roof overhang also contributes to the reduced setback and has a setback ranging from 1.5 metres to 2.5 metres from the western frontage. The corner of the building presenting to Wagawn Street is located approximately 0.6 metres from the boundary and with the roof overhang, the setback reduces to 0 metres. The rear of the building offers compliant boundary setbacks of two metres until that part of the building which exceeds 7.5 metres in height whereby the proposed building continues with a two metre setback. The combined setback of the proposed building and the existing building to the north exceeds four metres which is considered appropriate to ensure the efficient use of the site.

The articulation achieved through the varying setback of the building’s façade is considered to reduce any perceived visual dominance of the proposed development. Furthermore, the setback to the Teemangum Street frontage is largely compliant with the exception of the covered balcony space and roof overhang. It is considered to be unreasonable for the development to provide a six metre frontage setback to all three road frontages. As such, the proposed setbacks of approximately 1.5 metres to Wade Street from the roof overhang and 0 metres from the Apartment to Wagawn Street appropriately respond to the streetscape character of the area. Furthermore, the location of the building and site allows the development to maintain adequate separation from existing development located across Teemangum Street and Wagawn Street.

Given the locational characteristics of the site, the setbacks of the development are considered to enhance, rather than detract from the existing streetscape. It is considered that the proposed development will assist in establishing a streetscape character synonymous with that of a residential choice area.

Having regard to the abovementioned considerations, it is considered that the proposed positioning of the development will not cause an adverse impact upon the neighbouring sites nor will it compromise the efficient use of the site.

Therefore, Council Officers consider the proposed boundary setbacks are appropriate given they respond to the streetscape character of the surrounding area. As such, the proposed development is considered to comply with PC4 of the Residential Choice Domain Place Code.
Compliance with the Relevant Constraint Codes and Overlay Maps

The proposal complies with all of the Constraint Code’s Acceptable Solutions and Performance Criteria, except as follows:

<table>
<thead>
<tr>
<th>Gold Coast Airport and Aviation Facilities</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC2</td>
<td>AS2.1</td>
</tr>
<tr>
<td>All development (other than extensions to existing buildings) on land inside the 20 ANEF contour, as shown on the latest approved ANEF plan for Gold Coast Airport, must be acoustically treated against the intrusion of aircraft noise.</td>
<td>Development within the 20 ANEF contour is acoustically insulated to the applicable standard required by AS2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.</td>
</tr>
</tbody>
</table>

The subject site is situated between the 25 and 30 ANEF contours which is within the 20 ANEF contours. The applicant submitted an amended acoustic report prepared by Carter Rytenskild Group (CRG) in response to Council’s Information Request and to demonstrate that the development is acoustically insulated in accordance with AS2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction. Council’s Health and Regulatory Services section and Department of Transport and Main Roads have reviewed this report and conditions have been provided by Department of Transport and Main Roads with regards to:

- The development is to be insulated to the applicable standard required by AS2021 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction for the ANEF contour above the development;
- Prior to the commencement of construction, Department of Transport and Main Roads must be provided certification from a suitably qualified acoustical professional, certifying that the above requirements have been met by the design; and
- Prior to commencement of the use the Department of Transport and Main Roads must be provided with certification from a suitably qualified acoustical professional, certifying that the applicable requirements of AS2021 have been achieved. Testing shall be undertaken in accordance with the procedures detailed in Appendix C of AS2021.

The conditions provided by Department of Transport and Main Roads will ensure compliance with PC2 of the Gold Coast Airport and Aviation Facilities Constraint Code in that the development will be acoustically treated against the intrusion of aircraft noise.
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Therefore, it is considered that the proposed development will not compromise the intent of Performance Criteria 2 of the Gold Coast Airport and Aviation Facilities Constraint Code.

Car Parking, Access and Transport Integration Constraint Code

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>PC9 Access to car parking spaces must be provided for employees and visitors.</td>
<td>AS9.1 Car park areas have no gateways, doors or similar devices which restrict vehicular access by employees or visitors.</td>
</tr>
</tbody>
</table>

The applicant proposes to restrict access to the basement car park via a security gate. City Transport Officers have reviewed the proposal and have recommended a condition of approval which requires the applicant to install an intercom system linked to each dwelling to be placed near the gate to provide access to visitor parking spaces.

Therefore, the condition provided by City Transport will ensure compliance with PC9 of the Car Parking, Access and Transport Integration Constraint Code. Please refer to the Assessment Officer’s Recommendation for the abovementioned condition.

Compliance with the Relevant Specific Development Code

The proposal complies with all of the Specific Development Code’s Acceptable Solutions and Performance Criteria, except as follows:

Low Rise Apartment Building Specific Development Code

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC5 Developments with more than five dwellings on a lot must provide communal open space that is:</td>
<td>AS5.1 The communal open space is at least 25% of the site area and:</td>
</tr>
<tr>
<td>a useable;</td>
<td>a is provided in addition to private open space areas;</td>
</tr>
<tr>
<td>b clearly defined;</td>
<td>b has a minimum dimension of ten metres;</td>
</tr>
<tr>
<td>c a safe and attractive living environment.</td>
<td>c is readily accessible to residents;</td>
</tr>
<tr>
<td></td>
<td>d has a maximum gradient not exceeding one in ten;</td>
</tr>
<tr>
<td></td>
<td>e is designed and located so that it is subject to informal surveillance from dwellings on the site;</td>
</tr>
<tr>
<td></td>
<td>f is clearly delineated from any private areas of the site.</td>
</tr>
</tbody>
</table>
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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The proposed development has provided a total of 240m² of communal space on the site which represents 41% of the site area. It is noted that the communal space provided in response to Acceptable Solution AS5.1 does not have a minimum dimension of ten metres.

The proposed open space area is located along the eastern and northern boundaries of the subject site. The communal open space area provided is designed and located to allow informal surveillance from units above and is clearly delineated from any private areas of the site. More specifically, the open space area provides a barbeque area, pool area, lawn and paved and landscaped areas. The open space has been designed to ensure it is readily accessible to residents with direct access to the communal open space area from Teemangum Street and via the ground floor foyer.

In addition, the space has been designed to ensure a number of residents can use the space simultaneously through essentially providing three separate areas. The break up of spaces allows for more residents to recreate in the one area at any one time.

It is considered that the proposed development has provided an adequate amount of recreational facilities to facilitate both active and passive recreational opportunities for the occupants of the Apartment building.

Despite its shortfall in minimum dimensions, it is considered that the proposed communal open space area will provide a high quality landscaped area which will be of recreational benefit to the occupants. Furthermore, the reduced dimensions of the communal open space area are considered to be offset by the amount of private open space available to each unit. Having regard to this, it is considered that the proposed development meets Performance Criteria 5 of the Low Rise Apartment Building Specific Development Code.

Desired Environmental Outcomes and/or Land Use Themes

The proposed building height and accommodation density for the Apartment are not considered to strictly comply with Performance Criteria 1 and 6 and Performance Criteria 2 of the Residential Choice Domain. Therefore, an assessment of the proposed development against the higher order provisions of the Planning Scheme is required.

Part 2, Division 1, Chapter 1 – Introduction to the Desired Environmental Outcomes identifies the role of Desired Environmental Outcomes. Specifically, this section states:

“The Desired Environmental Outcomes (DEOs) are the core of the Planning Scheme. They provide the fundamental context (derived from the foundation research discussed in Part 1, Division 2) for the Planning Strategies that follow in Part 3, and subsequently, for the development assessment codes and other measures contained in the remaining parts of the Planning Scheme. They therefore provide a primary focus or direction for the entire Planning Scheme.

They are expressed in terms of broad policy outcomes which seek to achieve ecological sustainability for the City as a whole”.

ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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The development proposal has been assessed against the following relevant Desired Environmental Outcomes:

Part 2 Division 1 Chapter 4 - Desired Environmental Outcome – Community Wellbeing Soc 1

The DEO seeks to ensure:

The establishment, conservation and enhancement of local character and the promotion of a distinctive local identity and sense of place for the various communities of Gold Coast City.

Explanation:

People are attracted to live in the various parts of the City for many reasons and they soon form attachments to places because of particular local features or a discernible local character. Often this is related to significant landscape elements, the character of the local built environment or the nature of the area's public spaces. As evidenced by Gold Coast City Urban Heritage and Character Study, the City of Gold Coast has a distinctive character that should be respected in design, its component parts have a diversity that should be embraced, as the City continues to grow. For new urban areas, this sense of place will grow over time, if careful attention is paid to the local environment and the aspirations of the emerging community.

The Planning Scheme can influence development to ensure that, even in the context of rapid urban growth, natural topographic features and urban landscape values are identified and protected. It can also facilitate controls on design to ensure that any identified local character is respected and, where appropriate, enhanced.

The most applicable Planning Objectives (relevant to the proposed development) to support this DEO are as follows:

Soc.1.3 to achieve a built form which highlights the basic structural elements of the City’s development pattern and maintains clarity in character between the various component parts.

Soc.1.4 to ensure that new development promotes a high standard of urban design which contributes to the attractiveness and efficient functioning of the City’s built environment and which reflects the values and aspirations of local communities.
ITEM 2 (Continued)  
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Officer’s Comments

The proposed Apartment building land use is of a scale and intensity that is consistent with DEO Soc 1. The DEO has a clear intention to ensure new development provides a built form which maintains clarity in character for local areas such as Tugun.

As discussed earlier, the proposed development seeks to provide a four storey Apartment building. As such, the proposed development is providing a built form which highlights the structural elements of the Tugun development pattern which currently provides a mix of developments four storeys in height, as outlined earlier in this report.

Added to this, the Apartment building has been designed to promote a high standard of urban design which responds to the sites characteristics. Urban design features include a mix of rendered finishes, colourbond roofing and fascia, colourbond cladding, frameless glass balustrades and powder coated aluminium window framings. Fencing along both street frontages will vary and consist of rendered brick work, aluminium balisters and existing rock walls.

Furthermore, the development provides a continuation in height from the peak of the hill along Teemangum Street to the subject site further south. This has ensured the site is capable of achieving a built form which maintains clarity in character along this component of Teemangum Street and respects the natural topographic features surrounding the site. Along with a much needed rejuvenation of the subject site, the proposed development offers a better transition from residential land uses to the commercial activities to the south.

Council Officers therefore believe DEO Soc 1 is not compromised by the proposal.

Part 2 Division 1 Chapter 4 - Desired Environmental Outcome – Community Wellbeing Soc 2

The DEO seeks to ensure:

The location and design of residential areas and support facilities to maximise accessibility to community facilities and places of employment, and to maximise opportunities for community interaction.

Explanation:

Access to community facilities and employment opportunities is a fundamental component of social wellbeing. It is directly related to quality of life issues, including social interaction, recreation and security of income. It is desirable that residential neighbourhoods are located in close proximity to community facilities and employment concentrations and that they are designed to facilitate clear and convenient access to these features. As such, urban areas that are designed to maximise social interaction are also safe environments that promote increased casual surveillance of public spaces.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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The Planning Scheme is the major influence on the overall form of the City and the distribution of its component parts. It is also the main influence on the design and layout of local areas and the buildings that comprise them. It is therefore well positioned to achieve the above outcomes.

The most applicable Planning Objectives (relevant to the proposed development) to support this DEO are as follows:

Soc.2.1 to facilitate an efficient urban form that offers high levels of accessibility between residential areas and Activity Centres and Activity Clusters.

Soc.2.2 to maximise residential densities in and around Activity Centres and Activity Clusters, where an acceptable level of amenity can be achieved.

Officer’s Comments

The subject site is located within the Tugun District Centre (Activity Centre), pursuant to the Planning Strategy Map PS-4. The District Centre Land Use Theme has established that the proposed development with the density proposed is consistent with the Planning Intent for sites located within this designation. This is evident by the following statement:

“Continued consolidation and diversification of land uses within the business node will be facilitated. Mixed use development, residential accommodation and tourist accommodation will be permitted, subject to suitable acoustic treatment and design.”

The proposed development is a residential development to be located within close proximity to central Tugun. The proposed development therefore directly responds to DEO Soc 2 which specifically supports the maximisation of residential densities in and around Activity Centres such as Tugun.

The development will provide a total of 8 dwellings on site. By increasing the accommodation density within this District Centre, the development provides diversification in dwelling types for Tugun and seeks to achieve a medium density development in close proximity to the commercial core of Tugun.

Added to this, the increase in people accommodated at the subject site will assist in improving the viability of the Tugun commercial centre. However, more importantly the development will facilitate an urban form that offers high levels of accessibility between the residential areas and the Tugun Activity Centre. The site also has reasonable access to the Gold Coast Highway, Pacific Motorway and other arterial roads. This will allow any future occupants of the development to gain direct access to public transport infrastructure and Key Regional Centres.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Council Officers therefore believe DEO Soc 2 is not compromised by the proposal.

Part 2 Division 1 Chapter 4 - Desired Environmental Outcome – Community Wellbeing Soc 3

The DEO seeks to ensure:

The provision of a range of diverse housing choice, including affordable housing, that is responsive to the changing demographic structure of the City's population and promotes equity in access to goods and services.

Explanation:

Housing accounts for the greatest proportion of the total urban land area of the City. It currently accommodates a resident population that has predominantly migrated to the City in the last few decades. This resident population is now aging. While the overall range of accommodation available in the City of Gold Coast is very diverse, there are many localities where only one form of housing is currently provided. These areas therefore tend to be very narrow in their social profile and place high levels of demand upon particular services and facilities. These demands then change dramatically as the local population ages.

The Planning Scheme is able to assist in diversifying housing choice within local areas by introducing opportunities for the development of a wide range of dwelling types and dwelling densities in appropriate locations. This then enables the changing accommodation needs of local communities to be met in the local area and a greater social mix to be achieved, with a more even demand on social infrastructure. Generally, the increased densities would be provided close to community and transport facilities.

The most applicable Planning Objectives (relevant to the proposed development) to support this DEO are as follows:

Soc.3.1 to facilitate a range of dwelling types and densities, within local areas, that meets the needs of the City’s existing and future households.

Soc.3.2 to facilitate the development of neighbourhoods, with a mix of housing types, tenures, sizes and styles, to encourage social cohesion and integration.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Officer’s Comments

The proposed increase in density facilitates a range of dwelling types and densities within the residential choice domain of the Tugun area. This will ensure that the local community of Tugun has a variety of dwelling choices that meet the needs of the City's existing and future households.

The range of dwellings will also help to broaden the social profile of Tugun and therefore reduce high levels of demand upon particular services.

The Apartment building offers a low maintenance unit lifestyle and provides significant private open space areas. The development seeks to provide the abovementioned housing choice that will eventuate in a greater social mix to be achieved for the Tugun local area.

As intended by DEO Soc 3, the increased density has been provided in close proximity to a number of bus services, arterial roads and recreational facilities (Currumbin Wildlife Sanctuary and Beach).

Council Officers therefore believe DEO Soc 3 is not compromised by the proposal.

Summary of building height and accommodation density conflict

Although the proposed building height and accommodation density for the Apartment is not considered to strictly comply with the relevant Performance Criteria, it has been demonstrated that the proposed development does not compromise any of the applicable Desired Environmental Outcomes. As such, the conflict is considered to be minor and will result in little or no impacts and therefore does not warrant refusal of the application.

Desired Environmental Outcome Soc.5

The proposed developments proximity to the Gold Coast Airport has also warranted an assessment of the proposal against DEO Soc.5 of the Planning Scheme.

The DEO seeks to ensure:

The maintenance of residential amenity, through the minimisation of any environmental harm or adverse social impacts occurring from the construction and operation of commercial, community, tourism, industrial and extractive industry activities.
Explanation:

Gold Coast City’s competitive strengths are strongly linked to its attractive lifestyle attributes. Residential amenity translates to good quality of life. In a context of competing activities and rapid urban growth, it is important that these lifestyle values are identified and considered in land use and development decision making.

The Planning Scheme is able to provide considerable influence in this regard. Initially, it is able to position the various land uses so as to separate conflicting activities, through the Land Use Themes, domains and LAP provisions. It is then able, through the application of the various codes for assessing development proposals, to further minimise potential conflicts through controls on construction activity, the design and layout of the development and the nature of its operations.

The most applicable Planning Objectives (relevant to the proposed development) to support this DEO are as follows:

Soc.5.5 to ensure that new residential development in locations in proximity to community facilities or significant transport infrastructure, including major roads and railway lines, incorporates adequate design treatments to mitigate any potential amenity impacts.

Officer’s Comments

The subject site is located approximately 1.8 kilometres north of the Gold Coast Airport. More specifically the site is located within the 25 - 30 ANEF aircraft noise contour. The development has not adequately demonstrated design treatments to mitigate the potential impacts of aircraft noise. To ensure that the proposed development does not conflict with the Planning Objective Soc. 5.5, conditions have been provided by DTMR to ensure the development is insulated to the applicable standard required by AS2021 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.

DTMR’s response and associated conditions of approval are discussed in further detail later within this report.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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STATE PLANNING POLICIES

State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities

The Gold Coast Airport and Aviation Facility Constraint code is considered to reflect the requirements of the State Planning Policy 1/02 - Development in the Vicinity of Certain Airports and Aviation Facilities and therefore assessment against this policy is not required.

SOUTH EAST QUEENSLAND REGIONAL PLAN

Pursuant to the South East Queensland Regional Plan (2009), the subject site is contained within the Urban Footprint.

In accordance with the SEQ Regional Plan requirements, all SEQ Councils are required to prepare a Local Growth Management Strategy (LGMS) to achieve the strategic intent of the Regional Plan at the local level. In this regard, it is considered that providing land for ‘infill’ development featuring residential land uses, which utilises existing infrastructure in close proximity to established employment nodes and public transport provides an excellent opportunity to assist Council in achieving the targets established under the Regional Plan. In this way, the anticipated population growth and associated change may be dealt with in a sustainable way, while protecting the quality of life in the region.

The proposed development is considered to meet the objectives of the SEQ Regional Plan.

REFERRALS

External Referrals

Department of Transport and Main Roads - Concurrence Agency

The application was referred to the Department of Transport and Main Roads (DTMR) as a Concurrence Agency with regards to the subject site being located within the 25 - 30 ANEF contour, pursuant to Schedule 12 of the Sustainable Planning Regulations 2009.

By letter, dated 20 January 2012, DTMR provided conditions relating to:

- The residential density of the development being limited to the maximum residential density permitted as code assessable being 11 bedrooms to accord with State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities and Australian Standards AS2021 -2000; and

- The development is to be insulated to the applicable standard required by AS2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction for the ANEF contour above the development.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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However an amended concurrence agency response was provided on the 9 March 2012. DTMR amended their response removing the requirement to reduce the density and provided a condition of approval relating only to:

- The development is to be insulated to the applicable standard required by AS2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction for the ANEF contour above the development.

DTMR also provided advice that the development should not exceed the density shown on OM4-17 and the maximum building height shown on OM6-7 due to the fact that the proposal will expose larger numbers of people to aircraft noise. It is noted that DTMR have recommended a condition to ensure the proposed development is insulated to the applicable standard required by AS2021. As this is the case, it is expected that the attenuation measures required to meet AS2021 will mitigate the aircraft noise for future residents.

DTMR’s response and associated conditions of approval will be attached to the development permit.

Internal Referrals

The subject application was made available for referral to representatives from the following departments through the Development Assessment Review Team (DART) process on 29 September 2011.

| Health and Regulatory Services | Operational Works |
| City Transport | Hydraulic Engineering |
| Engineering | Qld Fire and rescue (Bushfire) |
| Open Space Assessment | Landscaping |
| Allconnex Water | Arborist |
| Social Planning | Beaches and Water |
| Plumbing | Geotechnical |
| Environmental Assessment | Architect |

From this meeting the application was referred to Allconnex Water, Health and Regulatory Services, Engineering Services, Opens Space Assessment, the Architect, Plumbing and Drainage, Geotechnical Engineering, Landscape Assessment, City Transport, Environmental Assessment and the Arborist.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Allconnex Water
A copy of the application was referred to Allconnex Water for comment. Allconnex Water have assessed the application and determined it satisfactory. Allconnex Water have recommended several conditions of approval relating to wastewater and water supply reticulation at the subject site.

Health & Regulatory Services
A copy of the application was referred to Council’s Health & Regulatory Services section for comment. Council’s Health & Regulatory Services section have assessed the application and provided the following comments:

"Acoustics
An amended acoustic report has been provided at the request of Rigby Consulting Pty Ltd on behalf of the Gold Coast Airport Pty Ltd. This amended report has included evidence that the noise assessment has considered full spectral noise levels and transmissions.

The report gives recommendations for acoustic attenuation to the building and the provision of air conditioning or sealed mechanical ventilation to meet the requirements of full spectral noise levels.

Both the Department of Transport and Main Roads and Rigby Consulting Pty Ltd have provided draft conditions. Both groups have advised the following:-

-The development is to be attenuated to the applicable standard required by AS2021- Acoustics-Aircraft Noise Intrusion- Building siting and construction.

-In situ acoustic testing of the development is recommended in relation to the above Australian Standard.

-Prior to commencement of construction certification provided that the above requirements have been met by the design.

-Prior to commencement of use certification provided that the applicable requirements of As 2021 have been achieved.

Waste
Plans detailing a waste chute and storage room have been included with the application. Further information has been received with regard to the type of bins to be used and the servicing provisions of the proposed development.

It is proposed for the development to incorporate a waste chute and wheelie bins for general and recyclable waste. These bins are to be moved to the kerb by an on-site manager or person nominated by the body corporate for collection. The applicant has stated that the use of bulk waste bins in this proposal would not be viable due to the height and gradient of the basement car park. As the development comprises of less than ten units this proposal is accepted and will be conditioned accordingly.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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COMMENTS

Licensing & Approvals has concerns regarding this MCU application for the reason that the development would be inappropriate in the proposed locality owing to the severity of the aircraft noise, the increase in density proposed in the 25-30 ANEF contour with reference to the State Planning Policy. The applicant has also not been able to demonstrate that appropriate internal noise levels can be achieved in accordance with AS 2021.

Position of Site with reference to AS2021.

The site is located within the ANEF 30-35 aircraft noise contour. With reference to Australian Standard AS2021 - 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction (AS 2021), this Standard classifies residential development sites with an ANEF greater than 25 as 'unacceptable', and thus development is not recommended by the Standard.

With regard to developments that are deemed to be in the community interest, AS2021, in Note 4 beneath Table 2.1, states:

"where the relevant planning authority determines that any development may be necessary within existing built up areas designated as unacceptable, it is recommended that such development should achieve the required [Aircraft Noise Reduction] determined according to Clause 3.2"

The determination as to whether the development is in the community interest is not in Licensing & Approval's remit to comment on.

Density

The applicant is proposing a significant increase in density for this site. The proposed eight (8) apartments is a significant increase in the density for sites in this contour. Town Planning has confirmed that there has been no increase in density from recent development within the 25-30 ANEF contour to date, this application being the first to apply for an increase in density of this scale. Licensing and Approvals believe an increase in density in the 25-30 ANEF contour would be detrimental as it would expose more residents to unacceptable levels of amenity from aircraft noise and potentially create an increase in complaints.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Conditions imposed by DTMR

As the Concurrence Agency, DTMR have imposed conditions regarding the level of noise insulation required for the development, that certification be provided confirming the design meets AS2021 and that post completion testing be carried out in order to certify that the design requirements have achieved the applicable requirements of AS2021.

The conditions imposed by DTMR somewhat address the issue of low frequency noise requiring the developer to certify that the design of the development takes low frequency noise into account and requesting that they demonstrate how they have achieved this.

Licensing & Approvals has imposed a condition that the applicant be required to submit all certification required via DTMR’s conditions to this section for our information.”

As discussed earlier, conditions have been provided by the Department of Transport and Main Roads to ensure that the development is insulated to the applicable standard required by AS2021 – 2000 Acoustics – Aircraft Noise Intrusion.

Health & Regulatory Services have provided conditions with regards to waste and the applicant to submit all acoustic reports and certification required by the Department of Transport and Main Roads conditions. These conditions have been included in the Officer’s recommendation.

Engineering Services

A copy of the application was referred to Council’s Engineering Services section for comment. Council’s Engineering Services section have assessed the application and determined it satisfactory subject to conditions relating to alterations to the road reserve, services and infrastructure, vehicle crossover, stormwater service pits and the reconstruction of the kerb and channel/footpath.

Open Space Assessment

A copy of the application was referred to Council’s Open Space Assessment department for comment. Council’s Open Space Assessment department have assessed the application and determined it satisfactory subject to conditions relating to the provision of street trees on public land along Wade Street and Teemangum Street.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Architect
A copy of the application was referred to Council’s Senior Architect/Urban Designer for comment. Council’s Senior Architect/Urban Designer has assessed the application and has noted the resubmitted documents as part of Information Request have satisfactorily responded to their previous concerns. The Senior Architect/Urban Designer provided the following comments:

“The proposal shows a high standard of design resolution appropriate to the site and it’s location. The design appears to have achieved it’s objective of creating a well articulated building displaying architectural form, definition and interest that will feature within the local context of the surrounding area and blend into the existing form of the built landscape.

It is fair to say the development proposal has achieved a high standard in terms of Architecture and Urban Design outcomes that will help the development to integrate with and enrich the character of the local neighbourhood. As this area of the Gold Coast continues to develop and increase in density, a development proposal such as this will ultimately form part of the urban grain of the area. It will integrate and associate with existing neighbourhood form, add variety, visual interest and identity to the area.

In this regard, subject to relevant advice of other Council officers, it is recommended that the architectural and urban design outcomes proposed in this development application generally be supported.”

The Senior Architect/Urban Designer recommended one condition of approval requiring the development to be constructed strictly in accordance with the approved drawings and associated conditions. This condition is not considered relevant

Landscape Assessment
A copy of the application was referred to Council’s Landscape Assessment section for comment. Council’s Landscape Assessment section have reviewed the submitted plans and provided the following comments:

“It is considered that the landscape proposal does not necessarily satisfy all the applicable codes, however, landscaping alone is not considered sufficient to refuse the application or require a significant re-design of the proposal. Accordingly, conditions of approval have been provided below.

Landscape Assessment consider the proposed development in its current form does not provide sufficient landscaping along Teemangum Street to soften the built form. As such, Landscape Assessment have provided a condition requiring the applicant to submit a detailed landscape plan for approval which provides for trees, groundcovers and screening shrubs along Teemangum Street. Landscape Assessment is satisfied the abovementioned condition will contribute to the protection and enhancement of the existing dominant visual features of the local area.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEAMANGUM STREET TUGUN - DIVISION 14
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Plumbing and Drainage
A copy of the application was referred to Council’s Plumbing and Drainage department for comment. Council’s Plumbing and Drainage department have assessed the application and determined it satisfactory subject to conditions relating to compliance permits for sewerage, water supply and fire services plumbing work.

Geotechnical Engineering
A copy of the application was referred to Council’s Geotechnical Engineering section for review. Council’s Geotechnical Engineering section have assessed the application and determined it satisfactory subject to conditions relating to basement excavation and ground anchoring.

City Transport
A copy of the application was referred to Council’s City Transport section for comment. City Transport are generally satisfied with the proposed development subject to the imposition of conditions relating to off street car parking facilities, an intercom system, mechanical car stackers, visitor spaces and the design and construction of footpaths and bikeways.

Environmental Assessment
A copy of the application was referred to Council’s Environmental Assessment section for comment. Council’s Environmental Assessment section have assessed the application and provide the following comments:

“Following a detailed review of the subject application I have no comments or conditions of approval to impose. It appears as though the application was referred to EP&A for Acid Sulfate soil hazard assessment, however due to existing topography and the fact that proposed excavations will not extend below 5mAHD EP&A are satisfied that disturbance of acid sulfate soils will be avoided.”

Environmental Assessment are generally satisfied with the proposed development and have provided one condition of approval requiring an operational works application be lodged for vegetation clearing.

Arborist
A copy of the application was referred to Council’s Arboriculture Assessment section for comment. Council’s Arboriculture Assessment section have assessed the application and provided the following comments:

“An inspection on the 7th October 2011 at the above address, revealed protected size trees/palms existing within the proposed building envelope that are deemed "As-Of Right" removal and were not of local significance. The site inspection also revealed protected size vegetation located outside the boundary of works that would not be impacted by the proposed development. Therefore no change to the development application will be required to facilitate tree retention.”

The Arboriculture Assessment section have not provided any conditions of approval.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Third Party Advice from Gold Coast Airport Pty Ltd

During the assessment of the application comments were provided from a representative from the Gold Coast Airport Pty Ltd (GCAPL). It is important to note the Gold Coast Airport Pty Ltd is not a Referral Agency in accordance with the provisions of the Sustainable Planning Act 2009. The Airport was requested to provide advice on the proposed development by Council.

The following comments were provided in response to the information request:

“It is advised that the applicant’s revised acoustic assessment was referred to GCAPL’s independent acoustic consultants who have carried out an assessment. A copy of the report by Wilkinson Murray is attached for your information.

In view of the severe potential adverse impacts by aircraft noise in this location, GCAPL believes that the subject application is of sufficient significance to warrant lodgement of a formal submission pursuant to Section 305 of the Sustainable Planning Act. A copy of the airport’s submission dated 23 January 2012 is attached, and contains GCAPL’s advice in respect of the application.

Outcome 2 of the State Planning Policy requires development to be compatible with forecast levels of aircraft noise, except where, inter alia, “the proposed development is a development commitment”. That term is defined in the SPP to include “development clearly consistent with the relevant zone … in a planning scheme”.

Apartment development of up to 12 bedrooms could be achievable according to the restriction of 1 bedroom per 50m² of site area as shown for RD5 in Overlay Map OM4. This is considered to be what could be classified as a “development commitment” as defined by the SPP.

In relation to acoustic insulation of the apartments to conform with the requirements of the SPP and with AS2.1 of the Council’s code, GCAPL’s acoustic assessment reaches a conclusion that the proponent’s original and supplementary reports do not represent a suitable methodology for determining appropriate remedial treatments, do not conform with AS2021, and fail to satisfactorily demonstrate that acceptable internal noise levels will be achieved by the proposal.

A design level of 80 dBA is adopted by the supplementary report without any appropriate basis for doing so, in lieu of the correct figure of 89 dBA, and ensuing determination of building specifications is therefore also incorrect.
ITEM 2 (Continued)

MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Very substantial noise reductions (up to 39 dB) will be required to achieve indoor design sound levels which satisfy the criteria of AS2021, as explained in the attached assessment.

Based on the findings of the assessment undertaken for GCAPL, it is recommended that the subject application be limited to the number of apartment bedrooms permitted by the applicable residential density Overlay. It is further recommended that conditions be imposed which would ensure attenuation of indoor noise levels to the extent required by AS2021-2000, and for post-construction certification that the required indoor design sound levels are achieved. In that regard, draft conditions (by Wilkinson Murray) are put forward as follows:

a. The development is to be insulated to the applicable standard required by AS2021 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction for the ANEF contour above the development. Noting the external aircraft noise levels identified in the Noise Impact Assessment dated 20 December 2011 by Carter Rytenskild Group, the acoustic design is required to achieve Aircraft Noise Reductions (ANR) of 39 and 34 for sleeping areas/dedicated lounges and other habitable spaces respectively. Given that the required ANR exceeds 30, the acoustic design must be evaluated in terms of the spectral components of aircraft noise rather than a dB(A) value and the performance of building components evaluated in spectral transmission losses instead of an Rw value, as required by Clause 3.2 of AS2021. The acoustic design must be justified by demonstrated in situ acoustic performance, noting Clause E2.2 of AS2021. Note that the specification of construction elements in terms of Rw alone is not considered adequate for this development.

b. Prior to the commencement of construction the Council must be provided with certification from a suitably qualified acoustical professional, being a Registered Professional Engineer of Queensland and either a member of the Australian Acoustical Society or an employee of an Association of Australian Acoustical Consultants member firm, certifying that the above requirements have been met by the design. Specifically the certification must provide clear evidence that Clauses 3.2, E2.3 and E2.2 of AS2021, which relate to considerations in achieving large reductions in aircraft noise, have been satisfied.

c. Prior to commencement of the use the Council must be provided with certification from a suitably qualified acoustical professional, being a Registered Professional Engineer of Queensland and either a member of the Australian Acoustical Society or an employee of an Association of Australian Acoustical Consultants member firm, certifying that the applicable requirements of AS2021 have been achieved. Testing shall be undertaken in accordance with the procedures detailed in Appendix C of AS2021.

It is also noted that the subject land is located within the area covered by the Lighting Zone for Gold Coast Airport which requires, inter alia, that roofs of buildings be constructed of non-reflective materials (see AS6.1 of the Airport Code). It is therefore recommended that the standard condition adopted by the Council in relation to this subject be imposed on the current application."
Paragraph four as outlined above details the ability for 12 bedrooms to be achieved under the current Planning Scheme for the subject site, it is worth noting this figure is in fact 11 bedrooms as discusses earlier within this report.

Council Officers consider a reduction in the proposed density is not warranted in this instance, as discussed within the DEO section of this report and given conditions can be included to mitigate the adverse impact from aircraft noise. The conditions provided by Department of Transport and Main Roads will ensure the development is insulated to the applicable standard required by AS2021 – 2000 Acoustics – Aircraft noise Intrusion. Furthermore, a condition has also been recommended to ensure the roof of the building is constructed of non-reflective materials.

**ADOPTED INFRASTRUCTURE CHARGES CALCULATIONS**

**Allconnex Water Calculations**

Total Allconnex Water charge is **$60,297.50**

**Adopted Infrastructure Charge Calculation**

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**Net Charge Summary**

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**Gold Coast City Council Calculations**

Total Gold Coast City Council charge is **$75,202.50**

**Adopted Infrastructure Charge Calculation**

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**Net Charge Summary**

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ITEM 2  (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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ADVERTISING

The applicant has submitted a written notice stating that public notification of the application has been completed in accordance with the requirements of the Sustainable Planning Act 2009.

The first public notification period commenced on Tuesday 10 January 2012 and ended on Friday 3 February 2012. During this period Council received notice from an adjoining land owner who resides overseas and had only become aware of the application with approximately 5 business days remaining of the public notification period. It appears there were two different addresses for this particular adjoining land owner which in turn meant they had less than 5 business days to review the application and provide a submission. As such, Council Officers considered section 297(1)(c) of the Sustainable Planning Act 2009 had not been satisfied.

The applicant was therefore requested to re-advertise the proposed development in accordance with section 297(1)(c) of the Sustainable Planning Act 2009 which commenced on 9 March 2012 and ended on 30 March 2012. In accordance with section 306 of the Sustainable Planning Act 2009, submissions received during the first notification period have been taken to be submissions for the later notification period.

In response to advertising, four (4) properly made submissions and four (4) not properly made submissions were received. The main points of objection are listed, followed by the Officer’s comment.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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<tr>
<td><strong>Building Height</strong></td>
<td>As discussed previously within this report, due to the location of the subject site, the land rises to the rear boundary of the lot and adjoining properties to the north are significantly elevated on the hill. This in turn has ensured the building does not appear bulky and provides a height which is commensurate with that of the nearby buildings. The additional storey offers a continuation of building height along Teemangum Street to the south. The proposed development does not appear to be out of character with the immediate surrounding built form in terms of height or scale. It is important to note that the proposed building is no higher than the existing apartment developments to the north. As discussed within this report the building height is not considered to result in a significant loss of visual amenity. As such, these points of objection are not considered to be valid grounds for the refusal of the application.</td>
</tr>
<tr>
<td>Should be three storeys not four</td>
<td></td>
</tr>
<tr>
<td>This four storey development is far too high compared to others in the street which are three storeys</td>
<td></td>
</tr>
</tbody>
</table>

| **Accommodation Density** | The proposed accommodation density of the development is considered to be consistent with the level of services currently afforded to the site and surrounding area. The proposed development is located in a well established area of the City and has access to a range of recreational services including open space areas to the north and east of the site. The proposed development provides a higher density than that of 4 Teemangum Street, however Officers consider the bulk, communal open space and setbacks are acceptable within this part of Tugun. The development will provide a total of 8 dwellings on site. By increasing the accommodation density within this District Centre, the development provides diversification in dwelling types for Tugun and seeks to achieve a medium density development in close proximity to the commercial core of Tugun. Added to this, the increase in people accommodated at the subject site will assist in improving the viability of the Tugun commercial centre. The car stacking system is proposed to avoid constructing an additional basement level at the subject site. As such, these points of objection are not considered to be valid grounds for the refusal of the application. |
| Should be 1:50 and not the proposed 1:30 | |
| Proposed apartment block has a density far too great compared to others already constructed in the street | |
| This development is disproportionally large for the site area of 582 square metres and disproportionally large when compared to its adjoining property at 4 Teemangum Street (which comprises 5 units, a total of 11 bedrooms and basement car parking for 7 cars on a 632 square metre site) | |
| The fact that the proposed density should necessitate a car stacking system to accommodate 16 cars in the basement seems excessive | |
Building Setbacks

- Of most concern is the proposed balconies that encroach on the 6 metres setback that all other properties have maintained.
- Apartment is far too wide and long i.e. setbacks are out of sync when compared to others in the street.
- Object to the breach of Wade Street and Teemangum Street setbacks and particularly the projection of balconies to within a metre of the Teemangum Street frontage, it is unsightly and seems necessary to only because of the excessive size of the development.

As discussed previously within this report, the proposed reduced frontage setbacks to the three road frontages of the site are considered to demonstrate an acceptable outcome for the site and local area. It is important to note that the subject site adjoins a roadway along three frontages and therefore has only one adjoining property. As such, setbacks to nearby properties are in excess of 30 metres to the east across Teemangum Street, 40 metres to the south across Wagawn Street and 90 metres across the Gold Coast Highway to the west.

The proposed triangular balcony which at its point sits 1 metre from the Teemangum Street boundary is designed as such to ensure the further the balcony encroaches into the setback the smaller in width it becomes.

It is considered to be unreasonable for the development to provide a six metre frontage setback to all three road frontages. As such, the proposed setbacks of approximately 1.5 metres to Wade Street from the roof overhang and 0 metres from the Apartment to Wagawn Street appropriately respond to the streetscape character of the area.

Given the locational characteristics of the site, the setbacks of the development are considered to enhance, rather than detract from the existing streetscape. It is considered that the proposed development will assist in establishing a streetscape character synonymous with that of a residential choice area.

As such, these points of objection are not considered to be valid grounds for the refusal of the application.

Communal Open Space

- Communal open space is not achieved under the current proposal.

As discussed previously within this report, the proposed development provides an area of communal open space which is compliant with the Planning Scheme requirements. It is noted the proposed communal open space areas do not achieve a minimum dimension of 10 metres however despite this shortfall, it is considered that the proposed communal open space area will provide a high quality landscaped area which will be of recreational benefit to the occupants. Furthermore, the reduced dimensions of the communal open space area are considered to be offset by the amount of private open space available to each unit.

As such, these points of objection are not considered to be valid grounds for the refusal of the application.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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<table>
<thead>
<tr>
<th>Traffic</th>
<th>Noise</th>
</tr>
</thead>
</table>
| - There is a growing problem with parking availability and an increase in density will further contribute to this problem  
- Car stackers will dispose future residents to seek more convenient outdoor street parking | - The proposed development is not considered to result in unreasonable traffic impacts within the local area. Council’s City Transport Planners have assessed the proposed development and determined that the local road network has the capacity to accommodate the expected traffic volumes generated by the residential development.  
A total of 16 resident car parking spaces and 2 visitor spaces are provided on site which is compliant with the Planning Scheme requirements. As such, with adequate on site car parking, it is not considered that on street car parking will result along Teemangum Street and Wade Street.  
A condition has been recommended which requires a maintenance management plan be submitted to Council which ensures the car stackers are maintained appropriately and therefore ensuring they function as intended. City Transport Officers are satisfied with the location and design of the proposed car stackers and do not consider they will result in residents parking on the street.  
As such, these points of objection are not considered to be valid grounds for the refusal of the application. |

| - The assessment finds the proponent’s original and supplementary reports do not represent a suitable methodology for determining appropriate remedial treatments, do not confirm with AS 2021, and fail to satisfactorily demonstrate that acceptable internal noise levels will be achieved by the proposal.  
- Based on the findings of the assessment undertaken for GCAPL, it is recommended that the subject application be limited to the number of apartment bedrooms permitted by the applicable residential density Overlay.  
- It is further recommended that conditions be imposed which would ensure attenuation of indoor noise levels to the extent required by AS2021-2000 and for post-construction certification that the required indoor design sound levels are achieved. | - As discussed in the assessment section of the application, conditions of approval are recommended to mitigate the adverse effects of aircraft noise on future residents.  
Council Officers consider a reduction in the proposed density is not warranted in this instance, as discussed within the DEO section of this report and given conditions can be included to mitigate the adverse impact from aircraft noise. The conditions provided by the Department of Transport and Main Roads will ensure the development is insulated to the applicable standard required by AS2021 – 2000 Acoustics – Aircraft noise Intrusion.  
As such, these points of objection are not considered to be valid grounds for the refusal of the application. |
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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**Lighting**
- It is noted that the subject land is covered by the lighting zone for the Gold Coast Airport which requires roofs be constructed of non reflective materials
- Council Officers acknowledge the subject site is located within Overlay Map 8d: Gold Coast Airport – Lighting Zones and have therefore recommended a condition which requires the applicant to construct the roof of the proposed development out of non reflective materials.
- As such, these points of objection are not considered to be valid grounds for the refusal of the application.

