

ITEM 8 CONTINUED...  
BUILDING ACT RECLASSIFICATION OF BUILDING AT 39 LEONARD AVENUE, SURFERS PARADISE

- (3) A fire detection and alarm system (per Queensland Appendix (BCA) Section E, Part E 1.7 [IV]).
  - (4) A one (1) hour resistance to the incipient spread of fire ceiling to the underside of floors.
  - (5) A system of emergency lighting and illuminated exit signs (per BCA requirements).
- (B) The registration of the building for Backpackers is subject to the provisions of Chapter 20 of Council's Bylaws which includes fire safety aspects and state of repair (including painting), and the owners be advised accordingly.
- (C) Provided the above conditions are satisfied Council approves the change of classification from Class 2 to Class 3.
- (D) Council decide whether to proceed with prosecution proceedings in view of the submission made by Riored Pty Ltd.

\*\*\* RECOMMENDATION

- (A) Council forms the opinion that the proposed additions and alterations will not impair the general safety aspects and structural standards of the building provided that the following are provided.
- (1) Hose reels in accordance with the Building Code of Australia (BCA) Section E, Table E 1.4.
  - (2) Portable fire extinguishers in accordance with the BCA Section E, Part E 1.6.
  - (3) A fire detection and alarm system (per Queensland Appendix (BCA) Section E, Part E 1.7 [IV]).
  - (4) A one (1) hour resistance to the incipient spread of fire ceiling to the underside of floors.
  - (5) A system of emergency lighting and illuminated exit signs (per BCA requirements).
- (B) Provided the above conditions are satisfied Council approves the change of classification from Class 2 to Class 3.
- (C) The owner be required to register the building for Backpackers under the provisions of Chapter 20 of Council's Bylaws within two (2) months which includes fire safety aspects and the state of repair, including painting.
- (D) Council agrees to stay proceedings pending the building being brought into compliance with the Building Act and if this is completed within two (2) months, legal proceedings be discontinued upon payment of legal costs incurred by Council.

\*\*\* ITEM 9

CM03/06/94(PD009)

MODIFICATION OF SITE COVERAGE PROVISION - DUPLEX DWELLING - 13 CAWTHRAY STREET, BIGGERA WATERS

FILE REFERENCE(S)

01-08585-0009-X  
825/094/031

PROJECT ADDRESS : 13 CAWTHRAY STREET, BIGGERA WATERS  
REAL PROPERTY : LOT 10 ON REGISTERED PLAN 105427, PARISH OF  
DESCRIPTION : BARROW, COUNTY OF WARD  
OWNER : NONDA PTY LTD  
APPLICANT : B & C HICKEY  
PROPOSED DEVELOPMENT : DUPLEX DWELLING  
SITE AREA : 506 SQUARE METRES  
ZONING OF THE LAND : RESIDENTIAL DUPLEX DWELLING

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE TECHNICAL OFFICER PLANNING & DEVELOPMENT (SF) (20/05/94)

Application has been made for modification of Clause 4.11.2.2 of the Town Planning Scheme which prescribes that the site coverage of a duplex dwelling shall not exceed 40% provided that Council may permit the site coverage to be increased to 50% where such an increase would not conflict with the purpose of Part 4.11.2 i.e. to facilitate a pleasant living environment by the provision of adequate open space around buildings.

The proposal is to erect a single storey duplex dwelling at 13 Cawthray Street, Biggera Waters. the submission indicates a gross floor area of 226 square metres and a site coverage of 45%, hence this application.

Each dwelling unit has access to approximately 70 square metres of useable space in two parcels, one at the front and one at rear of the development.

It is considered that the proposal does not conflict with Scheme provisions as adequate open space has been provided therefore a modification of this provision is considered warranted.

\*\*\* OFFICER RECOMMENDATION

It is recommended that the applicant be advised that approval is granted for modification of the site coverage provision to 45%. The area of the eaves within 600 millimetres of the external perimeter of the roof shall be excluded from site coverage calculations.

Council in determining this matter has had due regard to the information supplied by the applicant as part of the application and has also relied on reports prepared in relation to this matter.

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Planning and Development be adopted.

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Report of Planning & Development Committee Meeting 31 May 1994

\*\*\* ITEM 10

CM03/06/94(PD010)

MODIFICATION OF SITE COVERAGE AND SETBACK PROVISION - DUPLEX DWELLING - CORNER 20 SEAGULL AVENUE AND LAVARACK AVENUE, MERMAID BEACH

FILE REFERENCE(S) : 07-01447-0000-5  
825/094/030

PROJECT ADDRESS : CORNER 20 SEAGULL AVENUE AND  
LAVARACK AVENUE, MERMAID BEACH  
REAL PROPERTY DESCRIPTION : LOT 91 ON REGISTERED PLAN 21864  
OWNER : LYRIC NOMINEES PTY LTD (TRUSTEE)  
APPLICANT : LYRIC NOMINEES PTY LTD  
PROPOSED DEVELOPMENT : RESIDENTIAL DUPLEX DWELLING  
SITE AREA : 405 SQUARE METRES  
ZONING OF THE LAND : RESIDENTIAL MULTI-UNIT

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE TECHNICAL OFFICER PLANNING & DEVELOPMENT (SF) (20/05/94)

SITE COVERAGE

Application has been made for a modification of Clause 4.11.2.2 of the Town Planning Scheme which prescribes that the site coverage of a duplex dwelling shall not exceed 40% provided that Council may permit the site coverage to be increased to 50% where such an increase would not conflict with the purpose of Part 4.11.2 i.e. to facilitate a pleasant living environment by the provision of adequate open space around buildings.

The proposal is to extend and refurbish an existing two storey duplex dwelling at the corner of 20 Seagull Avenue and Lavarack Avenue, Mermaid Beach.

The submission indicates a gross floor area of 235 square metres and a site coverage of 198 square metres or 49% hence this application.

Villa 1 has approximately 51 square metres of useable open space on Seagull Avenue and Villa 2 has approximately 39 square metres on the western side of the development. All this area is deemed to be common area as the development can only be strata titled.

It is considered that the proposal does not conflict with Scheme provisions as adequate useable open space has been provided, therefore a modification of this provision is considered warranted.

\*\*\* REFERENCE SENIOR BUILDING SURVEYOR (JR) (20/05/94)

SETBACK PROVISION

The 2.833 metre setback to the proposed car port on Lavarack Road has been approved by way of a preliminary approval.

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ITEM 10

CONTINUED...

MODIFICATION OF SITE COVERAGE AND SETBACK PROVISION - DUPLEX DWELLING - CORNER 20 SEAGULL AVENUE AND LAVARACK AVENUE, MERMAID BEACH

\*\*\* REFERENCE TECHNICAL OFFICER PLANNING & DEVELOPMENT (SF) (20/05/94)

\*\*\* OFFICER RECOMMENDATION

It is recommended that the applicant be advised that approval is granted for the following:

- (A) Modification of the site coverage provision to 49%. The area of the eaves within 600 millimetres of the external perimeter of the roof shall be excluded from site coverage calculations.
- (B) Modification of the setback on Lavarack Road to 2.833 metres setback to the proposed car port.
- (C) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application and has also relied on reports prepared in relation to this matter.

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Planning and Development be adopted.

\*\*\* ITEM 11

CM03/06/94(PD011)

MODIFICATION OF SITE COVERAGE, HEIGHT AND SETBACK PROVISIONS - DUPLEX DWELLING - CORNER 35 RANKIN PARADE AND LENNIE AVENUE, MAIN BEACH

FILE REFERENCE(S) : 06-00402-0000-5  
825/094/028

PROJECT ADDRESS : CORNER 35 RANKIN PARADE AND LENNIE  
AVENUE, MAIN BEACH  
REAL PROPERTY DESCRIPTION : LOT 23 M 73832  
OWNER : KE DOLBY & TF PEGGRAM  
APPLICANT : TONY THOMPSON ARCHITECT  
PROPOSED DEVELOPMENT : DUPLEX DWELLING  
SITE AREA : 506 SQUARE METRES  
ZONING OF THE LAND : RESIDENTIAL DUPLEX-DWELLING

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE TECHNICAL OFFICER PLANNING & DEVELOPMENT (SF) (20/05/94)

SITE COVERAGE

Application has been made for modification of Part 4.11.2.2 of the Town Planning Scheme which prescribes that the site coverage of a duplex dwelling shall not exceed 40% provided that Council may permit the site coverage to be increased to 50% where such an increase would not conflict

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ITEM 11 CONTINUED...  
MODIFICATION OF SITE COVERAGE, HEIGHT AND SETBACK PROVISIONS - DUPLEX DWELLING - CORNER 35 RANKIN PARADE AND LENNIE AVENUE, MAIN BEACH

with the purpose of Part 4.11.2 i.e. to facilitate a pleasant living environment by the provision of adequate open space around buildings.

The proposal is to erect a three (3) storey duplex dwelling at corner 35 Rankin Parade and Lennie Avenue, Main Beach. The submission indicates a gross floor area of 611 square metres and a site coverage of 241 square metres or approximately 48%, hence this application.

Unit A has access to in excess of 80 square metres of useable open space and Unit B has two courtyards of 23 square metres and 53 square metres.

It is considered that the proposal does not conflict with Scheme provisions as adequate open space has been provided therefore a modification of this provision is considered warranted.

BUILDING HEIGHT

The Town Planning Scheme requires that the height of a duplex dwelling located in the Residential Duplex Dwelling Zone shall not exceed two storeys, provided that Council may relax this provision having regard to the purpose of Clause 4.11.5 i.e. to ensure that the development maintains a minimal height in low density residential zones and a height which does not conflict with surrounding development.

The adjoining eastern property is developed with a two storey dwelling and the vacant allotment to the north is owned by S.E.Q.E.B. and there is a possibility S.E.Q.E.B. will locate a substation on the site.

This is a corner site and the impact on adjoining properties will be minimal. The bulk of the building is substantially stepped back at third floor level which reduces the visual impact and approval is recommended.

SETBACK PROVISION

The garage and porch have a reduced setback of 1.5 metres to Lennie Avenue.

The Building and Traffic Departments have advised they have no objection to the reduced setback to Lennie Avenue.

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) The applicant be advised that approval is granted to modify the site coverage, height and setback provision in accordance with plans lodged with this application.
- (B) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application and has also relied on reports prepared in relation to this matter.

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ITEM 11 CONTINUED...  
MODIFICATION OF SITE COVERAGE, HEIGHT AND SETBACK PROVISIONS - DUPLEX DWELLING - CORNER 35 RANKIN PARADE AND LENNIE AVENUE, MAIN BEACH

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Planning and Development be adopted.

\*\*\* ITEM 12

CM03/06/94(PD012)

APPLICATION TO AMEND A PLANNING SCHEME BY AMENDING A REGULATORY MAP

FILE REFERENCE(S)	663/094/024
VIDE ITEM(S)	MAP(S)

LOCATION	: SOUTHPORT (AS DESCRIBED BELOW)
OWNER	: VARIOUS
APPLICANT	: GOLD COAST CITY COUNCIL
PROPOSAL	: TO AMEND THE RESIDENTIAL DENSITY AND BUILDING HEIGHT REGULATORY MAPS (SOUTHPORT 13 AND 42) AS SHOWN ON THE VIDE MAPS AND DESCRIBED HEREIN
OBJECTIONS	: NIL

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE SENIOR STRATEGIC PLANNER (AH) (19/05/94)

The proposal seeks to amend the regulatory maps known as the Residential Density and Building Height Maps. The proposal is necessary in order to rectify a printing error made in the preparation of the regulatory maps forming part of the new Planning Scheme. The application is made pursuant to Section 2.18(2)(e)(ii) of the Act.

The errors occur on maps Southport 13 and 42, and relate to two (2) areas of land which overlap these two (2) maps.

The first area is bound by Stevens Street, High Street, North Street, Reserve 1317 and Worendo Street. The permissible building height (i.e. the height shown in brackets) appears on the two (2) maps as a "7" superimposed over a "3". The correct designation should be "(H3)".

The second area is to the immediate south and comprises land bound by Smith Street, High Street, the eastern boundary of Lot 5 on Registered Plan 52817, Lot 2 on Registered Plan 4804; Lot 2 on Registered Plan 4802 and Lot 2 on Registered Plan 4801, the intersection of Water Street and Spencer Street, the southern boundary of Lots 58 to 65 inclusive and Lot 71 on Registered Plan 4803 and George Street. The southern section of this area is also included on the maps Southport 24 and 31. On three (3) of the four (4) maps, the permissible building height is correctly shown as (H3) but on Map Southport 13 it is incorrectly shown as (H7).