**Amenity**
- The proposal will directly jeopardise the investment of unit holders (4 Teemangum St) by deleting ocean views and suburban outlook views due to height and oversizing on three boundaries
- The development will significantly interfere with the enjoyment of views and the amenity of residents of the second and third floors of the three storey building at 4 Teemangum Street
- Normal daily activities on our site (Tugan Fruit Market) may create a nuisance in the future to residents on the applicants site
- It is considered the proposal is unlikely to impact on views and breezes beyond that of an ‘as of right’ three storey development on the subject site. The additional storey has been setback from the adjoining to be consistent with that of other buildings along Teemangum Street to the north.
- The articulation achieved through the varying setback of the building’s façade is considered to reduce any perceived visual dominance of the proposed development and seeks to ensure the amenity of adjoining residents is not compromised. Furthermore, the proposed development will not impede views or breezes for unit holders to the east or west. Suburban outlook views to the south of the adjoining development will be impeded, however this is not considered to be unreasonable given the existing built form pattern along Teemangum Street.
- The acoustic treatment recommended as part of the conditions of approval is considered appropriate to mitigate any potential nuisance from the Tugan Fruit Market. Furthermore, the Fruit Market is located approximately 40 metres to the south of the subject site which is considered to be an appropriate distance to manage any potential adverse impacts.
- As such, these points of objection are not considered to be valid grounds for the refusal of the application.
CONCLUSION

Council is in receipt of a development application for a Material Change of Use for a Low Rise Apartment building comprising four storeys and eight (8) dwelling units at 2 Teemangum Street, Tugun also described as Lot 5 on RP81325.

The proposed alternative solutions have all been determined to satisfy the relevant Performance Criteria with the exception of Building Height and Accommodation Density. Due to this conflict, Council Officers have assessed the proposal against the applicable Desired Environmental Outcomes (DEOs) for the City and have determined that the proposal does not compromise the DEOs.

The submitters’ concerns have been addressed in this report and suitable conditions have been included in the officer’s recommendation to address such concerns where appropriate. Furthermore, the concerns raised do not warrant the refusal of the application.

It is considered that the proposed development demonstrates an acceptable outcome for the area with the application being recommended for approval subject to the conditions contained within the recommendation of this report.

NOTIFICATIONS

The following notifications should be registered on the rates cards in relation to this resolution:

STANDARD NOTIFICATIONS

Aircraft Noise

The subject site is located within 25-30 aircraft noise exposure contour and is therefore subject to significant aircraft noise intrusion.

Development Approval Conditions Applicable

Development approval conditions are applicable on this land in perpetuity and will attach to the subsequent lots. All property owner(s) must ensure compliance with these conditions. Please refer to Gold Coast City Council’s PN file and Decision Notice for further information.

Noise/Acoustic

There are development approval conditions applicable in relation to Acoustic issues on this lot and all subsequent lots. All property owner(s) must ensure compliance with these conditions. Please refer to Gold Coast City Council’s PN file and Decision Notice for further information.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Rainwater Tank

To achieve water saving targets in a reticulated water supply region:

1. All attached and detached dwellings shall meet the requirements contained within the Queensland Development Code Part 25 – Water Saving Targets for non-dual areas.

2. All commercial and non-residential properties shall meet the performance criteria of the Gold Coast City Council’s Commercial and Non-Residential Rainwater Tank Design and Installation Policy (as amended from time to time).

3. To achieve water saving targets in dual reticulated water supply regions all attached, detached dwellings, commercial and non-residential properties shall meet the requirements of Gold Coast Planning Scheme Policy 20 – Rainwater Tanks and Gold Coast City Council’s Commercial and Non-Residential Rainwater Tank Design and Installation Policy (as amended from time to time).

Information note:

The rainwater tank system on this property shall be maintained by the owner in accordance with all relevant statutory requirements and when amendments are made.

Please be aware that failure to comply with the Queensland Development Code (QDC) is an offence of 165 penalty units under the Building Act 1975 and the Built Environment section of the Gold Coast City Council has a process in place to capture the provisions of the QDC.

For further information please contact Gold Coast City Council’s Plumbing & Drainage Department.

RECOMMENDATION

It is recommended Council resolve:

<table>
<thead>
<tr>
<th>Real Property Description</th>
<th>Lot 5 on RP81325</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address of Property</td>
<td>2 Teemangum Street, Tugun</td>
</tr>
<tr>
<td>Area of Property</td>
<td>582m²</td>
</tr>
<tr>
<td>Decision Type</td>
<td>Development Permit to establish an Apartment Building (8 dwelling units)</td>
</tr>
<tr>
<td>Further Development Permits</td>
<td>Operational Works (Landscape Works), Operational Works (Public Landscape Works), Operational Works (Advertising Device), Operational Works (Vegetation Removal) &amp; Operational Works (Works for Infrastructure)</td>
</tr>
<tr>
<td>Further Compliance Permits</td>
<td>Compliance Permit for Water Supply, Compliance Permit for Sewerage Works &amp; Compliance Permit for Fire Services</td>
</tr>
<tr>
<td>Compliance Assessment required for documents or works</td>
<td>NA</td>
</tr>
</tbody>
</table>
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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NATURE OF DECISION

A. Council approves the issue of a development permit for material change of use for an Apartment (8 dwelling units), subject to the following conditions:

APPROVED PLANS/DRAWINGS

1 Development to be generally in accordance with specified plans/drawings

The development must be carried out generally in accordance with the approved plans/drawings listed below, stamped and returned to the applicant with this decision notice.

<table>
<thead>
<tr>
<th>Plan No.</th>
<th>Rev.</th>
<th>Title</th>
<th>Date</th>
<th>Prepared by</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA - 08</td>
<td>-</td>
<td>Basement Plan</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
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<tr>
<td>DA - 09</td>
<td>-</td>
<td>Ground Floor Plan</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
</tr>
<tr>
<td>DA - 10</td>
<td>-</td>
<td>First, Second &amp; Third Floor Plan</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
</tr>
<tr>
<td>DA - 11</td>
<td>-</td>
<td>Roof Plan</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
</tr>
<tr>
<td>DA - 12</td>
<td>-</td>
<td>Section looking southwest</td>
<td>August 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
</tr>
<tr>
<td>DA - 13</td>
<td>-</td>
<td>Southwest Elevation</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
</tr>
<tr>
<td>DA - 14</td>
<td>-</td>
<td>Northeast &amp; Northwest Elevation</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
</tr>
<tr>
<td>DA - 15</td>
<td>-</td>
<td>Balcony Detail</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
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<tr>
<td>DA - 16</td>
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<td>Ground Floor Uses</td>
<td>December 2011</td>
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<tr>
<td>DA - 17</td>
<td>-</td>
<td>Fencing</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
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<tr>
<td>DA - 18</td>
<td>-</td>
<td>Car Stacker Arrangements</td>
<td>August 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
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</tbody>
</table>
ITEM 2 (Continued)

MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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2 Changes requiring further approval

Changes to the approved design that are not generally in accordance with the approved plans/drawings require approval in accordance with the Sustainable Planning Act 2009.

*Information note: The Sustainable Planning Act 2009 sets out the procedures for changing approvals where the change can be classified as a permissible change. If the change is not a permissible change, a new development approval is required.*

3 Decision notice and approved plans/drawings to be submitted with subsequent application

A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any operational works application relating to or arising from this development approval.

4 Decision notice and approved plans/drawings to be retained on-site

A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

5 Any deviations require further approval

Any proposed deviation from the approved plans/drawings as a result of on-site or in-situ conditions must not be made unless amended plans/drawings are submitted and approved by Council. The development must be carried out in accordance with the approved amended plans/drawings.

6 Notice of works timetable

After successful completion of any pre-start inspections required by conditions of this or other development approvals and at least 3 business days prior to the commencement of any works on-site, the applicant must give Council written notice of the following:

a Application number;

b Site address;

c Name and telephone number (work and after hours) of the project manager and the site owner;

d Works intended to be carried out;

e The proposed timetable associated with the works, including expected commencement, duration and completion date.

The notification is to be sent to Council’s Development Compliance Team Leader (fax: 07 5582 8080; phone: 07 5582 8184). This notification is in addition to any other notifications required by other conditions of this or other development approvals.

A form is available to assist in providing the information relating to Notice of Works/Commencement requirements. The form can be obtained at Council Offices (Nerang, Bundall and Coolangatta). It also can be found on Council's website at www.goldcoast.qld.gov.au/forms (Building & Development).
CAR PARKING AND ACCESS

7 Intercom system
An intercom system must be installed and maintained, linking each of the dwellings with the control point, enabling residents to operate the security gate/s from within their unit to provide direct access for visitors into the basement without the need for a key fob, swipe card or similar device. The intercom box must be located within four metres of the front property boundary and within that area, be set back a sufficient distance from the property boundary so that a vehicle using the intercom will be entirely within the site. The design and construction of the system must be completed to the satisfaction of the Chief Executive Officer, at no cost to Council, and prior to the commencement of the use of this development approval.

8 Off-street car parking facilities
Off-street car parking facilities must be designed and constructed to the satisfaction of the Chief Executive Officer and at no cost to Council, prior to the commencement of the use of this development approval, in accordance with the following:

a The off-street car parking facilities (including landscaping) must be designed in accordance with:
   i The plan/s of development referred to in this development approval providing a minimum 16 residential car parking spaces (Class 1A) and 2 visitor spaces (Class 2);
   ii Car Parking, Access and Transport Integration Constraints Code (Gold Coast City Council Planning Scheme 2003 Version 1.2 amended November 2011); and

b The off-street car parking facilities must only be used for vehicle parking.

c The off-street car parking facilities must be drained, sealed and line-marked to a reasonable standard acceptable to a RPEQ qualified Engineer.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT
BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN
- DIVISION 14
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9 Mechanical Car Stackers
   a The mechanical car stackers used for off-street residential car parking spaces in
      the basement car park must be Klaus Stack Parker 2062-215 or similar machine
      approved by the Chief Executive Officer. Each mechanical car stacker must not
      be accessible to the general public (residential visitors included) unless
      permission is granted by the user owner.
   b Information must be displayed in a prominent location near each stacker machine
      showing how to safely operate the stackers.
   c A maintenance management plan must be submitted to Council and approved by
      the Chief Executive Officer prior to the commencement of the use, the subject of
      the development application addressing the following:
      i Resistance against corrosion for the life expectancy of the machine;
      ii The maintenance responsibilities of all relevant parties is clearly indicated
         to all parties;
      iii Short response times (24 hours) for all maintenance matters can be
         provided at all times;
      iv Regular scheduled maintenance is carried out on the mechanical car
         stackers as recommended by the supplier; and
      v Maintenance of the mechanical car stackers within the development is the
         sole responsibility of the owner and at no cost to Gold Coast City Council.

10 Visitor car parking spaces
   Visitor car parking spaces must be clearly identifiable through the provision of
   appropriate line marking and signage and constructed to the satisfaction of the Chief
   Executive Officer prior to the commencement of the use of the premises.

11 Footpaths and bikeways design and construction
   The applicant must design and construct concrete footpaths/bikeways as follows:
   a 1.5 metre wide path along the full frontage of the site to Wade Street and
      Wagawn Street joined neatly with the existing footpath at Teemangum Street;
   b in accordance with Planning Scheme Policy 11 – Land Development Guidelines,
      Standard Specifications and Drawings subject to any variations approved by
      Council in issuing a development permit for operational work (works for
      infrastructure) for the footpath/bikeways; and
   c prior to the earlier of a request for compliance assessment of the subdivision
      plan, Council accepting the works ‘On Maintenance’ or the commencement of the
      use.

12 Operational work (works for infrastructure) application required
   The applicant must apply for and obtain a development permit for operational work
   (works for infrastructure) from Council for the design and construction of the works for
   the footpath/bikeways. Approval of landscaping plans, which show the location of
   footpaths/bikeways, is not to be taken as an approval to construct such paths.
VEHICULAR CROSSINGS AND DRIVEWAYS

13 Vehicular crossings

A vehicular crossing (driveway entry within the road reserve) must be designed and constructed by the applicant (at no cost to Council) in accordance with the following Council Standard Drawing/s for vehicular crossings as applicable, allowing for a suitable footpath to be added at the appropriate location:

a 05-02-301 Vehicular crossing industrial, commercial and multi unit residential.
b The vehicular crossing must have a plain grey concrete finish and be constructed square to the street alignment.
c The applicant must apply for and obtain a licence from Council for the construction of the vehicular crossing.
d The vehicular crossing must be constructed to the satisfaction of the Chief Executive Officer prior to commencement of the use of the premises.

14 Redundant vehicular crossings

All redundant vehicle crossings must be removed and kerb and channel reinstated in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings. The removal and reinstatement must be to the satisfaction of the Chief Executive Officer, at no cost to Council, prior to the commencement of the use of the premises.

ALTERATIONS TO SERVICES, INFRASTRUCTURE AND/OR ROAD RESERVE

15 Alterations in road reserve to provide equitable access

Any alterations in the road reserve must provide for equitable access, including satisfaction of the requirements of AS1428 Design for access and mobility as if they applied to the road reserve.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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16 Approval required for alterations to road reserve/Council services

The applicant must obtain a development permit for operational work (works for infrastructure) before any alterations to the road reserve or Council water, sewer and/or stormwater services and all other Council assets can be carried out. Such alterations may include but are not limited to:

a Reinstatement of disused driveway crossovers with kerb and channel;
b Footpath construction;
c Pavement construction;
d Kerb and channel;
e Kerb ramps;
f Alteration to footpath levels;
g Signage and linemarking;
h Alterations, connections or additions to Council’s stormwater, water and sewer systems and other assets;
i Retaining walls;
j Medians and traffic islands; and
k All road furniture.

17 Reconstruction of kerb and channel / footpath

a Where kerb and channel / footpath is removed or damaged, the applicant must reconstruct the kerb and channel / footpath for the full frontages of the development site at Teemangum Street and Wade Street to meet the requirements of section 3.4 of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, prior to the earlier of a request for compliance assessment or the commencement of the use of the premises.

b The reconstruction of any service pits or infrastructure necessary to achieve the requirements of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings when constructing/reconstructing kerb and channel and footpaths is to be at the applicant’s cost and at no cost to Council.

18 Stormwater discharge

Stormwater discharge generated by the development site must be connected directly to the road inlet gully on the corner of Teemangum Street and Wade Street as indicated by the ‘Development Stormwater Layout Plan’ prepared by Knobel Consulting.
19 Removal of redundant stormwater kerb adaptors / service pits
The applicant must, at the applicant's cost and at no cost to Council and prior to the
earlier of a request for compliance assessment of the subdivision plan or the
commencement of the use of the premises, remove any redundant stormwater kerb
adaptors and disused service pits from the kerb and channel (including any associated
pipework across the footpath).

20 Location of stairs, ramps, associated handrails and surface indicators
Any stairs, ramps, associated handrails and tactile ground surface indicators must be
located wholly within the private property of the development site.

AMENITY

21 Restricted paint colours
Buildings and structures must not be painted in highly reflective, bright or obtrusive
colours.

22 Location of equipment and ventilation/refrigeration units
All service equipment, mechanical ventilation and refrigeration units associated with the
use of the premises must be installed and located to the satisfaction of the Chief
Executive Officer so as not to cause nuisance or disturbance to persons outside the
curtilage of the premises.

23 Refuse storage area
A screened refuse storage area must be located on-site and be connected to the
internal plumbing and drainage system to the satisfaction of the Chief Executive
Officer, prior to the commencement of the use and maintained for the life of the
development.

24 Screening of storage
The storage of any machinery, materials or vehicles must be screened so as not to be
visible from any road to which the site has frontage, to the satisfaction of the Chief
Executive Officer.

25 No nuisance from lighting
All lighting devices must be positioned on the premises and shielded to the satisfaction
of the Chief Executive Officer so as not to cause glare or other nuisance to surrounding
residents and motorists.

26 Roof to be non-reflective - Amenity
The roof must be constructed with non-reflective finishes so as not to cause glare or
other nuisance to surrounding residents, to the satisfaction of the Chief Executive
Officer.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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BUILT FORM

27 Balconies and podiums to be unenclosed
All balconies and podium areas must remain unenclosed in accordance with the approved plans referred to in condition 1 of this decision notice.

28 Design and treatment of topmost storey
The topmost storey of all buildings (including the roof and any service equipment and plant rooms) must be designed and treated so as to visually integrate with and complement the design and finish of the rest of the building, to the satisfaction of the Chief Executive Officer.

29 Roof to be non-reflective – Gold Coast Airport Lighting Zone
As the subject land is within the Lighting Zone for Gold Coast Airport as indicated on Overlay Map OM8d (Gold Coast Airport – Lighting Zone), so as to avoid hazards to pilots of aircraft operating in the airport’s airspace, non-reflective roof surfaces must be used, unless use of reflective roof materials has been approved by Gold Coast Airport Pty Ltd prior to the issue of a development approval for building works.

Information note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to, or less than, 0.35.

ADVERTISING DEVICES

30 No illuminated signage during construction
Any crane booms and/or supporting structures must not incorporate any illuminated signage at any time during the construction phase.

31 Advertising device approval required
No advertising device is to be erected on the premises without the necessary development permit for operational work (advertising device) and/or approval under Council’s Local Law No. 16 (Licensing) and Subordinate Local Law 16.8 (Advertisement). The applicant should contact Council’s Health, Regulatory & Lifeguard Services Branch on (07) 5581 6140 to discuss approval requirements.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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LANDSCAPE WORKS ON PRIVATE LAND

32 Detailed landscape plan to be submitted for approval
   a The applicant must submit to Council for approval a detailed landscape plan, by
      making a development application for operational work (landscape work).
      Approval of proposed landscape work must be obtained prior to the earlier of the
      commencement of operational works (landscaping) or the issue of a certificate of
      classification.
   b Without limiting the requirements of the planning scheme’s Landscape Work
      Specific Development Code, the detailed landscape plan must:
      i Be prepared by a qualified landscape architect or similar landscape design
         professional;
      ii Be in general accordance with the Statement of Landscape Intent, being
         Dwg: LSI201125_10-01, Rev: D, Title: Landscape Intent, Date: December
         2011, By: Byrms Lardner Landscape Architects;
      iii Reflect the approved layout (including any amendments to that layout
         required by these conditions) and the conditions of this approval; and
      iv Comply with Planning Scheme Policy 13 – Landscape Strategy Part 2 –
         Landscape Works Documentation Manual.

33 The required landscaping plan must also demonstrate the following:
   a Trees planted on site must be as large as possible (within reason), with a
      minimum of 200 litre bag size;
   b Shrubs planted on site must be a minimum 300mm pot size at time of planting;
   c Due to the limited size of planting areas, and the scale of the building, the
      landscape designer must take every opportunity to arrange and utilise species in
      a manner which will best soften the built form;

34 Bio-retention
   The proposed bio-retention system must have a minimum filter media depth of 800mm
   in order to accommodate tree planting.
VEGETATION MANAGEMENT

35 Vegetation works OPW application required

This approval does not approve vegetation clearing or damage. Prior to commencement of such works, a development application for operational work (vegetation works) must be made to and approved by Council for any works proposing clearing or damage to any Protected Vegetation. The application must be accompanied by a copy of each of the following plans (and, where a plan has already been approved, that plan must be accompanied by the corresponding approval documentation (ie. decision notice or letter of approval)):

- a The approved MCU / ROL layout plan.
- b The approved bushfire management plan.
- c Plans clearly identifying which vegetation is proposed to be removed and which vegetation is proposed to be retained.
- d A letter from an EPA-approved spotter-catcher.
- e A sediment and erosion control and construction management plan.

For this condition ‘Protected Vegetation’ is defined as vegetation that is:

- equal to, or in excess of, 40 centimetres in girth (circumference) measured at 1.3 metres above average ground level irrespective of the domain or LAP; or
- equal to, or in excess of, four metres in height in the Rural, Park Living or Emerging Communities Domains, Burleigh Ridge LAP, Coomera LAP (Precincts 7, 9 and 10), Coomera Town Centre (Precincts 8, 10 and 11), Currumbin Hill LAP, Eagleby LAP (Precinct 6), East Coomera/Yawalpah Conservation LAP, Guragunbah LAP, Hope Island LAP (Precinct 3), Mudgeeraba Village LAP, Nerang LAP (Precincts 9 and 10), South Stradbroke LAP, Uplands Dr and Woodlands Way LAP, West Burleigh Township LAP or Yatala Enterprise Area LAP.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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LANDSCAPE WORKS ON PUBLIC LAND

36 Street trees within public road reserve
   a The applicant is required to ensure that street trees are planted within the public road reserve fronting the subject site along Teemangum and Wade Streets.
   b The area of Teemangum St public road reserve above the existing rock retaining wall must be landscaped with low maintenance, native species comprising screening shrubs, groundcovers and trees generally as shown on the referenced Statement of Landscape Intent (no hedge species or turf supported). Details of this planting must be included on the detailed landscape plans required to be submitted as part of the development application for operational work (public landscape work).
   c The location, quantity and species shall be determined through the assessment of the development application for Operational Works (public landscape) required by condition of this approval.
   d All street trees required by conditions of this approval must be shown and approved on the OPW public landscape application and must be installed, established and maintained in accordance with the Gold Coast City Council’s Planning Scheme Policy 11 – Land Development Guidelines, Policy 12 Landscape Strategy Part 1 – Landscape Character: Guiding the Image of the City and Policy 13 Landscape Strategy Part 2 – Landscape Works Documentation Manual.

37 Detailed landscape plans for public road reserve to be submitted for approval
   a The applicant must submit to Council for approval detailed landscape plans, by making a development application for operational work (public landscape work).
   b Landscape works must not commence on the site until Council has issued a development permit for operational work (public landscape work), or unless otherwise approved by a Council Officer from the Open Space Assessment Branch.
   c Without limiting the requirements of the planning scheme’s Landscape Work Specific Development Code, the detailed landscape plan must:
      i be prepared by a qualified landscape architect or similar landscape design professional;
      ii reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this approval;
iv for works in the road reserve – comply with the following requirements:

A Trees must not be aligned with side boundaries or where underground services are located;

B Tree planting must be set back a minimum of one metre from the nominal kerb line;

C Trees must be a single-trunked canopy shade species able to attain a clear trunk height of 1800 mm on maturity;

D Trees must be kept a minimum distance of two metres laterally from inlet gullies;

E Trees must not be planted within twenty metres of the approach side and six metres of the departure side of intersections that are not equipped with traffic signals;

F Trees must not be planted within fifteen metres of the approach side and six metres of the departure side of a pedestrian crossing or bus stop;

G All built structures associated with an entry statement must be located within private property. Planting associated with the entry statement is acceptable in the road reserve area only where it achieves the requirements of Planning Scheme Policy 13 - Landscape Strategy Part 2 - Landscape Works Documentation Manual and Planning Scheme Policy 6: Entry Statements; and

d The landscape works must be constructed, in accordance with the approved landscape plan, prior to the commencement of the use of the premises.

38 Establishment period for public road reserve

a Upon completion of the landscape works in accordance with the approved landscape plans, the applicant must notify Council’s Contributed Assets Section (ph 5582 8052) for an on-site meeting, prior to acceptance by Council of the commencement of the ‘Establishment Period’.

b The applicant is responsible for the establishment of all living components of public open space, to the satisfaction of the Chief Executive Officer, for the duration of a six month ‘Establishment Period’, prior to commencement of the ‘On Maintenance’ period, in accordance with section 6.17 of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

c Without limiting the obligations under section 6.17 of the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings the applicant must, during the ‘Establishment Period’:

i rectify any defects arising from substandard workmanship;

ii replace any planted vegetation of poor quality or inappropriate species where used instead of specified species; and

iii maintain all components and their environs.
ITEM 2 (Continued)
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39 ‘On Maintenance’ period for public road reserve
   a Upon completion of the ‘Establishment Period’ in accordance with the abovementioned conditions of approval, the applicant must notify the assessment officer identified in this decision notice for an on-site meeting, prior to acceptance by Council of the commencement of the ‘On Maintenance’ period.
   b Upon satisfactory completion of the ‘Establishment’ period and Council notifying the applicant that all living components of public road reserve has been formally accepted as being ‘On Maintenance’ following an ‘On Maintenance’ inspection, the applicant is responsible for undertaking a 12 month ‘On Maintenance’ period in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.
   c Upon completion of the ‘On Maintenance’ period in accordance with the abovementioned conditions of approval, the applicant must notify the assessment officer identified in this decision notice for an on-site meeting, prior to the works being accepted by Council as ‘Off Maintenance’.
   d Without limiting the obligations under section 6.18 of the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, the applicant, and not Council, is responsible for:
      i Maintaining all living components of public road reserve; and
      ii For the rectification of defects and any damage that occurs, unless the damage is directly attributable to Council activities.

ACOUSTICS

40 Submission of Acoustic Reports
   The applicant must concurrently submit to Council’s ‘Health, Regulatory and Lifeguard Services Branch’, copies of all acoustic reports and certification required by conditions imposed by the ‘Department of Transport and Main Roads’ (Referral Agency Reference TMR11-000210, dated 9 March 2012).

41 Air conditioning
   Air conditioning must be provided to all units to ensure noise-affected units have adequate ventilation with a closed façade.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT
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WASTE

42 Waste collection
Waste collection activities must not be conducted between the hours of 6:00pm and
7:00am daily.

43 Waste Removal Systems (chutes)
The waste removal system is to be designed and constructed in accordance with
Section 11.5 of Gold Coast City Council’s Solid Waste Management Guideline for New
Developments (2011).

44 Wheelie Bin Storage Point
All storage points for wheelie bins must be designed and constructed in accordance
with Section 11.2 of Gold Coast City Council’s Solid Waste Management Guideline for
New Developments (2011).

45 Wheelie Bin Servicing Point
All servicing points for wheelie bins must be designed and constructed in accordance
with Section 11.2 of Gold Coast City Council’s Solid Waste Management Guideline for
New Developments (2011).

GEOTECHNICAL

46 Basement excavation and ground anchoring issues
In conjunction with any application seeking a development permit for building works,
the applicant shall provide the following document(s) to the relevant authority.

a written confirmation signed by the applicant or the applicant’s consulting engineer
(Registered Professional Engineer of Queensland, RPEQ) that the proposed
basement excavation/construction does not rely on any works external to the site
boundary (e.g. ground anchoring into adjacent properties or road reserves); or

b if the proposed basement excavation does require ground anchoring into
adjacent Council maintained road reserves, the applicant must, prior to obtaining
a development permit for building works or change to ground level ancillary to
building works as approved by a private certifier, or prior to the issue of any
operational works approval (change to ground level) by Council, obtain a
separate Permit from Council to Interfere with a Road – Temporary Ground
Anchors (Subordinate Local Law 11.1 Section 5). The applicant is advised to
contact (07) 5582 8866 for lodging an application for this permit. A copy of this
permit shall be accompanied with the building works application.

Advisory note:
• The installation of any ground anchors into any adjacent private property will
require approval of the relevant property owner(s) and is not assessed or
approved by Council.
• The installation of any ground anchors into any adjacent State controlled
road/reserve will require a Road Corridor Permit from the Department of
Transport and Main Roads (Gold Coast Office, Tel: (07) 5596 9500) and is not
assessed or approved by Council.
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47 Geotechnical certification of long-term stability of the site
Prior to issuing any building works approval, the applicant must submit to Council certification from a Registered Professional Engineer of Queensland (RPEQ) specialising in geotechnical engineering confirming that the site will achieve a slope instability hazard rating of ‘Low’ or better, adequate geotechnical and drainage measures have been incorporated in the design to ensure long-term stability of the site (70 years minimum); and that the proposed development will not adversely affect the stability and integrity of the adjacent properties, buildings and infrastructures.

48 Certification of basement excavation stability
Prior to issuing any building works approval, the applicant must submit to Council certification from a Registered Professional Engineer of Queensland (RPEQ) specialising in geotechnical engineering confirming that the proposed basement excavation and associated batters or supporting structures have been adequately designed based on existing geotechnical conditions of the site, the excavation batters/supporting structures will achieve a factor of safety greater than 1.5 against geotechnical instabilities; and that the proposed basement excavation/construction including any dewatering will not cause any adverse effects on the stability and integrity of the adjacent buildings, properties, utility services and infrastructures.

CONSTRUCTION MANAGEMENT

49 Construction management plan
Part A Construction Management Requirements
a A construction management plan must be submitted to, and approved by, Council prior to the issue of any development permit for the carrying out of building work.
b The construction management plan must be submitted in accordance with the Application for Construction Management Plan form and Guidelines for Construction Management Plans are available on Council’s website.
c The construction management plan must address all activities associated with construction (excluding noise and dust issues), including but not limited to:
   i Vehicle access (including responsibility for maintenance of the defined cartage route) during hours of construction;
   ii Traffic management (including loading and unloading);
   iii Parking of vehicles (including on site employees and delivery vehicles);
   iv Maintenance of safe pedestrian movement across the site’s frontage/s (including by people with disabilities);
   v Building waste / refuse disposal;
   vi Presentation of hoarding to the street;
   vii Tree management.
d The construction management plan must demonstrate that:
  i the general public will be adequately protected from construction activities;
  ii the building site will be kept clean and tidy to maintain public safety and amenity; and
  iii demand for occupation of the street and protection of Council assets will be well managed.

e The approved construction management plan must be complied with and kept on-site at all times.

Part B Road/footpath Closure Requirements
Where as a result of construction work or activities it is necessary to temporarily close a road/footpath under the control of Council the following requirements will apply.

a. Where it is proposed to interfere with a road for any building or construction work such as a gantry, hoarding or skip bin, an application for temporary closure of a Council controlled road must be submitted to, and approved by, Council prior to the issue of any development permit for the carrying out of building work. Such application is to be lodged in conjunction with an application for approval of a construction management plan.

b. Where it is required to interfere with a road for any building or construction related work for a period in excess of two (2) weeks, a Road Closure Work Zone permit is to be obtained from Council’s Traffic Management and Operations Branch.

c. Where it is required to occupy any portion of the road reserve in conjunction with building or construction work, a permit to occupy is to be obtained from Council’s Property Section.

50 Noise management

a Noise from construction activities must not cause an ‘environmental nuisance’ (within the meaning of that term set out in the Environmental Protection Act 1994) at any sensitive receptor stated in schedule 1 of the Environmental Protection (Noise) Policy 2008.

b When requested by Council, monitoring must be undertaken to investigate any complaint of environmental nuisance caused by noise.

c The monitoring must be carried out:
  i by a suitably qualified acoustic engineer;
  ii at the potentially affected sensitive receptor/s;
  iii by applying the procedure set out in chapter 5, part 3 of the Environmental Protection Regulation 2008; and
  iv within 5 business days of receipt of the request from Council.

d The data and monitoring results must be provided to Council within 3 business days of completion of the monitoring.
ITEM 2 (Continued)
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If the acoustic quality objectives stated in schedule 1, column 3 of the Environmental Protection (Noise) Policy 2008 have been exceeded at a sensitive receptor stated in column 1 at a time of day stated in column 2, a noise management plan must be submitted to Council for approval within 10 business days of completion of the monitoring.

The noise management plan must:

i be prepared by a suitably qualified acoustic engineer;

ii provide details of noise sources;

iii identify the measures and work practices that will be implemented to ensure that noise from construction activities does not cause an ‘environmental nuisance’ (within the meaning of that term set out in the Environmental Protection Act 1994) at any sensitive receptor stated in schedule 1 of the Environmental Protection (Noise) Policy 2008;

iv identify the procedures to be adopted for monitoring of noise emissions;

v provide details of complaint response procedures that will be adopted;

vi identify the procedures to be adopted for revision and review of the noise management plan.

The approved noise management plan must be complied with and kept on-site at all times.

Dust management

The release of dust and particulate matter from construction activities must not cause an ‘environmental nuisance’ (within the meaning of that term set out in the Environmental Protection Act 1994) at any sensitive receptor stated in schedule 1 of the Environmental Protection (Noise) Policy 2008.

When requested by Council, monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust or particulate matter.

The monitoring must be carried out:

i by a suitably qualified professional;

ii at the potentially affected sensitive receptor(s);

iii by applying the procedure set out in chapter 5, part 3 of the Environmental Protection Regulation 2008; and

iv within 5 business days of receipt of the request from Council.

The data and monitoring results must be provided to Council within 3 business days of completion of the monitoring.

If the air quality objectives stated in schedule 1, column 3 of the Environmental Protection (Air) Policy 2008 have been exceeded at a sensitive receptor, a dust management plan must be submitted to Council for approval within 10 business days of completion of the monitoring.
ITEM 2 (Continued)
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f The dust management plan must:
   i be prepared by a suitably qualified professional;
   ii provide details of sources of dust and particulate emissions;
   iii identify the measures and work practices that will be implemented to ensure that the release of dust and particulate matter from construction activities does not cause an ‘environmental nuisance’ (within the meaning of that term set out in the Environmental Protection Act 1994) at any sensitive receptor stated in schedule 1 of the Environmental Protection (Noise) Policy 2008;
   iv identify the procedures to be adopted for monitoring and reporting of air emissions;
   v provide details of complaint response procedures that will be adopted; and
   vi identify the procedures to be adopted for revision and review of the dust management plan.

g The approved dust management plan must be complied with and kept on-site at all times.

52 Haulage access / site management

a Prior to the commencement of works, the applicant must provide a vehicle barrier along the frontages of the land, to ensure that all vehicles only use crossovers approved by the Chief Executive Officer.

b Loading/unloading operations must be conducted entirely within the site and vehicles waiting to be loaded/unloaded must also stand within the site.

c All reasonable methods are to be used to reduce nuisance from dust, noise, vibration, smoke and material tracked onto public roads as a result of hauling and filling operations. Upon receipt of a dust nuisance complaint or notification of a dust nuisance by the Council, the applicant is to take reasonable and immediate action to remedy the dust problem to the satisfaction of the Contributed Assets Inspector.

d The site must be maintained in a clean and tidy state at all times. Satisfactory arrangements must be made for the collection, storage and disposal of all waste materials.

e Non-recyclable debris must be transported from the site and disposed of at an approved waste facility. Combustion of any material is not permitted on the subject site without prior approval of Council.

f The applicant must ensure that gravel access areas to the site, transport dust covers and shake (hose) down areas are in place to control both on-site dust nuisance and contamination of external properties, roadways and receiving waterways.

g Any damage to property (including pavement damage) is to be rectified to the satisfaction of Council prior to the earlier of Council issuing a letter accepting the works on-maintenance or a request for compliance assessment of the subdivision plan. The surrounding carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the applicant’s expense and any such cost are payable prior to the earlier of acceptance of the works on-maintenance or a request for compliance assessment of the subdivision plan.
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MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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53 Transport of soil/fill/excavated material

During the transportation of soil and other fill/excavated material:

a All trucks hauling soil, or fill/excavated material must have their loads secure and covered;

b Any spillage that falls from the trucks or their wheels must be collected and removed from the site and streets along which the trucks travel, on a daily basis; and

c Prior to vehicles exiting the site, measures must be taken to remove soil from the wheels of the vehicles to prevent soil and mud being deposited on public roads.

54 Water usage

The use of potable water is not permitted in activities associated with road and pavement construction, the compaction of fill material or dust suppression. The use of recycled water is encouraged, especially where other alternative sources do not exist. Where recycled water is proposed to be used:

a The use of the recycled water must be in accordance with the requirements of the Allconnex Water Recycled Water Management Plan (RWMP), which sets out the requirements for transport and use of recycled water;

b The applicant must first complete the Recycled Water User Operator Training with Allconnex Water, in accordance with the RWMP. Proof of completion of the training course will be by issue of a valid certification card;

c The applicant can only contract to use a recycled water carrier who is accredited and certified by Allconnex Water. Accreditation requires a current authorised agreement between the water carrier and Allconnex Water; and

d The water carrier is only allowed to employ certified tanker operator/drivers, who have completed the recycled-water training course with Allconnex Water and hold a valid certification card.

Information note:

To obtain a copy of the management plan and also to obtain a list of approved water carrier operators, the applicant should contact Allconnex Water: Senior Officer Recycled Water ph. (07) 5582 8422 Allconnex Water ph. 1300 366 692.

Potable water is defined as water treated to drinking water standards (NHMRC guidelines 1996) and being available in Councils normal reticulated potable water supply system. Recycled water is defined as treated wastewater in class A+, A B or C in accordance with the Public Health Regulations (NO1) 2008.
ITEM 2 (Continued)
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55 Workplace health and safety

The Workplace Health and Safety Act 1995 and AS 1742 Manual of Uniform Traffic Control Devices must be complied with in carrying out the works, including ensuring safe traffic control and safe public access in respect of works being conducted on a road.

56 Public safety to be ensured

The applicant must, at no cost to Council, ensure that all reasonable safeguards in and around the works are undertaken and maintained at all times to ensure the safety of the public. Such safeguards include, but are not limited to, erecting and maintaining barricades, guards, fencing and signs (and ensuring removal after completion of works) and watching and flagging traffic.

57 Diesel cranes

Diesel powered cranes shall not to be used in construction of the development subject to this approval, unless otherwise determined by the Chief Executive Officer.

58 Construction hours

The hours of construction of the works (including demolition and operation of any plant, machinery and/or other equipment) is restricted to between 0630 and 1830 Monday to Saturday. Works must not be undertaken on Sundays or public holidays.

WATER SUPPLY RETICULATION

59 Application for compliance permit for water supply plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated water supply plumbing work within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must:

a be accompanied by a hydraulic design for all water services within the property; and

b comply with Section 7 of Council’s Land Development Guidelines.

Information note:

Water supply plumbing works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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SEWERAGE

60 Application for compliance permit for sewerage works required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated sewerage works within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must:

a be accompanied by a hydraulic design for all sewerage works within the property; and
b comply with Council’s Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Gold Coast dated January 1995.

Information note:

- Sewerage works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.
- Plumbing and drainage approval is not an approval to discharge trade waste to Council’s wastewater system. The generator of trade must complete an Application for Approval to Discharge Trade Waste to Council’s Wastewater System (available on Council’s website) prior to discharging any trade waste.

FIRE SERVICES

61 Application for compliance permit for fire services plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for all fire services plumbing work within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must be accompanied by a hydraulic design for all fire services within the property.

Information note:

Plumbing works for fire services must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.

REFERRAL AGENCY CONDITIONS

62 Concurrence agency conditions

The applicant must comply with the conditions set out in the attached correspondence from the following concurrence agencies:

ALLCONNEX WATER CONDITIONS OF APPROVAL

Advice note: The following part of this development approval represents the conditions for water supply and/or recycled water and/pr wastewater for Allconnex Water:

WASTEWATER

63 Wastewater reticulation
   a The development must be connected to Allconnex Water’s reticulated wastewater system, prior to commencement of use of premises, at the applicant’s cost.
   b The size of the property service connection shall be 150mm in accordance with the requirements of the Land Development Guidelines –Policy 11, unless otherwise approved by Allconnex Water.
   c Internal wastewater reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.

64 Design, construction and standard of wastewater reticulation
   The design, construction and standard of the required wastewater reticulation infrastructure to be carried out by the applicant (including all wastewater reticulation infrastructure to be dedicated to Allconnex Water) must be in accordance with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

65 Connection point
   The existing manhole MH 10/483 (asset S001-00880M) in Wade Street must be used as the connection point, unless otherwise approved by Allconnex Water.

66 Connections – arrangements with Allconnex Water
   All live connections to the existing wastewater main or a manhole (MH) are to be performed by Allconnex Water at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection and to obtain a quotation for the work.

67 Redundant wastewater connections
   a All redundant wastewater house connections within the site or servicing the development must be capped.
   b The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of acceptance of any works ‘On Maintenance’ or the commencement of the use of the premises.

68 Management of internal wastewater infrastructure
   All wastewater infrastructure internal to this development shall be owned and managed by the Principle Body Corporate.
WATER SUPPLY RETICULATION

69 Water supply reticulation (potable only)
   a The development must be connected to Allconnex Water’s potable water supply system prior to commencement of use, at the applicant’s cost.
   b Internal water reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.

70 Design, construction and standard of water supply reticulation
   The design, construction and standard of the required water supply reticulation infrastructure to be carried out by the applicant (including all water supply reticulation infrastructure to be dedicated to Allconnex Water) must be in accordance with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

71 Connection point
   The existing 100mm main in Teemangum Street must be used as the potable water supply connection point, unless otherwise approved by Allconnex Water.

72 Installation of property service, dual water box, and meters
   The applicant must, prior to commencement of uses of premises:
   a Provide potable water property service connection (size to be approved by Allconnex Water) and water meter box to the boundary of the development site in accordance with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings; and
   b The property service connection that includes the meter installation and tapping of the main shall be installed by Allconnex Water at time of the building application, at the cost of the applicant.
   c All development shall comply with Clause 4.2.7 of Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines.

73 Connections – arrangements with Allconnex Water
   All live connections to the existing water main are to be performed by Allconnex Water at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to:
   a Make arrangements for the connection (including to obtain a quotation for the work); and
   b Make an application to Allconnex Water for approval where water services are to be provided to pump stations, parks, medians and irrigation systems (including the supply and installation of a water meter to each service connection where applicable).
74 Individual sub-metering to be provided
The developer shall provide individual sub-metering for all units within the complex including any common property, in accordance with Sub-metering Policy dated 1 January 2008, as follows unless otherwise approved by Allconnex Water.
   a All meters and their locations shall be approved by Plumbing and Drainage.
   b Automatic Meter Reading (AMR) technology shall be utilised where free access for meter reading cannot be provided.

75 Redundant water connections
   a All redundant water meter connections within the site or servicing the development must be removed.
   b The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of acceptance of any works ‘On Maintenance’ or commencement of use of the premises.

76 Fire hydrant to be provided
The applicant must ensure that prior to the commencement of the use of the premises the development is provided with a fire hydrant installation on existing 100mm water main in Teemangum Street, at no cost to Allconex Water, in accordance with the requirements the Land Development Guidelines – Policy 11.

77 Supply standard
The applicant must provide water supply to the standard specified in Section 7 of Allconnex Water’s Land Development Guidelines.

78 Fire loading
Fire loading must not exceed 15L/s for residential uses.

79 Management of internal water infrastructure
All water infrastructure internal to this development shall be owned and managed by the Principle Body Corporate.

RAINWATER TANKS

80 Rainwater tanks – reticulated supply regions
To achieve water savings targets all:
   a Attached Dwellings and Medium Density Detached Dwellings
   b “Commercial Building” or “Non-residential Building”

Advice Note: This ends the conditions for this part of the development permit for Allconnex Water.
ITEM 2 (Continued)
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ADVISORY NOTES TO APPLICANT

B. Referral agencies

The referral agencies (and their addresses) for the application are listed below. Any referral agency conditions are identified in the conditions of approval.

<table>
<thead>
<tr>
<th>Referral agency</th>
<th>Address</th>
<th>Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Transport and Main Roads</td>
<td>36-38 Cotton Street, Nerang QLD 4211 PO Box 442 Nerang QLD 4211</td>
<td>Concurrency Agency – Residential purposes within 25 ANEF contour for an Airport &amp; state controlled road matters</td>
</tr>
</tbody>
</table>

C. Properly made submissions

There were properly made submissions about the application. The name and address of the principal submitter for each properly made submission is attached to the decision notice.

D. Rights of appeal

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 461 of the Sustainable Planning Act 2009. A copy of that section is attached to the decision notice.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in sections 519 and 522 of the Sustainable Planning Act 2009, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

Submitters who made properly made submissions have a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 462 of the Sustainable Planning Act 2009. A copy of that section is attached to the decision notice.

E. Applicant responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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b  Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the Environmental Protection Act 1994 of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a ‘notifiable activity’);

c  Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);

d  Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes;

e  Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds $80,000. Acceptable proof of payment is a Q.Leave – Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991; and

f  Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.

F. Indigenous cultural heritage legislation and duty of care requirement

The Aboriginal Cultural Heritage Act 2003 (‘AHCA’) is administered by the Department of Environment and Resource Management (DERM). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

a  Is not negated by the issuing of this development approval;

b  Applies on all land and water, including freehold land;

c  Lies with the person or entity conducting an activity; and

d  If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DERM’s Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the AHCA.
G. Greenhouse gas emissions

As part of Council’s commitment to reducing greenhouse gas emissions Council is encouraging the expansion of the natural gas reticulation network. In particular, the use of natural gas hot water systems will result in significantly less greenhouse gas emissions than equivalent electric storage hot water systems.

The applicant should contact the local natural gas reticulator (APA Group) to arrange an assessment of the suitability of the proposed development for connection to the existing gas reticulation network. Please contact Ramon O’Keefe on 0438708798 or email: ramon.o’keefe@apa.com.au.

H. Infrastructure charges

Infrastructure contribution policies for the Water, Wastewater, Recreation, Stormwater and Transport Networks are no longer applicable and therefore monetary contribution conditions for these networks are no longer included in the decision notice. Infrastructure charges are now levied under an Adopted Infrastructure Charges Resolution by way of an infrastructure charges notice, which accompanies this decision notice.

I. Obligation to ensure electrical safety

Under the Electrical Safety Act 2002 you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work.

If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.

Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.

Information note:

An exclusion zone sets the minimum safe approach distance to the powerline. Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.

For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations’ web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Infoline – 1300 650 662.
ITEM 2 (Continued)
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J. Water restrictions to be complied with

All persons and/or companies engaging in landscaping works must comply with current water restrictions. These restrictions detail specific times and methods for the watering of newly established gardens and turf for both residential and non-residential developments.

Any person or company found contravening current water restrictions may incur fines of up to 200 penalty units. [Water Supply (Safety and Reliability) Act 2008 Section 43 (3)] (1 Penalty Unit = $100.00).

Author: Justin Bougoure
Authorised by: Warren Rowe
Town Planner
Director Planning Environment & Transport
14 May 2012
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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COMMITTEE RECOMMENDATION CP12.0523.002
moved Cr Owen-Jones seconded Cr Tozer

The Council resolve:

Real Property Description Lot 5 on RP81325
Address of Property 2 Teemangum Street, Tugun
Area of Property 582m²
Decision Type Development Permit to establish an Apartment Building (8 dwelling units)
Further Development Permits Operational Works (Landscape Works), Operational Works (Public Landscape Works), Operational Works (Advertising Device), Operational Works (Vegetation Removal) & Operational Works (Works for Infrastructure)
Further Compliance Permits Compliance Permit for Water Supply, Compliance Permit for Sewerage Works & Compliance Permit for Fire Services
Compliance Assessment required for documents or works NA

NATURE OF DECISION

K. Council approves the issue of a development permit for material change of use for an Apartment (8 dwelling units), subject to the following conditions:

APPROVED PLANS/DRAWINGS

1 Development to be generally in accordance with specified plans/drawings

The development must be carried out generally in accordance with the approved plans/drawings listed below, stamped and returned to the applicant with this decision notice.

<table>
<thead>
<tr>
<th>Plan No.</th>
<th>Rev.</th>
<th>Title</th>
<th>Date</th>
<th>Prepared by</th>
</tr>
</thead>
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<tr>
<td>DA - 08</td>
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<td>Basement Plan</td>
<td>December 2011</td>
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<td>DA - 09</td>
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<td>Ground Floor Plan</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
</tr>
<tr>
<td>DA - 10</td>
<td></td>
<td>First, Second &amp; Third Floor Plan</td>
<td>December 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
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<tr>
<td>DA - 11</td>
<td></td>
<td>Roof Plan</td>
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<tr>
<td>DA - 12</td>
<td></td>
<td>Section looking southwest</td>
<td>August 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
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ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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<td>DA - 14</td>
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<td>Northeast &amp; Northwest Elevation</td>
<td>December 2011</td>
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<td>Balcony Detail</td>
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<tr>
<td>DA - 17</td>
<td>-</td>
<td>Fencing</td>
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<tr>
<td>DA - 18</td>
<td>-</td>
<td>Car Stacker Arrangements</td>
<td>August 2011</td>
<td>Hamilton Hayes Henderson Architects</td>
</tr>
</tbody>
</table>

2 Changes requiring further approval
Changes to the approved design that are not generally in accordance with the approved plans/drawings require approval in accordance with the Sustainable Planning Act 2009.

Information note: The Sustainable Planning Act 2009 sets out the procedures for changing approvals where the change can be classified as a permissible change. If the change is not a permissible change, a new development approval is required.

3 Decision notice and approved plans/drawings to be submitted with subsequent application
A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any operational works application relating to or arising from this development approval.

4 Decision notice and approved plans/drawings to be retained on-site
A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

5 Any deviations require further approval
Any proposed deviation from the approved plans/drawings as a result of on-site or in-situ conditions must not be made unless amended plans/drawings are submitted and approved by Council. The development must be carried out in accordance with the approved amended plans/drawings.
6 Notice of works timetable
After successful completion of any pre-start inspections required by conditions of this or other development approvals and at least 3 business days prior to the commencement of any works on-site, the applicant must give Council written notice of the following:

a Application number;
b Site address;
c Name and telephone number (work and after hours) of the project manager and the site owner;
d Works intended to be carried out;
e The proposed timetable associated with the works, including expected commencement, duration and completion date.

The notification is to be sent to Council’s Development Compliance Team Leader (fax: 07 5582 8080; phone: 07 5582 8184). This notification is in addition to any other notifications required by other conditions of this or other development approvals.

A form is available to assist in providing the information relating to Notice of Works/Commencement requirements. The form can be obtained at Council Offices (Nerang, Bundall and Coolangatta). It also can be found on Council’s website at www.goldcoast.qld.gov.au/forms (Building & Development).

CAR PARKING AND ACCESS

7 Intercom system
An intercom system must be installed and maintained, linking each of the dwellings with the control point, enabling residents to operate the security gate/s from within their unit to provide direct access for visitors into the basement without the need for a key fob, swipe card or similar device. The intercom box must be located within four metres of the front property boundary and within that area, be set back a sufficient distance from the property boundary so that a vehicle using the intercom will be entirely within the site. The design and construction of the system must be completed to the satisfaction of the Chief Executive Officer, at no cost to Council, and prior to the commencement of the use the subject of this development approval.

8 Off-street car parking facilities
Off-street car parking facilities must be designed and constructed to the satisfaction of the Chief Executive Officer and at no cost to Council, prior to the commencement of the use the subject of the development approval, in accordance with the following:

a The off-street car parking facilities (including landscaping) must be designed in accordance with:
i The plan/s of development referred to in this development approval providing a minimum 16 residential car parking spaces (Class 1A) and 2 visitor spaces (Class 2);
ii Car Parking, Access and Transport Integration Constraints Code (Gold Coast City Council Planning Scheme 2003 Version 1.2 amended November 2011); and
b The off-street car parking facilities must only be used for vehicle parking.
c The off-street car parking facilities must be drained, sealed and line-marked to a reasonable standard acceptable to a RPEQ qualified Engineer.
ITEM 2 (Continued)
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9 Mechanical Car Stackers
   a The mechanical car stackers used for off-street residential car parking spaces in the basement car park must be Klaus Stack Parker 2062-215 or similar machine approved by the Chief Executive Officer. Each mechanical car stacker must not be accessible to the general public (residential visitors included) unless permission is granted by the user owner.
   b Information must be displayed in a prominent location near each stacker machine showing how to safely operate the stackers.
   c A maintenance management plan must be submitted to Council and approved by the Chief Executive Officer prior to the commencement of the use, the subject of the development application addressing the following:
      i Resistance against corrosion for the life expectancy of the machine;
      ii The maintenance responsibilities of all relevant parties is clearly indicated to all parties;
      iii Short response times (24 hours) for all maintenance matters can be provided at all times;
      iv Regular scheduled maintenance is carried out on the mechanical car stackers as recommended by the supplier; and
      v Maintenance of the mechanical car stackers within the development is the sole responsibility of the owner and at no cost to Gold Coast City Council.

10 Visitor car parking spaces
   Visitor car parking spaces must be clearly identifiable through the provision of appropriate line marking and signage and constructed to the satisfaction of the Chief Executive Officer prior to the commencement of the use of the premises.

11 Footpaths and bikeways design and construction
   The applicant must design and construct concrete footpaths/bikeways as follows:
   a 1.5 metre wide path along the full frontage of the site to Wade Street and Wagawn Street joined neatly with the existing footpath at Teemangum Street;
   b in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings subject to any variations approved by Council in issuing a development permit for operational work (works for infrastructure) for the footpath/bikeways; and
   c prior to the earlier of a request for compliance assessment of the subdivision plan, Council accepting the works ‘On Maintenance’ or the commencement of the use.

12 Operational work (works for infrastructure) application required
   The applicant must apply for and obtain a development permit for operational work (works for infrastructure) from Council for the design and construction of the works for the footpath/bikeways. Approval of landscaping plans, which show the location of footpaths/bikeways, is not to be taken as an approval to construct such paths.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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VEHICULAR CROSSINGS AND DRIVEWAYS

13 Vehicular crossings

A vehicular crossing (driveway entry within the road reserve) must be designed and constructed by the applicant (at no cost to Council) in accordance with the following Council Standard Drawing/s for vehicular crossings as applicable, allowing for a suitable footpath to be added at the appropriate location:

- a 05-02-301 Vehicular crossing industrial, commercial and multi unit residential.
- b The vehicular crossing must have a plain grey concrete finish and be constructed square to the street alignment.
- c The applicant must apply for and obtain a licence from Council for the construction of the vehicular crossing.
- d The vehicular crossing must be constructed to the satisfaction of the Chief Executive Officer prior to commencement of the use of the premises.

14 Redundant vehicular crossings

All redundant vehicle crossings must be removed and kerb and channel reinstated in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings. The removal and reinstatement must be to the satisfaction of the Chief Executive Officer, at no cost to Council, prior to the commencement of the use of the premises.

ALTERATIONS TO SERVICES, INFRASTRUCTURE AND/OR ROAD RESERVE

15 Alterations in road reserve to provide equitable access

Any alterations in the road reserve must provide for equitable access, including satisfaction of the requirements of AS1428 Design for access and mobility as if they applied to the road reserve.

16 Approval required for alterations to road reserve/Council services

The applicant must obtain a development permit for operational work (works for infrastructure) before any alterations to the road reserve or Council water, sewer and/or stormwater services and all other Council assets can be carried out. Such alterations may include but are not limited to:

- a Reinstatement of disused driveway crossovers with kerb and channel;
- b Footpath construction;
- c Pavement construction;
- d Kerb and channel;
- e Kerb ramps;
- f Alteration to footpath levels;
- g Signage and linemarking;
- h Alterations, connections or additions to Council’s stormwater, water and sewer systems and other assets;
- i Retaining walls;
- j Medians and traffic islands; and
- k All road furniture.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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17 Reconstruction of kerb and channel / footpath

a Where kerb and channel / footpath is removed or damaged, the applicant must reconstruct the kerb and channel / footpath for the full frontages of the development site at Teemangum Street and Wade Street to meet the requirements of section 3.4 of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, prior to the earlier of a request for compliance assessment or the commencement of the use of the premises.

b The reconstruction of any service pits or infrastructure necessary to achieve the requirements of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings when constructing/reconstructing kerb and channel and footpaths is to be at the applicant’s cost and at no cost to Council.

18 Stormwater discharge

Stormwater discharge generated by the development site must be connected directly to the road inlet gully on the corner of Teemangum Street and Wade Street as indicated by the ‘Development Stormwater Layout Plan’ prepared by Knobel Consulting.

19 Removal of redundant stormwater kerb adaptors / service pits

The applicant must, at the applicant’s cost and at no cost to Council and prior to the earlier of a request for compliance assessment of the subdivision plan or the commencement of the use of the premises, remove any redundant stormwater kerb adaptors and disused service pits from the kerb and channel (including any associated pipework across the footpath).

20 Location of stairs, ramps, associated handrails and surface indicators

Any stairs, ramps, associated handrails and tactile ground surface indicators must be located wholly within the private property of the development site.

AMENITY

21 Restricted paint colours

Buildings and structures must not be painted in highly reflective, bright or obtrusive colours.

22 Location of equipment and ventilation/refrigeration units

All service equipment, mechanical ventilation and refrigeration units associated with the use of the premises must be installed and located to the satisfaction of the Chief Executive Officer so as not to cause nuisance or disturbance to persons outside the curtilage of the premises.

23 Refuse storage area

A screened refuse storage area must be located on-site and be connected to the internal plumbing and drainage system to the satisfaction of the Chief Executive Officer, prior to the commencement of the use and maintained for the life of the development.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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24 Screening of storage
The storage of any machinery, materials or vehicles must be screened so as not to be visible from any road to which the site has frontage, to the satisfaction of the Chief Executive Officer.

25 No nuisance from lighting
All lighting devices must be positioned on the premises and shielded to the satisfaction of the Chief Executive Officer so as not to cause glare or other nuisance to surrounding residents and motorists.

26 Roof to be non-reflective - Amenity
The roof must be constructed with non-reflective finishes so as not to cause glare or other nuisance to surrounding residents, to the satisfaction of the Chief Executive Officer.

BUILT FORM

27 Balconies and podiums to be unenclosed
All balconies and podium areas must remain unenclosed in accordance with the approved plans referred to in condition 1 of this decision notice.

28 Design and treatment of topmost storey
The topmost storey of all buildings (including the roof and any service equipment and plant rooms) must be designed and treated so as to visually integrate with and complement the design and finish of the rest of the building, to the satisfaction of the Chief Executive Officer.

29 Roof to be non-reflective – Gold Coast Airport Lighting Zone
As the subject land is within the Lighting Zone for Gold Coast Airport as indicated on Overlay Map OM8d (Gold Coast Airport – Lighting Zone), so as to avoid hazards to pilots of aircraft operating in the airport's airspace, non-reflective roof surfaces must be used, unless use of reflective roof materials has been approved by Gold Coast Airport Pty Ltd prior to the issue of a development approval for building works.

Information note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to, or less than, 0.35.

ADVERTISING DEVICES

30 No illuminated signage during construction
Any crane booms and/or supporting structures must not incorporate any illuminated signage at any time during the construction phase.

31 Advertising device approval required
No advertising device is to be erected on the premises without the necessary development permit for operational work (advertising device) and/or approval under Council's Local Law No. 16 (Licensing) and Subordinate Local Law 16.8 (Advertisement). The applicant should contact Council’s Health, Regulatory & Lifeguard Services Branch on (07) 5581 6140 to discuss approval requirements.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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LANDSCAPE WORKS ON PRIVATE LAND

32 Detailed landscape plan to be submitted for approval
   a The applicant must submit to Council for approval a detailed landscape plan, by
      making a development application for operational work (landscape work).
      Approval of proposed landscape work must be obtained prior to the earlier of the
      commencement of operational works (landscaping) or the issue of a certificate of
      classification.
   b Without limiting the requirements of the planning scheme’s Landscape Work
      Specific Development Code, the detailed landscape plan must:
      i Be prepared by a qualified landscape architect or similar landscape design
         professional;
      ii Be in general accordance with the Statement of Landscape Intent, being
         Dwg: LSI201125_10-01, Rev: D, Title: Landscape Intent, Date: December
         2011, By: Byrns Lardner Landscape Architects;
      iii Reflect the approved layout (including any amendments to that layout
         required by these conditions) and the conditions of this approval; and
      iv Comply with Planning Scheme Policy 13 – Landscape Strategy Part 2 –
         Landscape Works Documentation Manual.

33 The required landscaping plan must also demonstrate the following:
   a Trees planted on site must be as large as possible (within reason), with a
      minimum of 200 litre bag size;
   b Shrubs planted on site must be a minimum 300mm pot size at time of planting;
   c Due to the limited size of planting areas, and the scale of the building, the
      landscape designer must take every opportunity to arrange and utilise species in
      a manner which will best soften the built form;

34 Bio-retention
   The proposed bio-retention system must have a minimum filter media depth of 800mm
   in order to accommodate tree planting.

VEGETATION MANAGEMENT

35 Vegetation works OPW application required
   This approval does not approve vegetation clearing or damage. Prior to
   commencement of such works, a development application for operational work
   (vegetation works) must be made to and approved by Council for any works proposing
   clearing or damage to any Protected Vegetation. The application must be
   accompanied by a copy of each of the following plans (and, where a plan has already
   been approved, that plan must be accompanied by the corresponding approval
   documentation (ie. decision notice or letter of approval)):
   a The approved MCU / ROL layout plan.
   b The approved bushfire management plan.
   c Plans clearly identifying which vegetation is proposed to be removed and which
      vegetation is proposed to be retained.
   d A letter from an EPA-approved spotter-catcher.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14 PN1119/01/DA1

- A sediment and erosion control and construction management plan.

For this condition ‘Protected Vegetation’ is defined as vegetation that is:

- equal to, or in excess of, 40 centimetres in girth (circumference) measured at 1.3 metres above average ground level irrespective of the domain or LAP; or

- equal to, or in excess of, four metres in height in the Rural, Park Living or Emerging Communities Domains, Burleigh Ridge LAP, Coomera LAP (Precincts 7, 9 and 10), Coomera Town Centre (Precincts 8, 10 and 11), Currumbin Hill LAP, Eagleby LAP (Precinct 6), East Coomera/Yawalpah Conservation LAP, Guragunbah LAP, Hope Island LAP (Precinct 3), Mudgeeraba Village LAP, Nerang LAP (Precincts 9 and 10), South Stradbroke LAP, Uplands Dr and Woodlands Way LAP, West Burleigh Township LAP or Yatala Enterprise Area LAP.

LANDSCAPE WORKS ON PUBLIC LAND

36 Street trees within public road reserve

- a The applicant is required to ensure that street trees are planted within the public road reserve fronting the subject site along Teemangum and Wade Streets.

- b The area of Teemangum St public road reserve above the existing rock retaining wall must be landscaped with low maintenance, native species comprising screening shrubs, groundcovers and trees generally as shown on the referenced Statement of Landscape Intent (no hedge species or turf supported). Details of this planting must be included on the detailed landscape plans required to be submitted as part of the development application for operational work (public landscape work).

- c The location, quantity and species shall be determined through the assessment of the development application for Operational Works (public landscape) required by condition of this approval.

- d All street trees required by conditions of this approval must be shown and approved on the OPW public landscape application and must be installed, established and maintained in accordance with the Gold Coast City Council’s Planning Scheme Policy 11 – Land Development Guidelines, Policy 12 Landscape Strategy Part 1 – Landscape Character: Guiding the Image of the City and Policy 13 Landscape Strategy Part 2 – Landscape Works Documentation Manual.

37 Detailed landscape plans for public road reserve to be submitted for approval

- a The applicant must submit to Council for approval detailed landscape plans, by making a development application for operational work (public landscape work).

- b Landscape works must not commence on the site until Council has issued a development permit for operational work (public landscape work), or unless otherwise approved by a Council Officer from the Open Space Assessment Branch.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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| c | Without limiting the requirements of the planning scheme’s Landscape Work Specific Development Code, the detailed landscape plan must: |
|   | i | be prepared by a qualified landscape architect or similar landscape design professional; |
|   | ii | reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this approval; |
|   | iv | for works in the road reserve – comply with the following requirements: |
|   | A | Trees must not be aligned with side boundaries or where underground services are located; |
|   | B | Tree planting must be set back a minimum of one metre from the nominal kerb line; |
|   | C | Trees must be a single-trunked canopy shade species able to attain a clear trunk height of 1800 mm on maturity; |
|   | D | Trees must be kept a minimum distance of two metres laterally from inlet gullies; |
|   | E | Trees must not be planted within twenty metres of the approach side and six metres of the departure side of intersections that are not equipped with traffic signals; |
|   | F | Trees must not be planted within fifteen metres of the approach side and six metres of the departure side of a pedestrian crossing or bus stop; |
|   | G | All built structures associated with an entry statement must be located within private property. Planting associated with the entry statement is acceptable in the road reserve area only where it achieves the requirements of Planning Scheme Policy 13 - Landscape Strategy Part 2 - Landscape Works Documentation Manual and Planning Scheme Policy 6: Entry Statements; and |

| d | The landscape works must be constructed, in accordance with the approved landscape plan, prior to the commencement of the use of the premises. |

38 Establishment period for public road reserve

| a | Upon completion of the landscape works in accordance with the approved landscape plans, the applicant must notify Council’s Contributed Assets Section (ph 5582 8052) for an on-site meeting, prior to acceptance by Council of the commencement of the ‘Establishment Period’. |
| b | The applicant is responsible for the establishment of all living components of public open space, to the satisfaction of the Chief Executive Officer, for the duration of a six month ‘Establishment Period’, prior to commencement of the ‘On Maintenance’ period, in accordance with section 6.17 of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings. |
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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Without limiting the obligations under section 6.17 of the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings the applicant must, during the ‘Establishment Period’:

i rectify any defects arising from substandard workmanship;

ii replace any planted vegetation of poor quality or inappropriate species where used instead of specified species; and

iii maintain all components and their environs.

39 ‘On Maintenance’ period for public road reserve

a Upon completion of the ‘Establishment Period’ in accordance with the abovementioned conditions of approval, the applicant must notify the assessment officer identified in this decision notice for an on-site meeting, prior to acceptance by Council of the commencement of the ‘On Maintenance’ period.

b Upon satisfactory completion of the ‘Establishment’ period and Council notifying the applicant that all living components of public road reserve has been formally accepted as being ‘On Maintenance’ following an ‘On Maintenance’ inspection, the applicant is responsible for undertaking a 12 month ‘On Maintenance’ period in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

c Upon completion of the ‘On Maintenance’ period in accordance with the abovementioned conditions of approval, the applicant must notify the assessment officer identified in this decision notice for an on-site meeting, prior to the works being accepted by Council as ‘Off Maintenance’.

d Without limiting the obligations under section 6.18 of the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, the applicant, and not Council, is responsible for:

i Maintaining all living components of public road reserve; and

ii For the rectification of defects and any damage that occurs, unless the damage is directly attributable to Council activities.

ACOUSTICS

40 Submission of Acoustic Reports

The applicant must concurrently submit to Council’s ‘Health, Regulatory and Lifeguard Services Branch’, copies of all acoustic reports and certification required by conditions imposed by the ‘Department of Transport and Main Roads’ (Referral Agency Reference TMR11-000210, dated 9 March 2012).

41 Air conditioning

Air conditioning must be provided to all units to ensure noise-affected units have adequate ventilation with a closed façade.
WASTE

42 Waste collection
Waste collection activities must not be conducted between the hours of 6:00pm and 7:00am daily.

43 Waste Removal Systems (chutes)
The waste removal system is to be designed and constructed in accordance with Section 11.5 of Gold Coast City Council’s *Solid Waste Management Guideline for New Developments (2011)*.

44 Wheelie Bin Storage Point
All storage points for wheelie bins must be designed and constructed in accordance with Section 11.2 of Gold Coast City Council’s *Solid Waste Management Guideline for New Developments (2011)*.

45 Wheelie Bin Servicing Point
All servicing points for wheelie bins must be designed and constructed in accordance with Section 11.2 of Gold Coast City Council’s *Solid Waste Management Guideline for New Developments (2011)*.

GEOTECHNICAL

46 Basement excavation and ground anchoring issues
In conjunction with any application seeking a development permit for building works, the applicant shall provide the following document(s) to the relevant authority.

a written confirmation signed by the applicant or the applicant’s consulting engineer (Registered Professional Engineer of Queensland, RPEQ) that the proposed basement excavation/construction does not rely on any works external to the site boundary (e.g. ground anchoring into adjacent properties or road reserves); or

b if the proposed basement excavation does require ground anchoring into adjacent Council maintained road reserves, the applicant must, prior to obtaining a development permit for building works or change to ground level ancillary to building works as approved by a private certifier, or prior to the issue of any operational works approval (change to ground level) by Council, obtain a separate Permit from Council to Interfere with a Road – Temporary Ground Anchors (Subordinate Local Law 11.1 Section 5). The applicant is advised to contact (07) 5582 8866 for lodging an application for this permit. A copy of this permit shall be accompanied with the building works application.

Advisory note:
- The installation of any ground anchors into any adjacent private property will require approval of the relevant property owner(s) and is not assessed or approved by Council.
- The installation of any ground anchors into any adjacent State controlled road/reserve will require a Road Corridor Permit from the Department of Transport and Main Roads (Gold Coast Office, Tel: (07) 5596 9500) and is not assessed or approved by Council.
ITEM 2 (Continued)
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47 Geotechnical certification of long-term stability of the site
Prior to issuing any building works approval, the applicant must submit to Council certification from a Registered Professional Engineer of Queensland (RPEQ) specialising in geotechnical engineering confirming that the site will achieve a slope instability hazard rating of ‘Low’ or better, adequate geotechnical and drainage measures have been incorporated in the design to ensure long-term stability of the site (70 years minimum); and that the proposed development will not adversely affect the stability and integrity of the adjacent properties, buildings and infrastructures.

48 Certification of basement excavation stability
Prior to issuing any building works approval, the applicant must submit to Council certification from a Registered Professional Engineer of Queensland (RPEQ) specialising in geotechnical engineering confirming that the proposed basement excavation and associated batters or supporting structures have been adequately designed based on existing geotechnical conditions of the site, the excavation batters/supporting structures will achieve a factor of safety greater than 1.5 against geotechnical instabilities; and that the proposed basement excavation/construction including any dewatering will not cause any adverse effects on the stability and integrity of the adjacent buildings, properties, utility services and infrastructures.

CONSTRUCTION MANAGEMENT

49 Construction management plan
Part A Construction Management Requirements
a A construction management plan must be submitted to, and approved by, Council prior to the issue of any development permit for the carrying out of building work.

b The construction management plan must be submitted in accordance with the Application for Construction Management Plan form and Guidelines for Construction Management Plans are available on Council’s website.

c The construction management plan must address all activities associated with construction (excluding noise and dust issues), including but not limited to:

i Vehicle access (including responsibility for maintenance of the defined cartage route) during hours of construction;

ii Traffic management (including loading and unloading);

iii Parking of vehicles (including on site employees and delivery vehicles);

iv Maintenance of safe pedestrian movement across the site’s frontage/s (including by people with disabilities);

v Building waste / refuse disposal;

vi Presentation of hoarding to the street;

vii Tree management.
d The construction management plan must demonstrate that:
   i the general public will be adequately protected from construction activities;
   ii the building site will be kept clean and tidy to maintain public safety and amenity; and
   iii demand for occupation of the street and protection of Council assets will be well managed.

e The approved construction management plan must be complied with and kept on-site at all times.

Part B Road/footpath Closure Requirements
Where as a result of construction work or activities it is necessary to temporarily close a road/footpath under the control of Council the following requirements will apply.

d. Where it is proposed to interfere with a road for any building or construction work such as a gantry, hoarding or skip bin, an application for temporary closure of a Council controlled road must be submitted to, and approved by, Council prior to the issue of any development permit for the carrying out of building work. Such application is to be lodged in conjunction with an application for approval of a construction management plan.

e. Where it is required to interfere with a road for any building or construction related work for a period in excess of two (2) weeks, a Road Closure Work Zone permit is to be obtained from Council’s Traffic Management and Operations Branch.

f. Where it is required to occupy any portion of the road reserve in conjunction with building or construction work, a permit to occupy is to be obtained from Council’s Property Section.

50 Noise management

a Noise from construction activities must not cause an ‘environmental nuisance’ (within the meaning of that term set out in the Environmental Protection Act 1994) at any sensitive receptor stated in schedule 1 of the Environmental Protection (Noise) Policy 2008.

b When requested by Council, monitoring must be undertaken to investigate any complaint of environmental nuisance caused by noise.

c The monitoring must be carried out:
   i by a suitably qualified acoustic engineer;
   ii at the potentially affected sensitive receptor/s;
   iii by applying the procedure set out in chapter 5, part 3 of the Environmental Protection Regulation 2008; and
   iv within 5 business days of receipt of the request from Council.

d The data and monitoring results must be provided to Council within 3 business days of completion of the monitoring.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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  e  If the acoustic quality objectives stated in schedule 1, column 3 of the Environmental Protection (Noise) Policy 2008 have been exceeded at a sensitive receptor stated in column 1 at a time of day stated in column 2, a noise management plan must be submitted to Council for approval within 10 business days of completion of the monitoring.

  f  The noise management plan must:
    i  be prepared by a suitably qualified acoustic engineer;
    ii  provide details of noise sources;
    iii  identify the measures and work practices that will be implemented to ensure that noise from construction activities does not cause an ‘environmental nuisance’ (within the meaning of that term set out in the Environmental Protection Act 1994) at any sensitive receptor stated in schedule 1 of the Environmental Protection (Noise) Policy 2008;
    iv  identify the procedures to be adopted for monitoring of noise emissions;
    v  provide details of complaint response procedures that will be adopted;
    vi  identify the procedures to be adopted for revision and review of the noise management plan.

  g  The approved noise management plan must be complied with and kept on-site at all times.

51 Dust management

  a  The release of dust and particulate matter from construction activities must not cause an ‘environmental nuisance’ (within the meaning of that term set out in the Environmental Protection Act 1994) at any sensitive receptor stated in schedule 1 of the Environmental Protection (Noise) Policy 2008.

  b  When requested by Council, monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust or particulate matter.

  c  The monitoring must be carried out:
    i  by a suitably qualified professional;
    ii  at the potentially affected sensitive receptor/s;
    iii  by applying the procedure set out in chapter 5, part 3 of the Environmental Protection Regulation 2008; and
    iv  within 5 business days of receipt of the request from Council.

  d  The data and monitoring results must be provided to Council within 3 business days of completion of the monitoring.

  e  If the air quality objectives stated in schedule 1, column 3 of the Environmental Protection (Air) Policy 2008 have been exceeded at a sensitive receptor, a dust management plan must be submitted to Council for approval within 10 business days of completion of the monitoring.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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f The dust management plan must:
  i be prepared by a suitably qualified professional;
  ii provide details of sources of dust and particulate emissions;
  iii identify the measures and work practices that will be implemented to ensure that the release of dust and particulate matter from construction activities does not cause an ‘environmental nuisance’ (within the meaning of that term set out in the Environmental Protection Act 1994) at any sensitive receptor stated in schedule 1 of the Environmental Protection (Noise) Policy 2008;
  iv identify the procedures to be adopted for monitoring and reporting of air emissions;
  v provide details of complaint response procedures that will be adopted; and
  vi identify the procedures to be adopted for revision and review of the dust management plan.

g The approved dust management plan must be complied with and kept on-site at all times.

52 Haulage access / site management

a Prior to the commencement of works, the applicant must provide a vehicle barrier along the frontages of the land, to ensure that all vehicles only use crossovers approved by the Chief Executive Officer.

b Loading/unloading operations must be conducted entirely within the site and vehicles waiting to be loaded/unloaded must also stand within the site.

c All reasonable methods are to be used to reduce nuisance from dust, noise, vibration, smoke and material tracked onto public roads as a result of hauling and filling operations. Upon receipt of a dust nuisance complaint or notification of a dust nuisance by the Council, the applicant is to take reasonable and immediate action to remedy the dust problem to the satisfaction of the Contributed Assets Inspector.

d The site must be maintained in a clean and tidy state at all times. Satisfactory arrangements must be made for the collection, storage and disposal of all waste materials.

e Non-recyclable debris must be transported from the site and disposed of at an approved waste facility. Combustion of any material is not permitted on the subject site without prior approval of Council.

f The applicant must ensure that gravel access areas to the site, transport dust covers and shake (hose) down areas are in place to control both on-site dust nuisance and contamination of external properties, roadways and receiving waterways.

g Any damage to property (including pavement damage) is to be rectified to the satisfaction of Council prior to the earlier of Council issuing a letter accepting the works on-maintenance or a request for compliance assessment of the subdivision plan. The surrounding carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the applicant’s expense and any such cost are payable prior to the earlier of acceptance of the works on-maintenance or a request for compliance assessment of the subdivision plan.
ITEM 2 (Continued)
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53 Transport of soil/fill/excavated material
During the transportation of soil and other fill/excavated material:
   a. All trucks hauling soil, or fill/excavated material must have their loads secure and covered;
   b. Any spillage that falls from the trucks or their wheels must be collected and removed from the site and streets along which the trucks travel, on a daily basis; and
   c. Prior to vehicles exiting the site, measures must be taken to remove soil from the wheels of the vehicles to prevent soil and mud being deposited on public roads.

54 Water usage
The use of potable water is not permitted in activities associated with road and pavement construction, the compaction of fill material or dust suppression. The use of recycled water is encouraged, especially where other alternative sources do not exist. Where recycled water is proposed to be used:
   a. The use of the recycled water must be in accordance with the requirements of the Allconnex Water Recycled Water Management Plan (RWMP), which sets out the requirements for transport and use of recycled water;
   b. The applicant must first complete the Recycled Water User Operator Training with Allconnex Water, in accordance with the RWMP. Proof of completion of the training course will be by issue of a valid certification card;
   c. The applicant can only contract to use a recycled water carrier who is accredited and certified by Allconnex Water. Accreditation requires a current authorised agreement between the water carrier and Allconnex Water; and
   d. The water carrier is only allowed to employ certified tanker operator/drivers, who have completed the recycled-water training course with Allconnex Water and hold a valid certification card.

Information note:
To obtain a copy of the management plan and also to obtain a list of approved water carrier operators, the applicant should contact Allconnex Water: Senior Officer Recycled Water ph. (07) 5582 8422 Allconnex Water ph. 1300 366 692.

Potable water is defined as water treated to drinking water standards (NHMRC guidelines 1996) and being available in Councils normal reticulated potable water supply system. Recycled water is defined as treated wastewater in class A+, A B or C in accordance with the Public Health Regulations (NO1) 2008.

55 Workplace health and safety
The Workplace Health and Safety Act 1995 and AS 1742 Manual of Uniform Traffic Control Devices must be complied with in carrying out the works, including ensuring safe traffic control and safe public access in respect of works being conducted on a road.

56 Public safety to be ensured
The applicant must, at no cost to Council, ensure that all reasonable safeguards in and around the works are undertaken and maintained at all times to ensure the safety of the public. Such safeguards include, but are not limited to, erecting and maintaining barricades, guards, fencing and signs (and ensuring removal after completion of works) and watching and flagging traffic.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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57 Diesel cranes

Diesel powered cranes shall not to be used in construction of the development subject to this approval, unless otherwise determined by the Chief Executive Officer.

58 Construction hours

The hours of construction of the works (including demolition and operation of any plant, machinery and/or other equipment) is restricted to between 0630 and 1830 Monday to Saturday. Works must not be undertaken on Sundays or public holidays.

WATER SUPPLY RETICULATION

59 Application for compliance permit for water supply plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated water supply plumbing work within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must:

a be accompanied by a hydraulic design for all water services within the property; and

b comply with Section 7 of Council’s Land Development Guidelines.

Information note:
Water supply plumbing works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.

SEWERAGE

60 Application for compliance permit for sewerage works required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated sewerage works within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must:

a be accompanied by a hydraulic design for all sewerage works within the property; and

b comply with Council’s Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Gold Coast dated January 1995.

Information note:

- Sewerage works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.

- Plumbing and drainage approval is not an approval to discharge trade waste to Council’s wastewater system. The generator of trade must complete an Application for Approval to Discharge Trade Waste to Council’s Wastewater System (available on Council’s website) prior to discharging any trade waste.
FIRE SERVICES

61 Application for compliance permit for fire services plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for all fire services plumbing work within the property. Without limiting the requirements of the Plumbing and Drainage Act 2002 with which the works must comply, the application must be accompanied by a hydraulic design for all fire services within the property.

Information note:

Plumbing works for fire services must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.

REFERRAL AGENCY CONDITIONS

62 Concurrence agency conditions

The applicant must comply with the conditions set out in the attached correspondence from the following concurrence agencies:


ALLCONNEX WATER CONDITIONS OF APPROVAL

Advice note: The following part of this development approval represents the conditions for water supply and/or recycled water and/pr wastewater for Allconnex Water:

WASTEWATER

63 Wastewater reticulation

a The development must be connected to Allconnex Water’s reticulated wastewater system, prior to commencement of use of premises, at the applicant’s cost.

b The size of the property service connection shall be 150mm in accordance with the requirements of the Land Development Guidelines –Policy 11, unless otherwise approved by Allconnex Water.

c Internal wastewater reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.

64 Design, construction and standard of wastewater reticulation

The design, construction and standard of the required wastewater reticulation infrastructure to be carried out by the applicant (including all wastewater reticulation infrastructure to be dedicated to Allconnex Water) must be in accordance with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

65 Connection point

The existing manhole MH 10/483 (asset S001-00880M) in Wade Street must be used as the connection point, unless otherwise approved by Allconnex Water.
ITEM 2 (Continued)
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66 Connections – arrangements with Allconnex Water
All live connections to the existing wastewater main or a manhole (MH) are to be performed by Allconnex Water at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection and to obtain a quotation for the work.

67 Redundant wastewater connections
a All redundant wastewater house connections within the site or servicing the development must be capped.
b The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of acceptance of any works ‘On Maintenance’ or the commencement of the use of the premises.

68 Management of internal wastewater infrastructure
All wastewater infrastructure internal to this development shall be owned and managed by the Principle Body Corporate.

WATER SUPPLY RETICULATION

69 Water supply reticulation (potable only)
c The development must be connected to Allconnex Water’s potable water supply system prior to commencement of use, at the applicant’s cost.
d Internal water reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.

70 Design, construction and standard of water supply reticulation
The design, construction and standard of the required water supply reticulation infrastructure to be carried out by the applicant (including all water supply reticulation infrastructure to be dedicated to Allconnex Water) must be in accordance with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

71 Connection point
The existing 100mm main in Teemangum Street must be used as the potable water supply connection point, unless otherwise approved by Allconnex Water.

72 Installation of property service, dual water box, and meters
The applicant must, prior to commencement of uses of premises:
a Provide potable water property service connection (size to be approved by Allconnex Water) and water meter box to the boundary of the development site in accordance with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings; and
b The property service connection that includes the meter installation and tapping of the main shall be installed by Allconnex Water at time of the building application, at the cost of the applicant.
c All development shall comply with Clause 4.2.7 of Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines.
ITEM 2 (Continued)
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A LOW RISE APARTMENT BUILDING (8 DWELLING UNITS) - LOT 5 ON RP81325 2 TEEMANGUM STREET TUGUN - DIVISION 14
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73 Connections – arrangements with Allconnex Water

All live connections to the existing water main are to be performed by Allconnex Water at the applicant's cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to:

a. Make arrangements for the connection (including to obtain a quotation for the work); and
b. Make an application to Allconnex Water for approval where water services are to be provided to pump stations, parks, medians and irrigation systems (including the supply and installation of a water meter to each service connection where applicable).

74 Individual sub-metering to be provided

The developer shall provide individual sub-metering for all units within the complex including any common property, in accordance with Sub-metering Policy dated 1 January 2008, as follows unless otherwise approved by Allconnex Water.

a. All meters and their locations shall be approved by Plumbing and Drainage.

b. Automatic Meter Reading (AMR) technology shall be utilised where free access for meter reading cannot be provided.

75 Redundant water connections

a. All redundant water meter connections within the site or servicing the development must be removed.

b. The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of acceptance of any works ‘On Maintenance’ or commencement of use of the premises.

76 Fire hydrant to be provided

The applicant must ensure that prior to the commencement of the use of the premises the development is provided with a fire hydrant installation on existing 100mm water main in Teemangum Street, at no cost to Allconnex Water, in accordance with the requirements the Land Development Guidelines – Policy 11.

77 Supply standard

The applicant must provide water supply to the standard specified in Section 7 of Allconnex Water’s Land Development Guidelines.

78 Fire loading

Fire loading must not exceed 15L/s for residential uses.

79 Management of internal water infrastructure

All water infrastructure internal to this development shall be owned and managed by the Principle Body Corporate.
ITEM 2 (Continued)
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RAINWATER TANKS

80 Rainwater tanks – reticulated supply regions

To achieve water savings targets all:

a Attached Dwellings and Medium Density Detached Dwellings

b “Commercial Building” or “Non-residential Building”

Advice Note: This ends the conditions for this part of the development permit for Allconnex Water.