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ITEM 12 CONTINUED...  
APPLICATION TO AMEND A PLANNING SCHEME BY AMENDING A REGULATORY MAP

Notice of the proposal was served upon the Chief Executive of the Department of Housing Local Government and Planning on 9 March 1994 pursuant to Section 2.18(4A) of the Act. Statutory advertising of the proposal was undertaken on 16 March and no objections were received. The amendments proposed accord with the provisions of the subject maps as advertised as part of the draft Scheme between 28 March 1992 and 5 June 1992.

\*\*\* OFFICER RECOMMENDATION

It is recommended that the proposal be proceeded with (without conditions or modification) and referred to the Chief Executive (Department of Housing, Local Government and Planning) for approval by the Governor in Council.

\*\*\* RECOMMENDATION

That the recommendation of the Senior Strategic Planner be adopted.

\*\*\* ITEM 13

CM03/06/94(PD013)

LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO. 84 OF 1994 - APPLICATION FOR CONSENT TO ERECT A STRATA TITLED TOURIST HOTEL - CORNER OF 25 GARFIELD TERRACE & FREDERICK STREET, SURFERS PARADISE

FILE REFERENCE(S)	818/093/196
PREVIOUS DECISION(S)	CM11/02/94(PD022) CM25/02/94(PD031) CM11/03/94(PD096) CM22/04/94(PD025) CM06/05/94(PD016)

APPLICANT	:	TUXLAND PTY LTD, A WHOLLY OWNED SUBSIDIARY OF HUDSON CONWAY LTD C/- BURCHILL BATE PARKER & PARTNERS
OWNER	:	ANZ BANKING GROUP LTD
ADDRESS	:	CORNER 25 GARFIELD TERRACE & FREDERICK STREET, SURFERS PARADISE
PROPOSAL	:	TO ERECT A STRATA TITLED TOURIST HOTEL
RPD	:	LOTS 29, 30, 32, 33, 34, & 35 ON RP 21845 & LOTS 1, 2, 3, & 4 ON BUP 225, PARISH OF GILSTON, COUNTY OF WARD

\*\*\* PREVIOUS AGENDA MATERIAL

\*\*\* OFFICER RECOMMENDATION

It is recommended the applicant and the objectors be notified, as required under the provisions of The Local Government (Planning & Environment) Act, that the application to issue a Town Planning Consent Permit for the premises and uses described herein be refused for the reasons listed below:

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ITEM 13 CONTINUED...  
LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO. 84 OF 1994 - APPLICATION FOR CONSENT TO ERECT A STRATA TITLED TOURIST HOTEL - CORNER OF 25 GARFIELD TERRACE & FREDERICK STREET, SURFERS PARADISE

DETAILS OF PREMISES AND PROPOSED USES

PROPERTY DESCRIPTION:	LOTS 29 AND 30 AND 32, 33, 34 AND 35 ON REGISTERED PLAN 21845 AND LOTS 1, 2, 3 AND 4 ON BUP 225, PARISH OF GILSTON, COUNTY OF WARD
POSTAL ADDRESS:	CORNER 25 GARFIELD TERRACE AND FREDERICK STREET, SURFERS PARADISE 2931 SQUARE METRES
AREA OF LAND:	
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	VACANT
PROPOSED USE/S:	STRATA TITLED TOURIST HOTEL

REASONS FOR COUNCIL REFUSAL

- (1) An increase in population density beyond what the current and draft Schemes allow is not justified.
- (2) The plot ratio is excessive and results in a bulky building which is out of scale with other development in the area.
- (3) The proposal will result in excessive shadow impact to the south due to the bulkiness of the building.
- (4) The proposed development, if approved, would be likely to create a traffic hazard in that:
  - (i) Garfield Terrace subsequent to road widening is still insufficient to cater for the volume and safety of traffic associated with the use.
  - (ii) Access to the site via Frederick Street will result in unacceptable traffic movements creating a congested and unsafe access point.
  - (iii) The configuration of set down area and car parking provision off Frederick Street is undesirable in that car parking does not meet Australian Standards design criteria and the set down area will interfere with through movement to underground car parking.
- (5) The proposal will result in the premature widening of Garfield Terrace.
- (6) Landscaped setbacks to the street are insufficient to minimise the impact of the development and enhance the streetscape and are inconsistent with that provided on surrounding residential properties.
- (7) The proposal conflicts with the current Strategic Plan.
- (8) The proposal is contrary to Council's future planning intentions as detailed in the draft Planning Scheme.
- (9) The proposal is contrary to surrounding residents' expectations. Objectors have raised valid grounds against the application.

COUNCIL DECISION CM11/02/94(PD022)

This item be considered at the next Planning and Development Committee meeting.

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ITEM 13 CONTINUED...  
LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO. 84 OF 1994 - APPLICATION FOR CONSENT TO ERECT A STRATA TITLED TOURIST HOTEL - CORNER OF 25 GARFIELD TERRACE & FREDERICK STREET, SURFERS PARADISE

\*\*\* REFERENCE PLANNING OFFICER (DG) (16/02/94)

\*\*\* OFFICER RECOMMENDATION

It is recommended that Council note a meeting has been arranged between the applicant's representatives and the Planning and Development Committee. This meeting has been arranged for Tuesday 22 February 1994.

COUNCIL DECISION CM25/02/94(PD031)

- (A) That Council note a meeting was held between the Planning and Development Committee and the applicant's representatives on Tuesday 22 February, 1994.
- (B) That the recommendation of the Planning Officer dated 17 January, 1994 be adopted and the applicant be further advised in refusing this application Council relied on the Council planning report.

\*\*\* REFERENCE PLANNING OFFICER (DG) (03/03/94)

\*\*\* OFFICER RECOMMENDATION

It is recommended that Council note a meeting has been arranged between the applicant's representatives and the Planning and Development Committee. This meeting has been arranged for Tuesday 8 March 1994.

COUNCIL DECISION CM11/03/94(PD096)

- (A) That Council note a meeting was held between the Planning and Development Committee and the applicant's representatives on Tuesday 8 March 1994.
- (B) That Council note amended plans were submitted to the Planning and Development Committee. These plans be re-assessed by relevant Council Officers having regard for the extent of the changes proposed and be referred back to Council for further consideration.