ADVISORY NOTES TO APPLICANT

L. Referral agencies

The referral agencies (and their addresses) for the application are listed below.

Any referral agency conditions are identified in the conditions of approval.

<table>
<thead>
<tr>
<th>Referral agency</th>
<th>Address</th>
<th>Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Transport and Main Roads</td>
<td>36-38 Cotton Street, Nerang QLD 4211 PO Box 442 Nerang QLD 4211</td>
<td>Concurrence Agency – Residential purposes within 25 ANEF contour for an Airport &amp; state controlled road matters</td>
</tr>
</tbody>
</table>

M. Properly made submissions

There were properly made submissions about the application. The name and address of the principal submitter for each properly made submission is attached to the decision notice.

N. Rights of appeal

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 461 of the Sustainable Planning Act 2009. A copy of that section is attached to the decision notice.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in sections 519 and 522 of the Sustainable Planning Act 2009, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

Submitters who made properly made submissions have a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 462 of the Sustainable Planning Act 2009. A copy of that section is attached to the decision notice.
O. Applicant responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use or reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

- Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;
- Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the Environmental Protection Act 1994 of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a ‘notifiable activity’);
- Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);
- Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes;
- Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds $80,000. Acceptable proof of payment is a Q.Leave – Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991; and
- Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.

P. Indigenous cultural heritage legislation and duty of care requirement

The Aboriginal Cultural Heritage Act 2003 (‘AHCA’) is administered by the Department of Environment and Resource Management (DERM). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- Is not negated by the issuing of this development approval;
- Applies on all land and water, including freehold land;
- Lies with the person or entity conducting an activity; and
- If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DERM’s Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the AHCA.
Q. Greenhouse gas emissions

As part of Council’s commitment to reducing greenhouse gas emissions Council is encouraging the expansion of the natural gas reticulation network. In particular, the use of natural gas hot water systems will result in significantly less greenhouse gas emissions than equivalent electric storage hot water systems.

The applicant should contact the local natural gas reticulator (APA Group) to arrange an assessment of the suitability of the proposed development for connection to the existing gas reticulation network. Please contact Ramon O’Keefe on 0438708798 or email: ramon.o’keefe@apa.com.au.

R. Infrastructure charges

Infrastructure contribution policies for the Water, Wastewater, Recreation, Stormwater and Transport Networks are no longer applicable and therefore monetary contribution conditions for these networks are no longer included in the decision notice. Infrastructure charges are now levied under an Adopted Infrastructure Charges Resolution by way of an infrastructure charges notice, which accompanies this decision notice.

S. Obligation to ensure electrical safety

Under the Electrical Safety Act 2002 you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work.

If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.

Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.

Information note:

An exclusion zone sets the minimum safe approach distance to the powerline. Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.

For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations’ web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Infoline – 1300 650 662.

T. Water restrictions to be complied with

All persons and/or companies engaging in landscaping works must comply with current water restrictions. These restrictions detail specific times and methods for the watering of newly established gardens and turf for both residential and non-residential developments.

Any person or company found contravening current water restrictions may incur fines of up to 200 penalty units. [Water Supply (Safety and Reliability) Act 2008 Section 43 (3)] (1 Penalty Unit = $100.00).

Record of Voting:

For: 6 Cr Caldwell, Cr Gates, Cr Gilmore, Cr Owen-Jones, Cr Taylor, Cr Tozer
Against: 1 Cr Betts
Absent: 1 Cr Bell
Abstained: CARRIED
ADOPTED INFRASTRUCTURE CHARGE NOTICE

To: JOEL CZARNOTA  
CH. HUMPHREYS REYNOLDS & PERKINS  
SUITE 15 / LEVEL 1 LE PARISIEN  
3029 THE BOULEVARD  
EMERALD LAKES CARRARA QLD 4211

Cc: JOEL ELLIOTT CZARNOTA  
PO BOX 7035  
BEAUMARIS VIC 3193

<table>
<thead>
<tr>
<th>Land to which charges apply</th>
<th>The land to which the charges in this advice apply is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Description:</td>
<td>LOT5 RP81325</td>
</tr>
<tr>
<td>Property Address:</td>
<td>2 Teemangum Street Tugun</td>
</tr>
</tbody>
</table>

TOTAL PAYABLE PRIOR TO USE COMMENCING OR FINAL PLUMBING INSPECTION, WHICHEVER OCCURS FIRST $60,297.50

Adjustments to charge  Charge rates may be subject to index adjustments and/or reviews. As the total charge amount on this notice is current at the date of issue, the total charges due at the date of payment may be greater.

Due date for payment  TOTAL PAYABLE PRIOR TO USE COMMENCING OR FINAL PLUMBING INSPECTION, WHICHEVER OCCURS FIRST

Payment details  Payment of the Adopted Infrastructure Charges must be made to:

Allconnex Water  Payment can be made at any Council customer service centre or by cheque to:

PO Box 5042, Gold Coast MC, Qld 9729  Please note that payment by credit card is not accepted.

Failure to pay charge  Allconnex Water will pursue its legal remedies to recover the charge in accordance with legislation.

Authority for charge  Sustainable Planning Act 2009

GST  The Federal Government has determined that contributions made by developers for infrastructure and services under the Sustainable Planning Act 2009 are GST exempt.

Enquiries  Enquiries regarding this Adopted Infrastructure Charge Notice should be directed to the Developer Contribution Group on Ph. (07) 5502 8052, during office hours, 9.00am to 5.00pm, Monday to Friday or e-mail dcd@goldcoast.qld.gov.au.
# ADOPTED INFRASTRUCTURE CHARGE NOTICE

**Tuesday 24 April 2012**

**Application:** PN1119/01/DA1  
**Site Address:** 2 TEEMANGUM STREET, TUGUN  
**Application No. & code:** 201100550 MCU  
**Application Description:** LOW RISE APARTMENT (8 UNITS)  
**Officer Name:** Donna Sutton

## Adopted Infrastructure Charge Calculation

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>No.</th>
<th>Dwelling</th>
<th>Rate</th>
<th>Gross Charge Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Dwelling (2 Bedroom)</td>
<td>5</td>
<td></td>
<td>@</td>
<td>$6,455.00</td>
</tr>
<tr>
<td>Attached Dwelling (3 Bedroom)</td>
<td>3</td>
<td></td>
<td>@</td>
<td>$10,015.00</td>
</tr>
</tbody>
</table>

**Net Charge Summary**

<table>
<thead>
<tr>
<th>Gross Charge Amount</th>
<th>Applied Credit Amount</th>
<th>Net Charge Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$12,470.00</td>
<td>$13,015.00</td>
<td>$50,297.50</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Office Use Only</th>
<th>$14,769.50</th>
<th>ADC/WT</th>
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<tbody>
<tr>
<td></td>
<td>$44,928.00</td>
<td>D/B/WT</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$60,297.50</td>
</tr>
</tbody>
</table>
# ADOPTED INFRASTRUCTURE CHARGE NOTICE

**To:**

JOEL CZARNOTA  
C/- HUMPHREYS REYNOLDS & PERKINS  
SUITE 15 / LEVEL 1 LE PARISIEN  
3629 THE BOULEVARD  
EMERALD LAKE CARRARA QLD 4211

**Cc:**

JOEL ELLIOTT CZARNOTA  
PO BOX 7035  
BEAUMARIS VIC 3193

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## Adjustments to charge

Charge rates may be subject to index adjustments and/or reviews. As the total charge amount on this notice is current at the date of issue, the total charges due at the date of payment may be greater.

## Due date for payment

TOTAL PAYABLE PRIOR TO USE COMMENCING OR FINAL PLUMBING INSPECTION, WHICHER OCCURS FIRST

$75,202.50 + ANNUAL ADJUSTMENTS AND/OR REVIEWS

## Payment details

Payment of the Adopted Infrastructure Charges must be made to:

Council of the City of Gold Coast

Payment can be made at any Council customer service centre or by cheque to:

PO Box 5042, Gold Coast MC, Qld 9729

Please note that payment by credit card is not accepted.

## Failure to pay charge

An adopted infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the Local Government Act 2009.

## Authority for charge

Sustainable Planning Act 2009.

## GST

The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the Sustainable Planning Act 2009 are GST exempt.

## Enquiries

Enquiries regarding this Adopted Infrastructure Charge Notice should be directed to the Developer Contribution Group on Ph: (07) 5582 8052, during office hours, 9:00a.m. to 5:00p.m., Monday to Friday or e-mail dcg@goldcoast.qld.gov.au.
**ADOPTED INFRASTRUCTURE CHARGE NOTICE**

**Tuesday, 24 April 2012**

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</table>

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<tr>
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<th>Qty</th>
<th>Rate</th>
<th>Gross Charge Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Dwelling (2 Bedroom)</td>
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<td>$10,545.00</td>
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<tr>
<td>Attached Dwelling (3 Bedroom)</td>
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<td>$12,487.50</td>
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</table>

**Net Charge Summary**

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<thead>
<tr>
<th>Gross Charge Amount</th>
<th>Applied Credit Amount</th>
<th>Net Charge Amount</th>
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<tbody>
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Office Use Only

<table>
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<th>GOCQCC</th>
</tr>
</thead>
<tbody>
<tr>
<td>$75,212.50</td>
<td></td>
</tr>
</tbody>
</table>

ITEM 3 IMPLEMENTATION & ASSESSMENT BRANCH
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3 PN324952/02/DA3

Refer 6 page attachment

BRIEF SUMMARY

Council is in receipt of a development application seeking approval for Stage 3D of the Genesis Master Planned Community to reflect the residential density achieved over the stage and decrease the development contributions from 25 equivalent tenements to 25 allotments under the adopted Infrastructure Charges Resolution. Essentially, no changes have been proposed to the plan of development and this application is to replace the original Decision Notice over Stage 3D and Infrastructure Charges Notice.

On 27 September 2010 under Special Delegation, Council approved a Development Permit to Reconfigure a Lot to create 25 lots. The approval involved a Community Title Subdivision to create 25 residential allotments and common property from four (4) management lots that were established as part of Stage 3D of the approved multi-staged Genesis Estate at Coomera.

On 22 December 2010 Council, under delegated authority approved a Negotiated Decision Notice in relation to the above approved Development Permit. The disputed conditions were in relation to driveway gradients and driveway geometry and water connection point for the proposed lots.

Council’s Officers have assessed the proposed application to Reconfigure a Lot to create 25 Community Title residential allotments and common property from previously approved four (4) management lots against the associated underlying approvals and the relevant codes and provisions of the planning scheme. Despite underachieving the preferred density envisaged by the Coomera Residential Precinct of the Coomera Local Area Plan, Council’s Officers are generally supportive of the proposal and recommend approval subject to reasonable and relevant conditions.

BASIC INFORMATION

Title Details Part Lot 811 on SP240629
Address Pamphlet Lane, Coomera
Applicant Chauffer Pty Ltd
Owner At Time Of Lodgement Chauffer Pty Ltd
Current Owner Chauffer Pty Ltd
Site Area 11,003m² of 156,100m²
Date Application Received 16 April 2012
Date Entered Decision 16 April 2012
Decision Due Date 16 May 2012
Domain N/A
LAP & Precinct Coomera LAP Coomera Residential 1 Precinct
Decision Type Development Permit to Reconfigure a Lot (Community Title Subdivision to create 25 residential allotments and common property from 4 management lots)

Submissions N/A
BACKGROUND

The subject site is part of Stage 3D of the larger multi-staged Genesis Development in Coomera. Typical to master planned developments of this scale there have been numerous relevant approvals granted after the original approval for the estate.

Genesis Estate Stage 3

- The Manager of Implementation & Assessment Branch, on 24 December 2007 approved the issue of a Negotiated Decision at 27, 37, 49, 51 and 53 Pamphlet Lane and 37, 41 Amity Road. The original approval granted on 23 February 2007 and was for a Development Permit for Reconfiguring of a Lot, subdivision to create 65 Community Title Lots, 4 management lots, park and road (Stage 3 of the Genesis Estate), pursuant to section 3.5.17 of the Integrated Planning Act 1997 (PN136331/02/DA7).

- On 22 June 2009, the applicant lodged a Form 2 Request to change Conditions of Approval to the Development Permit in relation to Stage 3 of the Genesis Estate, pursuant to section 3.5.33 of the Integrated Planning Act 1997, to amend the infrastructure contributions conditions (no’s 59, 60, 62 and 63) in order to allow for payment in accordance with the recently approved staging plan. On 25 June 2009, the Manager of Implementation and Assessment, approved under Delegated Authority, the issue of a modified Decision Notice reflect this change.

- On 5 October 2009, the applicant lodged a Form 2 Request to Change Development Approval to the Development Permit in relation to Stage 3 of the Genesis Estate, pursuant to section 3.5.24 of the Integrated Planning Act 1997, to increase the density of residential allotments within Stage 3C. On 19 November 2009, the Manager of Implementation and Assessment, approved under Delegated Authority, the issue of a modified Decision Notice approving the increase in density to Stage 3C.

Genesis Estate Stage 3D

- On 27 September 2010, Council issued a Development Permit under Special Delegation to Reconfigure a Lot (Community Title Subdivision to create 25 residential allotments and common property from four (4) management lots) at Daintree Drive in Coomera, properly described as Lot 805 on SP 227397.

- On 13 October 2010 the applicant, pursuant to section 361 of the Sustainable Planning Act 2009, suspended the decision making period and made written representation about conditions A5b, B2a and the further development permits required for MCU Detached Dwellings of the decision notice. The disputed conditions were in relation to driveway gradients and geometry as well as connection point for water connection purposes.

- On 22 December 2010 Council, under delegated authority approved a Negotiated Decision Notice in relation to an approved Development Permit issued on 27 September 2010.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
PN324952/02/DA3

PROPOSAL

Council is now in receipt of an application seeking a Development Permit to Reconfigure a Lot (Community Title Subdivision creating 25 residential allotments and common property from 4 management lots) within the Coomera Residential Precinct of the Coomera Local Area Plan at Pamphlet Lane, Coomera properly described as part Lot 811 on SP240629.

The applicant proposes to subdivide the management lots that were established as part of Stage 3D of the multi-staged Genesis Estate. The management lots abut residential allotments from Stages 3A – C that are similar to what is being proposed through the current application which previously has been approved on 22 December 2010.

The proposed allotments will overlook the parkland for the stage from across a road (Jindalba Drive) that traverses through the stage and connects to the Stage 3 boundary roads of Pamphlet Lane and Daintree Drive. The common property is a necessity under the Body Corporate and Community Management Act 1997 for a Community Title Scheme subdivision and is minimal in comparison to the subject site.

It is proposed that the residential allotments will gain access from Jindalba Drive which itself is bisected by Kulki Way to provide internal access to the Stages 3B and 3C. All necessary management plans and designs for the stormwater, wastewater, reticulated and potable water have been approved through the Modified Decision Notice and Plan of Development for Stage 3 of Genesis dated 18 November 2009 (PN136331/02/DA7). As such, no changes to ground levels will be required for the building pads either, given that the operational works approvals have all been approved at the Stage level.

SITE & ENVIRONMENT

Characteristics of Site & Surrounding Environment

Stage 3 is located at the centre of the Genesis Estate, with an extension of Daintree Drive forming the northern boundary, and Pamphlet lane forming the western boundary. Sub Stage 3D is located towards the southern portion of the Stage3 and represents the transition from residential land use to park land with Jindalba Drive forming a definable border to the open space corridor along the south-eastern boundary of the Stage 3.

The development area is located approximately 2 kilometres from the Coomera rail station and future town centre area. It is within the Coomera Residential Precinct of the Coomera Local Area Plan and incorporates RD1 densities (25 dwellings per net hectare). The site is located within the Urban Footprint.
**ITEM 3 (Continued)**

**DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3 PN324952/02/DA3**

**DEVELOPMENT ASSESSMENT**

Section 313 of the *Sustainable Planning Act 2009* identifies what an assessment manager must consider when assessing a code assessable application. In brief, the assessment manager must assess the part of the application against each of the following matters or things to the extent relevant:

<table>
<thead>
<tr>
<th>Matter</th>
<th>Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>the State planning regulatory provisions</td>
<td>N/A</td>
</tr>
<tr>
<td>the regional plan for a designated region</td>
<td>The proposal is considered to comply with the Regional Plan</td>
</tr>
<tr>
<td>any applicable codes that are identified as a code for IDAS</td>
<td>N/A</td>
</tr>
<tr>
<td>State planning policies (unless appropriately reflected in any relevant regional plan or planning scheme)</td>
<td>N/A</td>
</tr>
<tr>
<td>any applicable codes in the following instruments:</td>
<td>N/A</td>
</tr>
<tr>
<td>▪ a structure plan</td>
<td>N/A</td>
</tr>
<tr>
<td>▪ a master plan</td>
<td>N/A</td>
</tr>
<tr>
<td>▪ a temporary local planning instrument</td>
<td>N/A</td>
</tr>
<tr>
<td>▪ an earlier preliminary approval to which section 242 applies</td>
<td>N/A</td>
</tr>
<tr>
<td>▪ a planning scheme</td>
<td>Refer Below</td>
</tr>
<tr>
<td>the adopted infrastructure charges resolution or the priority infrastructure plan</td>
<td>Refer Below</td>
</tr>
</tbody>
</table>

In addition, the assessment manager must assess the part of the application having regard to:

<table>
<thead>
<tr>
<th>Matter</th>
<th>Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>the common material</td>
<td>Common material has been regarded through the assessment</td>
</tr>
<tr>
<td>any development approval for, and any lawful use of, premises the subject of the application or adjacent premises</td>
<td>Refer to Background and Site and Environment</td>
</tr>
<tr>
<td>any referral agency’s response for the application</td>
<td>N/A</td>
</tr>
<tr>
<td>the purposes of any instrument containing an applicable code</td>
<td>N/A</td>
</tr>
</tbody>
</table>
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3 PN324952/02/DA3

Planning Scheme assessment

<table>
<thead>
<tr>
<th>Place Code</th>
<th>Constraint Code</th>
<th>Specific Development Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coomera Local Area Plan (LAP)</td>
<td>Reconfiguring a Lot</td>
<td>Car Parking, Access and Transport Integration</td>
</tr>
</tbody>
</table>

Relationship to the Domain or LAP

The subject site is located in the Coomera Local Area Plan Residential Precinct 1.

The proposed reconfiguration of a lot triggers code assessment pursuant to table of development G (Reconfiguring a Lot).

The intent statement for the Residential Precinct (1) of Coomera Local Area Plan reads:

“The land allocated for residential use has been determined, with regard to the constraints of the sector. The land deemed suitable for residential development has been based on a series of interconnected walkable neighbourhoods, with radii of approximately 400 metres (refer Coomera LAP Map 9.9 – Walkable Neighbourhoods).

Residential uses are to be the preferred land use in the Coomera Residential Precinct. This preferred land use type is to be implemented so that residential density is highest at the centre of the neighbourhood, and gradually decreases in intensity as walkability to the centre decreases with increasing distance from the centre. The principles of this form of development are indicatively shown on Coomera LAP Map 9.4 – Maximum Residential Density.

To encourage a range of residential densities, the Coomera LAP provides for three categories of residential development:

Residential 1 (R1)
Residential 2 (R2)
Residential 3 (only in Precinct 2) (R3)

Residential 1 (R1): Maximum of 25 Dwellings Per Net Hectare Preferred Character and Intended Land Use

The R1 category will occupy the largest amount of land within the Coomera LAP area. The principal type of development will be housing, designed in walkable neighbourhoods. Walkable neighbourhoods are to characterise the urban form of Coomera.

In this category of the Coomera Housing Precinct, both detached and attached dwelling units are preferred. There will also be a substantial number of opportunities to work from home, created in both detached and attached dwelling units. Development will be predominantly single and two storeys.

Residential 1 land is intended primarily for housing at a density of 25 dwelling units per net hectare, with a range of allotment sizes, unless otherwise approved by Council.”
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHELT LANE COOMERA - DIVISION 3
PN324952/02/DA3

The development area of the subject site is located within the Coomera Residential Precinct of the Local Area Plan and incorporates RD1 densities (25 dwellings per net hectare).

The development application is subject to code assessment, as the table of development does not require impact assessment unless lots less than 400m² in RD1 areas are proposed. The applicant is proposing lot sizes between 400m² and 576m² as part of this application.

The intent for development in the Residential RD1 Precinct is for Detached and Attached Dwellings in walkable neighbourhoods. Opportunities to work from home are encouraged. Land included in the RD1 category is intended to be located in neighbourhood centres or within walking distance of the neighbourhood centre, unless otherwise indicated in the Coomera LAP.

The intent for the establishment of management lots within Stage 3 was for the further contemplation of small lot housing design or attached dwellings to offer a variety in residential product that is in accordance with the intent for the precinct. The lot sizes proposed in the Stage 3D are on average somewhat smaller in comparison to the preceding sub stages but are compatible with what has been approved throughout Stage 3. The applicant has cited that due to current market demand and previous poor uptake of integrated housing product in Stage 2, the decision to seek standard residential allotments was made.

At a density of 25 dwellings per hectare (or 1 lot per 400m2), the management lots can accommodate 27 dwellings, however the applicant is proposing 25 lots across this net developable area of 1.1 hectares. Despite underachieving the preferred density envisaged by the Coomera Residential Precinct, this figure exceeds the density agreed to by Council’s Officers for Stage 3 (16.5dw/ha agreed density as per Council letter dated 11 April 2005 – PN136294/02/DA1). Under the agreement a total of 86.5 # 87 dwellings are required over the entire Stage 3 to achieve the yield intended. Through Stages 3A – 3C, there are 67 standard lots that have been approved and with the further 25 standard lots now proposed over the remaining management lots within Stage 3D, the total Stage 3 site yield will be 92 dwellings.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
PN324952/02/DA3

Compliance with the Relevant Place Code

The proposal complies with all of the Place Code’s Acceptable Solutions and Performance Criteria, except as follows:

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct 1 PC26</td>
<td>Precinct 1 AS26</td>
</tr>
<tr>
<td>A range of lot sizes and densities must be incorporated into any proposal to create new allotments.</td>
<td>Development is consistent with the tables below, which state the preferred allotment size range for Residential Areas 1 and 2:</td>
</tr>
<tr>
<td></td>
<td>Residential 1</td>
</tr>
<tr>
<td>Range Lot Size (m²)</td>
<td>Min%</td>
</tr>
<tr>
<td>Up to 200</td>
<td>0</td>
</tr>
<tr>
<td>201 to 400</td>
<td>25</td>
</tr>
<tr>
<td>401 to 600</td>
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<tr>
<td>601 to 800</td>
<td>10</td>
</tr>
<tr>
<td>Larger than 800</td>
<td>5</td>
</tr>
</tbody>
</table>

Discussion

Applicant’s Representation: The applicant has stated in their report that they believe a range of allotment sizes have been provided. The proposal is consistent with the locality and provides small lot sizes than what have previously been provided throughout Stage 3 and 3D and the greater Genesis Master Planned Community.

Officer’s Comment: Given that the proposal does not offer enough variation to the allotment sizes however, the applicant has a valid approval for the site for 25 Community Title Lots. The current application has not made any changes to the design of the approved subdivision and the purpose of this application is purely to obtain a legislative update under Council’s Adopted Infrastructure Resolution. Therefore, the proposal is recommended for approval subject to conditions.
ITEM 3  (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3 PN324952/02/DA3

Compliance with the Reconfiguring a Lot Specific Development Code

The proposal complies with all of the Constraint Code’s Acceptable Solutions and Performance Criteria, except as follows:

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solution</th>
<th>Compliance With Acceptable Solution</th>
<th>Compliance With Performance Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC7</td>
<td>AS7.2</td>
<td>The applicant has provided alternative solution</td>
<td>Yes – See Discussion below</td>
</tr>
<tr>
<td></td>
<td>A variety of lot sizes and shapes are provided within the subdivision.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC15</td>
<td>AS15.2.1</td>
<td>The applicant has provided alternative solution</td>
<td>Yes – Compliance sought through conditions. See discussion below.</td>
</tr>
<tr>
<td></td>
<td>Building envelopes or house plans are provided, prior to release of lots smaller than 600m². OR AS15.2.2 Zero lot line design is applied to maximise efficient and flexible use of land.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion

Applicant’s Representation: As part of assessment of the previously approved application, the applicant was requested by Council’s Officers through an Information request letter to provide details of driveway locations, any possible built to boundary walls (for garages only), and proposed building envelopes to ensure energy efficient design of the dwellings are acheived. The applicant responded that due to the proposed lot sizes being over 400m² and that the nature of the application is not a Material Change of Use for Detached Dwellings, there was no need to provide driveway locations or building envelopes.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
PN324952/02/DA3

Officer’s Comment: Under the previous approval, the applicant did not provide Building Envelope (BLE) or location of garages, however, having regards to Acceptable Solutions 15.2.1 and 15.2.2 Council’s Officer conditioned that amended plans be submitted identifying the level of detailed required by AS 15.2.1 and AS 15.2.2 compliant to the satisfaction of Council’s Officers. By lodging the current application, the applicant has provided the required BLE and location of garages on the zero lots. A copy of plan was presented to Council’s Transport Planning at DART meeting dated 19 April 2012 which did not raise any concerns in relation to the location of driveways.

Compliance with the Relevant Constraint Codes and Overlay Maps

Bushfire Management Areas, Car parking, Access and Transport Integration and Nature Conservation Constraint Codes are applicable to the subject site.

A Bushfire Management Plan has been submitted and approved by Council previously and a notification will be put on the rate cards for future owners of the proposed lots.

In relation to Car parking Constraint Code, the applicant has lodged a BLE which has clearly indicated the location of the driveway on each individual lot and Council’s Transport Planning did not raise any concerns.

Given that the subject site is part of an approved Genesis Estate and that the site has a valid approval, compliance with all of the relevant Constraint Code’s Acceptable Solutions and Performance Criteria has been met.

Overlay Maps

Bushfire Hazard Areas (Overlay Map 10), Conservation Strategy Plan (Overlay Map 20) and Future Water Innovations (Overlay Map 25) are applicable to the subject site.

A full vegetation assessment and retention plan were submitted as part of Stage 3 of Genesis Estate which has been assessed and approved previously. Since approval, the subject site has been partly cleared and Stage 3 has been developed. Accordingly it is considered that assessment of the Overlay Map 10 and Overlay Map 20 are not relevant to this application being Stage 3D of the Genesis Estate. In relation to Future Water Innovations (Overlay Map 25), the site has been identified as part of the Dual Water Reticulation Network. The infrastructure has been incorporated as part of the Stage 3 approval (Council Reference PN136331/02/DA7) and there will be a rate notice on each individual lots to inform the future owners of the allotments.

Therefore, it is considered that compliance with all of the Constraint Codes’ Acceptable Solutions and Performance Criteria and Overlay Maps applicable to the subject site has been assessed previously and the proposal has been approved on 27 September 2010 subject to conditions (please refer to PN316091/02/DA1).
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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SOUTH EAST QUEENSLAND REGIONAL PLAN

The subject site is identified as “urban Footprint in the South East Queensland Regional Plan.

REFERRALS

The subject application was made available for referral to representatives from the following departments, through the DART process dated 19 April 2012:

Health and Regulatory Services
Transport Planning
Subdivision Engineering
Parks and Recreational Services
City Architect
Allconnex
Plumbing and Drainage
Environmental Assessment
Operational Works
Hydraulic Engineering
Qld Fire & Rescue (Bushfire)
Engineering Services
Landscape Assessment
Beaches and Water

From this meeting the application was referred to Parks, Subdivision Engineering, Allconnex, Plumbing and Drainage, Environmental Assessment and Hydraulic and Geotechnical Engineering for comment.

Each of these branches have reviewed the application and are satisfied that the proposal complies with the Planning Scheme provisions. Where conditions have been required, they have been included in the Officer’s Recommendation

EXTERNAL REFERRALS

There are no relevant external referrals for this application.

INFRASTRUCTURE CHARGES CALCULATIONS

Council’s Contributed Asset provided adopted infrastructure charges for the 25 Lot Residential Subdivision at Pamphlet Lane, Coomera which will be attached to the Decision Notice.

Assessment of Other Aspects of the Proposal

Common Property: The common property proposed by the applicant is a requirement under the Body Corporate and Community Management Act 1997 that stipulates for any subdivision to considered in a Community Title Scheme common property needs to be included. The land proposed to be created as common property is minimal (37m²) and located abutting proposed Lot 460 where it borders the road reserve of the roundabout located at the intersection of Jindalba Drive and Pamphlet Lane. Council’s Officer’s have no issues with the creation of this common property as it is a provision of the aforementioned Act.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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CONCLUSION

Council’s Officers have assessed the proposal put forward by the applicant for a Development Permit to Reconfigure a Lot seeking to create 25 community title residential allotments and common property from 4 management lots against the associated underlying approvals and the relevant codes and provisions of the Gold Coast Planning Scheme. Given that there is a current approval for the subject site with the same design of subdivision with no amendments proposed, despite underachieving the preferred density envisaged by the Coomera Residential Precinct 1 of the Coomera Local Area Plan, Council’s Officers recommend approval subject to reasonable and relevant conditions.

NOTIFICATIONS

The following notifications should be registered on the rates cards in relation to this resolution:

Dual Water 1

This lot is connected to Gold Coast City Council’s Class A+ recycled water network. A Pimpama Coomera Waterfuture resident’s information kit is to be obtained from Allconnex Water.

Building Envelope

There is an approved Building Envelope on this lot. All property owner(s) must ensure compliance with the approved Building Envelope. Please refer to Gold Coast City Council’s PN file and Decision Notice for further information.

Rainwater Tank

To achieve water saving targets in a reticulated water supply region:

1. All attached and detached dwellings shall meet the requirements contained within the Queensland Development Code Part 25 – Water Saving Targets for non-dual areas.

2. All commercial and non-residential properties shall meet the performance criteria of the Gold Coast City Council’s Commercial and Non-Residential Rainwater Tank Design and Installation Policy (as amended from time to time).

3. To achieve water saving targets in dual reticulated water supply regions all attached, detached dwellings, commercial and non-residential properties shall meet the requirements of Gold Coast Planning Scheme Policy 20 – Rainwater Tanks and Gold Coast City Council’s Commercial and Non-Residential Rainwater Tank Design and Installation Policy (as amended from time to time).

Information note:

The rainwater tank system on this property shall be maintained by the owner in accordance with all relevant statutory requirements and when amendments are made.

Please be aware that failure to comply with the Queensland Development Code (QDC) is an offence of 165 penalty units under the Building Act 1975 and the Built Environment section of the Gold Coast City Council has a process in place to capture the provisions of the QDC.

For further information please contact Gold Coast City Council’s Plumbing & Drainage Department.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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RECOMMENDATION

It is recommended Council resolve:

Real Property Description Part Lot 811 on SP240629
Address of Property Pamphlet Lane, Coomera
Area of Property 11,003m² of 156,100m²
Decision Type 25 Community Title Lot Subdivision and Common Property
Further Development Permits Operational Works (Civil & Landscaping), Building Works, Plumbing and Drainage and Vehicle crossover
Further Compliance Permits None
Compliance Assessment required for documents or works Survey Plans & Operational Works, Building Works, Plumbing and Drainage Works, Vehicle Crossover permits

NATURE OF DECISION

A. Council approves the issue of a development permit for reconfiguring a lot for (Community Title Subdivision to create 25 residential allotments and common property from four (4) management lots), subject to the following conditions:
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3  
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APPROVED PLANS/DRAWINGS

1 Development to be generally in accordance with specified plans/drawings

   The development must be carried out generally in accordance with the approved plans/drawings listed below, stamped and returned to the applicant with this decision notice.

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2 Any deviations require further approval

   Any proposed deviation from the approved plans/drawings as a result of on-site or in-situ conditions must not be made unless amended plans/drawings are submitted and approved by Council. The development must be carried out in accordance with the approved amended plans/drawings.

3 Decision notice and approved plans/drawings to be submitted with subsequent application

   A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any building development application relating to or arising from this development approval.

4 Decision notice and approved plans/drawings to be retained on-site

   A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

ALTERATIONS TO SERVICES, INFRASTRUCTURE AND/OR ROAD RESERVE

5 Alterations to services and infrastructure

   a Any alterations to Council services, infrastructure and installations and other public utility infrastructure must be undertaken by the applicant at no cost to Council and to the satisfaction of the Chief Executive Officer or the relevant public utility.

   b Any alterations must be completed prior to the commencement of the use of the premises, a request for compliance assessment of the subdivision plan or the issuing of a certificate of classification, whichever occurs first.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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HEALTH AND REGULATORY SERVICES

6 Storage Points
Solid waste storage points are to be designed and constructed in accordance with Section 11 of Gold Coast City Council’s Solid Waste Management Guideline for New Developments (2011).

7 Servicing Points
All servicing points must be designed and constructed in accordance with Section 11 of Gold Coast City Council’s Solid Waste Management Guideline for New Developments (2011).

8 Roadway Design
All cul-de-sacs where the waste service vehicles are required to enter and exit the roadway must be designed in accordance with Section 3.4.13 of the Gold Coast Planning Scheme 2003 Policy 11 Land Development Guidelines.

9 Temporary Turnaround Provisions
Temporary turnaround provisions must be provided at the end of uncompleted roadways that the waste collection vehicle is required to use prior to the completion of the road system.

VEHICULAR CROSSINGS AND DRIVEWAYS

10 Domestic (Residential) driveways – gradients and geometry
a Driveways within domestic (residential) lots must comply with the requirements of AS2890.1:2004 Parking facilities Part 1: Off-street car parking (as relevant to domestic driveways), including the following gradient requirements.
   i Gradients must not exceed 1 in 4 (25%).
   ii Appropriate grade transitions shall be provided for any change in grade larger than 1:8 (12.5%) for a summit (crest) or 1:6.7 (15%) for a sag. The grade transitions shall be a minimum of 2.0 metres in length.

b Where the gradient of driveway/s exceeds 12.5%, safe pedestrian access facilities must be provided to Council’s satisfaction (e.g. handrails, steps and/or cleats).

c The section of driveway across the verge (referred to in Council’s Land Development Guidelines as the ‘Vehicular Crossing’) must comply with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings and requires a Vehicular Crossing licence (VXO) from Council prior to construction.
11 Location of Gully pits and vehicular crossings

If gully pits conflict with proposed vehicular crossing/s, then the design of the dwelling must be amended so that the location of the garage is not in line with the gully pit. Alternatively the gully pit must be relocated to be clear of the vehicular crossing. No butterfly grates will be permitted.

12 Connection to Permanent Survey Marks

All lots are to be connected to Permanent Survey Marks (PSMs) in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings and Council’s Standard Electronic Format for As Constructed Data, June 2006. The connections of the lots to the PSMs and the coordinates of the PSMs must be shown on the face of the subdivision plan/s when giving such plan/s to Council for compliance assessment.

COMMUNITY TITLES SCHEME

13 Community management statement

a All 25 lots plus the common property as shown on the proposal plan to be submitted to Council (based on the plan numbered CHF39_SK01 dated 05.04.2011 & 13.04.12 by Place Planning Design Environment must be defined in the community management statement (‘CMS’) as the scheme land, and must include all proposed standard format lots and/or building format lots created over the site.

b The first CMS (duly signed by all relevant parties) must be submitted to Council for notation and for verification of the above prior to compliance assessment of the subdivision plan.

c A copy of any new CMS must be submitted to Council for Council’s record.
ITEM 3 (Continued)
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STREET LIGHTING

14 Street lighting - design and installation
   a The applicant must design and install a street lighting system (including connections and energising) to all roads bounding the subdivision, at no cost to Council.
   b Any street lighting poles already erected as part of the previous stage 3 approval that are not located adjacent a common side boundary of the proposed lots must be relocated accordingly so as to comply with Council’s and Energex’s requirements. And if relocation of a street light is required then a full lighting redesign of the whole street must be carried out.
   c The design and construction of the street lighting system must:
      i Be in accordance with Section 3.7 and Section 6.15.1 of Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings;
      ii Meet the relevant requirements of the electricity supplier (where the supplier is ENERGEX, this includes ENERGEX’s Public Lighting Construction Manual); and
      iii Be acceptable to the electricity supplier (eg. ENERGEX) as ‘Rate 2 Public Lighting’ (refer ENERGEX’s Rate 2 Public Lighting Design Parameters).

ELECTRICAL RETICULATION

15 Electricity supply
The applicant must submit to Council, prior to Council’s compliance assessment of subdivision plans, documentation from an authorised telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications services to all proposed lots (whether freehold or community title lots), and compliance with the following:
   a Telecommunication conduits (ducts) and pits, including trenching and designs, must be provided to service the development in accordance with the NBN Co Guidelines for new developments. In this regard please refer to the NBN Co website (www.nbnco.com.au) for the latest version of the Guidelines (currently titled “New Developments: Deployment of the NBN Co Conduit and Pit Network – Guidelines for Developers”).
   b Separate confirmations are required for each individual stage within a multi-stage development.
ITEM 3 (Continued)
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TELECOMMUNICATIONS

16 Telecommunications services

The applicant must submit to Council, prior to Council’s compliance assessment of
subdivision plans, documentation from an authorised telecommunications service
provider confirming that satisfactory arrangements have been made for the provision of
underground telecommunications services to all proposed lots (whether freehold or
community title lots).

EARTHWORKS DESIGN AND MANAGEMENT

17 Retaining structures – design

a Retaining structures and associated footings must be designed and constructed
in accordance with AS 4678 – 2002 Earth-retaining structures.

b Retaining structures and associated footings must comply with Planning Scheme
Policy 11 - Land Development Guidelines, Standard Specifications and Drawings
including in particular, but not limited to:

i Section 3.2.7 (Cut/fill batters and earth retaining structures); and

ii Section 7.7 (Building near or over Council water, sewer and/or stormwater
services).

c Retaining structures adjoining roads, car parking areas or other structures must
be designed and constructed to take surcharge loadings.

d Retaining structures must not encroach onto existing or proposed road reserves,
public open spaces or easements. The structures (including associated footings)
are to be located within the proposed residential property and are to be founded
such that any excavation by Council or service authorities up to the boundary will
not result in additional expense, safety measures or rectification being necessary
to perform such works.

e Retaining structures are to be landscaped and are not to exceed 1.2m metres in
height in any one location, unless otherwise approved by the Chief Executive
Officer in accordance with an approved Geotechnical report;

f Retaining structures must be made of durable materials not subject to rot and
insect attack and have a minimum design life of 60 years.

18 Retaining structures – inspections and certifications

A final certificate signed by a RPEQ certifying the adequate completion of the retaining
structure/s must be provided to the Contributed Assets Section of Council prior to
formal acceptance of the works being ‘On Maintenance’.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT lots) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3 PN324952/02/DA3

STORMWATER AND WATER QUALITY

19 Stage 3 Approval

The applicant shall ensure that all conditions of Stormwater Quality and Quantity of Stage 3 is met as part of this application.

ALLCONNEX WATER CONDITIONS OF APPROVAL

Advice Note: The following part of this development approval represents the conditions for potable/recycled water supply and wastewater for Allconnex Water:

WASTEWATER

20 Wastewater reticulation

a The development must be connected to Allconnex Water's reticulated wastewater system, prior to the commencement of the use of the premises, at the applicant's cost.

b The size of the wastewater property service connection shall be 150mm in accordance with the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, unless otherwise approved by Allconnex Water.

c Private wastewater reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.

21 Connection point

The existing 150mm main in Jindalba Drive must be used as the connection point, unless otherwise approved by Allconnex Water.

22 Connections – arrangements with Allconnex Water

Live connections to the existing wastewater main are to be performed by Council at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection and to obtain a quotation for the work.

23 Redundant wastewater connections

a Any redundant wastewater house connections within the site or servicing the development must be removed.

b The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of acceptance of any works ‘On Maintenance’ or the commencement of the use of the premises.
ITEM 3 (Continued)
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WATER SUPPLY RETICULATION

24  Dual water supply reticulation (potable and recycled)

The development must be connected to Allconnex Water's dual water reticulation system (potable and recycled supply), prior to a request for compliance assessment of the Reconfiguring of a Lot plan, at the applicant's cost.

25  Connection point

a The proposed 150mm potable water main in Jindalba Drive must be used as the potable water supply connection point, unless otherwise approved by Allconnex Water.

b The proposed 100mm recycled water main in Jindalba Drive must be used as the recycled water supply connection point, unless otherwise approved by Allconnex Water.

c Where mains exist on the opposite side of the street, conduits are required to be installed to service the proposed development by thrust boring the road (open cutting of the road is not permitted).

26  Design and standard of construction of water supply reticulation

The design and standard of construction of the required water supply reticulation infrastructure to be carried out by the applicant (including all water supply reticulation infrastructure to be dedicated to Allconnex Water) must be in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

27  Potable and Recycled Water Infrastructure Upgrade

a The applicant shall construct 150mm water mains from the existing 150mm water main at the corner of Jindalba and Synergy Drive to the full frontage of the development site, prior to providing water connection to proposal at the applicant's cost.

b The applicant shall construct 100mm recycled water mains from the existing 100mm recycled water main at the corner of Jindalba and Synergy Drive to the full frontage of the development site, prior to providing recycled water connection to proposal at the applicant's cost.
ITEM 3 (Continued)

DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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28 **Operational work (works for infrastructure) application required**

The applicant must obtain a development permit for operational work (works for infrastructure) for any works (including augmentations) where the water infrastructure assets are to be owned and/or maintained by Allconnex Water.

29 **Connections – arrangements with AllconnexWater**

Live connection to the existing water mains shall be performed by Allconnex Water at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to:

a Make arrangements for the connection (including to obtain a quotation for the work); and

b Make an application to Allconnex Water for approval where water services are to be provided to pump stations, parks, medians and irrigation systems (including the supply and installation of a water meter to each service connection where applicable).