\*\*\* REFERENCE PLANNING OFFICER (DG) (17/03/94)

Following Council's decision of 11 March 1994 (PD096), the revised plans have been reassessed within the Planning and Development Department and the following comments are made:

(1) DENSITY

The proposal represents a reduction of 20 hotel rooms resulting in a total of 137 rooms which represents a population density of 982 persons per ha. This density still exceeds that permitted under both the 1982 Scheme (600 persons per ha) and the 1994 Scheme (84 single bedroom suites). It still exceeds the permitted density by 53 rooms. Having regard for the planning rationale behind the residential strategy of the 1994 Planning Scheme, the amended plan is still unacceptable in terms of density proposed.

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ITEM 13 CONTINUED...  
LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO. 84 OF 1994 - APPLICATION FOR CONSENT TO ERECT A STRATA TITLED TOURIST HOTEL - CORNER OF 25 GARFIELD TERRACE & FREDERICK STREET, SURFERS PARADISE

(2) PLOT RATIO

The height of the building remains unchanged at twelve storeys. The permitted plot ratio is 2.49:1. While the applicant has attempted to reduce building bulk by reducing the floor space on each floor which in turn has reduced building length and site cover, the revised plot ratio is 2.64:1 which is 0.15:1 or 418.35 square metres in excess of any as-of-right development.

In support of the plot proposed, the applicant still makes comparisons with an approved building application for a 29 storey as-of-right multi-unit building on the subject site. As previously stated in plot ratio comments for the original assessment, while plot ratio does increase with an increase in building height, a building has a tendency to become less "bulky" as the gross floor area within the building is distributed more vertically than horizontally. Therefore, the applicant's claim that the building is less bulky in appearance than an as-of-right development cannot be adequately substantiated. Again it is noted that under the 1994 Scheme, there is no scope to increase the plot ratio for a resort hotel beyond the permitted plot ratio.

(3) BUILDING SETBACKS AND SITE COVER

By reducing the floor area on each floor and reducing the actual length of the building, the proposal represents a notable reduction in site cover i.e. from 37.65% to 30.45%.

The building setback to Frederick Street has been substantially increased i.e. from approximately 7.5 metres to 20 metres in order to reduce the length of the building, increase the setdown area for vehicles adjacent to the porte cochere and increase the manoeuvring space for vehicles having regard for the ramp down to basement parking. However, this increase in setback has not resulted in any increase in landscaping along the Frederick Street frontage. The ramp down to basement car parking is still situated on the boundary. As indicated in the previous assessment, a setback of at least three metres is considered essential in order to enhance the streetscape and enable perimeter planting to minimise the impact of hard surfaces.

(4) VEHICLE PARKING

No revised car park layout has been submitted. A redesign of the original layout is necessary in respect to vehicle circulation and queuing distances. Revised plans do not indicate the non-residential components of the building in order to accurately assess car parking numbers. However, having regard for the reduction in room numbers, it is likely that the required number of car spaces can be met on site.

(5) ACCESS AND TRAFFIC

In respect to the provision of a setdown area for vehicles, tourist coaches, shuttle buses and taxis, the revised plan does provide for greater on site manoeuvring and queuing areas. However, Council's Traffic Section has indicated that a problem still exists in terms of the location of the access point in Frederick Street in respect to its proximity to the intersection with Garfield Terrace. Access should be ten metres from the

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ITEM 13 CONTINUED...  
LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO. 84 OF 1994 - APPLICATION FOR CONSENT TO ERECT A STRATA TITLED TOURIST HOTEL - CORNER OF 25 GARFIELD TERRACE & FREDERICK STREET, SURFERS PARADISE

two metre road widening boundary. The revised plan indicates 4.2 metres (approximately). In order to comply with Council Policy in this regard, a detailed redesign of setdown areas and access to the site and basement level would be necessary.

The applicant has not provided any further information which adequately addresses the impact on the local road network. The problems previously raised in respect to the width of Garfield Terrace to adequately accommodate vehicles generated by the use and the impact upon future road widening are still outstanding issues. The proposed redesign of public car parking within Frederick Street is still inappropriate.

In respect to the loading area, the applicant states that the width of the loading bay and access to it can be improved if considered necessary. Council's Traffic Section has restated that the access width will need to be increased.

CONCLUSION

The revised plan does not overcome the majority of areas of concern expressed in Council's reasons for refusing the application.

Density and plot ratio are still excessive and cannot be justified having regard for both the 1982 and 1994 Planning Schemes.

The revised proposal will still have a significant impact upon the performance and safety of the Garfield Terrace/Frederick Street intersection. No suitable upgrading of the intersection has been indicated. Concerns are still expressed in respect to the location of access to the site in Frederick Street and narrowness of Garfield Terrace road reserve within the vicinity of the site.

The landscaped setback to Frederick Street is still inadequate.

No revised plans have been submitted in respect to basement car parking to indicate that numbers, vehicle circulation and queuing distances can be met.

A substantial number of objections were received to the application. The objector's concerns will not be sufficiently alleviated by the changes proposed.

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) Council note the above comments on revised plans.
- (B) The applicant be advised that Council has considered the revised submission which was submitted to the Planning and Development Committee on 8 March 1994. Council is not of the opinion that concerns expressed in the grounds for refusal of the application as set out in Council minutes of 25 February 1994 (PD031) can be satisfactorily overcome.

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ITEM 13 CONTINUED...  
LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO. 84 OF 1994 - APPLICATION FOR CONSENT TO ERECT A STRATA TITLED TOURIST HOTEL - CORNER OF 25 GARFIELD TERRACE & FREDERICK STREET, SURFERS PARADISE

- (C) Should an Appeal be lodged in respect to Council's refusal of the application, Council engage solicitors to act on its behalf with the authority to engage Counsel if necessary.

COUNCIL DECISION CM22/04/94 (PD025)

That the recommendation of the Planning Officer be adopted.

\*\*\* REFERENCE PLANNING OFFICER (DG) (11/04/94)

Council at its meeting of 25 February 1994 (PD031) resolved to refuse an application to erect a strata titled tourist hotel on the corner of Garfield Terrace and Frederick Street, Surfers Paradise. The applicant has previously met on a 'without prejudice' basis with the Planning and Development Committee and has submitted an amended proposal for Council's consideration, the assessment of which is detailed in the previous agenda material. Following this assessment, Council is now in receipt of Local Government (Planning & Environment) Court Appeal No. 89 of 1994 (refer vide item folio 9413192).

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) Council note that Local Government (Planning & Environment) Court Appeal No. 89 of 1994 has been lodged against Council's decision of 25 February 1994 (PD031).
- (B) Council engage solicitors to act on its behalf in defence of the Appeal with the authority to engage Counsel if necessary.

COUNCIL DECISION CM06/05/94 (PD016)

That the recommendation of the Planning Officer be adopted.

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE ACTING SENIOR TOWN PLANNER (DG) (20/05/94)

Since the above Council decision, Council's solicitors have advised that the subject Appeal has been withdrawn.

\*\*\* OFFICER RECOMMENDATION

It is recommended that Council note Local Government (Planning & Environment) Court Appeal No. 89 of 1994 has been withdrawn.

\*\*\* RECOMMENDATION

Council note Local Government (Planning & Environment) Court Appeal No. 89 of 1994 has been withdrawn.

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\*\*\* ITEM 14

CM03/06/94(PD014)

CONSIDERATION OF PART VI - SPECIAL PROVISIONS IN RESPECT OF HAZARDOUS, NOXIOUS OR OFFENSIVE INDUSTRY - 1 DEMAND AVENUE, LABRADOR

FILE REFERENCE(S)	00-06596-0000-5
PROJECT ADDRESS	: 1 DEMAND AVENUE, LABRADOR
REAL PROPERTY DESCRIPTION	: LOT 1 ON WD 835744
OWNER	: DEPARTMENT OF INDUSTRIAL DEVELOPMENT
APPLICANT	: CAMTECH ENGINEERING PTY LTD
PROPOSED DEVELOPMENT	: FACTORY
SITE AREA	: 4375 SQUARE METRES
ZONING OF THE LAND	: GENERAL INDUSTRY

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* CORRESPONDENCE CAMTECH ENGINEERING PTY LTD (FOLIO 9413272) (31/03/94)

As per my telephone conversation today with Mark Rigby, we wish to seek Council approval to relocate our existing Electroplating business from Lot 29 on Plan WD 6598, Parish of Barrow (Special Lease 51433) to Lot 1 corner Demand Avenue and Supply Court, Labrador. We do not wish to upgrade or expand this existing business, but move it closer to our factory at 5 Demand Avenue, Labrador.

We have approached the Department of Business, Industry and Regional Development for the parcel of land at Lot 1 corner Demand Avenue and Supply Court and they will only consider the proposition if Council has no objections to relocating the Electroplating business.

If you require any further information, please do not hesitate to contact Steven Korlaki or Shane Walker on (075) 947 566.

\*\*\* REFERENCE TECHNICAL OFFICER PLANNING & DEVELOPMENT (SF) (23/05/94)

DESCRIPTION OF PROPOSED USE

1. Piece to be chromed is placed in cleaning vat with positive electro clean, then placed in negative electro clean, then rinsed in water.
2. It is then dipped in sulphuric acid, and rinsed in water twice.
3. It is then placed in chrome salt.
4. After chrome salt it goes into dragout water which rinses the chrome solution.
5. Piece dipped into chrome neutralise then into rinse water - finish.

If nickel plating is needed it is cleaned as above and placed in the Electroless Nickel instead of the Chrome Salt.

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ITEM 14

CONTINUED...

CONSIDERATION OF PART VI - SPECIAL PROVISIONS IN RESPECT OF HAZARDOUS, NOXIOUS OR OFFENSIVE INDUSTRY - 1 DEMAND AVENUE, LABRADOR

All vats are contained within a concrete wall the height of a concrete block so as to stop any spillages from escaping the area. A pump is used to pump the spillage back into the Vat it came from.

The rinse water is sent through an effluent storage tank which is padlocked and has to be inspected by a Council Trade Waste Control Officer before release into the sewage system.

A small amount of chemicals are stored on the premises (volumes on diagram attached).

The new premises we wish to relocate to will be set up in the same manner with all the same safety precautions Council has inspected at Brisbane Road operation.

PROPOSAL

Application has been made to locate an Electroplating Plant at 1 Demand Avenue, Arundel. The property has a site area of 4375 m<sup>2</sup> and is included in the General Industry Zone.

Part 14.7 of the Town Planning Scheme which relates to Special Provisions in respect of Hazardous, Noxious or Offensive Industries provides that Council has a discretion to decide that the use or proposed use of a development for the purpose of a hazardous, noxious or offensive industry may be a permissible use in a General Industry Zone subject to the applicant providing detailed information indicating that the proposed use would not cause detriment or danger to persons engaged in the industry or to adjoining property owners.

\*\*\* REFERENCE ENVIRONMENTAL HEALTH OFFICER (PAE) (05/05/94)

Assessment of the proposed operation on file has placed it in the low range of risk associated with the chemicals listed in the waste survey attached. The operation would be required to:

- (i) Advise Council of any proposed change in the dangerous goods used or stored and additionally any increase in the quantities of listed dangerous goods prior to that variation for approval by Council's Health Section. (Periodic checks may be conducted by Council's Environmental Health Officers).
- (ii) Maintain a manifest of dangerous goods on site.
- (iii) Placard the premises as required under State Legislation.
- (iv) Propose an on site emergency plan for the Queensland Fire Services.
- (v) Should breathing apparatus be required under the provisions of the 'Workplace Health and Safety Act 1989' the applicant will be required to install an extraction and scrubbing system for that area.

Council Meeting 3 June 1994  
Report of Planning & Development Committee Meeting 31 May 1994

ITEM 14 CONTINUED...  
CONSIDERATION OF PART VI - SPECIAL PROVISIONS IN RESPECT OF HAZARDOUS,  
NOXIOUS OR OFFENSIVE INDUSTRY - 1 DEMAND AVENUE, LABRADOR

These requirements were decided upon after discussion with the Chem Unit and the Department of Environment and Heritage.

\*\*\* REFERENCE TECHNICAL OFFICER PLANNING & DEVELOPMENT (SF) (23/05/94)

COMMENT

Council at its meeting held on 4 June 1993 (PD013) approved an application for the same company and the same use at 5 Demand Avenue, Arundel.