30 **Installation of property service, dual water meter box, and meters**

The applicant must, prior to a request for compliance assessment of the Reconfiguring of a Lot plan:

a Provide, for new recycled and potable water reticulation mains, a 20mm I.D. property service and dual water meter box to the boundary of each community titled lot in accordance with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

b The installation of the property service, including tapping and dual water meter box including live connection, shall be installed at the time of building application and at the cost of the applicant.

c All development shall comply with Clause 4.2.7 of Planning Scheme Policy 11-Land Development Guidelines.

31 **Supply standard**

The applicant must provide water supply to the standard specified in Council’s *Section 7 of the Land Development Guidelines*.

32 **Fire loading**

Fire loading must not exceed 15L/s.

33 **Ownership and maintenance of water infrastructure**

All private water infrastructure internal to this development site shall be owned and managed by the principal body corporate.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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NOTES TO APPLICANT – THESE ARE NOT CONDITIONS

B. Rights of appeal

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 461 of the Sustainable Planning Act 2009. A copy of that section is attached to the decision notice.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in sections 519 and 522 of the Sustainable Planning Act 2009, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

C. Applicant responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

a. Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;

b. Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the Environmental Protection Act 1994 of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a ‘notifiable activity’); and

c. Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval).

d. Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes.

e. Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds $80,000. Acceptable proof of payment is a Q.Leave – Notification an Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991.

f. Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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D. Infrastructure charges

Infrastructure contribution policies for the Water, Wastewater, Recreation, Stormwater and Transport Networks are no longer applicable and therefore monetary contribution conditions for these networks are no longer included in the decision notice. Infrastructure charges are now levied under an Adopted Infrastructure Charges Resolution by way of an infrastructure charges notice, which accompanies this decision notice.

E. Indigenous cultural heritage legislation and duty of care requirement

The Aboriginal Cultural Heritage Act 2003 (‘AHCA’) is administered by the Department of Environment and Resource Management (DERM). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- Is not negated by the issuing of this development approval;
- Applies on all land and water, including freehold land;
- Lies with the person or entity conducting an activity; and
- If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DERM’s Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the AHCA.

F. Obligation to ensure electrical safety

Under the Electrical Safety Act 2002 you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work. If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.

Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.

Information note:

An exclusion zone sets the minimum safe approach distance to the powerline. Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.

For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations’ web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Infoline – 1300 650 662.
G. Water restrictions to be complied with

All persons and/or companies engaging in landscaping works must comply with current water restrictions. These restrictions detail specific times and methods for the watering of newly established gardens and turf for both residential and non-residential developments.

Any person or company found contravening current water restrictions may incur fines of up to 200 penalty units. [Water Supply (Safety and Reliability) Act 2008 Section 43 (3)] (1 Penalty Unit = $100.00).

Author: Shoaleh Mahdavi
Town Planner
15 May 2012

Authorised by: Warren Rowe
Director Planning Environment & Transport
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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Committee Recommendation Adopted at Council 29 May 2012

Cr Owen-Jones declared a real conflict of interest (as per section 173 of the Local Government Act 2009) on this matter due to a 2012 electoral campaign contribution and leaving the room, taking no part in the debate or decision of the meeting.

COMMITTEE RECOMMENDATION CP12.0523.003 moved Cr Betts seconded Cr Tozer

It is recommended Council resolve:

Real Property Description Part Lot 811 on SP240629
Address of Property Pamphlet Lane, Coomera
Area of Property 11,003m² of 156,100m²
Decision Type 25 Community Title Lot Subdivision and Common Property
Further Development Permits Operational Works (Civil & Landscaping), Building Works, Plumbing and Drainage and Vehicle crossover
Further Compliance Permits None
Compliance Assessment required for documents or works Survey Plans & Operational Works, Building Works, Plumbing and Drainage Works, Vehicle Crossover permits

NATURE OF DECISION

H. Council approves the issue of a development permit for reconfiguring a lot for (Community Title Subdivision to create 25 residential allotments and common property from four (4) management lots), subject to the following conditions:

APPROVED PLANS/DRAWINGS

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<tr>
<td>CHF39_SK01</td>
<td>A</td>
<td>Stage 3D ROL PLAN</td>
<td>13.04.2012</td>
<td>Place Planning Design Environment</td>
</tr>
</tbody>
</table>

35 Any deviations require further approval
Any proposed deviation from the approved plans/drawings as a result of on-site or in-situ conditions must not be made unless amended plans/drawings are submitted and approved by Council. The development must be carried out in accordance with the approved amended plans/drawings.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
PN324952/02/DA3

36 Decision notice and approved plans/drawings to be submitted with subsequent application
A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any building development application relating to or arising from this development approval.

37 Decision notice and approved plans/drawings to be retained on-site
A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

ALTERATIONS TO SERVICES, INFRASTRUCTURE AND/OR ROAD RESERVE

38 Alterations to services and infrastructure
a Any alterations to Council services, infrastructure and installations and other public utility infrastructure must be undertaken by the applicant at no cost to Council and to the satisfaction of the Chief Executive Officer or the relevant public utility.
b Any alterations must be completed prior to the commencement of the use of the premises, a request for compliance assessment of the subdivision plan or the issuing of a certificate of classification, whichever occurs first.

HEALTH AND REGULATORY SERVICES

39 Storage Points
Solid waste storage points are to be designed and constructed in accordance with Section 11 of Gold Coast City Council’s Solid Waste Management Guideline for New Developments (2011).

40 Servicing Points
All servicing points must be designed and constructed in accordance with Section 11 of Gold Coast City Council’s Solid Waste Management Guideline for New Developments (2011).

41 Roadway Design
All cul-de-sacs where the waste service vehicles are required to enter and exit the roadway must be designed in accordance with Section 3.4.13 of the Gold Coast Planning Scheme 2003 Policy 11 Land Development Guidelines.

42 Temporary Turnaround Provisions
Temporary turnaround provisions must be provided at the end of uncompleted roadways that the waste collection vehicle is required to use prior to the completion of the road system.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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VEHICULAR CROSSINGS AND DRIVEWAYS

43 Domestic (Residential) driveways – gradients and geometry
   a Driveways within domestic (residential) lots must comply with the requirements of AS2890.1:2004 Parking facilities Part 1: Off-street car parking (as relevant to domestic driveways), including the following gradient requirements.
      i Gradients must not exceed 1 in 4 (25%).
      ii Appropriate grade transitions shall be provided for any change in grade larger than 1:8 (12.5%) for a summit (crest) or 1:6.7 (15%) for a sag. The grade transitions shall be a minimum of 2.0 metres in length.
   b Where the gradient of driveway/s exceeds 12.5%, safe pedestrian access facilities must be provided to Council’s satisfaction (eg. handrails, steps and/or cleats).
   c The section of driveway across the verge (referred to in Council’s Land Development Guidelines as the ‘Vehicular Crossing’) must comply with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings and requires a Vehicular Crossing licence (VXO) from Council prior to construction.

44 Location of Gully pits and vehicular crossings

If gully pits conflict with proposed vehicular crossing/s, then the design of the dwelling must be amended so that the location of the garage is not in line with the gully pit. Alternatively the gully pit must be relocated to be clear of the vehicular crossing. No butterfly grates will be permitted.

45 Connection to Permanent Survey Marks

All lots are to be connected to Permanent Survey Marks (PSMs) in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings and Council’s Standard Electronic Format for As Constructed Data, June 2006. The connections of the lots to the PSMs and the coordinates of the PSMs must be shown on the face of the subdivision plan/s when giving such plan/s to Council for compliance assessment.

COMMUNITY TITLES SCHEME

46 Community management statement
   a All 25 lots plus the common property as shown on the proposal plan to be submitted to Council (based on the plan numbered CHF39_SK01 dated 05.04.2011 & 13.04.12 by Place Planning Design Environment must be defined in the community management statement (‘CMS’) as the scheme land, and must include all proposed standard format lots and/or building format lots created over the site.
   b The first CMS (duly signed by all relevant parties) must be submitted to Council for notation and for verification of the above prior to compliance assessment of the subdivision plan.
   c A copy of any new CMS must be submitted to Council for Council’s record.
STREET LIGHTING

47 Street lighting - design and installation
   a The applicant must design and install a street lighting system (including
      connections and energising) to all roads bounding the subdivision, at no cost to
      Council.
   b Any street lighting poles already erected as part of the previous stage 3 approval
      that are not located adjacent a common side boundary of the proposed lots must
      be relocated accordingly so as to comply with Council’s and Energex’s
      requirements. And if relocation of a street light is required then a full lighting
      redesign of the whole street must be carried out.
   c The design and construction of the street lighting system must:
      i Be in accordance with Section 3.7 and Section 6.15.1 of Planning Scheme
         Policy 11 – Land Development Guidelines, Standard Specifications and
         Drawings;
      ii Meet the relevant requirements of the electricity supplier (where the
         supplier is ENERGEX, this includes ENERGEX’s Public Lighting
         Construction Manual); and
      iii Be acceptable to the electricity supplier (eg. ENERGEX) as ‘Rate 2 Public
         Lighting’ (refer ENERGEX’s Rate 2 Public Lighting Design Parameters).

ELECTRICAL RETICULATION

48 Electricity supply
   The applicant must submit to Council, prior to Council’s compliance assessment of
   subdivision plans, documentation from an authorised telecommunications service
   provider confirming that satisfactory arrangements have been made for the provision of
   underground telecommunications services to all proposed lots (whether freehold or
   community title lots), and compliance with the following:
   a Telecommunication conduits (ducts) and pits, including trenching and designs,
      must be provided to service the development in accordance with the NBN Co
      Guidelines for new developments. In this regard please refer to the NBN Co
      website (www.nbnco.com.au) for the latest version of the Guidelines (currently
      titled “New Developments: Deployment of the NBN Co Conduit and Pit Network –
      Guidelines for Developers”).
   b Separate confirmations are required for each individual stage within a multi-stage
      development.

TELECOMMUNICATIONS

49 Telecommunications services
   The applicant must submit to Council, prior to Council’s compliance assessment of
   subdivision plans, documentation from an authorised telecommunications service
   provider confirming that satisfactory arrangements have been made for the provision of
   underground telecommunications services to all proposed lots (whether freehold or
   community title lots).
EARTHWORKS DESIGN AND MANAGEMENT

50 Retaining structures – design
   a Retaining structures and associated footings must be designed and constructed in accordance with AS 4678 – 2002 Earth-retaining structures.
   b Retaining structures and associated footings must comply with Planning Scheme Policy 11 - Land Development Guidelines, Standard Specifications and Drawings including in particular, but not limited to:
      i Section 3.2.7 (Cut/fill batters and earth retaining structures); and
      ii Section 7.7 (Building near or over Council water, sewer and/or stormwater services).
   c Retaining structures adjoining roads, car parking areas or other structures must be designed and constructed to take surcharge loadings.
   d Retaining structures must not encroach onto existing or proposed road reserves, public open spaces or easements. The structures (including associated footings) are to be located within the proposed residential property and are to be founded such that any excavation by Council or service authorities up to the boundary will not result in additional expense, safety measures or rectification being necessary to perform such works.
   e Retaining structures are to be landscaped and are not to exceed 1.2m metres in height in any one location, unless otherwise approved by the Chief Executive Officer in accordance with an approved Geotechnical report;
   f Retaining structures must be made of durable materials not subject to rot and insect attack and have a minimum design life of 60 years.

51 Retaining structures – inspections and certifications
   A final certificate signed by a RPEQ certifying the adequate completion of the retaining structure/s must be provided to the Contributed Assets Section of Council prior to formal acceptance of the works being ‘On Maintenance’.

STORMWATER AND WATER QUALITY

52 Stage 3 Approval
   The applicant shall ensure that all conditions of Stormwater Quality and Quantity of Stage 3 is met as part of this application.

ALLCONNEX WATER CONDITIONS OF APPROVAL
   Advice Note: The following part of this development approval represents the conditions for potable/recycled water supply and wastewater for Allconnex Water:
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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WASTEWATER

53 Wastewater reticulation
   a The development must be connected to Allconnex Water’s reticulated wastewater system, prior to the commencement of the use of the premises, at the applicant’s cost.
   b The size of the wastewater property service connection shall be 150mm in accordance with the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings, unless otherwise approved by Allconnex Water.
   c Private wastewater reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.

54 Connection point
The existing 150mm main in Jindalba Drive must be used as the connection point, unless otherwise approved by Allconnex Water.

55 Connections – arrangements with Allconnex Water
Live connections to the existing wastewater main are to be performed by Council at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection and to obtain a quotation for the work.

56 Redundant wastewater connections
   a Any redundant wastewater house connections within the site or servicing the development must be removed.
   b The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of acceptance of any works ‘On Maintenance’ or the commencement of the use of the premises.

WATER SUPPLY RETICULATION

57 Dual water supply reticulation (potable and recycled)
The development must be connected to Allconnex Water’s dual water reticulation system (potable and recycled supply), prior to a request for compliance assessment of the Reconfiguring of a Lot plan, at the applicant’s cost.

58 Connection point
   a The proposed 150mm potable water main in Jindalba Drive must be used as the potable water supply connection point, unless otherwise approved by Allconnex Water.
   b The proposed 100mm recycled water main in Jindalba Drive must be used as the recycled water supply connection point, unless otherwise approved by Allconnex Water.
   c Where mains exist on the opposite side of the street, conduits are required to be installed to service the proposed development by thrust boring the road (open cutting of the road is not permitted).
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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59 Design and standard of construction of water supply reticulation
The design and standard of construction of the required water supply reticulation infrastructure to be carried out by the applicant (including all water supply reticulation infrastructure to be dedicated to Allconnex Water) must be in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

60 Potable and Recycled Water Infrastructure Upgrade
a The applicant shall construct 150mm water mains from the existing 150mm water main at the corner of Jindalba and Synergy Drive to the full frontage of the development site, prior to providing water connection to proposal at the applicant’s cost.
b The applicant shall construct 100mm recycled water mains from the existing 100mm recycled water main at the corner of Jindalba and Synergy Drive to the full frontage of the development site, prior to providing recycled water connection to proposal at the applicant’s cost.

61 Operational work (works for infrastructure) application required
The applicant must obtain a development permit for operational work (works for infrastructure) for any works (including augmentations) where the water infrastructure assets are to be owned and/or maintained by Allconnex Water.

62 Connections – arrangements with AllconnexWater
Live connection to the existing water mains shall be performed by Allconnex Water at the applicant’s cost. The applicant must liaise with Allconnex Water’s Field Services and Construction Branch (phone 5581 7564) to:
a Make arrangements for the connection (including to obtain a quotation for the work); and
b Make an application to Allconnex Water for approval where water services are to be provided to pump stations, parks, medians and irrigation systems (including the supply and installation of a water meter to each service connection where applicable).

63 Installation of property service, dual water meter box, and meters
The applicant must, prior to a request for compliance assessment of the Reconfiguring of a Lot plan:
a Provide, for new recycled and potable water reticulation mains, a 20mm I.D. property service and dual water meter box to the boundary of each community titled lot in accordance with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.
b The installation of the property service, including tapping and dual water meter box including live connection, shall be installed at the time of building application and at the cost of the applicant.
c All development shall comply with Clause 4.2.7 of Planning Scheme Policy 11-Land Development Guidelines.
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT lots) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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64 Supply standard

The applicant must provide water supply to the standard specified in Council’s Section 7 of the Land Development Guidelines.

65 Fire loading

Fire loading must not exceed 15L/s.

66 Ownership and maintenance of water infrastructure

All private water infrastructure internal to this development site shall be owned and managed by the principal body corporate.

NOTES TO APPLICANT – THESE ARE NOT CONDITIONS

I. Rights of appeal

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 461 of the Sustainable Planning Act 2009. A copy of that section is attached to the decision notice.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in sections 519 and 522 of the Sustainable Planning Act 2009, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

J. Applicant responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;

b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the Environmental Protection Act 1994 of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a ‘notifiable activity’); and

c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval).
ITEM 3 (Continued)
DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes.

e Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds $80,000. Acceptable proof of payment is a Q.Leave – Notification an Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991.

f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.

K. Infrastructure charges
Infrastructure contribution policies for the Water, Wastewater, Recreation, Stormwater and Transport Networks are no longer applicable and therefore monetary contribution conditions for these networks are no longer included in the decision notice. Infrastructure charges are now levied under an Adopted Infrastructure Charges Resolution by way of an infrastructure charges notice, which accompanies this decision notice.

L. Indigenous cultural heritage legislation and duty of care requirement
The Aboriginal Cultural Heritage Act 2003 (‘AHCA’) is administered by the Department of Environment and Resource Management (DERM). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

  g Is not negated by the issuing of this development approval;
  h Applies on all land and water, including freehold land;
  i Lies with the person or entity conducting an activity; and
  j If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DERM’s Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the AHCA.
ITEM 3 (Continued)

DEVELOPMENT PERMIT TO RECONFIGURE A LOT (COMMUNITY TITLE SUBDIVISION TO CREATE 25 RESIDENTIAL ALLOTMENTS AND COMMON PROPERTY FROM FOUR (4) MANAGEMENT LOTS) - LOT 811 ON SP240629 - PAMPHLET LANE COOMERA - DIVISION 3
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M. Obligation to ensure electrical safety

Under the Electrical Safety Act 2002 you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work.

If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.

Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.

Information note:

An exclusion zone sets the minimum safe approach distance to the powerline. Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.

For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations’ web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Infoline – 1300 650 662.

N. Water restrictions to be complied with

All persons and/or companies engaging in landscaping works must comply with current water restrictions. These restrictions detail specific times and methods for the watering of newly established gardens and turf for both residential and non-residential developments.

Any person or company found contravening current water restrictions may incur fines of up to 200 penalty units. [Water Supply (Safety and Reliability) Act 2008 Section 43 (3)] (1 Penalty Unit = $100.00).

Record of Voting:

For: 6 Cr Betts, Cr Caldwell, Cr Gates, Cr Gilmore, Cr Taylor, Cr Tozer
Against: 2 Cr Bell, Cr Owen-Jones
Absent: 2 Cr Bell, Cr Owen-Jones
Abstained: 0

ADOPTED AT COUNCIL 29 MAY 2012
RESOLUTION G12.0529.012 moved Cr Gates seconded Cr Caldwell

That Committee Recommendation CP12.0523.003 be adopted as printed.
3.0 SITE DETAILS

3.1 Site Context & Locality

The Geness Master Planned Community is to contain approximately 600 residential lots once fully developed. The development is 2 km from the Coomera railway station and 2.5 km from the planned Coomera Town Centre.

Heritage Pacific, the developer of Geness, from the onset committed itself to sustainable approaches motivated by the vision of a ‘Smart Community’. This smart community concept, based on environmentally focused outcomes, sought to create a modern estate incorporating a variety of housing and living options for residents. This approach seeks to continue the vision that was developed for the site, by ensuring the diversification of allotments and sustained growth of the estate.

Geness Stage 3 is located adjoining Pamphlet Lane and adjoins the balance of the Geness Estate to the south, north-east and west. Stage 3D is located along the Esplanade Road fronting the Geness Parkland and comprises a site area of 11,063m².

Surrounding the subject site are the following:
- The remaining Stages of Geness Stage 3 are located to the to the north of the subject site;
- Fronting the site to the south is the Geness parkland. This park area connects the Geness development linearly North to South through an extensive open space network; and
- Stage 4 of the Geness Master Planned Community is located to the west, whilst Stage 2 is located to the east.

The subject site is shown in Figure 1 Site Location Plan & Figure 2 Aerial Photograph.

FIGURE 1: SITE LOCATION PLAN

Source: Google Maps (2012)
3.2 Site History

Genesi Stage 3 was approved by Gold Coast City Council on 28th February 2007, with a Negotiated Decision Notice reached on 24th December 2007. The subject site was approved for a 65 lot residential subdivision in community title, four (4) management lots, park and new road (Council Reference RL29000068).

This approval was subsequently modified 25 June 2009, to divide the site into four (4) Stages. The approved staging consisted of the following four (4) sub stages:
- Stage 3A - 22 Lots and new road
- Stage 3B - 28 Lots and new road
- Stage 3C - 15 Lots and new road
- Stage 3D - 4 Management Lots, New Road and Open Space

On 4 January 2011, Gold Coast City Council granted a development permit for the residential subdivision of the four (4) management lots representing Stage 3D into 25 community management allotments (Council Reference RL261000141). This approval was approved for a modification on 18th February, to incorporate a Building Location Envelope plan in accordance with Conditions 1 (a) and 1 (a) of Council’s Negotiated Decision Notice for Stage 3 dated 24th December 2010.

The final development approval for Stage 3D was granted on 11th April 2011, whereby minor modifications to the site layout were made to rectify an access driveway that conflicted with the location of an existing stormwater gully.

Stage 3D was amalgamated as part of Lot 811 on SP240629, the balance lot contained land approved as Stages 4 and 5 of the Genesis Master Planned Community. As such this application seeks to create 25 allotments as part of Stage 3D.

A copy of the final development approval for ROL261000141 is contained within Section 2.
1 BASIS FOR CONFIDENTIALITY

Not Applicable.

2 EXECUTIVE SUMMARY

Not Applicable.

3 PURPOSE OF REPORT

To obtain Council Resolution to approve refunding for costs associated with the construction of sections of Abbey Ridge Road, Reedy Creek that has been undertaken by Stockland Development Pty Ltd.

4 PREVIOUS RESOLUTIONS

Council issued a negotiated decision notice dated 6 August 2007 for material change of use and reconfiguring a lot for precincts E, F and G of The Observatory, Reedy Creek. Subsequent to the approval conditions were appealed by Stockland (reference BD2490 of 2007) which included contention of condition 65 relating to transport network contributions:

65 The applicant must pay to Council contributions toward Transport Network Infrastructure in accordance with Planning Scheme Policy 19 - Policy for Infrastructure Transport Network Developer Contributions at the rate current at the due date for payment. Payment must be made prior to the earliest of the following events: the endorsement of survey plans, the issue of a certificate of classification for building work, the carrying out of the final plumbing inspection, or the commencement of the use of the premises. The contribution current at the date of this approval is:

Transport Infrastructure - Austinville
Account: 74648 TRANSPRT 1,733 Trip Ends per Day @ $383.20 = $664,085.60
TOTAL $664,085.60

The contribution amount payable at the due date for payment will be calculated at rates current under the Policy (reflecting adjustments pursuant to section 3.4 of the Policy) or equivalent charging instrument (including, for example, an infrastructure charges schedule) in force at the date of payment.

The appeal was resolved under delegated authority which required development of a Transport Network Infrastructure Agreement (refer attachment). The key element of the Infrastructure Agreement was to determine the extent and value of trunk works that could be offset against developer contribution payments payable under condition 65 of the approval.
ITEM 4 (Continued)
THE OBSERVATORY PRECINTS E,F,&G – TRUNK ROAD CONSTRUCTION COST
REFUND FOR SETTLEMENT OF APPEAL 2790/07
PN255179/12/DA5/LF(P8)

The Transport Network Infrastructure Agreement facilitates payment in two stages for refunding of costs. As part of the first stage of payment Council resolved at Sustainable City Future Committee Meeting 23 August 2011 (item 5) to:

1. That the owner, ‘Stockland Development Pty Ltd’ for the residential freehold Lot 18SP220589 be refunded an amount of $396,363.31 (including GST) for trunk road works to be undertaken on Abbey Ridge Road.

2. That the refund amount be paid by the 2011/2012 ‘Trunk Infrastructure Reimbursements to Developers’ budget allocation from Project Number B853 Task Number 9728.

At the time of the above Council resolution it was indicated that a second report to Council would be required for the stage 2 payment once constructed costs for the works were known.

5 DISCUSSION

Infrastructure Charging

Council established Planning Scheme Policy 19 (PSP19) – ‘Policy for Infrastructure Transport Network Developer Contributions’ in January 2004. Other infrastructure charging instruments have occurred since the introduction of PSP19, in particular the Priority Infrastructure Plan (PIP) introduced January 2007 and the Adopted Infrastructure Charge Resolution (AICR) introduced June 2011. The development subject to this report received initial approval during the PSP19 currency period and forms the basis for current consideration.

The general principle of PSP19 was to charge new developments the replacement cost of the amount of Council’s trunk road network that they consume. Revenue received from transport infrastructure charges contributes to funding the major roadworks program.

Credits for Trunk Roadworks

PSP19 defined a trunk road network comprising high order Council roads primarily of an arterial and sub-arterial designation. Local roads which provide direct property access do not fit the definition of trunk infrastructure and are typically provided by development. Under PSP19 a schedule of works for the trunk network to cater for traffic growth associated with development was established. This list of road projects has subsequently informed and guided the major roadworks program over recent years. Historically transport infrastructure charge revenue accounts for approximately 20-25% of the yearly major roadworks program spend.

For some developments it may be desirable or necessary to construct part of the future trunk road network. To ensure that there is no ‘double dipping’ under this arrangement, that is charging a development for use of the trunk network as well as requiring construction of it, Council acknowledges the cost of trunk works undertaken by development as a credit towards charges payable. If the cost of the trunk works exceeds the amount of charges payable, which is the case for this development, then Council issues a refund for the difference.
ITEM 4 (Continued)
THE OBSERVATORY PRECINTS E,F,&G – TRUNK ROAD CONSTRUCTION COST
REFUND FOR SETTLEMENT OF APPEAL 2790/07
PN255179/12/DA5/LF(P8)

Current budget protocol allocates a portion of transport network infrastructure charges revenue to refund development for trunk works. Provision of trunk network by development is cost effective and represents value for money.

Local Context

Abbey Ridge Road connects The Observatory Estate to Chesterfield Drive to the south and provides an important alternative point of road access/egress for local residents. During development of the Transport Infrastructure Agreement two sections of Abbey Ridge Road were identified as trunk works should they be constructed by Stockland. These segments were considered to be trunk on the basis that they provide a through traffic function and do not provide direct property access. The trunk work sections and are shown on Figure 1 below.

![Figure 1 – Trunk Roadwork Location](image)
Both sections of creditable roadworks have been completed and accepted 'on maintenance' by Council. In accordance with the infrastructure agreement Stockland have submitted certified constructed costs for the works which have been reviewed and agreed. The total value of the trunk works that can be offset against developer contribution payments are $1,164,455.42 (GST inclusive). The final reconciliation of costs and charges under the terms of the infrastructure agreement are detailed in Table 1 below:

**Table 1 – Infrastructure Agreement Reconciliation**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constructed Costs</td>
<td></td>
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<tr>
<td>northern road works</td>
<td>$74,454.82</td>
</tr>
<tr>
<td>southern road works</td>
<td>$1,090,000.60</td>
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<tr>
<td>Sub total</td>
<td>$1,164,455.42</td>
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<tr>
<td>Less</td>
<td>$684,027.41</td>
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<tr>
<td>completed stage refund (stage 1 payment)</td>
<td>$396,363.31</td>
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<tr>
<td>stage 17B deferred payment</td>
<td>$84,064.70</td>
</tr>
<tr>
<td>Sub total</td>
<td>$480,428.01</td>
</tr>
<tr>
<td>Total (balance payable to Stockland)</td>
<td>$684,027.41</td>
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</tbody>
</table>

Under the terms of the legal settlement and associated infrastructure agreement Council is required to refund a final amount of $684,027.41. This amount reflects the value of constructed costs, previous payment under the infrastructure agreement and charges for development stages that have occurred to date.

6 **ALIGNMENT TO BOLD FUTURE VISION, CORPORATE PLAN, OPERATIONAL PLAN**

The Corporate Plan key focus area number 3 - A 'City connecting people and places'. Outcome 3.3 - The transport network is well maintained and meets relevant safety standards. Sub clause 3.3.2 – Implement a road program which caters for the city’s growth and directs traffic flows in the appropriate traffic corridors.

7 **FUNDING AND RESOURCING REQUIREMENTS**

Funding is available in the 2011/2012 Transport Planning budget for ‘Trunk Infrastructure Reimbursements to Developers’ from SAP WBS element 50036-9500 as a non capital cost refund.

8 **RISK MANAGEMENT**

Not applicable.
ITEM 4  (Continued)
THE OBSERVATORY PRECINTS E,F,&G – TRUNK ROAD CONSTRUCTION COST
REFUND FOR SETTLEMENT OF APPEAL 2790/07
PN255179/12/DA5/LF(P8)

9 STATUTORY MATTERS

When works are valued at more than $150,000 it is a requirement of the Local Government Act, under Section 484, that tenders be called. As these works have been undertaken as part of the conditions of approval, it is considered that Section 484 does not apply. Section 486 provides Council with the ability to enter into a contract without complying with Section 484. Part Section 486 as follows:

Exceptions to the requirements to seek tenders or quotations

(1) The local government may enter into a contract without complying with section 484 or 485 if –
   (a) it resolves that it is satisfied that there is only one supplier reasonably available to it;

This project was undertaken by the applicant (as a condition of approval) and is not included on Council’s Capital Expenditure Program. It is therefore considered that the works will need to be constructed by the applicant to fulfil the conditions of development approval. The works to be undertaken by the applicant involved a competitive tender process. Tender prices were submitted to Council for checking and validation before final construction costs are determined.

10 COUNCIL POLICIES

Not applicable.

11 DELEGATIONS

Not applicable.

12 COORDINATION & CONSULTATION

The engineering design for the works was submitted to Council’s Operational Works Section for checking and approval. Operational Works approval was issued. Inspections of the work were undertaken by Council’s Contributed Assets Branch.

13 STAKEHOLDER IMPACTS

The construction of this section of Abbey Ridge Road provides an important link in the ‘trunk’ road network that will provide pedestrian, cycle and vehicular access to Reedy Creek area.
ITEM 4 (Continued)
THE OBSERVATORY PRECINTS E,F,&G – TRUNK ROAD CONSTRUCTION COST
REFUND FOR SETTLEMENT OF APPEAL 2790/07
PN255179/12/DA5/LF(P8)

14 TIMING

The work has been completed to Council’s satisfaction and accepted ‘on maintenance’.

15 CONCLUSION

Under settlement of Appeal BD2490 of 2007 and associated Transport Network Infrastructure Agreement, it is required that the part cost of construction of Abbey Ridge Road should be funded from transport network contributions as the works form part of the ‘trunk’ road network. Funding for the construction will be from Capital Expenditure Program Budget allocations for ‘Trunk Infrastructure Reimbursements to Developers’.

16 RECOMMENDATION

It is recommended that Council resolves as follows:

1 That the owner, ‘Stockland Development Pty Ltd’ for the residential freehold Lot 18SP220589 be refunded an amount of $684,027.41 (including GST) for trunk road works undertaken on Abbey Ridge Road.

2 That the refund amount be paid by the 2011/2012 ‘Trunk Infrastructure Reimbursements to Developers’ budget allocation from SAP WBS element 50036-9500 as a non capital cost refund.

Author: Robert Mitchell
Coordinator Transport Projects
14 May 2012

Authorised by: Alton Twine
Manager City Transport

TRACKS REF: 34987199
ITEM 4 (Continued)
THE OBSERVATORY PRECINTS E,F,&G – TRUNK ROAD CONSTRUCTION COST 
REFUND FOR SETTLEMENT OF APPEAL 2790/07 
PN255179/12/DA5/LF(P8)

Committee Recommendation Adopted at Council 29 May 2012

COMMITTEE RECOMMENDATION CP12.0523.004 
moved Cr Betts    seconded Cr Gilmore

It is recommended that Council resolves as follows:

1. That the owner, ‘Stockland Development Pty Ltd’ for the residential freehold Lot 18SP220589 be refunded an amount of $684,027.41 (including GST) for trunk road works undertaken on Abbey Ridge Road.

2. That the refund amount be paid by the 2011/2012 ‘Trunk Infrastructure Reimbursements to Developers’ budget allocation from SAP WBS element 50036-9500 as a non capital cost refund.

Record of Voting:

For: 7 Cr Betts, Cr Caldwell, Cr Gates, Cr Gilmore, Cr Taylor, Cr Tozer, Cr Owen-Jones

Against: 1 Cr Bell

Abstained: 0

CARRIED

ADOPTED AT COUNCIL 29 MAY 2012

RESOLUTION G12.0529.013    moved Cr Grummitt    seconded Cr Caldwell

That Committee Recommendation CP12.0523.004 be adopted as printed.

CARRIED
Transport Network Infrastructure Agreement

The Observatory – Precincts E, F and G

Stockland Development Pty Limited (Stockland)
Gold Coast City Council (Council)
# Transport Network Infrastructure Agreement

The Observatory – Precincts E, F and G

## Details

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**Schedule 1 – Defined terms and interpretation**

**Signing page**

16
Details

Date 9 June 2011

If omitted in counterparts, the date of this Agreement is the date of latest execution.

Parties

Name Stockland Development Pty Limited
ACN 000 004 035
Short form name Stockland
Notice details Level 4, 99 Melbourne Street, Brisbane QLD 4000
Attention Col Dutton

Name Gold Coast City Council
Short form name Council
Notice details Surfers Paradise Administration Centre, 135 Bundall Road, Surfers Paradise
Attention: The Chief Executive Officer

Background

A Stockland is the applicant of a development application for material change of use and reconfiguring a lot in respect of Precincts E, F and G of The Observatory, Reedy Creek.

B Council issued a negotiated decision notice dated 6 August 2007 approving the development application subject to conditions.

C The conditions of the negotiated decision notice require the design and construction of all roads and associated works (including stormwater drainage) within and bounding the subdivision to the details and road classifications set out in the conditions. The roads include:

(i) Road 25 adjacent to Lots 667 to 675 as a 'Residential Collector Street - Designated Bus Route';
(ii) Road 25 south of Lot 675 (joining up with Chesterfield Drive) as a 'Park Living Collector Street'.

D Condition 65 of the negotiated decision notice requires contributions toward transport network infrastructure in accordance with Planning Scheme Policy 19 - Policy for Infrastructure Transport Network Developer Contributions.

E By appeal BD2480 of 2007, Stockland appealed against conditions of the negotiated decision notice including condition 65.

F By order of the Planning and Environment Court dated 17 November 2010, Stockland was allowed to start the development subject to complying with the conditions of the negotiated decision notice, as changed by the Notice to Applicant dated 16 July 2010.

G In resolving the appeal, the parties have agreed that for Stockland constructing certain components of Road 25 in accordance with the conditions of approval, Council will offer contributions which are payable under condition 65 by a contribution credit of the cost of the road works.
Agreed terms

1. Defined terms and interpretation
   In this document, unless the context otherwise requires:
   (a) each of the expressions defined in Part 1 of Schedule 1 shall have the meaning there assigned to it; and
   (b) the provisions of Part 2 of Schedule 1 apply to the interpretation of this document.

2. Infrastructure Agreement
   (a) This Agreement is an infrastructure agreement under the Sustainable Planning Act 2000, Chapter 8 Part 2.
   (b) For section 661 of the Sustainable Planning Act 2000 a change in ownership of the Land (or any portion of it) will not affect an obligation under this Agreement.
   (c) This Agreement will come into effect on the date the Development Approval takes effect.

3. Roadwork
   3.1 Northern Roadwork
   Stockland has constructed the Northern Roadwork.

   3.2 Southern Roadwork
   Stockland must design and construct the Southern Roadwork in accordance with the Development Approval, the development permit for OPW201100466 and any other development permit relevant to the Southern Roadwork.

   3.3 Development requirements
   (a) Council has issued OPW201100466 development permit to Stockland dated 16 May 2011 which approves in part construction of the Southern Roadwork subject to conditions.
   (b) This Agreement does not derogate from the requirements of the Development Approval, OPW201100466 development permit and any other development permit relevant to the Southern Roadwork, including without limitation any maintenance, inspection and bond requirements, but to the extent of any inconsistency this Agreement shall prevail over any conditions attaching to the Development Approval, the OPW201100466 development permit or any other development permit relevant to the Southern Roadwork.

   3.4 Plans, contract and tender for Southern Roadwork
   (a) Stockland must not start the Southern Roadwork until Council has approved:
   (i) the design and engineering plans and specifications of the Southern Roadwork;
   (ii) contract documents for the construction, consistent with those plans and specifications;
   (iii) the rates and prices the subject of the Construction Works under the Term Contract with SEB Civil Pty Ltd.
(b) Any approval by Council of the contract documents for the Southern Roadwork is limited to ensuring that plans, specifications and contracts meet the requirements of all relevant development permits and otherwise provide for design and construction in accordance with sound engineering practice.

(i) the design and engineering plans and specifications of the Southern Roadwork;
(ii) contract documents for the construction, consistent with those plans and specifications; and
(iii) the tender to be awarded for the construction contract, particularly the rates and prices the subject of the tender.

(c) To facilitate Council’s approval of the contract documents and the tender, Stockland must submit to Council:

(i) the design and engineering plans and specifications;
(ii) the contract documents;
(iii) the tender documents;
(iv) a written report from the Consulting Engineer which provides a comparative analysis of the tenders for award of the construction contract, stating particularly the rates and prices tendered and the Consulting Engineer’s recommendation (including reasons) of which tender Stockland should accept.

(d) Council must consider expeditiously the material submitted and must act reasonably in considering the material and in granting or refusing its approval of the material.

(e) Council must approve the plans and specifications if satisfied that they meet the requirements of all relevant development permits and otherwise provide for design and construction in accordance with sound engineering practice.

(f) Council must approve the contract if satisfied the provisions of the contract form an appropriate and adequate basis upon which to award, manage and supervise a construction contract for the Southern Roadwork.

(g) If Council is satisfied that the tendered rates or prices do not differ from the rates in Council’s Tender/Quotation Project Estimate Summary by more than plus or minus 10%, Council must approve acceptance of the tender that the Consulting Engineer recommends.

(h) Council may grant an approved subject to reasonable conditions; however, it may impose conditions only for ensuring that plans, specifications and contracts satisfy the approval criteria stipulated in this clause.

3.5 Performance Bond
Stockland must provide to Council a Bank Guarantee for 120% of the Tender Amount to secure completion of the Southern Roadwork/purchase of contributions due under the Transport Network Condition. The Bank Guarantee must be given prior to Council’s confirmation of the present meeting for the Southern Roadwork.

4. Refund of contributions paid
(a) The parties acknowledge that as at 30 April 2010, Stockland had paid contributions required by the Transport Network Condition of $296,263 for Stages 14, 15, 16, 17A, 18A, 19A, 21A and 21B of the Development.
5. Compliance assessment of remaining stages

(a) The parties acknowledge that

(i) At the time of requesting compliance assessment of the subdivision plan for Stage 17B of the Development, Stockland did not pay contributions pursuant to the Transport Network Condition in anticipation of this Agreement;

(ii) The contributions payable pursuant to the Transport Network Condition for Stage 17B of the Development is $84,654.70, being 214.50 vehicle trips per day @ $391.91 per vehicle trip per day.

(b) Within 28 days of the date of this Agreement Stockland must provide to Council a Bank Guarantee securing payment of the amount of the contribution payable for Stage 17B pursuant to the Transport Network Condition.

(c) If, prior to the Contribution Credit Reconciliation, Stockland requests compliance assessment of a subdivision plan for any stage of the Development, Stockland must provide to Council a Bank Guarantee securing payment of the amount of the contribution pursuant to the Transport Network Condition for the relevant stage(s). The Bank Guarantee must be provided with the request for compliance assessment.

(d) For requests for compliance assessment of subdivisions plans after the earlier of the Contribution Credit Reconciliation or Council acting under clause 7.2, Stockland must pay Council contributions pursuant the Transport Network Condition for stages of the Development.

6. Contribution credit

(a) Council will offer the Total Cost as a contribution credit against contributions payable under the Transport Network Condition for the Completed Stages, in accordance with this clause 6.

(b) At the time of submitting to Council the documents required by the operational work development permit for Council's acceptance of the Southern Roadwork as On Maintenance, Stockland must submit to Council a formal claim for the contribution credit together with:

(i) a schedule of quantities and rates of the “as constructed” Southern Roadwork Cost;

(ii) the Consulting Engineer's certification of the claim; and

(iii) the invoices and receipts verifying whatever reimbursable expenses Stockland has incurred.

(c) Within 28 days of Council accepting the Southern Roadwork as On Maintenance, Council must:
(i) notify Stockland the final Southern Roadwork Cost which, Council considers (acting reasonably) is properly creditable to Stockland; and

(ii) provide a reconciliation of the Total Cost to be offset against the Completed Stages Contributions.

(d) For the purpose of sub-clause (c)(i), if the as constructed cost submitted by Stockland does not differ from the Tender Amount by more than plus or minus 5% Council must notify Stockland that the as constructed cost submitted by Stockland is the final Southern Roadwork Cost.

(g) If, under the Contribution Credit Reconciliation, the Total Cost exceeds the Completed Stages Contributions, Council will reimburse Stockland the difference within 28 days of the Contribution Credit Reconciliation.

Examples: if the Total Cost is $500,000 and the Completed Stages Contributions up to $470,000, Council will reimburse $30,000 to Stockland.

(h) If, under the Contribution Credit Reconciliation, the Completed Stages Contributions exceed the Total Cost, Stockland will pay the difference to Council within 28 days of the Contribution Credit Reconciliation.

Examples: if the Total Cost is $500,000 and the Completed Stages Contributions total $530,000, Stockland will pay $30,000 to Council.

7. Bank Guarantees

7.1 If Southern Roadwork started but not completed

(a) If Stockland starts but does not complete the Southern Roadwork within 4 months of Council making the refund under clause 4(b), Council may in its absolute discretion:

(c) construct the Southern Roadwork and draw on the Completion Bond for the cost of doing so; or

(d) claim on:

(A) the Performance Bond in repayment to Council of the contribution amount in clause 4(e) for Stages 14, 15, 16, 17A, 18A, 19A, 21A and 21B of the Development; and

(B) the Contribution Bond(s) in payment of the contributions payable under the Transport Network Condition for the stage(s) of the Development for which the Contribution Bond(s) were provided.