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) The applicant be advised that the use for the purpose of hazardous noxious or offensive industry in a General Industry Zone be deemed to be not for a prohibited purpose but for a permitted purpose subject to the following conditions:
- (1) The proposal is to comply with all relevant provisions of the Town Planning Scheme.
  - (2) The applicant is required to lodge a Building Application in accordance with the provisions of the Building Code of Australia.
  - (3) The proposal is to fully comply with all State Government requirements and the requirements of Council's Health Department i.e.:
    - (i) Advise Council of any proposed change in the dangerous goods used or stored and additionally any increase in the quantities of listed dangerous goods prior to that variation for approval by Council's Health Section. (Periodic checks may be conducted by Council's Environmental Health Officers).
    - (ii) Maintain a manifest of dangerous goods on site.
    - (iii) Placard the premises as required under State Legislation.
    - (iv) Propose an on site emergency plan for the Queensland Fire Services.
    - (v) Should breathing apparatus be required under the provisions of the 'Workplace Health and Safety Act 1989' the applicant will be required to install an extraction and scrubbing system for that area.
  - (4) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application, and has also relied on reports prepared in relation to this matter.

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ITEM 14 CONTINUED...  
CONSIDERATION OF PART VI - SPECIAL PROVISIONS IN RESPECT OF HAZARDOUS,  
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- (B) Council waive the fee of \$2,200.00 as this application is the relocation of a use previously determined by Council for the same company in the same general location.

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Planning and Development be adopted.

\*\*\* ITEM 15

CM03/06/94(PD015)

APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
CONSENT PERMIT TO CARRY OUT THE ERECTION OF A TEN (10) STOREY MULTI-UNIT  
BUILDING - 292 THE ESPLANADE, BURLEIGH HEADS

FILE REFERENCE(S) VIDE ITEM(S)	818/094/036 MAP(S)
PROJECT ADDRESS	: 292 THE ESPLANADE, BURLEIGH HEADS
REAL PROPERTY DESCRIPTION	: LOT 45 ON REGISTERED PLAN 16710, PARISH OF GILSTON, COUNTY OF WARD
OWNER	: NITA AMELIA HARDY
APPLICANT	: QLD DEVELOPMENTS CORPORATION PTY LTD
PROPOSED DEVELOPMENT	: TEN (10) STOREY MULTI-UNIT BUILDING
SITE AREA	: 1012 SQUARE METRES
ZONING OF THE LAND	: RESIDENTIAL - MULTI UNIT ZONE
CLASSIFICATION	: TEN (10) STOREY MULTI UNIT BUILDING
DATE RECEIVED	: 28/02/94
DATE ADVERTISED	: 05/03/94
OBJECTION(S)	: TWO (2) LETTERS WERE RECEIVED
OBJECTOR(S)	: B TULLOCH; MANAGER - BURLEIGH POINT APARTMENTS

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE PLANNING OFFICER (LJ) (23/05/94)

PROPOSAL

Application has been received for the erection of a ten (10) storey building located at 292 The Esplanade, Burleigh Heads. The proposed multi-unit building is an as-of-right development to seven (7) storeys and requires Council's consent up to fifteen (15) storeys.



ITEM 15 CONTINUED...  
APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A TEN (10) STOREY MULTI-UNIT BUILDING - 292 THE ESPLANADE, BURLEIGH HEADS

#### STATUTORY ADVERTISING

The proposal has been publicly advertised in accordance with Section 4 of the Local Government (Planning & Environment) Act. Two (2) letters of objection were received.

#### STRATEGIC PLAN MAP

Designation : Multi-unit Development  
Zoning : Residential - Multi-Unit Zone

#### DEVELOPMENT PARAMETERS

Site Area: 1012 square metres - this complies with Council's Planning Scheme provisions applicable to multi-unit development (provision 4.16.1.1).

Site Coverage: 16.3% - this complies with Council's Planning Scheme provision applicable to multi-unit development (provision 4.16.8.1).

Plot Ratio :	Table A	=	.0412
	Table B	=	1.2
	TOTAL	=	1.2412

This complies with Council's Planning Scheme provisions applicable to multi-unit development (provision 4.16.7.2).

#### LANDSCAPING

A total of 450 square metres landscaping is to be provided on site with 50% of this total to be located in one parcel. A total of approximately 735 square metres is provided on site with a total of 384 square metres being provided in one area. The proposal meets landscaping provisions. An area of approximately 102 square metres shall be provided for deep planting and may be provided in the front landscaped area in accordance with provision 4.16.5.2(v) of the 1994 Planning Scheme.

#### CAR PARKING

A total of 19 spaces are to be provided on site as per follows:

Units - 1.6 spaces per unit = 16 spaces  
Visitors - 0.25 spaces per unit = 3 spaces

The visitor spaces shall be freely accessible to visitors at all hours. The proposal provides the required spaces within a basement.

#### SETBACKS

The setbacks as proposed comply with the provisions of the Planning Scheme.

ITEM 15 CONTINUED...  
APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A TEN (10) STOREY MULTI-UNIT BUILDING - 292 THE ESPLANADE, BURLEIGH HEADS

#### HEIGHT OF DEVELOPMENT

The purpose of various height controls is to provide for a diversity in the built form of the City. The proposed building heights in the subject area aim to achieve a transition in building heights.

In assessing an increase to ten (10) storeys (subject of this application) the following matters shall be considered:

- (i) The height of the proposal in the immediate proximity.

#### Comment

In respect to building heights in the multi-unit zone, it is not envisaged that development will achieve maximum permissible height in most instances. Council seeks to achieve a gradation in building heights to complement groupings of high and low rise development. The strategic planning statement for multi-unit development also identify this gradation of building heights to complement the surrounding areas.

- (ii) Building heights in the immediate proximity.

#### Comment

The surrounding area comprises two and three storey dwellings and multi-unit buildings. The proposal would stand out amongst the existing development. It would be considered that any height above ten (10) storeys would have to be considered in regard to the achievement of gradation of building heights along this area.

- (ii) Strategic Plan provisions.

As previously mentioned the Strategic Plan statements identify the requirement for a gradation in building heights.

- (iv) Design of the building including the proposed site coverages.

The proposed site coverage complies with Council's site coverage provisions. The design of the building will have to be modified to comply with shadow provisions. Refer (v) for comment.

- (v) The impact of shadows cast by the building.

The proposal has significant shadow impact on adjoining southern properties during the winter months. The applicant's architect submitted amended shadow diagrams demonstrating the shadow cast by an as-of-right seven (7) storey building and the proposed ten (10) storey building. Both heights cast a significant shadow over adjoining properties to the south during winter months. (Refer diagram SK04 A dated 9 May 1994).

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
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In order to reduce the impact of the shadow cast over adjoining buildings without reducing the height applied for on this application, it is proposed that in an effort to reduce the width of the shadow the proposal shall comply with 2:1 ratio, provision 4.16.6.1 of the 1994 Planning Scheme.

(vi) Provision of services.

Comment

It is envisaged that services would be available for the proposed building.

(vii) Interference with Coolangatta Airport operations.

Comment

The proposal will have no impact on the airport's operations.

(viii) Purpose of Clause 4.16.4

As discussed previously the proposal meets the intent of Clause 4.16.4, however, the proposal will have to comply with provision 4.16.6.1 in order to reduce the shadow cast over the southern properties during the winter solstice.

SHADOW

The general purpose of the shadow provisions is to minimise the effect of the shadow cast by development onto the surrounding area.

The purpose of provision 4.16.6.1 is to control the development of designated buildings which are significantly wider in one direction than in any other. As a narrow shadow will pass a given point more rapidly than a wider shadow, it is envisaged that compliance to provision 4.16.6.1 will provide for reduced shadow impact on adjacent sites.

The proposal exceeds the 2:1 ratio outlined in provision 4.16.6.1. In considering the impact of shadows cast on adjoining southern properties it is recommended that the proposal shall comply with provisions 4.16.6.1 and 4.16.6.2 to minimise the shadow impact of the proposed development on southern properties.

OBJECTIONS

The two (2) objections raised the following issues:

- (i) The proposal cannot be constructed in such a manner that the operations are contained within the site.

Comment

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
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Such an objection is subjective in nature and cannot be assumed at such a stage. On site construction conditions shall be imposed as part of any Town Planning approval.

- (ii) Loss of views at neighbouring apartments.

Comment

Such an objection is partly based on commercial grounds regarding the letting of units with a view. Regardless of whether the building is a ten (10) storey or seven (7) storey development (as-of-right), the views will inevitably be blocked with a redevelopment of the site. Such an objection does not warrant the refusal of this application.

GENERAL COMMENT

The proposal meets most of the provisions for multi-unit development in the Planning Scheme. In order to achieve a ten (10) storey building, the application has been assessed considering the shadow impact of the proposal. In an effort to minimise the impact of the development on adjoining southern properties the applicant shall be required to amend the proposal to meet provisions 4.16.6.1 and 4.16.6.2 of the Planning Scheme.

\*\*\* OFFICER RECOMMENDATION

It is recommended

- (A) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application, the submissions made by the objectors and has also relied on reports prepared in relation to this matter.
- (B) The applicant be notified that in accordance with provision 4.16.6.1(ii) of the 1994 City of Gold Coast Planning Scheme that Council grant its consent to permit a ten (10) storey building to be erected on the site subject of this application, subject to conditions in Part (C) below.
- (C) The applicant and the principal objectors be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to erect a ten (10) storey multi-unit building on the land as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

PROPERTY DESCRIPTION:

POSTAL ADDRESS:

AREA OF LAND:

USE OF THE PREMISES AT THE TIME  
OF THE APPLICATION:

LOT 45 ON REGISTERED PLAN 16710,  
PARISH OF GILSTON, COUNTY OF WARD  
292 THE ESPLANADE, BURLEIGH HEADS  
1012 SQUARE METRES

RESIDENTIAL DWELLING

ITEM 15 CONTINUED...  
APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A TEN (10) STOREY MULTI-UNIT BUILDING - 292 THE ESPLANADE, BURLEIGH HEADS

APPROVED USE/S AS GRANTED IN THIS CONSENT: TEN (10) STOREY MULTI-UNIT BUILDING SUBJECT TO CONDITIONS

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

APPROVED PLANS

- (1) The development shall be in accordance with the plans (and elevations) submitted by the applicant (Drawing Nos. SK01 and SK05 submitted by Maurice Liuissi Architects dated 22 February 1994) (as amended by the conditions of the approval).

The development shall comply with the relevant Planning Scheme requirements and the following development parameters:

- (a) Site Coverage shall not exceed . . . . . 40%
- (b) Maximum Number of Storeys . . . . . ten (10)
- (c) All buildings shall be set back a minimum of six (6) metres from The Esplanade road frontage.
- (d) The following building setbacks shall be provided to the side and rear site boundaries in accordance with provisions 4.16.8.1 and 4.16.8.4 inclusive of the 1994 City of Gold Coast Planning Scheme.
- (e) Car Parking . . . Accommodation Dwellings - 16 spaces  
Visitors -  $\frac{3}{19}$  spaces

SHADOW PROVISIONS

- (2) The proposal shall be required to comply with provisions 4.16.6.1 and 4.16.6.2 regarding shadow requirements as set out in the 1994 City of Gold Coast Planning Scheme. Such provisions are to be complied with as part of the approval to grant consent for the erection of a ten (10) storey development.

BUILDING AND DEVELOPMENT COMPLIANCE

- (3) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Planning Scheme. These building plans are to accord with the plan approved in this Approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.
- (4) Prior to the new use commencing, a Certificate of Classification shall be obtained to ensure that the existing building meets fire rating requirements for the proposed use.
- (5) Provision of fire services in accordance with the Building Act.
- (6) Compliance with the Health Acts and all Regulations made thereunder.
- (7) Registration of the premises under the Workplace Health and Safety Act.

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A TEN (10) STOREY MULTI-UNIT BUILDING - 292 THE ESPLANADE, BURLEIGH HEADS

- (8) Prior to the issue of Building Approval the applicant shall submit to Council for approval full details prepared by a professional engineer of the building work necessary to retain any excavation below the level and to preserve and protect adjoining building from damage.
- (9) Compliance with Paragraph 1 of Council's Policy on the reflectivity of glass in buildings.
- (10) The provisions of the Consent Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.
- (11) Removal of the existing buildings on the site before the commencement of the specific use as granted by the said approval.  
Upon demolition of the existing buildings and the land becomes and remains vacant for more than three (3) months, the following works and provisions shall be carried out to the satisfaction of the Planning and Development Manager -
  - (a) such land shall be cleared of all rubble, debris and demolition materials; and
  - (b) such land shall be levelled and turfed so as to be capable of being mowed; and
  - (c) the land shall be kept free of screen fences or hoardings provided that the Planning and Development Manager may permit open wire mesh fencing or similar which may be required to be set back from any frontage; and
  - (d) the land shall be maintained free of rubbish and the landscaping and any fencing maintained in good condition at all times; and
  - (e) the land shall not be used for the storage of any materials, equipment of vehicles; and
  - (f) the land shall be adequately drained to the satisfaction of the Chief Engineer and shall discharge stormwater by means of an underground drainage system to an outlet approved by the Chief Engineer; and
  - (g) and land shall be maintained so that there is no siltation run off from the land onto adjacent lands, roads or footways; and
  - (h) the land shall be maintained to ensure no nuisance to adjacent premises or roads by wind blown sand or dust.