(b) If Council draws on the Performance Bond pursuant to sub-clause (a)(i) Council must provide to Stockland within 28 days of completing the work the reconciliation under clause 6(e), following which clauses 6(d) to 6(f) apply.

7.2 If Southern Roadwork not started

If the last of the events in clause 4(f) does not occur before 1 August 2013, Council may draw on the Contribution Bond(s) in payment of the contributions payable under the Transport Network Condition for the stage(s) of the Development for which the Contribution Bond(s) were provided.

7.3 Drawing on Performance Bond for payment due under clause 6(f)

If Stockland fails to pay any amount due under clause 6(f), Council may draw on the Performance Bond provided under clause 5 in payment of the amount due.
7.4 Where Bank Guarantee insufficient

If a Bank Guarantee on which Council draws under clauses 7.1, 7.2 or 7.3 is insufficient to cover the relevant cost or contribution, Council may (as the case requires):

(a) undertake so much of the work as the money drawn will finance; or

(b) undertake all of the work and Council will be entitled to recover the cost from Stockland, net of the money drawn, as a debt; or

(c) pay so much of the contribution as the money drawn will cover and Council will be entitled to recover the balance from Stockland as a debt.

7.5 Return of Bank Guarantee

(c) Where the Southern Roadwork is completed, Council must return the Performance Bond and Contribution Bonds to Stockland to the extent not drawn on under clauses 7.1, 7.2 or 7.3, within 28 days following the later of the Contribution Credit Reconciliation and payment of any monies due under clause 6(1).

(b) If Stockland fails to complete the Southern Roadwork within 4 months of Council making the refund under clause (b) and Council does not under clause 7.1(a)(i), Council must return the Performance Bond to Stockland to the extent not drawn on under clause 7.1(a)(i) within 28 days of Council electing not to act under clause 7.1(a)(i).

8. Entry onto land

Stockland irrevocably authorises Council and Council’s employees, contractors (and their sub-contractors) and agents to enter onto the Land with all necessary vehicles, plant and equipment to:

(a) Monitor Stockland’s progress in completing the Southern Roadwork; and

(b) Complete the Southern Roadwork pursuant to clause 7.1.

9. Indemnity and release

(c) Stockland will indemnify Council against cost borne of Harm that results directly or indirectly from the Southern Roadwork, including when performed by:

(i) Stockland, its officers, employees, contractors, licensees or invitees; and

(ii) Council employees, contractors and agents (where they perform any of the Southern Roadwork pursuant to Stockland’s direction).

(b) The indemnity binds Stockland irrespective of whether the Harm results also from:

(i) a person’s carelessness; or

(ii) the breach of a statutory duty,

and irrespective of:

(iii) who is Harmful;

(iv) who is responsible for the care and safety of a person Harmful;

(v) what property is Harmful;

(vi) who owns, possesses, or controls Harmful property.

(c) Stockland releases Council and Council’s employees, contractors and agents from and agrees that Council is not liable for liability, loss, penalties, payments, costs, charges and expenses
10. GST

10.1 Interpretation
In this clause, a word or expression defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) has the meaning given to it in that Act.

10.2 GST gross up
If a party makes a supply under or in connection with this Agreement in respect of which GST is payable, the consideration for the supply but for the application of this sub-clause (GST exclusive consideration) is increased by an amount equal to the GST exclusive consideration multiplied by the rate of GST prevailing at the time the supply is made.

10.3 Reimbursements
If a party must reimburse or indemnify another party for a loss, cost or expense, the amount to be reimbursed or indemnified is first reduced by any input tax credit the other party is entitled to for the loss, cost or expense, and then increased in accordance with clause 10.2.

10.4 Tax invoice
A party need not make a payment for a taxable supply made under or in connection with this Agreement until it receives a tax invoice for the supply to which the payment relates.

11. Notices

11.1 Service of notices
A notice, demand, consent, approval or communication under this Agreement must be:
(a) in writing and signed by a person duly authorised by the sender; and
(b) hand delivered or sent by prepaid post or facsimile to the recipient's address specified in the Notice Details, as varied by any notice given by the recipient to the sender.

11.2 Effectiveness of receipt
A notice given in accordance with this clause takes effect when taken to be received (or at a later time specified in it), and is taken to be received:
(a) if hand delivered, on delivery;
(b) if sent by prepaid post, on the second Business Day after the date of posting (or on the seventh Business Day after the date of posting if posted to or from a place outside Australia);
(c) if sent by facsimile, when the sender's facsimile system generates a message confirming successful transmission of the entire Notice unless, within eight Business Hours after the transmission, the recipient informs the sender that it has not received the entire Notice, but if the delivery, receipt or transmission is not on a Business Day or is after 5.00pm on a Business Day, the Notice is taken to be received at 9.00am on the next Business Day.
12. Miscellaneous

12.1 Alterations

This Agreement may be altered only in writing signed by each party. No alteration, modification, revision, variation or amendment of this Agreement is of any force or effect unless:

(c) it is in the form of an amendment agreement and has been signed by the parties; and

(b) where relevant the amendment agreement complies with the requirements of the Sustainable Planning Act 2009.

12.2 Approvals and consents

Except where this Agreement expressly states otherwise, a party may, in its discretion, give conditionally or unconditionally or withhold any approval or consent under this Agreement.

12.3 Assignment

Neither party may transfer to another person, without the consent of the other party, an entitlement or obligation it holds or owes under this Agreement. Neither party may withhold consent unreasonably, however Council may withhold consent if satisfied, acting reasonably, that a proposed transferee is not a financially adequate entity.

12.4 Stamp duty

Any stamp duty, duties or other taxes of a similar nature (excluding fines, penalties and interest) in connection with this Agreement or any transaction contemplated by this Agreement, must be paid by Stockland.

12.5 Counterparts

This Agreement may be executed in counterparts. All executed counterparts constitute one document.

12.6 No merger

The rights and obligations of the parties under this Agreement do not merge on completion of any transaction contemplated by this Agreement.

12.7 Entire agreement

This Agreement constitutes the entire agreement between the parties in connection with its subject matter and supersedes all previous agreements or understandings between the parties in connection with its subject matter.

12.8 Further action

Each party must do, at its own expense, everything reasonably necessary (including executing documents) to give full effect to this Agreement and any transaction contemplated by it.

12.9 Severability

A term or part of a term of this Agreement that is illegal or unenforceable may be severed from this Agreement and the remaining terms or parts of the term of this Agreement continue in force.

12.10 Waiver

A party does not waive a right, power or remedy if it fails to exercise or delays in exercising the right, power or remedy. A single or partial exercise of a right, power or remedy does not prevent another or further exercise of that or another right, power or remedy. A waiver of a right, power or remedy must be in writing and signed by the party giving the waiver.
12.11 Governing law and jurisdiction

This Agreement is governed by the law of Queensland and each party irrevocably and
unconditionally submits to the non-exclusive jurisdiction of the courts of Queensland.
Schedule 1—Defined terms and interpretation

1. Defined terms

In this Agreement, unless the context otherwise indicates, each of the following expressions shall have the meaning assigned to it below:

Administration Work means the work entailed in:

(a) supervision of the Construction Work;
(b) contract administration of the Construction Work; and
(c) any other administrative work necessary to ensure competent and timely completion of the Construction Work in accordance with this Agreement and the relevant construction contracts.

Aitken Ridge Road means the road bearing that name shown on plan No. 7243-P09-52a titled The Observatory Plan of Development Precinct B, F, G dated 27 May 2010 and drawn by EPS Australia East Pty Ltd.

Bank Guarantee means an irrevocable undertaking, on terms satisfactory to Council, of a bank licensed and conducting business as a banker under Commonwealth or Queensland legislation regulating banking which has a long term credit rating of at least the minimum financial strength rating prescribed under the Financial and Performance Management Standard 2009 (Qld) for an approved security provider (as defined in the Standard) that is not an insurance company.

Business Day means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act is to be performed or a payment is to be made.

Business Hours means from 9.00am to 5.00pm on a Business Day.

complete means complete to the stage of being accepted by Council as being On Maintenance.

Completed Stages means stages of the Development for which a compliance certificate has issued as at the date of the Contribution Credit Reconciliation.

Completed Stages Contributions means the contributions under the Transport Network Condition for the Completed Stages.

Contribution Bond means a Bank Guarantee provided under clause 2(6) or clause 5(6).

Contribution Credit Reconciliation means the reconciliation by Council under clause 6(6)(i).

Construction Work means the work of constructing the Southern Roadwork, but not including the Preparatory Work and Administration Work.

Consulting Engineer means Wotton Urban Solutions or another Registered Professional Engineer Queensland that Stockland nominates by notice to Council.

Council means Gold Coast City Council.

Development means the material change of use and reconfiguring a lot for Precinct B, F and G of The Observatory, Reddy Creek the subject of the Development Approval.

Development Approval means the Order of the Court giving effect to the Council's Notice to Applicant dated 16 July 2010 (PN255159/12/DAS).
Harm means all or any of property loss (including loss through misplacement and theft), property damage, damage to reputation, death, personal injury (including shock) and illness.

Land means Lot 20 on SP220600 and Lot 18 on SP220389 situated at Burdon Ridge Road, Reddy Creek, County of Ward Parish of Mudgegara.

Lot 675 means Lot 675 shown on plan No. 7343-POD-92 dated 27 May 2010 and drawn by RPS Australia East Pty Ltd.

Northern Roadwork means the works comprising the additional 2.5 metre width to widen the existing width of Abbey Ridge Road from a 7.5 metre 'Residential Collector' standard to a 10 metre 'Residential Collector Street - Designated Bus Route' standard, for the section of Abbey Ridge Road from Burdon Ridge Road to the southern boundary of Lot 13 on SP18046.

Northern Roadwork Agreed Constructed Cost means $74,454.22.

On Maintenance means Council’s formal notification of the start of the maintenance period for the Southern Roadworks in accordance with Planning Scheme Policy 11: Land Development Guidelines, as amended or replaced from time to time.

OPW201100466 development permit means the operational works development approval issued by Council to Stockland, in respect of development application OPW201100466 lodged on 24 March 2011, authorising the construction of the Southern Roadwork subject to conditions by Decision Notice dated 15 May 2011.

Performance Bond means the Bank Guarantee provided under clause 3.5.

Preparatory Work means the work necessary to plan and prepare for the Construction Work, including:

(a) the geotechnical testing and analysis;

(b) the design work;

(c) the tender-invitation and tender-processing work.

Southern Roadwork means that part of Abbey Ridge Road from the southern boundary of Lot 673 to Charlefield Drive to be constructed to a ‘Park Living Collector Street’ standard (7.5 wide pavement on 20.0 metre minimal road reserve), but not including water and sewer. To provide access, the Southern Roadwork comprises comprise the road pavement, kerb and channel, stormwater drainage, normal landscaping (turf), street lighting and footpaths.

Southern Roadwork Cost encompasses the cost of the Construction Work, the cost of the Administrative Work and the cost of the Preparatory Work, but does not include the Internal overhead expenses that Stockland incurs. For convenience, the cost of the Preparatory Work and Administrative Work will be deemed to be the equivalent of 16% of the cost of the Construction Work.

Stockland means Stockland Development Pty Limited.

Tender Amount means the price of the Southern Roadwork submitted by the tender approved by Council pursuant to clause 3.4.

Total Cost means the sum of:

(a) the Northern Roadwork Agreed Constructed Cost; and

(b) the final Southern Roadwork Cost notified by Council pursuant to clause 3.4.

Transport Network Condition means the condition of the Development Approval giving effect to condition 65 of the Council’s Notice to Applicant dated 16 July 2010 (FIN25179/12DA).

6116.11\ Acct\ Acct0628-20120523-000_000_Designer.DOC
2. Interpretation

In this Agreement, except where the context otherwise requires:

(a) the singular includes the plural and vice versa, and a gender includes other genders;

(b) another grammatical form of a defined word or expression has a corresponding meaning;

(c) a reference to a clause, paragraph, schedule or annexure is to a clause or paragraph of, or schedule or annexure in, this Agreement, and a reference to this Agreement includes any schedule or annexure;

(d) a reference to a document or instrument includes the document or instrument as amended, altered, supplemented or replaced from time to time;

(e) a reference to $, $A, dollar, or $ is to Australian currency;

(f) a reference to time is to Queensland, Australian time;

(g) a reference to a party is to a party to this Agreement, and a reference to a party to a document includes the party’s executors, administrators, successors and permitted assigns and substitutes;

(h) a reference to a person includes a natural person, partnership, body corporate, association, governmental or local authority or agency, or other entity;

(i) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;

(j) a word or expression defined in the Corporations Act has the meaning given to it in the Corporations Act;

(k) the meaning of general words is not limited by specific examples introduced by including, for example or similar expressions;

(l) any agreement, representation, warranty or indemnity by two or more parties (including where two or more persons are included in the same defined term) binds them jointly and severally;

(m) any agreement, representation, warranty or indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and severally;

(n) a rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of this Agreement or any part of it;

(o) if a day or by which an obligation must be performed or an event must occur is not a Business Day, the obligation must be performed or the event must occur on or by the next Business Day; and

(p) headings are for convenience only and do not affect the interpretation of this document.
Signing page

EXECUTED as an agreement.

EXECUTED by STOCKLAND DEVELOPMENT
PTY LTD ACN 600 964 856 by Colin James Dalton
a duly authorised Attorney under Power of Attorney
No. 712393194 who certifies that he has not resolved
revocation of the Power of Attorney.

Signed for and on behalf of GOLD COAST
CITY COUNCIL by Matthew Hiles (Manager
Implementation and Assessments) pursuant to
delagated authority on __________ 2011

[Signature]

Attorney
ITEM 5 PLANNING ENVIRONMENT & TRANSPORT
PLANNING SCHEME REVIEW PROGRAM – BRIEFING TO COUNCIL ON THE
DEVELOPING DRAFT BOLD FUTURE PLANNING SCHEME
PD98/1132/01/09(P1)
Refer 36 page attachment

1 BASIS FOR CONFIDENTIALITY
Not Applicable.

2 EXECUTIVE SUMMARY
Not Applicable.

3 PURPOSE OF REPORT
This purpose of this report is to provide a briefing on the Planning Scheme Review Program (Program).

In February this year, the draft Bold Future Planning Scheme (draft planning scheme) was submitted for consideration of State interests. This step in the statutory process was the culmination of 3 years' work, including 2 separate community and industry consultation events, over 30 Councillor workshops and a Councillor bus tour.

This report outlines the process undertaken thus far to develop the draft planning scheme and the remaining process for adoption and commencement of the draft planning scheme.

4 PREVIOUS RESOLUTIONS
There are many Council resolutions that relate to the development of the draft planning scheme, dating back to 24 February 2009. The most recent of these are:

- Council resolution of 21 November 2011 (G11.1121.012) that endorsed the draft Strategic Framework for consideration of State interests;
- Council resolution of 30 January 2012 (G12.0130.014) that endorsed the remainder of the draft planning scheme (excluding Local Plans) for consideration of State interests; and
- Sustainable City Future Committee resolution of 20 March 2012 (SC12.0320.007) that endorsed the Councillor workshop recommendations in the 'Planning Scheme Review Program Councillor Issues Schedule'.

These resolutions are included as an attachment to this report.

5 DISCUSSION

Key Program Milestones

A chronology of significant milestones thus far for the Program are as follows:

- **August 2009 - review of the current state of the 2003 Planning Scheme (current planning scheme)**. The Current-state Analysis made 137 recommendations to improve the current planning scheme. The project received input from Councillors, council staff, the community and the development industry.
ITEM 5 (Continued)
PLANNING SCHEME REVIEW PROGRAM – BRIEFING TO COUNCIL ON THE DEVELOPING DRAFT BOLD FUTURE PLANNING SCHEME
PD98/1132/01/09(P1)

The report recommended a review of the current planning scheme’s strategic elements and regulatory mechanisms. The guiding principles to inform the review were premised on simplification of the existing framework and improvement of the threads in, and between, the various mechanisms of the planning scheme to ensure robust development assessment and desirable land use and development. Specifically, this work recommended that the draft planning scheme should be slimmer and provide more clarity in that which it promotes, and that which it seeks to avoid.

- November 2009 - Council resolution to propose to prepare a new planning scheme in accordance with Section 2.2.2 of the Integrated Planning Act 1997. One of the key objectives in the drafting of the new planning scheme has been Council’s commitment to delivering a more user-friendly planning scheme and reducing regulation. This is reflected in our Program theme of “simpler, better, faster”.

- December 2009 - Sustainable Planning Act (SPA). The introduction of SPA and with it, the Queensland Planning Provisions (QPP), a State-wide standard template for all new planning schemes. QPP is still a work in progress, with version 3 awaiting ministerial approval. The draft planning scheme is being developed to be compliant with the QPP.

- October 2010 - Statement of Proposal released for public consultation. 105 submissions and over 300 points were received from residents, industry and interest groups. 32 different interest groups were represented in the submissions. All submissions were responded to and the Consideration of Submissions Report was endorsed by Council in February, 2011.

- January 2012 - Council approved submission of draft Bold Future Planning Scheme for consideration of State interests, as part of the first step in the State review process of developing the draft planning scheme.

A “Simpler, Better, Faster” Planning Scheme

One of the key objectives in the development of the draft planning scheme has been Council’s commitment to delivering a more useable document that reflects the theme of “simpler, better, faster”, where:

- content is expressed in plain English, is concise and easy to understand;
- each provision adds value/ improvement to development outcomes where needed;
- the simplest solution is always preferred;
- policy duplication is avoided, wherever possible; and
- new policy supports a faster and more efficient development assessment regime.

As part of this theme, particular attention has been paid to risk/ benefit considerations such as:

- the risk/s to be addressed (including likelihood and consequence) or public benefit/s sought; and
- whether the policy/ content change is a cost effective, reasonable and relevant response to the nature of the issue.
ITEM 5 (Continued)

PLANNING SCHEME REVIEW PROGRAM – BRIEFING TO COUNCIL ON THE DEVELOPING DRAFT BOLD FUTURE PLANNING SCHEME
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The development industry is seeking a contemporary new planning scheme that helps stimulate economic activity by removing unnecessary barriers to development and is ready for the city’s next development cycle. The Program has sought to respond to this request by achieving an appropriate balance between development and necessary regulation.

Community and Industry Consultation

To date the development of the draft planning scheme has been informed by 2 separate community and industry consultation events, being the Current State Analysis of the current Gold Coast Planning Scheme (August 2009) and the draft planning scheme Statement of Proposals (October 2010).

The draft planning scheme is yet to undergo its primary consultation event, a minimum 60 business day public notification period. This is scheduled to occur late 2012/ early 2013.

Council has previously endorsed a high-level communications plan for the development of the draft planning scheme however, a more detailed communications plan will be forthcoming following budget deliberations at which time Council will be requested to confirm how this public notification period will be undertaken. Like other matters, this will be listed for discussion as part of the Councillor workshops.

Councillor Engagement and Issues Register

Through the development of the Program thus far more than 30 workshops have been held with Councillors. The regular planning scheme review workshops have been the primary means for elected members to input into the development of the planning scheme. It is recommended that the new Council re-establish the Councillor workshops after the city’s budget is decided.

The Program maintains a Councillors’ issue register which is used to ensure that all Councillor issues are accurately captured and resolved. Councillors can email the Program Director (David Hood) or raise issues at Council meetings or workshops which are recorded on the issues register. Once logged on the register, issues are investigated, discussed and reported back through the scheduled Councillor workshops. Once ready, these issues are then brought before Council for formal resolution.

A copy of the Councillors’ issue register is included as an attachment to this report.

Areas of Key Policy Update

Over the past eighteen months the Program has been engaged in drafting the Strategic Framework, updating Tables of Development, code provisions and related maps. The scope of the drafting activity has included development of new codes in response to changed policy, enhancement of existing codes and production of new and updated maps.

The key areas of policy change in the draft planning scheme are:

- Promoting growth in areas of the city that are well-serviced by public transport, such as Centres and the light rail corridor.
- Improvements to the Centre zone - shifting focus from regulation of activities to built form outcomes.
ITEM 5 (Continued)
PLANNING SCHEME REVIEW PROGRAM – BRIEFING TO COUNCIL ON THE DEVELOPING DRAFT BOLD FUTURE PLANNING SCHEME
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- Holistic review of levels of assessment across all zones, resulting in many uses now becoming self-assessable where previously code-assessable, and code-assessable where previously impact-assessable. This is most evident in the Centre zone.
- Housing choice and affordability outcomes.
- Reductions to car parking rates in areas close to proposed light rail stops, heavy rail stations in Coomera, Helensvale, Nerang and Robina, Varsity Village and in hub areas such as Surfers, Broadbeach and Southport.
- Urban design that activates the public realm and creates opportunities for social interaction.
- Improvements to the Home Based Business code to make it easier to work from home.
- New Residential Design code - incorporates the provisions of six codes from the current planning scheme into one, to improve usability and reduce duplication.
- Updated Flood, Bushfire and Landslide codes and mapping to reflect best-practice.
- Improvements to the Nature Conservation Code and updated mapping.
- New Environmental Management Zone.
- Improvements to the Reconfiguring a Lot code to improve workability and development outcomes.
- Improvements to residential zones (Apartment, Residential Choice Residential Living) to simplify the zone codes and improve workability by focusing on built form outcomes.
- New Industry Investigation zone.
- New Rural Landscape Precinct within the Rural zone to protect rural areas with high landscape values.
- Improvements to the Emerging Communities zone to reinforce the intent for a comprehensive planning process to be undertaken as part of development applications for urban development.
- Improvements to the Cultural Heritage (Historic) code and mapping to meet the requirements of the Queensland Heritage Regulations.
- New mapping overlays for Future Water Innovations and Good Quality Agricultural Land, as required by the QPP. These consolidate existing policy and regulation that is contained in various codes of the current planning scheme.
- New Citywide code - incorporates provisions that are applied to assessable development on a citywide bases and reduces policy duplication.

State Interest Check Update

Council officer’s have received informal State interest comments on the draft planning scheme from State Government and expect a formal letter of response in the near future.

Once received, the State interest check comments, in addition to matters raised by Councillors, will be listed for discussion and review as part of the Councillor workshops.
6  ALIGNMENT TO BOLD FUTURE VISION, CORPORATE PLAN, OPERATIONAL PLAN

Key Focus Area 6: A city shaped by clever design

6.1 Integrated land-use planning takes account of environmental, social and economic needs to provide the basis for a sustainable community.

   6.1.1 Develop and implement a new planning scheme by 2012 that integrates the city’s vision into Council decision-making; encourages sustainable development and takes account of the impact on our unique Gold Coast landscape, coastline and beaches.

   6.1.2 Work collaboratively with the State Government to influence changes to legislation and plans to achieve sustainable outcomes for the city and the region.

   6.1.3 Ensure the planning scheme and development assessment regime support efficient decision-making and processing, including improved electronic lodgement of development applications.

6.2 The new planning scheme improves the provision of affordable and accessible housing, whilst also ensuring high quality social outcomes.

   6.2.1 Work to increase affordable housing in the city through collaboration with other levels of government, the development sector and the community.

   6.2.2 Incorporate provisions in the new planning scheme to encourage housing diversity through a greater mix (density, dwelling type, and size) in line with the needs of the community.

6.4 High quality urban design creates a world-class city image and accommodates diverse built forms.

   6.4.1 Ensure good urban design principles and guidelines are applied to new and retro-fit development and infrastructure projects to enhance the amenity and liveability of the city.

   6.4.4 Implement high quality urban design throughout the city by working in partnership with the community and private sector.

7  FUNDING AND RESOURCING REQUIREMENTS

Key elements of the proposed 2012/13 budget are focussed to achieving the key milestones anticipated for next financial year including:

   Response to State Interest Check & Public Submissions  $350,000

   Industry/ consultant based content peer review and legal review to improve policy clarity and overall useability of the document  $200,000

   Communication, engagement, Statutory Public Notification  $200,000

8  RISK MANAGEMENT

Not Applicable
9 STATUTORY MATTERS

Council has previously resolved to ‘propose to prepare a new scheme’ under Section 2.2.2(1)(a) of the repealed Integrated Planning Act 1997 (IPA).

Council has 5 distinct steps in developing a new planning scheme:

1. Delivering the draft planning scheme to the State Government for consideration of adverse effects on State interests (first State interest check) (currently underway);
2. Resolving policy areas where adverse effects on State interest have been identified;
3. Release of the draft planning scheme for a 60 business day public notification period;
4. Review of public submissions and delivering the draft planning scheme to the State Government for reconsideration of adverse effects on State interests (second State interest check); and
5. Approval, adoption and commencement of the planning scheme.

10 COUNCIL POLICIES

Not Applicable

11 DELEGATIONS

Not Applicable

12 COORDINATION & CONSULTATION

The development of the draft planning scheme has been the subject of numerous workshops and reviews by a wide range of stakeholders. The following lists the major review activities that have led to the current version of the document:

- Consultation and feedback from the current planning scheme Current-state Analysis.
- Consultation and feedback from developing our Bold Future Planning Scheme Statement of Proposal.
- Over 30 Councillor workshops.
- Internal stakeholder review with representatives from across Council.
- External stakeholder review from a number of local independent consultants.
- Planning Scheme Review Working Group workshops (built environment, constraints and mapping).
- Planning Scheme Review Steering Committee review and approval.

13 STAKEHOLDER IMPACTS

As described in Part 12 above, considerable stakeholder input has already been received to this point and policy/content changes have been made to the draft planning scheme in response to the comments received.

To assist stakeholders to access the draft planning scheme, electronic copies of the draft planning scheme as submitted to the State for first State interest check have been made available for viewing though the city’s libraries and Administration Centres and available free of cost to residents upon request to the City Plan Unit.
ITEM 5 (Continued)
PLANNING SCHEME REVIEW PROGRAM – BRIEFING TO COUNCIL ON THE
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14 TIMING

The current Program timetable for delivery of the new planning scheme has the following major milestones:

- Complete first State interest process – late 2012
- Public consultation (60 days notification period) – late 2012/ early 2013
- Council responds to public submissions and submits for its second State interest check process – mid 2013
- Ministerial signoff for commencement – late 2013

Council has previously resolved that the development of the draft planning scheme will be undertaken in a staged process, beginning with a comprehensive rebuild of the strategic framework and selected, high risk/ benefit codes and policies. Future phases of the Program will continue to refine and amend the policy content of the draft planning scheme as areas of emerging policy mature.

15 CONCLUSION

This report has provided a briefing on the Planning Scheme Review Program for the new Council.

This report has also outlined the process undertaken thus far to develop the draft planning scheme and the remaining process for adoption and commencement.

16 RECOMMENDATION

It is recommended that Council resolves as follows:

1 That the contents of the briefing report to the Council on the developing draft Bold Future Planning Scheme be noted.
2 That the Council establish regular planning scheme review Councillor workshops commencing on Wednesday 4 July 2012, chaired by the chairperson of the City Planning Committee.
3 That Council notes a detailed communications plan will be forthcoming during 2012 to confirm how the primary (60 business day) public notification period for the draft Bold Future Planning Scheme will be undertaken.

Author: David Hood
Executive Coordinator, City Plan Unit
Program Director, Planning Scheme Review

Authorised by: Warren Rowe
Director Planning Environment & Transport

Fraser Henderson
Program Manager, Lead Town Planner
Planning Scheme Review

TRACKS REF: 35246848
ITEM 5 (Continued)
PLANNING SCHEME REVIEW PROGRAM – BRIEFING TO COUNCIL ON THE
DEVELOPING DRAFT BOLD FUTURE PLANNING SCHEME
PD98/1132/01/09(P1)

Changed Recommendation

COMMITTEE RECOMMENDATION  CP12.0523.005
moved Cr Owen-Jones        seconded Cr Gilmore

1 That the contents of the briefing report to the Council on the developing draft
Bold Future Planning Scheme be noted.

2 That the Council establish regular planning scheme review Councillor
workshops commencing after the June/July recess, chaired by the chairperson
of the City Planning Committee, preceded by individual briefings to all
Councillors.

3 That Council notes a detailed communications plan will be forthcoming during
2012 to confirm how the primary (60 business day) public notification period for
the draft Bold Future Planning Scheme will be undertaken.

Record of Voting:

For: 7  Cr Betts, Cr Caldwell, Cr Gates, Cr Gilmore, Cr Taylor, Cr Tozer,
      Cr Owen-Jones

Against:
Absent: 1  Cr Bell
Abstained:

CARRIED
Attachment 1 – Most recent Council resolutions.

Council resolution of 21 November 2011 (G11.1121.012):

1. That in accordance with Schedule 1, section (9)(1)(a) of the repealed Integrated Planning Act 1997 Council resolves to propose a planning scheme and give the Minister for Local Government a copy of the proposed planning scheme.

2. That the Queensland Planning Provisions, Part 3 – (draft) Strategic Framework of the proposed planning scheme be endorsed to be forwarded to the Minister for Local Government for consideration of State interests subject to the following changes:
   b. Section 3.3.7.1 Element – Environmental health and amenity be amended to read:
      “1. Activities that have the potential to conflict with the health and amenity of residential and other sensitive uses, including uses which generate noise, traffic, air pollution, electromagnetic emissions, dust, light, glare, reflectivity, vibration and/or odour impacts above accepted standards are adequately separated, designed, managed and/or buffered to protect health and amenity values. Such activities include industry and extractive industry uses.”
   c. Planning Strategy Map 8 - Light Rail Renewal Area be amended as follows:
      i. land south of Peerless Avenue and Surfers Parade, Mermaid Beach, and south of Pacific Fair Shopping Centre (including the island centred around Orvieto Avenue), Mermaid Waters, be removed from their proposed designations and included as “Investigation areas”;
      ii. land west of Eady Avenue, Broadbeach Waters be excluded from the light rail renewal area precinct boundary; and
      iii. the text box be deleted from the face of the map and the “area intents” adequately included in the strategic framework text.

3. That the Director of Planning Environment & Transport be authorised to make minor amendments to the draft strategic framework prior to delivery to the Minister for Local Government.

4. That Council notes the submission strategy for other parts of the draft planning scheme.

Council resolution of 30 January 2012 (G12.0130.014):

1. That in accordance with Schedule 1, section (9)(1)(a) of the repealed Integrated Planning Act 1997, Council resolves to propose a planning scheme and give the Minister for Local Government a copy of the proposed planning scheme.

2. That the Queensland Planning Provisions:
   a. Content;
   b. Part 1 About the planning scheme;
   c. Part 2 State planning provisions;
   d. Part 3 Strategic framework (endorsed under separate Council resolution);
Part 4 Priority Infrastructure Plan;
Part 5 Tables of assessment;
Part 6 Zones;
Part 8 Overlays;
Part 9 Development codes;
Part 10 Planning partnerships;
Schedule 1 Definitions;
Schedule 2 Mapping;
Schedule 3 Priority infrastructure plan mapping and plans;
Schedule 4 Notations required under the Sustainable Planning Act 2009;
Schedule 5 Land designated for community infrastructure;
Appendix 1 Index and glossary of abbreviations and acronyms; and
Appendix 2 Table of amendments,
of the proposed planning scheme be endorsed to be forwarded to the Minister for Local Government for consideration of State interests subject to the following changes:

Part 5 Tables of assessment

a ‘Emergency services’ be amended from Self assessment to Code assessment in the following zones:
   i Rural residential;
   ii Residential living;
   iii Residential choice;
   iv Apartment residential;
   v Neighbourhood centre;
   vi Environmental management;
   vii Limited development; and
   viii Township.

b ‘Shop’ be amended within the Rural zone as follows:
   i Shop – Code assessment – if neighbourhood store or tourist shop and the GFA of the use does not exceed 150m²

c ‘Transport depot’ be included within the Rural zone as follows:
   i Transport depot – Code assessment – if not more than 4 motor vehicles;
   ii Transport depot – Impact assessment – if not elsewhere identified.

d ‘Transport depot’ be included within the Rural residential zone as follows:
   i Transport depot – Code assessment – if not more than 2 motor vehicles;
   ii Transport depot – Impact assessment – if not elsewhere identified.
e ‘Child care centre’ be amended within the Rural residential zone as follows:
   i Child care centre – Code assessment – if not involving more than 35 children;
   ii Child care centre – Impact assessment – if not elsewhere identified.

f ‘Child care centre’ be amended within the Residential choice zone as follows:
   i Child care centre – Code assessment – if corner lot; or lot fronting the city’s high order road network
   ii Child care centre – Impact assessment – if not elsewhere identified.

g ‘Office’ be amended within the Centre zone as follows:
   i Office – Exempt – if in an existing building and not involving building work; and not involving a real estate agent.

h ‘Table 5.8.2 – Building work – Residential density’ within the Residential living and Township zones be amended as follows:
   i Impact assessment – material change of use,
      - involving building work that exceeds one dwelling per 400m² of site area (excluding a secondary dwelling); or
      - exceeds the density for the site identified on Residential Density Overlay Map (excluding a secondary dwelling).

i ‘Educational establishment’ within the Centre zone be amended as follows:
   i Educational establishment – Exempt – if,
      - in an existing building and not involving building work; and within a Principal activity centre or Surfers Paradise or Broadbeach Specialist activity centres or Burleigh or Coolangatta.
   ii Educational establishment – Self assessment – if,
      - in an existing building and involving minor building work; and within a Principal activity centre or Surfers Paradise or Broadbeach, Specialist activity centres or Burleigh or Coolangatta; or
      - in an existing building and not involving building work, or involving minor building work; and within any other activity centre not elsewhere identified.
   iii Educational establishment – Code assessment – if not elsewhere identified.

j ‘Utility installation’ be amended within all zones as follows:
   i Utility installation – Exempt – if not including a waste transfer station and refuse disposal

k Utility installation’ be amended within the Rural, Rural residential, Low impact industry, Medium impact industry and Community facilities zones as follows:
   ii Utility installation – Impact assessment – if not elsewhere identified
Part 8 Overlays

Extractive Resources Overlay Code “Precautionary Zone” be amended to a minimum of 250m separation distance.

Schedule 2 Mapping

a Properties in the Residential choice zone within the suburb of Pacific Pines be included in the Residential living zone, excluding lots where development has occurred, or has been approved, for 3 or more dwellings.

b The following allotments be removed from the Rural zone (Rural Landscape Precinct) and be included in the Environmental management zone:

5 RP847589; 9 SP106777; 8 SP106777; 169 RP210214; 125 RP94716; 1 RP195509; 2 RP195509; 128 RP94716; 129 RP94716; 130 RP94716; 131 RP94716; 132 RP94716; 1 RP148919; 3 RP148919; 135 RP94716; 694 SP174765; 690 RP850133; 100 RP850132; 2 RP847588; and 2 SP107097.

3 That the Director of Planning Environment & Transport be authorised to make minor amendments to the draft planning scheme prior to delivery to the Minister for Local Government.

4 That the Planning Scheme Review Councillor workshops be continued on a regular basis to continue to advance the development of the draft planning scheme.

5 That as part of the consideration of State interests process, Council seek advice from the Minister for Local Government on the appropriate process to transfer the existing content of the Coomera Town Centre Structure Plan into a compliant Queensland Planning Provisions planning scheme.

That this request emphasise the significant planning work that has recently been undertaken in the preparation of the document, and Council’s strong desire to avoid any repetition of process that would delay the master planning of the Coomera Town Centre where there is an urgent need for development of the area.

6 That Council write to the Minister for Local Government seeking advice on the progression of Amendment Package 7 to the Gold Coast Planning Scheme 2003, in light of Council’s resolution to propose a planning scheme and give the Minister a copy for consideration of State interests.

7 That electronic and hard copies of the draft planning scheme be made available for viewing through the city’s libraries and Customer Service Centres and electronic copies be available free of cost to residents upon request to the City Plan Unit, telephone (07) 5582 8683 or by email to planningscheme@goldcoast.qld.gov.au.

Sustainable City Future Committee resolution of 20 March 2012 (SC12.0320.007):

1 That Council endorse the workshop recommendations in the ‘Planning Scheme Review Program Councillor Issues Schedule’.

2 That Councillors note the Planning Scheme Review Councillor workshops be continued on a regular basis to continue to advance the development of the draft Planning Scheme.
The following Schedule identifies matters which Councillors have requested feedback or advice to assist with the preparation of the new planning scheme.

<table>
<thead>
<tr>
<th>Iss #</th>
<th>Subject &amp; File No.</th>
<th>Resolution or issue</th>
<th>Recommendation</th>
<th>Workshop Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Undergrounding of power lines</td>
<td>How to give more weight to the undergrounding of powerlines at DA stage</td>
<td>Under Investigation</td>
<td></td>
</tr>
</tbody>
</table>
| 2.    | Slope Sensitive Design | Minute/ PSI No. or Date Raised: 7 February 2012 How does the new planning scheme regulate slope sensitive design | The Citywide Code provides self assessable outcomes to minimise the size and control the location of retaining walls.  
SO4 Retaining walls are set back from any property boundary a minimum distance of 600mm.  
SO5 Where the site is located in or adjoins a residential zone, any retaining walls over 1.2m in height are stepped 1m horizontally for every 1.2m in height to a maximum height of 2.4m and the mid-tier is landscaped.  
SO6 Where the site is located in a non-residential zone (and not adjoining a residential zone as per SO5) any retaining walls over 1.5m in height are stepped 1m horizontally for every 1.5m in height to a maximum height of 3.0m and the mid-tier is landscaped.  
OR Any retaining walls over 2.5m in height are stepped 1.5m horizontally for every 2.5m in height to a maximum height of 5.0m with the mid-tier landscaped.  
SO7 The resulting toe of any batter is set back from any property boundary a minimum distance of 600mm.  
SO8 Where the site is located in or adjoins a residential zone, any batters along property boundaries are no greater than one in two (1V : 2H) and are stepped 1m horizontally for every 1.2m in height to a maximum height of 2.4m and the mid tier is landscaped.  
OR The site is located in a non-residential zone and any batters along boundaries are no greater than one in two (1V : 2H) and are stepped 1.5m horizontally for every 2.5m in height to a maximum height of 5.0m and the mid-tier is landscaped.  
The Landslide Hazard Code provides additional outcomes to minimise earthworks in locations where there is a landslide hazard.  
SO1 Development is not to be undertaken on land with a maximum slope exceeding 20% or on any lot partially or completely identified by the Landslide Hazard Overlay Map, unless the proposed development site is certified by a Registered Professional Engineer in Queensland whose primary business is geotechnical engineering or engineering geology with over five years’ experience in slope stability matters (“RPEQ*”) to be appropriate for the sloping nature of the lot, so that the risk of instability is at an acceptable level.  
SO2 A split-level or suspended building form is utilised to minimise earthworks.  
SO3 A single plane concrete slab is not used, except where certified by an RPEQ* as being appropriate for the sloping nature of the lot so that the risk of instability is at an acceptable level.  
The Reconfiguring a Lot Code seeks to achieve residential subdivision design that minimises earthworks and height of retaining walls. An acceptable outcome (AO1) seeks to limit retaining walls to 1.2m in height. | Closed 20/3/12 subject to retaining wall access clarification |
<table>
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</thead>
<tbody>
<tr>
<td>3.</td>
<td>Amenity provisions applied to dwellings / Privacy</td>
<td>Minute/ PSI No. or Date Raised: 12 July 2011 How will privacy issues be regulated in new scheme, e.g. Deck overlooking neighbours</td>
<td>The draft Planning Scheme seeks to regulate privacy outcomes for residential development where for • multiple dwellings, • dual occupancy/secondary dwelling, • house on a small lot. Privacy provisions include the screening of views to habitable room windows and private open space through use of fixed screens (maximum 50% transparent), obscure glazing, or limitation of windows sill height to above 1.5m. The draft Planning Scheme also defines appropriate site scenarios for Dual Occupancy in Residential Living Zone. The rear access Dual Occupancy scenario is now only suitable where the rear lot fronts a secondary road or public open space.</td>
<td>20/3/12: Further discussion required with visual presentation and discussion of ROL rear access allotments</td>
</tr>
<tr>
<td>4.</td>
<td>Stormwater drainage / management</td>
<td>Minute/ PSI No. or Date Raised: 2 February 2012 How can the planning scheme ensure any development in low lying areas does not have a negative impact on the drainage system. This stems from issues now with Laguna Lake as a result of the SWD Project upgrade carried out between 1st and 5th Ave, Palm Beach several years ago. Ensure that drainage systems from new developments do not impact on existing land uses.</td>
<td>The City Wide Code includes a self assessable provision to ensure development does not result in an alteration of overland flows onto other properties or create an increase in flood damage to other properties: <strong>Stormwater drainage</strong> PO16 Development does not cause adverse stormwater drainage impacts on or off the site. SO9 &amp; AO16 Development does not result in an alteration of overland flows onto other properties or create an increase in flood risk to other properties.</td>
<td>20/3/12: request for more thorough explanation of how development over an overland flow path is regulated both in and outside a flood affected area</td>
</tr>
<tr>
<td>5.</td>
<td>Building requirements (eaves)</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011 min 500m to eaves</td>
<td>Under Investigation</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Impact of livestock crossing waterways</td>
<td>Minute/ PSI No. or Date Raised: 7 February 2012 How are waterways regulated to prevent damage from livestock</td>
<td>Under investigation</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>development sequenced with infrastructure planning and delivery</td>
<td>Minute/ PSI No. or Date Raised: 30 August 2011 How can the planning scheme insure the timely provision of the infrastructure required to support the planned density increases, or else stagger the development and density increases until the infrastructure arrives.</td>
<td>Both the repealed Integrated Planning Act 1997 and Sustainable Planning Act 2009 require integration of land use and infrastructure planning to allow infrastructure to be supplied in a coordinated, efficient and orderly manner. This enables sustainable development and encourages urban growth in areas where adequate infrastructure exists or can be provided efficiently. The Priority Infrastructure Plan is the part of the planning scheme that defines the scale, type, timing and location of growth in the city, in order to plan and fund trunk infrastructure in a timely manner. Increases to density have only been made to reflect existing approved Council policy (Varsity Station Village Local Area Plan and draft Lake Orr and Environs Local Area Plan) where integrated land use and infrastructure planning has taken place. In regard to land zoned for future urban development, the draft Reconfiguring a Lot Code includes a new outcome to requiring staging of subdivisions ensure that safe and convenient access to public transport, open space, community facilities, convenience shopping and local employment opportunities commensurate with community need. This outcome is supported by the Strategic Framework ‘New Communities’ element strategic outcome:</td>
<td>Open</td>
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</table>
### Resolution or issue

The transition of greenfield land to urban uses is staged to ensure:

(a) infrastructure and essential services can be provided efficiently; and

(b) new communities have timely and easy access to an appropriate range of goods and services, employment and enterprise opportunities (such as neighbourhood centres), public transport services and community and recreational facilities.

Further, the purpose of the Emerging Community Zone is to ensure emerging communities land is comprehensively planned and developed in accordance with the Strategic Framework.

6/3/12: provide details of Strategic Framework response to development proposed at greater than planned density

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<tr>
<td>8.</td>
<td>Provisions to Encourage Hotel Development PD113/541/- (P1)</td>
<td>Minute/ PSI No. or Date Raised: SG06.1017.010</td>
<td>The draft planning scheme reduces regulatory barriers to this type of development by making Short Term Accommodation code assessment in Centres (if located within a mixed use building or the building’s ground floor level is capable of being used for mixed use) and in the Apartment Residential Zones. In investigating this issue, we sought some advice from the development industry and we understand the business model has changed in the hotel sector and this is the main reason why hotels are not being developed.</td>
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<tr>
<td>9.</td>
<td>Enabling of tourism infrastructure</td>
<td>Minute/ PSI No. or Date Raised: 12 July 2011 Review re Tourism infrastructure limitations and provisions - How can we open up the scheme to support new desirable infra such as theme parks? Also, ability to have quality food and entertainment precincts close to the beach, especially for tourist ventures</td>
<td>Theme parks are defined as Tourist Attraction in the draft planning scheme. Tourist Attraction (e.g. theme parks) A Tourist Attraction land use will remain code assessment in the Centre Zone. The strategic framework seeks to protect existing major theme parks and identifies that they may be suitable in locations with good access to public transport. In the Open space zone, the draft planning scheme increases the allowable GFA for a code assessment Food and drink outlet from 100m² to 150m² and widens the scope of dinning opportunities (previously limited to take-away food premises).</td>
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<td>10.</td>
<td>Indoor Sport and Recreation</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011 Redefine indoor recreation to allow more diverse uses – clubs, training, education.</td>
<td>The QPP best fit definition is Indoor sport and recreation facility: Premises used for leisure, sport or recreation conducted wholly or mainly indoors. Examples include amusement parlour, bowling alley, gymnasium, squash courts, enclosed tennis courts. Indoor sport and recreation may include sports training (e.g. basketball training, dance training etc.). The QPP has a separate definition for club: Premises used by persons associated for social, literary, political, sporting, athletic or other similar purposes for social interaction or entertainment. The use may include the ancillary preparation and service of food and drink. Examples include club house, guide and scout clubs, surf lifesaving club, RSL, bowls club.</td>
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<tr>
<td>11.</td>
<td>Fringe business land uses</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011 Fringe business – establish more zones of fringe business to contain recreation and commercial – training centres, gymnasium, ballet school.</td>
<td>Dance or music schools fall within the QPP definition of Educational Establishment. They are also defined as sensitive land uses. Within the Centres Zone Educational Establishments have been reduced from impact assessable to: code assessable (where building work is involved) self assessable (if no building work or only minor building work is proposed) exempt (if no building work is involved and located in an activity centre at Southport, Robina, Surfers Paradise, or Broadbeach)</td>
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Accepted recommendation (10/2/12)
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<td>In the Mixed Use Zone (formerly the Fringe Business domain), Educational Establishments has been reduced from impact to code assessment. Within the city’s Industry zones, Educational Establishments have been reduced from unlisted to impact assessment. Development in industry areas is required to ensure that land is protected and remains available for legitimate industrial development and is not eroded by incompatible non-industrial developments. As a defined sensitive land use, an Educational Establishment could impact on the operation of nearby industrial uses and could undermine the integrity of an industrial zone. Buffers (distance breaks e.g. 250m or 500m) may also be required between some industry activities and sensitive land uses. Under State policy and environmental licence regulations, it is possible that the lawful operation of a sensitive land use within an industrial area could have a ‘passed-on’ cost impact to nearby legitimate industry uses or future industry uses because they would be required to protect the sensitive land use through additional design measures to mitigate emissions and noise impacts etc. Such operations would be mainly classified as medium and high impact industries. Lodgement of a development application may necessitate the applicant engaging a planning consultant, depending on the complexity of the issue.</td>
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<tr>
<td>12.</td>
<td>Jacobs Well – expansion of residential areas</td>
<td><strong>Minutes/ PSI No. or Date Raised:</strong> 3 January 2012 Consider including in the Residential Living Zone 1058 Pimpama Jacobs Well Road and 61 Helmore Road, Jacobs Well 1115 Pimpama Jacobs Well Road (2 RP124030) is outside the Urban Footprint and heavily constrained, in particular:  - flood prone: this property is entirely affected by the flood hazard overlays in both the 2003 and draft planning scheme, modelling indicates up to 0.5m Inundation in a Q100 event (factoring 0.8m sea level rise)  - extractive resources: most of the site is affected by the draft Extractive Resources Overlay (resource and separation areas) 1058 Pimpama Jacobs Well Road and 61 Helmore Road (2 &amp; 3 RP143882) while inside the Urban Footprint are also very constrained:  - flood prone: these properties are entirely affected by the flood hazard overlays in both the 2003 and draft planning schemes, modelling indicates at least 1-1.5m+ inundation in a Q100 event (factoring 0.8m sea level rise)  - extractive resources: approximately a third of 61 Helmore Road is affected by the separation area of the draft Extractive Resources Overlay  - good quality agricultural land: all of 61 Helmore Road affected by the Good Quality Agricultural land Overlay in both the 2003 and draft planning schemes Further to site specific constraints, for Council to consider an expansion of the Jacobs Well urban area, consideration should be given to the suitability of infrastructure (including social issues) to accommodate further population. This work has not been undertaken and is not funded or programmed. Therefore, the draft planning scheme continues the current policy position by inclusion of the land in the Rural Zone. 6/3/12: include issues in separate process for future investigation of the SEQ Regional Plan Urban Footprint</td>
<td>Open / Pending</td>
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<tr>
<td>13.</td>
<td>Transmission lines</td>
<td><strong>Minutes/ PSI No. or Date Raised:</strong> 24 January 2012 (Cr Robbins) Ability for planning scheme to regulate transmission lines e.g. major overhead power lines proposed at Palm Beach.</td>
<td>under investigation</td>
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Open / Pending
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<tr>
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<tr>
<td>14.</td>
<td>Relocatable Home Parks</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Redefine use mobile home park to cover fixed leasable package and require caravan and truck parking</td>
<td>Council does not have the ability to amend the definitions provided by the QPP. The QPP definition for indoor recreation is Premises used for leisure, sport or recreation conducted wholly or mainly indoors. Examples include amusement parlour, bowling alley, gymnasium, squash courts, enclosed tennis courts. Premises that are used for training and education that do not generally include sporting activities would more likely fall under the land use definition of an educational establishment, which is defined as: Premises used for training and instruction designed to impart knowledge and develop skills.</td>
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<td>15.</td>
<td>Sign license guidelines</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Sign licensing guidelines need revamp to reflect LAP requirements in each.</td>
<td>The existing Advertising Devices Code has been transferred into the draft scheme. Minor improvements have been made to the code to include reference to the Mudgeeraba Signage Policy.</td>
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<td>16.</td>
<td>Urban footprint</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Identify areas on the boundary of the urban footprint that could be developed labelled 'future use'</td>
<td>Labelling 'future use areas' would be inconsistent with the South East Queensland Regional Plan, which encourages a compact urban form within the prescribed urban footprint.</td>
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<td>17.</td>
<td>Priority Infrastructure Plan</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Identify sports fields, parks and minor parks Provide allowances for reductions for supplied embellishments Review reduction in fees and infrastructure charges policy to charge comparable prices for commercial use. Childcare centre, training facilities, nursing home and retirement village. Minute/ PSI No. or Date Raised: 8 November 2011</td>
<td>Review infrastructure charges for small Home based business activities</td>
</tr>
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<td>18.</td>
<td>Car parking rates for CBD vs outer areas</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Vary rates for CBD vs outer areas</td>
<td>The draft Transport Code includes reduced car parking rates for identified ‘transport hubs’.</td>
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<td>19.</td>
<td>Party houses</td>
<td>How to regulate dwelling houses that are leased out by owners for short periods of time that are used as 'party houses' and cause negative amenity impacts.</td>
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<td>Ministerial advice from the Department of Local Government and Planning has been issued stating that this issue cannot be regulated by the planning scheme.</td>
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<td>Issue #</td>
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<td>20.</td>
<td>Watercourse Strategy Review Project Recommendations</td>
<td><strong>Minute/ PSI No. or Date Raised:</strong> SC09.0714.002</td>
<td>1. That the ‘Recommendations of the Report for Watercourse Strategy Review (GHD, August 2007) with Internal Stakeholder Comments and Recommended Council Priorities’ be noted. &lt;br&gt;2. That the ‘Internal Stakeholder Comments’ and ‘Timing’ listed in Table 1 – ‘Key Issues/Conclusions and Recommendations from Report for Watercourse Strategy Review (GHD, August 2007) be endorsed. &lt;br&gt;3. That the matters listed for ‘Amendment Package 7’ in Table 1 – ‘Key Issues/Conclusions and Recommendations from Report for Watercourse Strategy Review (GHD, August 2007) be included in draft Amendment Package No. 7. &lt;br&gt;4. That Council’s Environment &amp; Infrastructure Unit forward the matters listed for ‘Planning Scheme Review’ in Table 1 – ‘Key Issues/Conclusions and Recommendations from Report for Watercourse Strategy Review (GHD, August 2007) to the Planning Scheme Review Program for their consideration. &lt;br&gt;5. That as an interim policy position for land with no waterway building setback specified on OM13 - Building Setback Lines from Canals and Waterways, Planning Scheme Policy 11 - Land Development Guidelines be used to determine boundary setback for development.</td>
<td>The mapping of watercourses and buffers is under review. To provide clarity in regard to where a waterway setback is measured from, a submission has been made to the QPP for inclusion of an administrative definition for Top of Bank (of a watercourse).</td>
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<tr>
<td>21.</td>
<td>Temporary Uses (special events in rural areas) PD113/1042(P1)</td>
<td><strong>Minute/ PSI No. or Date Raised:</strong> SC08.1021.005, SC09.0811.001</td>
<td>The QPP does not provide a land use definition for ‘Temporary Use’. This matter is under investigation.</td>
<td>Open</td>
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<td>22.</td>
<td>Social and Community Safety Aspects arising from Tall Buildings in Residential Areas PD113/967(P10)</td>
<td><strong>Minute/ PSI No. or Date Raised:</strong> SC09.0210.002</td>
<td>1. That Council support opportunities to contribute to and benefit from social project assessment research activities within SEQ universities with a view to informing possible inclusions in the Planning Scheme Review.</td>
<td>No action at this stage.</td>
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<td>2.</td>
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<td>That Council note that the Planning Scheme Review will be the vehicle for further consideration of these issues and note that the Planning Scheme Review Program will be tabled at the Sustainable City Future Committee of 24 February 2009.</td>
<td>Planning scheme policies will be converted to SPA compliant next year. At this time the PSRP will investigate including ESD bonuses as part of the policy. In regard to plot ratio bonuses, a bonus is available in the current scheme for Architecture/Urban Design – Ecologically Sustainable Development and Architecture/Urban Design – Building Materials and Landscaping. It is considered that a bonus could be awarded for providing a high quality green roof for applicable development. The draft Landscape Works Code does not include any specific outcomes for construction and maintenance of green roof technology, however this could be considered as a later planning scheme amendment as part of the holistic review of the Landscape Works Code.</td>
<td>Open</td>
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<td>23.</td>
<td>Provision of Green Roofs for Council and Commercial Buildings PD113/541/-(P1)</td>
<td>Minute/ PSI No. or Date Raised: SG07.0612.001 SG07.0612.002</td>
<td>That Council continue to be a leader in the use and promotion of landscape open space provisions in roof-top locations, and where appropriate, apply the development of green roof technology on new commercial buildings throughout the city, as one of the many ESD initiatives that can address climate change implications to create a more comfortable and sustainable environment. As part of the forthcoming Planning Scheme Review, that Council consider the following: a. That “green roof technology” is included as a desirable ESD component under Policy 18 “Using the Urban Design Bonus” in promoting a healthy and sustainable city. b. Undertake a review of the current Landscape Work Documentation Manual to consider the necessity of an additional new section to address acceptable solutions for the design, construction and maintenance of green roof technology.</td>
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<td>24.</td>
<td>Gross Floor Area (GFA) on Council Leasehold Sites PD98/-/-</td>
<td>Minute/ PSI No. or Date Raise: CP06.0404.008 G06.0407.021</td>
<td>That the Director, Planning Environment &amp; Transport bring forward a report to the Strategic Growth Management Committee on the potential to set a maximum Gross Floor Area (GFA) for Surf Clubs on Council leasehold sites within the city.</td>
<td>Open</td>
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<td>25.</td>
<td>Operational Works Permits for the Filling or Excavation of Lands through the Planning Scheme PD98/837(P3)</td>
<td>Minute/ PSI No. or Date Raised: SG05.1129.010</td>
<td>That a report be brought forward to the first Strategic Growth Management Committee meeting in regard to a review of the triggers for an operational works permit for the filling or excavation of lands contained in the Rural, Park Living and Village Domains of the “Our Living City” Gold Coast Planning Scheme. Requirements from the current planning scheme have been transferred into the draft planning scheme. This issue is still under review.</td>
<td>Open</td>
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<td>26.</td>
<td>Establish specific zones for waterways</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>This will be addressed in a future amendment following completion of waterway mapping work planned for completion this financial year (2011-2012). Note: The Nature Conservation Code provides for setback and buffer requirements from mapped waterways and the Canals and Waterways and Oceanfront land overlay codes also provide setbacks from canals and oceanfront land.</td>
<td>Open</td>
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<td>27.</td>
<td>high rise height limits</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Under investigation</td>
<td>Open</td>
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<td>Re-introduce code heights and impact heights. i.e. H6-H12. This would create prohibited heights above impact unless significant reason increase height limit south of Griffith Street, Coolangatta</td>
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<td>28.</td>
<td>Industrial areas</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Under Investigation</td>
<td>Open</td>
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<td>Identify large lot retention but multiple uses within lot, or specific lots to be retained for large industry use Component of allied use with industry zones</td>
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<td>29.</td>
<td>Land use quotas</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Under investigation</td>
<td>Open</td>
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<td></td>
<td>Land use quotas in various areas: residential areas - stores, childcare, service station centres - medical centre, supermarket entertainment precincts – nightclub</td>
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<td>30.</td>
<td>Shadow controls</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>The shadow provision in the Citywide Code requires development to address the overall impact of shadow on public areas, as shown in PO13 below. The building is designed and located to ensure that the shadow cast by the building does not detract from a comfortable living and ground level environment and the access of adequate sunlight to private and public spaces having regard to: a) the degree of containment of the shadow within the subject site during times of the year and the day of greatest impact (14 April to 21 June between 11am and 3pm); b) the cumulative impact of the shadow and existing shadows; c) the effect of the shadow on the ocean beach, Broadwater foreshore, or riverside or beachside public open space; d) the location of the shadow on non-residential areas external to the site; and e) the effect of the shadow on any other site or other building. This would require consideration of morning-sunrise shadow.</td>
<td>Open</td>
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<td>31.</td>
<td>Oceanway</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Not clear on issue.</td>
<td>Open</td>
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<td>issue of joint uses (oceanway and property fronting)</td>
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<td>32.</td>
<td>Marina berths and ownership</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Under Investigation</td>
<td>Open</td>
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<td>what is position?</td>
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<td>33.</td>
<td>Waterfront and Marine Industry Zone</td>
<td>possible temporary use of industrial buildings within the Marine Precinct during tough times (perhaps with a time cap)</td>
<td>under investigation</td>
<td>Open</td>
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<td>Recommendation</td>
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<td>34.</td>
<td>Markets</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour)</td>
<td>Preliminary research has been undertaken into the issues raised. At this stage, we believe unintended consequences could arise with regulating some of the issues identified, without some further informed research. Agreed Action from 24/1/2012 Planning Scheme Review workshop – To bring this back to a Councillor workshop in April following further investigation (liaise with Councillor Robins)</td>
<td>Open</td>
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|       |        | Issues raised around markets included:  
|       |        | • locating markets on vacant sites within the Centre and Neighbourhood centres zone  
|       |        | • frequency of the market  
|       |        | • stall size  
|       |        | • impact on local businesses in the Centre and Neighbourhood centre zones; and  
|       |        | • amend market land use in the Centre zone from self and code assessment to impact assessment | |
| 35.   | Telecommunication facilities (Hope Island Resort) | Minute/ PSI No. or Date Raised: 12 July 2011 and 17 January 2012 (bus tour) | There are parts of the city where approved development schemes have been granted under separate legislation e.g. Integrated Resort Development Act (Hope Island Resort), Sanctuary Cove Resort Act, Mixed Use Development Act (Cypress Gardens), Local Government (Robin Central Planning Agreement) Act. Legal advice has been received in respect to the effect of the planning scheme to regulate development in these locations. Advice received to date is for the Acts in Hope Island including the Integrated Resort Development Act 1987 and Sanctuary Cove Resort Act 1985. Advice for locations outside Hope Island are outstanding. In respect of the Sanctuary Cove Resort Act, under s9(1) of the Act, Council’s planning scheme does not apply to the site. For this reason, an amendment will be considered in response to the first State interest review to include the Sanctuary Cove area within a Special Purpose Zone. This zone will defer development to the relevant Act and default development to impact assessment in the case the act is dissolved. The situation for Hope Island Resort (Integrated Resort Development Act) is different. The approved development scheme of Hope Island Resort merely modifies the planning scheme to the extent it is inconsistent with the approved resort scheme. Further legal advice is required to determine the effect of assessment of telecommunication towers after including this area into zones with the draft planning scheme. Agreed Action from 24/1/2012 Planning Scheme Review workshop – follow up on Legal Advice | Open |
| 36.   | Land Development Guidelines (direct vehicular access to roads) | Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour) | Finnegan Way has potential for higher than 6000 vehicle movements per day with likely heavy vehicle traffic from the marine precinct and is therefore incapable of accommodating direct vehicle access for safety reasons. In examples like Finnegan Way where direct vehicle access is not possible, a parallel secondary road is preferred over use of rear access (battle axe) allotments and/or cul-de-sacs which are not encouraged by the planning scheme. Agreed Action from 24/1/2012 Planning Scheme Review workshop – review as part of the LDG review project at the appropriate time (thresholds for permitting direct vehicular access to roads). | Open |
| 37.   | Land Development Guidelines (road widths – causing parking issues) | Minute/ PSI No. or Date Raised: 12 August 2011 | This issue is awaiting the outcome of the Transport Strategy. | Open |
|       |        | Amend land development guide for wider roads and road reserves.  
|       |        | If narrow roads, require indentations into allotments for nose in parking.  
|       |        | Street trees require wider footpath width - Create offset roadway for streets 5.5/3.5m.  
|       |        | Structures in footpaths – permit garden beds within first 1m subject to approval.  
|       |        | Road speed regulations – Wide roads with widened footpath squeeze points. | |
### Iss # | Subject & File No. | Resolution or issue | Recommendation |
|---|---|---|---|
| | | | The performance outcome for amenity protection in the draft Citywide Code requires that wind be considered in regard to proposed assessable development.  
- PO1 Development mitigates any negative effects upon the amenity values of the local area, having regard to …f) wind effects…  
A more specific performance outcome and assessment triggers require development with careful consideration to ensure that significant constraints are not imposed on development where not necessary.  
Based on preliminary investigations, there appears to be two separate approaches to wind impact assessment:  
1. The first involves the regulation for wind impacts around the base of a tall building for pedestrian comfort and safety. Generally, height (45m and above or 15 storeys) and location are the common triggers for consideration and assessment of wind impacts. The average cost of a wind impact assessment of this nature is approximately $60,000. Council currently does seek wind impact assessment of this nature in specified tall building development applications, and these are outsourced to external consultants for review; and  
2. The second option builds on the first and involves a more comprehensive assessment of wind impact and wind tunnelling impacts arising from the building in any defined context (eg. CBD area). This option involves the use of computer modelling and simulation testing in a manner similar to Council’s flood modelling approach. Such a sophisticated approach to wind impact assessment is not known to occur in Australia at this time, thus little more is known regarding software and modelling costs.  
The Program proposes to consult with the UDIA regarding option 1 to identify known and perceived issues of this approach, and to assist with the identification of an appropriate introductory building height. Once this is known, estimates regarding the resource and operational costs of this regulation (eg. the annual cost to outsource the assessment of these reports) will be able to be estimated and considered by Council.  
At this point in time no funding or resources exists to further option 2.  
Agreed Action from 24/1/2012 Planning Scheme Review workshop – arrange meeting with UDIA representatives following receipt of information from Cr Pforr. |
<p>| | | |
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| | | | Open |
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<tr>
<td>40.</td>
<td>Regulation of Building Undercrofts PD113/522/[P2]</td>
<td>Minute/ PSI No. or Date Raised: SC09.1006.003 1 That the report prepared by Planit Consulting Pty Ltd titled ‘Height of Building Undercrofts on Sloping Sites’ be noted and used to inform the Planning Scheme Review.</td>
<td>As per the report by Planit Consulting (2009), using metres rather than storeys to measure building height is effective in regulating the height of building undercrofts. Slope sensitive design is encouraged as it makes the building ‘step down’ the slope to remain within the allowable building height. Under the draft scheme, for an application for a dwelling to remain self assessable, it must remain under the maximum building height (in metres) on the Building Height Overlay Map. The issue of permitting extra height for sloping sites is under investigation.</td>
<td>Open</td>
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<td>41.</td>
<td>Building height enforcement</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour) Building height precedent from Katie Page Supreme Court decision, Main Beach Minute/ PSI No. or Date Raised: 22 November 2011 Consider locations where we want building height to be a ‘controlling’ constraint (rather than a guide)</td>
<td>A draft provision is currently included within the Strategic Framework addressing this issue. 3.7.12 Element – Building height and form - 3.7.12.1(b) Specific outcomes Building heights in particular local areas results in an abrupt transition in building height, including locations where there are existing historical and/or isolated taller buildings, to provide a hard and distinct building edge contrast in height and built form and clearly define locations where intended lower-intensity uses are located in close proximity or directly adjoin higher-intensity uses. This outcome includes the following local areas: • west of the mixed residential and commercial areas of Surfers Paradise and Broadbeach; • east of Main Beach Parade and west of Tedder Avenue, Main Beach, • all of Paradise Island and east of Oak Avenue to River Drive, Surfers Paradise, • south of Griffith Street, Coolangatta to preserve the topographical features of the landscape and provide an interface with the low-rise development, • south of Alexander Avenue and north of Peerless Avenue, Broadbeach, • Southport… eg garden precinct • land in vicinity of intended medium building activity in Palm Beach … • land in the vicinity of existing and historic taller building activity in Mermaid Beach, Palm Beach…. This provision is still draft and requires further consideration for inclusion of other areas in the city. Its intention and purpose however is clear and we will continue to develop this with Councillors and legal advisors as the draft planning scheme progresses through the State interest consideration process. Agreed Action from 24/1/2012 Planning Scheme Review workshop – Noted ongoing development and councillors were invited to provide details of additional areas for consideration.</td>
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<td>42.</td>
<td>Movieworld</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour) Improvements to planning controls for Movieworld.</td>
<td>The Movieworld theme park currently has an exemption from the current planning scheme (under Part 10, Div 3) where operated in accordance with an historic rezoning approval. This rezoning allows for Recreation Centre, Tourist Facilities, Film Studio, Tourist and Local Shops. As part of the draft planning scheme, it is proposed to remove this exemption and bring Movieworld into the planning scheme, with more updated and contemporary planning controls. The timing for this amendment is currently being investigated. Note: it is not anticipated that these controls would seek to hinder the economic development benefits of Movieworld to the city. Agreed Action from 24/1/2012 Planning Scheme Review workshop – no action required at this stage. Cr Wayne to be provided with a copy of the latest Movie World Submission.</td>
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<td>43.</td>
<td>VXO and driveways</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour) VXO &amp; Driveways. Steep and unusable in some cases. e.g. Davis Cup Court</td>
<td>To effectively address the design of vehicle crossings and driveways is has been recommended that both Driveways and Vehicular Crossings be brought within the ambit of development (operational work) in the planning scheme. This would provide Council with a mechanism to manage and regulate driveways in a way that: • allows Council to apply its requirements for driveways (ie to fix the desired levels and grades which are currently unregulated) so that they meet council’s desired standards; and • will minimise the impacts of non-compliant driveways and consequential relaxations occurring to Vehicular Crossings requirements.</td>
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<td>44.</td>
<td>Adult X (swinger clubs)</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011 How to define and trigger assessment for clubs where members consent to and engage in sexual activities</td>
<td>Under Investigation.</td>
<td>Open</td>
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<td>45.</td>
<td>Entertainment Precincts</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011 Regulation of hours of operation (including lockout), meals in public areas, and noise impact Limitation of the number of nightclubs</td>
<td>Under Investigation Awaiting development of Council’s Alcohol management policy.</td>
<td>Open</td>
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<td>46.</td>
<td>Amendment 5: Low Rise Apartment Building and Specific Development Code – Low Rise Commercial Tourist Accommodation (Plot ratio assessment provisions)</td>
<td>Minute/ PSI No. or Date Raised: PSI 42 A higher plot ratio can be achieved with low rise development than with some high rise development.</td>
<td>The Plot Ratio Code includes revised plot ratio rates that align plot ratio with achievable height and density.</td>
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<td>47.</td>
<td>Front setbacks in the Residential Living and Residential Choice Zones</td>
<td>Minute/ PSI No. or Date Raised: 30 January 2012 Review 4m and 2m residential setbacks to streets.</td>
<td>Under investigation</td>
<td>Open</td>
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<td>48.</td>
<td>lot sizes over 400m² for detached dwellings</td>
<td>Minute/ PSI No. or Date Raised: CP10.0615.011 1 That as a guide, officers note Council’s preference for lot sizes over 400m² for detached dwellings within the urban footprint north of the Coomera River, with the exception of the Coomera Town Centre Structure Plan area and sites that have amenities and shops within 500m. Further, that a minimum a 6 metre garage setback be applied to provide off-street parking, and that greater scrutiny be given to landscape and street presentation where fencing of developments is required. 2 That this intent be carried forward into the new Gold Coast City Planning Scheme.</td>
<td>Residential zone codes require that a minimum 6 metre setback is applied for carports and garages. Local planning issues will be addressed with the review of local area plans for inclusion in 2012.</td>
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<td>49.</td>
<td>Residential Density / Minimum Lot Size review (Residential Living Zone)</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011 Identification of locations where one dwelling per lot should be applied (e.g. areas with approved Plan of Developments) increase 1 dwelling per 400m² density to 1 per 500m²</td>
<td>Under Investigation The Residential Density Overlay now aligns with the Minimum Lot Size Overlay to restrict density to one dwelling per lot where the properties in the Residential Living Zone (i.e. Detached Dwelling Domain) have restrictions on lot sizes. Further investigation is required to identify where restrictions on lot size and density should be applied to recently created large lots proposed for inclusion in the Residential Living Zone.</td>
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<td>resolve issue of multiple dwellings being approved on large lots unintended for subsequent subdivision building envelopes to specify one dwelling per envelope.</td>
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<td><strong>Minute/ PSI No. or Date Raised:</strong> 3 May 2011 Need to review the 400 sq metre minimum lot size provision that impacts on established neighbourhood areas such as Nerang. There are some truly awful outcomes on existing 800 sq m + sites where all residential amenity is lost through squeezing in single and two storey second houses. These wreck the value and enjoyment for the neighbouring people - they are often not visible or impacting from the street but the real impact is in the back yards. The 400 sq m is too small or we need much more stringent conditions to allow proper evaluation of amenity impacts. <strong>Minute/ PSI No. or Date Raised:</strong> 12 August 2011 Provide incentive in slope or riverine areas for larger lots prohibited from further density</td>
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<td>50.</td>
<td><strong>Student Parking Rate PD98/837(F3)</strong></td>
<td><strong>Minute/ PSI No. or Date Raised:</strong> SG06.0530.001 1 That Council amend the Table to Acceptable Solutions AS16.1 of Constraint Code No 4 to provide for car parking at student accommodation, as follows: Student Accommodation One (1) car space per 2 students, plus one (1) car space for any manager’s or caretaker’s unit. 2 That Council’s Legal Services Branch provide advice on this matter, as follows: a Whether the developments, approved under the 1994 Planning Scheme, can be enforced to prevent charging the students a fee for parking on site, given that the reference to “freely available” parking has not been included in the current Planning Scheme; and b How to ensure this requirement would be enforceable, if wording to require “freely available” parking was included in a Performance Criterion as an amendment to the current Planning Scheme.</td>
<td>This issue will be addressed by the Transport Strategy presently being developed.</td>
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<td>Workshops</td>
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<td>3 That Council Planning Officers review the current Planning Scheme and draft a proposed amendment to address the need to prevent a fee being charged for on-site residential parking.</td>
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<td>4 That the Chief Executive Officer write to the Vice Chancellor of Griffith University advising of Council’s requirement for student car parking and request they comply in their current construction of accommodation for 500 students on land off Edmund Rice Drive.</td>
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<td>51</td>
<td>Underground car parking for commercial/retail developments</td>
<td>Minute/ PSI No. or Date Raised: CP10.1207.009 PSI 306</td>
<td>Cr McDonald particularly raised issues of car stackers/9 Aug meeting (There are no design standards for car stackers in the planning scheme). This issue will be addressed by the Transport Strategy presently being developed.</td>
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<td>That as part of the Planning Scheme Review process, consideration be given to a code for underground car parking for Commercial/Retail Developments</td>
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<td>52</td>
<td>high order roads definition</td>
<td>Minute/ PSI No. or Date Raised: 21 February 2012</td>
<td>under investigation</td>
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<td>In the Residential Living Zone, Dual Occupancy (i.e. duplex or second detached dwelling) is proposed to be self-assessable and Multiple Dwelling (not more than 3 dwellings) code assessment if:</td>
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<td>• on a corner lot; or</td>
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<td>• a lot with rear lane access; or</td>
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<td>• a lot fronting the city’s high-order road network</td>
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<td>What is a high order road?</td>
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<td>Will self-assessable still be achievable following compliance with self-assessable outcomes of Transport Code</td>
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<td>53</td>
<td>Kiosks on common property</td>
<td>Minute/ PSI No. or Date Raised: 21 February 2012</td>
<td>under investigation</td>
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<td>When does a kiosk on common property require planning approval</td>
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| 54.   | Helensvale LAP Retail Cap | Minute/ PSI No. or Date Raised: 16 March 2012  
What is the problem with removing or increasing the retail floor space cap in Helensvale LAP, does it still serve a purpose?  
How much available GFA is remaining | under investigation | Open |
| 55.   | Burleigh Local Plan Car Parking | Minute/ PSI No. or Date Raised: 20 March 2012  
investigate opportunity to exempt parking requirements for a change of use/GFA extension on James Street and Park Ave that results in an activation of the Park Ave arcade or car park | under investigation | Open |
Table 2: Closed items (unresolved by Council)

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<td>1.</td>
<td>Clothes Drying Areas</td>
<td>Minute/ PSI No. or Date Raised: 9 January 2012</td>
<td>The National Construction Code (BCA), requires residents to have access to either a clothes drying line or clothes drying appliance. There would be a conflict with the BCA if a planning scheme removed the option for a unit to have a clothes drying line. Further, the planning scheme would not be effective in regulating the location of clothes drying areas on individual balconies. Even if clothes hoists were not permitted to be fixed, residents of a low rise apartment may choose to utilise a portable clothes line having a similar visual effect.</td>
<td>Closed 20/3/12</td>
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<td>2.</td>
<td>Drainage impacts on cane fields</td>
<td>Minute/ PSI No. or Date Raised: 9 November 2011 (Cr Gates)</td>
<td>Good Quality Agriculture Land Overlay now includes a buffer area as a requirement of state planning policy. The implication is that impacts on adjoining land uses such as stormwater runoff issues will be dealt with through the planning process. The code includes a performance outcome (refer PO6 below) to ensure stormwater runoff does not impact on Good Quality Agriculture Land. Development assessment should therefore consider alternative stormwater drainage design matters in this catchment including implementation of further detention measures to accommodate to increase time for stormwater to drain.</td>
<td>Closed 20/3/12</td>
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<td>3.</td>
<td>Transport corridors</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Public Transport and Major Roads Planning Strategy Map 3 identifies heavy railway, investigation for heavy railway, light rail corridor, investigation for light rail corridor, state and major roads, pacific motorway freight, investigation for state and major roads, and the Integrated Regional Transport Corridor (IRTC). The draft planning scheme does not revise residential densities. A review of densities would facilitate a need to review the Priority Infrastructure Plan. A review of population densities along various transport corridors may follow the completion of the Transport Strategy.</td>
<td>Closed 20/3/12</td>
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<td>1.</td>
<td>Trigger for animal keeping</td>
<td>Minute/ PSI No. or Date Raised: 31 March 2011</td>
<td>Breeding more than 4 dogs or more than 4 cats requires an MCU for a Kennel under the current scheme. Can this be just regulated by the local law?</td>
<td>Accepted recommendation</td>
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<td>Recent amendments to the local law have aligned processes and regulation with statutory requirements. It is not legally possible to combine the matter regulated though the planning scheme in the local law. The local law essentially deals with persons keeping/ breeding animals (domestic and non domestic) and the planning scheme deals with land use matters for non domestic animal keeping (including kennels for commercial breeding). For example, the planning scheme provides for kennels in Industry and Rural zones for amenity reasons, but not elsewhere.</td>
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<td>2.</td>
<td>Urban Design Advisory Board Recommendation</td>
<td>Minute/ PSI No. or Date Raised: SC10.1116.008</td>
<td>That the Planning Scheme Review team give consideration to Urban Design Advisory Boards resolution in regard to the Planning Scheme Policies 12 and 13 (Landscape Strategy) and report back to the Committee.</td>
<td>Accepted recommendation</td>
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<td>Changes to Planning Scheme Policies 12 and 13 (Landscape Strategy) will form part of future amendments to the planning scheme, subject to funding being approved for the necessary work to be undertaken.</td>
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<td>3.</td>
<td>Regulation of High Impact Industry PD98/837/03/02(P4)</td>
<td>Minute/ PSI No. or Date Raised: SC09.1117.003</td>
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<td>Accepted recommendation</td>
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<td>Version 3 of the draft Queensland Planning Provisions has a separate land use definition for noxious and hazardous industry. The definition is supported by a schedule containing examples of noxious and hazardous industry. Examples include oil refining or processing, a power station, sugar milling or refining and tobacco processing. A Noxious and Hazardous Industry Zone is not recommended for inclusion in the planning scheme. Further, Noxious and Hazardous industry is not proposed to be listed in any zone table of assessment and will therefore default to impact assessment.</td>
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<td>4.</td>
<td>North East Gold Coast Land Use, Economic and Infrastructure Strategy</td>
<td>Minute/ PSI No. or Date Raised: SC09.1006.002</td>
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<td>Accepted recommendation</td>
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<td>a. Extractive industries are listed as Impact Assessable throughout the draft Tables of Assessment.</td>
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<td>b. The marine industry area at Steiglitz is not recommended for expansion into Rural zoned land at this time as there is not considered to be a need</td>
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<td>c. Draft Scheme proposes to include this land in the Industry Investigation Zone.</td>
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<td>Recommendation 9 (Review those aspects of the planning scheme relating to development in the rural domain, particularly the good quality agricultural land overlay area—with a view to possibly allowing diversification of activities in these areas consistent with the protection of natural resources, agricultural productivity, scenic amenity and rural character): To be considered as part of the Planning Scheme review.</td>
<td>e. The Rural Zone encourages a diverse range of activities where they are compatible with the protection of natural resources, agricultural productivity, scenic amenity and rural character. Diversification of activities is provided for in Good Quality Agricultural Land with the exception of Bulk Garden Supplies which are Impact Assessable.</td>
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<td>Recommendation 15 (Undertake an investigation into local landholders and residents concerns about worsening flood impacts in the study area, and develop and implement an appropriate strategy to address the issues identified through the investigation): To be considered as part of the Planning Scheme review.</td>
<td>f. Flood Hazard Overlay Map will be revised to align with updated flood modelling including factoring in of climate change (0.8m sea level rise to 2100). Development of a flood management infrastructure strategy is outside of the scope of the planning scheme.</td>
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<td>5</td>
<td>Adult Stores Provisions State Planning Regulatory Provision (SPRP) PD98/837/03/05(P1)</td>
<td>Minute/ PSI No. or Date Raised: SG07.0529.001 SC09.0825.001 1 That Council note the content of this report. 2 That the document titled ‘State Planning Regulatory Provisions (Adult Stores – Gold Coast City Council Submission – August 2009’, be submitted to the Minister for Infrastructure &amp; Planning, showing recommended changes underlined. 3 That the Director of Planning, Environment &amp; Transport develop an ‘Adult Store Position Paper’ to inform the new Gold Coast Planning Scheme.</td>
<td>Recommendation</td>
<td>Accepted recommendation</td>
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<td>• In accordance with Council minute SG07.0529.001, Adult Stores be code assessment in the Mixed Use Zone  • future amendments to align LAPs with state interests  • in accordance with the Adult Stores State Planning Regulatory Provisions, the location of adult stores be located: a. more than 200m according to the shortest route a person may lawfully take, by vehicle or on foot; or b. more than 100 metres measured in a straight line from a Place of Worship, Educational Establishment, or Child Care Centre</td>
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<td>6</td>
<td>Private Adult Educational Establishments Options Study PD98/837/03/09(P1)</td>
<td>Minute/ PSI No. or Date Raised PSI 215 and 219: SC09.0728.003 1 Council note the report by Humphreys Reynolds Perkins Planning Consultants titled ‘Private Adult Educational Establishments Options Study’. 2 That Council support the recommendations contained in the Private Adult Educational Establishments Options Study to be used to inform the Planning Scheme Review. Further information requested (9August 2011) Exempt for larger centres with good PT. PSRP to advise recommended centres Self assessable for others centres (and how this would address parking PSRP to advise recommended centres Impact for smaller scale with lower standard to PT services</td>
<td>Private Adult Educational Establishments are: Exempt if; (a) in an existing building and not involving building work; and (b) within a Principal activity centre or Surfers Paradise or Broadbeach Specialist activity centres or Burleigh or Coolangatta Self assessment if (a) in an existing building and involving minor building work; and (b) within a Principal activity centre or Surfers Paradise or Broadbeach Specialist activity centres or Burleigh or Coolangatta or (c) in an existing building and not involving building work, or involving minor building work; and (d) within any other activity centre n.e.i. Code assessment if n.e.i.</td>
<td>Accepted recommendation</td>
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<td>7.</td>
<td>Amendment 5:</td>
<td>Minute/ PSI No. or Date Raised: SG05.0215.001 PSI 74</td>
<td>The current planning scheme table of development for the Fringe Business Domain lists a stand alone Office as undesirable or inappropriate impact assessment. An Office is self assessable where it is ancillary to another use and constitutes more than 20% of gross floor area and code assessable where it is ancillary to another use and constitutes more than 20% of gross floor area. An investigation in 2005 revealed that where office uses is occurring within the Fringe Business Domain they are generally small scale and not a high employment or client generator. The 2005 Council report advised that whilst the location of many Fringe Business sites are not conducive to encourage public transport use, the small scale nature of the use is not considered sufficient to adversely impact upon the local road system or the ability of higher order centres to attract office uses within these areas. Recommendation ▪ that the Mixed Use Zone and like LAP precincts include Office (if the total gross floor area of the use is under 150m²) as code assessment ▪ that the Mixed Use Zone code requires that Office be located above ground level</td>
<td>Accepted recommendation</td>
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<td>Amendment 5:</td>
<td>Minute/ PSI No. or Date Raised: PSI 52</td>
<td>A revised Flood Affected Areas Constraint Code was prepared for Amendment 5 in 2005 to address ▪ consistency between the intent of the code and performance criteria, ▪ consistency with the language and approach of the State Planning Policy for Mitigating the Adverse Impacts of Flood, Bushfire and Landslide (SPP 1/03) ▪ clarify issues raised by the development industry This amendment was withdrawn at time of State interest review to enable further resolution of technical matters A full legal review of the new Flood hazard Code has been undertaken as part of the development of the new Planning Scheme Recommendation ▪ that the new planning scheme Flood Hazard Code address matters previously raised through Amendment 5</td>
<td>Accepted recommendation</td>
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<td>9</td>
<td>Amendment 5:</td>
<td>Minute/ PSI No. or Date Raised: PSI 75</td>
<td>As part of giving effect to the Nature Conservation Strategy the new planning scheme will include an overlay map to trigger clearing of remnant regional ecosystems</td>
<td>Accepted recommendation</td>
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<td>10</td>
<td>Amendment 5:</td>
<td>Minute/ PSI No. or Date Raised: PSI 6</td>
<td>The Queensland Planning Provisions defines Indoor Sport and Recreation and Club as follows: Indoor Sport and Recreation: Premises used for leisure, sport or recreation conducted wholly or mainly indoors. Examples include amusement, parlour, bowling alley, gymnasium, squash courts. Does not include cinema, hotel, nightclub, theatre Club: Premises used by persons associated for social, literary, political, sporting, athletic or other similar purposes to gather for social interaction or entertainment. Examples include club house, guide and scout clubs, surf lifesaving club. Does not include hotel, nightclub, place of worship, theatre In the new planning scheme, a separate application for a club will need to be made for indoor sport and recreation that wishes to also operate as a club</td>
<td>Accepted recommendation</td>
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| 11    | Amendment 5:      | Amendment to the    | The Queensland Planning Provisions definitions for Hotel and Nightclub are as follows:  
               | Amendment to the   | Definition of Nightclub and Tavern | Hotel: Premises used to sell liquor for consumption. The use may include short-term accommodation,  
               | Definition of      | interpretation on when a Tavern becomes a Nightclub. | dining and entertainment activities and gaming and amusement machines. Examples include hotel,  
               | Nightclub and      | | pub, tavern. Does not include nightclub |  
               | Tavern            | | Nightclub: Premises used to provide entertainment, operating predominantly during the night hours,  
               |                   | | and includes cabaret, dancing and music. The use includes the sale of liquor and food for  
               |                   | | consumption on site. Does not include club, hotel, tavern, pub, indoor sport and recreation | |
| 12    | Amendment 5:      | Working from Home   | The Home Based Business Code has been workedshopped with Councillors.  
               | Working from Home  | Specific Development Code  
               | Specific Development Code | Amendment to the Working from Home Specific Development Code (changes to reflect new Home Activity Use) | The amendments requested at that workshop were all adopted. The result of the workshop was that  
               | Code and the Tables | | Amendment to the Definitions, Working from Home Specific Development Code and the Tables of  
               | of Development for  | | Development for relevant Domains and LAP Precincts as they relate to Home Occupation Land Uses  
               | relevant Domains   | | This proposes new definition 'Home Activity' and changes to existing definitions of Home Occupation and Home Office) | Not more than 6 business related visitors can come to the site per day for the land use to remain self assessable. | Accepted recommendation |
|       | and LAP Precincts | Review assessment triggers for Home based business activities that have a minimum number of visitations per day (i.e. make self assessable). | The self assessable outcomes of the code are: | | |
|       | as they relate to  | | SO1. The dwelling, as viewed from the street, is not altered to accommodate the use. | | |
|       | Home Occupation   | | SO2. The home based business is conducted entirely within the dwelling house or onsite structure. | Accepted recommendation |
|       | Land Uses         | | SO3. Public display or retail sale of goods (excluding mail order or internet sales) is not undertaken from the home based business. | | |
|       |                   | | SO4. The home based business is limited to one associated class C motor vehicle. | | |
|       |                   | | SO5. Loading or unloading activity is undertaken within the site. | | |
|       |                   | | SO6. The home based business is carried out by a resident of the dwelling. | | |
|       |                   | | SO7. The gross floor area of the home based business does not exceed 45m². | | |
|       |                   | | SO8. The home based business is limited to one non-resident employee on site at a time. | | |
|       |                   | | SO9. For the purposes of business related visitors and deliveries to the site the hours of operation are:  
               |                   | | | Monday to Saturday: 8am to 7pm  
               |                   | | | Sunday and Public Holidays: nil | | |
|       |                   | | SO10. The home based business does not generate more than 6 business-related visitors per day. | Accepted recommendation |
|       |                   | | SO11. The home based business does not involve the use of tools or machinery that generate noise audible beyond the property boundaries. | | |
|       |                   | | SO12. The home based business does not involve the use of outdoor lighting. | | |
| 13    | Amendment 5:      | Amendment to the    | The area subject to this issue has been developed and the new Planning Scheme needs to apply  
               | Amendment to the   | Albert Corridor A: Ormeau Structure Plan | zones to reflect development outcomes  
               | Albert Corridor A:  | Plan – Emerging Communities Map EC2, and Domain  
               | Ormeau Structure     | Map Ormeau Map 31 (Rural Domain, Good Quality  
               | Plan – Emerging     | Agriculture Land - change to land use designations) -  
               | Communities Map      | Eggersdorf Road, Ormeau |  
               | Map EC2, and Domain  | | | a. That Residential Living Zone be applied to developed area, and open space areas be zoned | Accepted recommendation |
|       | Map Ormeau Map 31 | | The Good Quality Agricultural Land overlay applied to this land in the current planning scheme be removed. | Open Space. | |
|       | (Rural Domain,    | | The Good Quality Agricultural Land overlay applied to this land in the current planning scheme be removed. | | |
|       | Good Quality      | | | | |
|       | Agriculture Land  | | | | |
|       | - change to land   | | | | |
|       | use designations)  | | | | |
|       | - Eggersdorf Road | | | | |
|       |, Ormeau          | | | | |
| 14    | Amendment 5:      | Beechmont Road,    | This site is outside the urban footprint and we are therefore unable to facilitate this change  
<pre><code>           | Beechmont Road,    | Lower Beechmont - Rural Domain to Village (Mixed Use) | Accepted recommendation |
</code></pre>
<p>|       | Lower Beechmont   | | | (Lot 1 RP87063) | |</p>
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<tr>
<td>15</td>
<td>Review of Planning Scheme Designations for Land Bounded by Sandown Avenue, Bamboo Avenue, Cascade Avenue &amp; Heeb Street, Benowa PD113/1042(P1)</td>
<td>Minute/ PSI No. or Date Raised: SG08.0115.004 &amp; PSI 197</td>
<td>A report following investigating of this issue recommended rezoning in the new Scheme for the following reasons: The land bounded by Scenic Avenue, Sandown Avenue and Heeb Street, Benowa is predominately developed with Attached Dwellings (duplex), with a density ranging from 1 dwelling per allotment to 1 dwelling per 250m². The majority of the allotments are located within a 400m walking distance to Bronberg Shopping Plaza and public transport. The entire block is located within a 400m walking distance to Bob Huth Park and Scenic Park and approximately half of the allotments are located within a 400m walking distance to Bellevue Park State School. Council supported the recommendation and resolved that it be considered in the new Planning Scheme.</td>
<td>Accepted recommendation</td>
</tr>
<tr>
<td>16</td>
<td>Include Community Purpose as self assessable PD98/837/03(P9)</td>
<td>Minute/ PSI No. or Date Raised: SG06.0530.004</td>
<td>That Council draft a Planning Scheme amendment as soon as possible to enable community facilities to be self assessable in the Public Open Space Domain and the Community Purposes Domain.</td>
<td>Accepted recommendation</td>
</tr>
<tr>
<td>17</td>
<td>Regulation of Privately Owned Recreational Vehicles PD98/837(P3)</td>
<td>Minute/ PSI No. or Date Raised: SG05.1004.005, SG06.0502.004</td>
<td>The Queensland Planning Provisions defines a Motor Sport Facility as 'A premises used for organised or recreational motor sports whether on or off-road, which may include permanent, temporary or informal provision for spectators and other supporting uses'. Motor Sport Facility will be impact assessment (unlisted) in the Rural and Rural Residential Zones. Other use of non-commercial recreational vehicles on rural and rural residential properties is outside the jurisdiction of the planning scheme.</td>
<td>Accepted recommendation</td>
</tr>
<tr>
<td>18</td>
<td>Keeping of Rodents and Reptiles on Residential Premises PD98/837/- (P4)</td>
<td>Minute/ PSI No. or Date Raised SG05.0118.004, SG05.0201.006</td>
<td>Planning Scheme does not have jurisdiction for keeping of domestic pets. This is regulated by local law 12. The Queensland Planning Provisions defines Animal Keeping as: 'Premises used for boarding, breeding or training of animals. The use may include ancillary temporary and permanent holding facilities on the subject site and the repair and servicing of machinery.' Examples include aviarises, catteries, kennels, stables, wildlife refuge. Does not include domestic pets, aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries, poultry meat and egg production. The Queensland Planning Provisions Animal Keeping definition places no threshold on boarding, breeding or training non-domestic pets.</td>
<td>Accepted recommendation</td>
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<tr>
<td>19</td>
<td>Planned density Vs planned public transport.</td>
<td>Minute/ PSI No. or Date Raised 4 May 2011</td>
<td>The Program has liaised with I&amp;A staff and have been informed that development approvals supporting reduced car parking rates where the public transport service is yet to be provided have only been approved along Stage 1 of the Gold Coast Rapid Transit Corridor (GCRT). These developments are significant developments that will take time to construct and it is anticipated that timing of completion of development and the GCRT will align.</td>
<td>Accepted recommendation</td>
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<td>20</td>
<td>Non-rural land uses in rural areas such as wedding chapels and day spas</td>
<td>Minute/ PSI No. or Date Raised: 17 May 2011</td>
<td><strong>Queensland Planning Provisions</strong> defines a wedding chapel (where not ancillary to a place of worship) as Function Facility. Premises used for conducting receptions or functions and may include the preparation and provision of food and liquor for consumption on site. <strong>Examples include conference centre, reception centre. Does not include community use, hotel.</strong> Queensland Planning Provisions defines day spa (i.e. an establishment which offers health and beauty treatments on a daily basis only) as Health Care Premises: Premises for medical, paramedical, alternative therapies and general health care and treatment of persons that involves no overnight accommodation. <strong>Examples include dental clinics, medical centres, natural medicine practices, nursing services, physiotherapy clinic. Does not include community care centre, hospital</strong></td>
<td>Accepted recommendation</td>
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**Recommendation**
- That in the Rural Zone, Function Facility and Health Care Premises will be Impact Assessment with a rural character outcome that will assist in assessment of any proposals

**Impact of Telecommunications Amendment (Enhancing Community Consultation) Bill 2011**

- Telecommunications and Broadcast facilities code weakened compared to current code in respect of setbacks to residential properties, previously 400m setback. Impact of Telecommunications Amendment (Enhancing Community Consultation) Bill 2011 (require owners and occupiers of land to be notified of a proposal to either build or modify a telecommunications tower within 500 metres of their property; provide that notified owners and occupiers have 30 days in which to respond to the proposed development; provide that new telecommunications towers cannot be declared to be low impact; limit the size and capacity of telecommunications towers; provide that the Australian Communications and Media Authority (ACMA) can issue installation permits for high impact facilities only in extraordinary circumstances; disallow ACMA from considering commercial interests when determining the importance of a facility in a telecommunications network; require ACMA, when considering developments near community sensitive sites, to be satisfied that all alternative sites are unfeasible; and enable local communities to appeal a facility installation permit being granted with the Administrative Appeals Tribunal)

**Implementation and Assessment Branch** advise that a 150m setback is a more realistic acceptable outcome to address Telecommunication Facility amenity impacts on sensitive land uses. The draft planning scheme tables of assessment therefore requires impact assessment for a Telecommunications facility located within 150m to a sensitive land use or where located within a residential zone. This raise in the level of assessment will give Council greater assessment powers. The code will be amended to align with this outcome.

- The Telecommunications Amendment (Enhancing Community Consultation) Bill 2011 is a private members bill (Andrew Wilkie MP) that has not progressed to it’s second reading. A change to the planning scheme in response to the bill would be premature at this time. Should the bill become approved, Federal legislation would have the effect of overriding the planning scheme.

**Agreed Action from 24/1/2012 Planning Scheme Review workshop – implement the following:**
- A minimum, 200m separation distance from a sensitive land use or land intended for a sensitive land use - as the revised impact trigger;
- Include an impact trigger for a new telecommunications facility wanting to establish within 400m of an established or approved facility; and
- Investigate the possibility of making co-located facilities self-assessable where they are attached to a lawfully established slimline pole.

**Recommendation**
- A minimum, 200m separation distance from a sensitive land use or land intended for a sensitive land use - as the revised impact trigger;
- Include an impact trigger for a new telecommunications facility wanting to establish within 400m of an established or approved facility; and
- Investigate the possibility of making co-located facilities self-assessable where they are attached to a lawfully established slimline pole.

| 21 | Telecommunications and Broadcast facilities code | Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour) | Implementation and Assessment Branch advise that a 150m setback is a more realistic acceptable outcome to address Telecommunication Facility amenity impacts on sensitive land uses. The draft planning scheme tables of assessment therefore requires impact assessment for a Telecommunications facility located within 150m to a sensitive land use or where located within a residential zone. This raise in the level of assessment will give Council greater assessment powers. The code will be amended to align with this outcome. | Agreed Action from 24/1/2012 Planning Scheme Review workshop – implement the following: |
- A minimum, 200m separation distance from a sensitive land use or land intended for a sensitive land use - as the revised impact trigger;
- Include an impact trigger for a new telecommunications facility wanting to establish within 400m of an established or approved facility; and
- Investigate the possibility of making co-located facilities self-assessable where they are attached to a lawfully established slimline pole. |

**Recommendation**
- A minimum, 200m separation distance from a sensitive land use or land intended for a sensitive land use - as the revised impact trigger;
- Include an impact trigger for a new telecommunications facility wanting to establish within 400m of an established or approved facility; and
- Investigate the possibility of making co-located facilities self-assessable where they are attached to a lawfully established slimline pole. |

| 22 | Telecommunications towers, shops and child care centres in residential areas | Minute/ PSI No. or Date Raised:17 May 2011 | **The Queensland Planning Provisions s5.2 provides guidance for deciding levels of assessment. Code assessment should be applied where:**
- development impacts are low
- development impacts are known and can be entirely regulated in a code
- public notification will not add value to the assessment process
**Child care centres and shops in residential areas:**
- impacts (noise / traffic) are known and can be managed by a code
- code can provide location requirements e.g. level of road hierarchy
- code can provide limitation on the scale of use in residential area. This is current practice for convenience shop code assessable in Residential Choice and Tourist & Residential Domains (gross floor area upto 150sqm)
- child care and convenience shops are required in residential areas to support communities
- Changes to provide for public notification is likely to lead to unnecessary litigation and associated costs to ratepayers but unlikely to change outcomes | Accepted recommendation |

**Recommendation**
- A minimum, 200m separation distance from a sensitive land use or land intended for a sensitive land use - as the revised impact trigger;
- Include an impact trigger for a new telecommunications facility wanting to establish within 400m of an established or approved facility; and
- Investigate the possibility of making co-located facilities self-assessable where they are attached to a lawfully established slimline pole. |
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<td>23.</td>
<td>Car parking</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour)</td>
<td>Parking and street widths in areas off Varsity Parade (Moores Cres / Watts Drive)</td>
<td>In response to observed on-street parking issues in parts of Varsity Lakes, Council may consider actioning an investigation to confirm the cause and/or make recommendations to resolve this matter, including the consideration of on-street metered parking to remove the perceived issue of business operators parking in nearby residential streets for extended periods. Accepted recommendation</td>
</tr>
<tr>
<td>24.</td>
<td>Reconfiguring a Lot (enforcement of road widths)</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour)</td>
<td>Require parking bays in narrow streets.</td>
<td>Vehicle parking bays are considered unnecessary on standard residential streets (0-750 vehicles per day) with a minimum pavement width of 7.5m (kerb to kerb). This width is capable of having cars parked on each side of road with room for a single movement lane between, wide enough for a rubbish truck to pass. This road design works to discourage higher speeds and results in more land available for non-road land uses. Kerb design standards were updated with the adoption of the 2003 Land Development Guidelines (LDG) provision for kerbs with a hard edge, discouraging crossing of vehicles onto the verge. Laneways (5.5m kerb to kerb) dedicated to Council are presently a non-standard Land Development Guideline (LDG) outcome utilised to provide rear entry to small lots or apartments/attached dwellings that have a secondary road frontage, often utilised for visitor parking. Egret Lane, Coomera is an example of a laneway in the Edgewater Estate at Finnegan Way, Coomera approved by Council (CP05.0614.004). A review of the LDG in regard to road design will be undertaken separate to the planning scheme review. Agreed Action from 24/1/2012 Planning Scheme Review workshop – no action required at this stage</td>
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<td>25.</td>
<td>Reconfiguring a Lot (fencing master plan)</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour)</td>
<td>Fencing regulation in new subdivisions/ developments e.g. Waverly Park and Finnegan Way.</td>
<td>Council approved the fencing along Finnegan Way for the Divine Homes ‘Edgewater Estate’ (CP05.0614.004). The house designs on the plan of development for Edgewater Estate had 5m x 5m internal courtyards to provide private open space at the sides of dwellings. The draft planning scheme Reconfiguring a Lot Code contains a performance outcome (PO4) that can be used to trigger conditions for a fencing master plan. To assist with implementation of such a condition, a planning scheme policy could assist with providing fencing design guidelines. Agreed Action from 24/1/2012 Planning Scheme Review workshop – agreement to develop a fencing policy to support the Reconfiguration of a Lot (ROL) development code, at a future time. Investigate strengthening the link between the ROL code and the future development code, at a future time.</td>
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<td>26.</td>
<td>Centres – self assessable development</td>
<td>Minute/ PSI No. or Date Raised: 23 August 2011 and 17 January 2012 (bus tour)</td>
<td>Incremental change to gross floor area limits in local centres by a Private Certifier How to address piecemeal development of large development in local business areas that are constructed in stages below the code assessable threshold.</td>
<td>The current planning scheme allows a Shop (up to 2,000m²) land use as self assessable within the Local Business Domain. It is proposed to include a shop land use as code assessable within the Neighbourhood Centre Zone in the new planning scheme. This will give Council the ability to review the development against the applicable codes to consider inter alia the design of the proposal. Agreed Action from 24/1/2012 Planning Scheme Review workshop – Note: Currently resolved in draft scheme Accepted recommendation</td>
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<td>27.</td>
<td>Shading of neighbouring dwellings</td>
<td>Minute/ PSI No. or Date Raised: 12 July 2011</td>
<td>Complying houses shading neighbouring dwellings. Particularly shading solar panels</td>
<td>Raise issue with State as regulated though Building Code of Australia Accepted recommendation</td>
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<td>28.</td>
<td>Residential setbacks</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour)</td>
<td>Duxton Drive, Varsity Lakes was approved under Superseded Planning Scheme (July 2001) with a plan of development providing a number of built to boundary side setbacks, including adjoining setbacks as narrow as 0.9m to wall. Retaining walls encroaching into side boundary setbacks have created issues with access to the rear of properties. The draft planning scheme only permits self assessable built to boundary walls for small lots where no closer than 1.5m to a window or opening to a habitable room of an adjoining dwelling. Where adjoining a vacant property or walls of an existing house (under 4.5m in height) with no window openings to habitable rooms, the built to boundary wall may be setback 1.0m. Council may consider an option to require smaller setbacks to be measured from the toe of any retaining walls.</td>
<td>Action from 24/1/2012 Planning Scheme Review workshop – no action required. Retain existing setbacks</td>
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<td>29.</td>
<td>Amendment 5: Small Lot Code</td>
<td>Minute/ PSI No. or Date Raised: SG04.0824.007 SG07.0904.002 PSI 77</td>
<td>The draft planning scheme includes a Small Lot House Code for dwellings on lots less than 400sqm or lots with a frontage less than 15m. The code includes outcomes for privacy, minimum open space, reducing the dominance of garages, and surveillance (e.g. visible pedestrian entry, balconies/windows overlooking the street/public open space)</td>
<td>Accepted recommendation</td>
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<td>30.</td>
<td>Housing design</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour)</td>
<td>The State government's view is that planning schemes should not be regulating design of detached dwellings. However, the draft planning scheme seeks to provide extra regulation for houses on lots below 400sqm and for dual occupancy / second houses e.g. to ensure both houses address a street or public space.</td>
<td>Agreed Action from 24/1/2012 Planning Scheme Review workshop – no action required at this stage</td>
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<td>31.</td>
<td>Amendment 5: Amendment to the Animal Husbandry</td>
<td>Minute/ PSI No. or Date Raised: PSI SG05.0503.003 Animal Husbandry Code to insert a development requirement for setback requirements for raising of livestock The current Planning Scheme provides for setbacks to waterway corridors and land in Park Living, Detached Dwelling or Residential Choice Domains for dairy farms, however not for livestock</td>
<td>Provisions for Animal Husbandry will be incorporated in the Rural Activities Code, which includes setbacks for waterways and residential zoned land. Grazing of livestock is not included as ‘intensive animal industries’. The previous draft presented to Councillors (Aug 2012) included a requirement for livestock to be kept 50m from a waterway. This has been removed as it should only apply to intensive animal industries (such as feedlot dairying) rather than grazing of livestock.</td>
<td>Accepted recommendation</td>
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<td>32.</td>
<td>fauna corridors</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Significant fauna corridors are mapped on the overlay maps supporting the Nature Conservation Overlay Code – Biodiversity Areas Overlay Map.</td>
<td>Accepted recommendation</td>
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<td>33</td>
<td>Family accommodation</td>
<td>Minute/ PSI No. or Date Raised: 3 May 2011</td>
<td>Family accommodation should be more accessible/ readily established in some locations.</td>
<td>The Queensland Planning Provisions equivalent of a Family Accommodation is a Secondary Dwelling which is included under the definition for a Dwelling House: A residential use of premises for one household which contains a single dwelling. The use includes out-buildings and works normally associated with a dwelling and may include a secondary dwelling. Under the draft planning scheme, where a dwelling house is Self Assessable, a Secondary dwelling is also self assessable, therefore making them more easily established in appropriate locations (a Family Accommodation is currently Code (Risk Smart) in the Detached Dwelling and Residential Choice Domains.) A secondary Dwelling is defined to mean: A dwelling used in conjunction with, and subordinate to, a dwelling house on the same lot. A secondary dwelling may be constructed under a house, be attached to a house or free standing The draft Residential Design Code includes provisions for secondary dwelling which are similar to the current Family Accommodation Code. The gross floor area of secondary dwellings is limited to 50% of the gross floor area of the primary dwelling</td>
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<td>34</td>
<td>Duplex and small attached dwellings PD98/1132/01/02(P1)</td>
<td>Minute/ PSI No. or Date Raised: SC11.0222.006</td>
<td>That the issue of amenity arising from duplex dwellings and other similar small attached dwellings be included on the Councillor’s Issues Register for the Planning Scheme Review.</td>
<td>In the Residential Living Zone, Dual Occupancy (i.e. duplex or second detached dwelling) is self assessable and Multiple Dwelling (not more than 3 dwellings) is code assessment if: • on a corner lot; or • a lot with rear lane access; or • a lot fronting the city’s high-order road network If not meeting these criteria, Dual Occupancy/ Multiple Dwelling is impact assessment (regardless of the property size) and subject to the Strategic Framework suburban neighbourhood outcomes: Housing choice occurs in suburban neighbourhoods, other than detached housing, where this enhances and blends with important elements of neighbourhood character and amenity, and where occurring on lots with particular attributes, limited to: a. corner lots; b. lots with both street and rear lane access; c. lots located on highly accessible street ends; or d. lots fronting the city’s high-order road network. Some variation in housing intensity occurs in suburban neighbourhoods where consistent with these outcomes, and where also occurring on lots within a 400 metre walking distance of well-serviced public transport facilities, major employment areas or district and regional level community and recreation facilities. Shop-top housing also occurs within suburban neighbourhoods where provided as part of a neighbourhood centre or convenience store. Single dwellings on larger lots occurs in particular areas in suburban neighbourhoods to preserve the existing natural landform and protect nature conservation and neighbourhood character and amenity. Residential Design Code outcomes for Dual occupancy (e.g. duplex) have been improved. For example: (a) site frontage acceptable outcome increased to 20m and performance outcome strengthened to improve streetscape (b) new outcome to control width of covered car parking space (c) new outcome to ensure where the site is located on a corner lot, each dwelling is oriented to address a separate street frontage. (d) new outcome to ensure each dwelling either fronts a public street or public open space/rear lane (e) new outcome to ensure separation between rear dwellings when not attached (f) new outcome to require windows of at least one habitable room of each dwelling to overlook the street, public space or a rear lane</td>
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| 35.  | Brothels         | Minute/ PSI No. or Date Raised: 12 August 2011  
Brothels in industrial areas | Under Schedule 3, Part 1 of the Sustainable Planning Regulation 2009, the prescribed level of assessment for a Brothel is code assessment, if premises in an industrial area or on strategic port land; and Impact assessment, if premises in an area other than an industrial area or on strategic port land unless a local planning instrument, or amendment of a local planning instrument made after 1 July 2000, requires code assessment.  
As such, a Brothel is code assessable in the Low Impact Industry and Medium Impact Industry Zones and would be assessed under the brothel code in the planning scheme as well as the IDAS Code for Brothels made under the Prostitution Act 1999. | Accepted recommendation |
| 36.  | Hotels/Taverns   | Minute/ PSI No. or Date Raised: 12 August 2011  
Hotels/Taverns in residential areas | Tables of assessment list Hotels as impact assessable in Residential Living, Residential Choice, Apartment Residential and Township Zones if they are a:  
  - small bar trading to a maximum of 60 people; and  
  - part of a mixed use neighbourhood centre  
If they do not meet the above criteria, Hotels are impact (unlisted). | Accepted recommendation |
| 37.  | Request to Modify The Definition of 'Service Industry Group A Developments'  
PD98/-(P10) | Minute/ PSI No. or Date Raised: SC08.0729.005  
That the Manager Strategic & Environmental Planning & Policy bring forward a report to the Sustainable City Future Committee considering the definition for Service Industry Group A (retail Service Establishments) be modified to prescribe that Group A developments shall be limited to a gross floor area of 300m² for development assessment and that any development use that is above 300m² gross floor area is to be assessed as 'Industry 2' development. | The Queensland Planning Provisions provides for a regime of industrial activities that effectively resolves this issue:  
  - Premises used for industrial activities that have no external air, noise or odour emissions from the site and can be suitably located with other non-industrial uses. Examples include audio visual equipment repair, film processing, bicycle repairs, clock and watch repairs, computer repairs, dry cleaning, hand engraving, jewellery making, laundromat, locksmith, picture framing, shoe repairs, tailor. Does not include small engine mechanical repair workshop, cabinet making, shop fitting, sign writing, tyre depot, low impact industry, medium impact high impact industry, noxious and hazardous industries  
With the new Queensland Planning Provisions definition requiring Service Industry to have 'no external air, noise or odour emissions from the site', the size of the tenancy should not be an issue. | Accepted recommendation |
| 38.  | Conservation Domain | Minute/ PSI No. or Date Raised: SG06.0328.002  
That the changes to the Conservation Domain of the Planning Scheme Version 1.1 be endorsed:  
• where for a residential purpose, the area of non-imperious surfaces and roofed areas is not greater than 2000sqm  
• the upper most projection of all buildings is of a height that is not above the highest immediately adjoining ridgeline to the building envelope | The Environment Management Zone and Conservation Zone include acceptable outcomes to:  
  - limit site cover to the lesser of 10% or 2000m²  
  - require buildings to be integrated within the landscape and not be located on any ridgeline or significant natural feature | Accepted recommendation |
| 39.  | Climate change   | Minute/ PSI No. or Date Raised: 12 August 2011  
What allowance will be made for sea level rise?  
Infrastructure charges to increase to cover road and services reconstructions | Sea level rise allowance:  
The Flood Hazard Code and Overlay Map have been revised to align with updated flood modelling including factoring in of climate change (0.8m sea level rise to 2100) to align with the State Policy for Coastal Management (Queensland Coastal Plan)  
Infrastructure charge rates  
A review of infrastructure charges is outside the scope of the new planning scheme. The Council has an Adopted Infrastructure Charges Resolution in response to the Queensland Government introducing maximum infrastructure charges for residential and non-residential development.  
Note: re-investigate need for any changes following completion of the Queensland Floods Commission of Inquiry | Accepted recommendation |
| 40.  | Golf Courses Amendment Package | Minute/ PSI No. or Date Raised: 12 August 2011  
Will there be continuation of the protection of golf courses as 'open space'? | Current policy, including changes to land use designations adopted by the 'Protection of Golf Courses Amendment Package' will continue under the new planning scheme.  
Changes to the Sport and Recreation Zone table of assessment will be implemented prior to public notification to align with the protection of golf courses amendment package resolution. | Accepted recommendation |
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<tbody>
<tr>
<td>41.</td>
<td>Local Plan format</td>
<td>Minute/ PSI No. or Date Raised: 12 August 2011</td>
<td>Establish LAPs throughout City with patchwork overlaps rather than isolated independent LAPs. This would overcome generic definitions that don’t always work in all areas of the City.</td>
<td>Accepted recommendation</td>
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<td>Local plans in the new planning scheme are being converted to be compliant with the Queensland Planning Provisions. All land within Local Plans will have an underlying zone. The local plan will include only additional planning outcomes required to vary the effect of the underlying zone.</td>
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<td>42.</td>
<td>Regulation of building colours</td>
<td>Minute/ PSI No. or Date Raised: 24 February 2012</td>
<td>Should the planning scheme regulate building colour (e.g. Currumbin Hill LAP and Burleigh Ridge LAP)</td>
<td>That future consideration be given to the role of the planning scheme to regulate building colours once public notification of the draft planning scheme is completed.</td>
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<td>Until a policy decision on the matter is made, Councillors agreed to hold off the issue of any enforcement notices in regard to development compliance with acceptable solutions for colour schemes under both the Currumbin Hill LAP and Burleigh Ridge LAP.</td>
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<td>43.</td>
<td>Bulk/Large format retail</td>
<td>Minute/ PSI No. or Date Raised: 17 May 2011</td>
<td>Development of Bulk /large format retail in or near centres can undermine the city’s economic development strategy and destroy the potential for other higher economic benefit land uses on land. Investigate limit on floor space.</td>
<td>The Queensland Planning Provisions definitions for Shop, Hardware and Trade Supplies, and Showroom do not include size thresholds. The Planning Scheme may use an IF statement to vary level of assessment for large bulk /large format retail</td>
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<td></td>
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<td>– The Queensland Planning Provisions defines Shop as: Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public. Examples include: hairdresser, liquor store, department store, discount department store, discount variety stores, betting agencies, supermarket. Does not include: adult shop, food and drink outlet, showroom, market</td>
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<td>– The Queensland Planning Provisions defines Hardware and Trade Supplies as: Premises used for the sale, display or hire of hardware and trade supplies including household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like.</td>
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<td>– The Queensland Planning Provisions defines Showroom as: Premises used primarily for the sale of goods of a related product line that are of a size, shape or weight that requires: a large area for handling, display or storage; and direct vehicle access to the building by members of the public for loading and unloading items purchased or hired. Examples include: bulky goods sales. Does not include: food and drink outlet shop, outdoor sales</td>
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<td>– the current planning scheme defines Department Store as: A shop in excess of 8000m², which incorporates multiple internal departments and that is usually operated by retailers, including David Jones, Myer or Grace Bros. A Department Store is generally impact assessment in centres</td>
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<td>– the current planning scheme does not limit the size of Showrooms and lists the use as self assessable in the Fringe Business Domain. However, Showrooms must be a minimum 400sqm to ensure they don’t default to operating as Shop.</td>
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<td>– an option is for the new planning scheme to ensure showrooms are of a minimum scale and to require showrooms of a certain scale to require an impact assessment</td>
<td>Accepted recommendation</td>
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<td></td>
<td>In Centre and Neighbourhood Centre Zones, Hardware Trade Supplies:</td>
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<td>- exempt, if in an existing building and not involving building work; and gross floor area of the use does not exceed 300m²</td>
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<td>- code assessment, if the gross floor area (GFA) of the use does not exceed 300m²</td>
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<td>In Centre zone, Shop is:</td>
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<td>- exempt - if in an existing building and not involving building work</td>
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<td>- self assessment - if in an existing building and involving minor building work</td>
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<td>- code assessment if</td>
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<td>(a) District Centre or Gold Coast Health &amp; Knowledge Precinct, Bundall, Biggara Waters, Bond University/Varsity Central or Varsity Station Village Specialist Centres and the GFA does not exceed 4,000m² or</td>
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<td>(b) Major Centre and the GFA does not exceed 6,000m² or</td>
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<td>(c) within a Principal Centre or Surfers Paradise or Broadbeach Specialist Centres</td>
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<td></td>
<td>Workshop Recommendation</td>
<td>In Neighbourhood Centre zone, Shop is:</td>
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<td>- self assessment if;</td>
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<td>(a) in an existing building and not involving building work; or</td>
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<td>(b) if in an existing building and involving minor building work; and</td>
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<td>(c) not including a discount store or discount department store</td>
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<td>- code assessment if GFA does not exceed 1500m²</td>
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<td>- otherwise impact assessment</td>
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<td></td>
<td>Workshop Recommendation</td>
<td>In Neighbourhood Centre zone, Showroom is:</td>
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<td>- self assessment if in an existing building and not involving building work other than minor building work and GFA of the use does not exceed 250m²</td>
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<td></td>
<td></td>
<td>- code assessment if GFA of the use does not exceed 250m²</td>
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<td></td>
<td>Workshop Recommendation</td>
<td>In Mixed Use zone, Hardware Trade Supplies is:</td>
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<td></td>
<td></td>
<td>self assessment if in an existing building and involving building work other than minor building work, otherwise code assessment</td>
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<td>44.</td>
<td>Tables of assessment</td>
<td>Part 5 Tables of assessment</td>
<td>The changes to tables of assessment have been implemented in the draft planning scheme version delivered to State government for consideration of State interests</td>
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<tr>
<td>a</td>
<td>‘Emergency services’ be amended from Self assessment to Code assessment in the following zones:</td>
<td>i Rural residential; ii Residential living; iii Residential choice; iv Apartment residential; v Neighbourhood centre; vi Environmental management; vii Limited development; and viii Township.</td>
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<td>b</td>
<td>‘Shop’ be amended within the Rural zone as follows:</td>
<td>i Shop – Code assessment – if neighbourhood store or tourist shop and the GFA of the use does not exceed 150m²</td>
<td></td>
</tr>
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<td>c</td>
<td>‘Transport depot’ be included within the Rural zone as follows:</td>
<td>i Transport depot – Code assessment – if not more than 4 motor vehicles; ii Transport depot – Impact assessment – if not elsewhere identified.</td>
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<td>d</td>
<td>‘Transport depot’ be included within the Rural residential zone as follows:</td>
<td>i Transport depot – Code assessment – if not more than 2 motor vehicles; ii Transport depot – Impact assessment – if not elsewhere identified.</td>
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<td>e</td>
<td>‘Child care centre’ be amended within the Rural residential zone as follows:</td>
<td>i Child care centre – Code assessment – if not involving more than 35 children; ii Child care centre – Impact assessment – if not elsewhere identified.</td>
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<td>f</td>
<td>‘Child care centre’ be amended within the Residential choice zone as follows:</td>
<td>i Child care centre – Code assessment – if corner lot; or lot fronting the city’s high order road network ii Child care centre - Impact assessment – if not elsewhere identified</td>
<td></td>
</tr>
<tr>
<td>g</td>
<td>‘Office’ be amended within the Centre zone as follows:</td>
<td>i Office – Exempt – if in an existing building and not involving building work; and not involving a real estate agent</td>
<td></td>
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</table>

Attachment 5.33
### Resolution or issue

**h.** Table 5.8.2 – Building work – Residential density within the Residential living and Township zones be amended as follows:

- Impact assessment – material change of use,
  - involving building work that exceeds one dwelling per 400m² of site area (excluding a secondary dwelling); or
  - exceeds the density for the site identified on Residential Density Overlay Map (excluding a secondary dwelling).

**i.** 'Educational establishment' within the Centre zone be amended as follows:

- Educational establishment – Exempt – if,
  - in an existing building and not involving building work; and within a Principal activity centre or Surfers Paradise or Broadbeach Specialist activity centres or Burleigh or Coolangatta.
- Educational establishment – Self assessment – if,
  - in an existing building and involving minor building work; and within a Principal activity centre or Surfers Paradise or Broadbeach, Specialist activity centres or Burleigh or Coolangatta; or
  - in an existing building and not involving building work, or involving minor building work; and within any other activity centre not elsewhere identified.
- Educational establishment – Code assessment – if not elsewhere identified.

**j.** ‘Utility installation’ be amended within all zones as follows:

- Utility installation – Exempt – if not including a waste transfer station and refuse disposal

45. **Extractive Resources Precautionary Zone**

   **Minute/PSI No. or Date Raised:** SC11.1129.007 / G12.0130.014

   Extractive Resources Overlay Code “Precautionary Zone” be amended to a minimum of 250m separation distance

   **Minute/PSI No. or Date Raised:** SC11.1129.006

   1. That Council note its current policy in relation to extractive industry requires separation/buffer areas between extractive industry and sensitive land uses and that this policy setting is being transferred into the developing Bold Future planning scheme.

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The Extractive Resources Overlay Code and Overlay Map have been amended to include a minimum precautionary zone separation area of 250m. These changes were included in the draft planning scheme version delivered to State government for consideration of State interests.

Accepted recommendation
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<tr>
<td>2.</td>
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<td>That the draft Extractive Resources and Haulage Code “Precautionary Zone” be amended to a minimum of 250m separation distance and that this standard apply to any new quarrying activity seeking to be established in the city.</td>
<td>These changes were included in the draft planning scheme version delivered to State government for consideration of State interests.</td>
<td>Accepted recommendation</td>
</tr>
<tr>
<td>46.</td>
<td>Zones in Pacific Pines</td>
<td>Minute/ PSI No. or Date Raised: SC11.1129.007 / G12.0130.014</td>
<td>Properties in the Residential choice zone within the suburb of Pacific Pines be included in the Residential living zone, excluding lots where development has occurred, or has been approved, for 3 or more dwellings.</td>
<td>Accepted recommendation</td>
</tr>
<tr>
<td>47.</td>
<td>Environmental Management Zone</td>
<td>Minute/ PSI No. or Date Raised: SC11.1129.007 v / G12.0130.014</td>
<td>The following allotments be removed from the Rural zone (Rural Landscape Precinct) and be included in the Environmental management zone: 5 RP847589; 9 SP106777; 8 SP106777; 169 RP210214; 125 RP94716; 1 RP195509; 2 RP195509; 128 RP94716; 129 RP94716; 130 RP94716; 131 RP94716; 132 RP94716; 1 RP148919; 3 RP148919; 135 RP94716; 684 SP174765; 690 RP850132; 100 RP850132; 2 RP847588; and 2 SP107097.</td>
<td>Accepted recommendation</td>
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<tr>
<td>48.</td>
<td>Arundel Planning Study (Olsen Ave further investigation area) PD302/1141(P1)</td>
<td>Minute/ PSI No. or Date Raised: SC09.1201.008</td>
<td>Council approved recommendations of the Arundel Planning Study (SC09.1201.008) to rezone Detached Dwelling Domain land to Fringe Business along Brisbane Road and to Residential Choice north of Kylie Street. The planning study did not recommend a building height or residential density to apply to the new Residential Choice land. Future planning work around a later stage of the Gold Coast Rapid Transit corridor (Helensvale to Gold Coast Health and Knowledge Precinct) will consider this report to inform future amendments to the planning scheme. This will address the residential density and height limits to be allocated.</td>
<td>Agreed Action from 24/1/2012 Planning Scheme Review workshop – no action required at this stage</td>
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Agreed Action from 24/1/2012 Planning Scheme Review workshop – no action required at this stage
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<tr>
<td>49.</td>
<td>Adult entertainment premises</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour) Specific regulations to restrict the location of Adult entertainment in the city.</td>
<td>Currently, the definitions in Queensland Planning Provisions do not permit the regulation of a adult entertainment as separate to a nightclub – that is where a nightclub is listed as a desirable land use, this will also include adult entertainment. Council has previously made a submission to the State Government on this matter and been unsuccessful. Council Officers have again raised this matter with the State to identify if the latest version of the Queensland Planning Provisions (due soon date unknown) is likely to fix this matter.</td>
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<tr>
<td>50.</td>
<td>Nightclubs and Adult entertainment premises in Surfers Paradise</td>
<td>Minute/ PSI No. or Date Raised: 17 January 2012 (bus tour) Concentration of Nightclubs and Adult entertainments in Surfers Paradise leading to undesirable outcomes – consider setting a cap on these uses in Surfers Paradise and alternative areas to locate these eg. in industrial areas?</td>
<td>Nightclubs and adult entertainment venues and other licensed establishments are land uses that have a long history of establishment and operation in many of the city's centres. Several of the city's major centres have a clustering of venues which have the effect of forming entertainment precincts supporting the night time economy and in some centres effecting the night time character of these areas. Their regulatory regimes are complex in terms of the jurisdictional responsibilities that effect the various elements of establishment and operation. The degree to which regulation enables or restricts their establishment has ramifications in terms of its impact, positive or negative, on the location's night time economy, character and social conditions and as such is of interest to many stakeholders with potentially competing interests including, proponents, operators, operational police and Liquor Licensing, other traders, patrons, Council and the general public both as residents and visitors. The Planning Scheme as a specific regulatory mechanism effecting certain elements of the establishment and operation of these activities can have a role to play in relation to the future arrangements for these activities (as opposed to existing lawfully established and operated venues). However given the complexity discussed above it is considered that any Planning Scheme response, whether in the current 2003 Planning Scheme or the draft planning Scheme, be considered in the context of a more broad ranging review of the arrangements for these activities should changes be proposed.</td>
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**Committee Recommendation (SC12.0124.003)**

1. That the CEO be directed to commence a review of the regulatory and operational environments affecting the establishment and operation of nightclubs and adult entertainment venues in the city. Such a review to occur in collaboration with the relevant State agencies and other stakeholders. The terms of reference for the review be brought back to Council by March 2012.
2. That the planning scheme review include separate definitions for nightclubs and adult entertainment land uses.

There being no further business the meeting closed at 10.20am.
These Pages
Numbered 1 to 334
Constitute The Adopted Report Of The Meeting
Of The City Planning Committee
Held Wednesday, 23 May 2012