NOISE & AMENITY CONTROL

- (12) Any noise generated is to comply with the provisions of By-law 270 of Chapter 11 of Council's By-laws and The Noise Abatement Act and the requirements of any other Authorities.
- (13) All service equipment and refrigeration units are to be positioned and housed so as not to cause nuisance or disturbance to persons or property not connected with the development and to the reasonable satisfaction of the Planning and Development Manager.
- (14) The topmost storey of all buildings including the roof and any service equipment or plant rooms shall be designed and treated so as to visually integrate with and complement the design and

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A TEN (10) STOREY MULTI-UNIT BUILDING - 292 THE ESPLANADE, BURLEIGH HEADS

- finish of the rest of the building, to the reasonable satisfaction of the Planning and Development Manager.
- (15) Glass which forms all or part of any external wall of a building shall not exceed -
- (a) a maximum degree of reflection of both heat and light of 20% and
  - (b) 60% of the total area of such wall.
- (16) A screen fence 1.8 metres high shall be erected on all side and rear boundaries to the satisfaction of the Planning and Development Manager.

LIGHTING DEVICES - GENERAL

For the purpose of conditions that relate to lighting devices, a light shall be deemed to create a nuisance when the level of illumination measured at or above ground level at a distance of 1.5 metres outside the boundary of the site exceeds eight (8) lux.

- (17) Any lighting device is to be so positioned and shielded as not to cause any glare nuisance to any nearby residential occupation or passing motorist.

LANDSCAPING

- (18) The open space and setback areas are to be landscaped in accordance with a properly prepared planting plan to be submitted to and approved by the Planning and Development Manager prior to the issue of a building approval. Where building approval is not required, the planting plan is to be submitted and approved prior to the commencement of the said use. Such landscaping is to be completed in accordance with the approved planting plan prior to the premises being occupied and maintained at all times thereafter to the reasonable satisfaction of the Planning and Development Manager. The plan is to include the location of any proposed advertising devices and certain information listed in provision 13.12.1.1 of the Planning Scheme.

REFUSE FACILITIES

- (19) Provision shall be made for the storage and suitable access for the removal of refuse in accordance with the Refuse Management Regulations and the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

If the refuse storage area is to be located within the six (6) metre setback to the frontage the following provisions are met to the satisfaction of the Planning and Development Manager -

- (a) the refuse storage area shall be no closer than three (3) metres to any frontage and no closer than 1.5 metres to any other site boundary; and
- (b) the refuse storage area shall be enclosed on three (3) sides with a screen wall extending 0.2 metres above the height of the refuse receptacles; and

ITEM 15 CONTINUED...  
APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A TEN (10) STOREY MULTI-UNIT BUILDING - 292 THE ESPLANADE, BURLEIGH HEADS

- (c) the refuse storage area shall be screened by dense planting and mounding.

AUSTRALIA POST

- (20) The applicant is to contact Australia Post to ascertain requirements in relation to siting of letter boxes for the development. The representative for contact is the Postmaster at the Burleigh Heads Post Office.

BUILDING PERFORMANCE AND SAFETY STANDARDS

- (21) At least one (1) lift shall be installed in each building exceeding three (3) storeys in height. Provided that where the building contains at least 75 bedrooms but no more than 150 bedrooms or where the building height is greater than 10 storeys but not exceeding 20 storeys, at least two (2) lifts shall be installed and where the building contains more than 150 bedrooms or where the building is greater than 20 storeys in height, at least three (3) lifts shall be installed.

Each lift shall be installed in accordance with the S.A.A. Lift Code 1735 and the requirements of the Director, Division of Accident Prevention;

Where lifts are required by this provision at least one (1) lift shall be designed for emergency purposes and as such capable of accommodating a stretcher.

- (22) A building safety equipment switchboard shall be provided to the satisfaction of the Health, Building and By-laws Manager.
- (23) The design, materials and construction of all parts of the building and the location of equipment that has the potential to create noise shall be such as to minimise the penetration of noise to dwelling units on the premises and habitable premises external to the site.

EMERGENCY POWER

- (24) To ensure the preservation of power supply to fire safety equipment in the event of a fire, construct the "Building Safety Equipment Switchboard" to the following minimum standards:
- (a) The Building Safety Equipment Switchboard shall be a separate segment of the main switchboard. It may be installed as part of, adjacent to, or completely separate from the main switchboard, provided this is acceptable to the Supply Authority, and it is so constructed that any fault within the remainder of the switchboard will not impair the functionality of the Building Safety Switchboard segment.
  - (b) All power supplies, and sets of busbars, shall be completely segregated from each other, and from all functional units to limit fault transference.
  - (c) The Building Safety Equipment Switchboard segment shall be constructed to be fully segregated to form 3 of AS

ITEM 15 CONTINUED...  
APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
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1136 with added segregation to the separate supplies (as in ii above). Prior to a final clearance being issued by Council, the electrical engineer responsible for the design of the electrical installation, shall provide a certification that the electrical installation meets the requirements of the Standard Building By-laws and the above mentioned minimum standards.

ADVERTISING DEVICES

- (25) The location, size, type and content of any advertising sign or device is to be submitted to Council for approval under the provisions of the Signs By-law. In assessing such applications, particular regard will be given to preserving the amenity of the area.

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS EXTERNAL TO DEVELOPMENT SITES

Stormwater Drainage

- (26) Stormwater drainage that may discharge onto the site, from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, easements shall be provided within and or external to the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.
- (27) Development shall ensure minimal downstream siltation during construction by intercepting the flow from the sub catchment and returning that flow to the natural gullies and downstream gullies or stormwater drainage systems at a volume and velocity not exceeding the existing condition. In addition, the following provisions shall be met to the satisfaction of the Chief Engineer -

- (a) construction of silt traps at the downstream end of the construction area; and
- (b) stabilisation of earth batters using quick growing vegetation techniques or turfing; and
- (c) re-aligned drainage channels shall be protected from scouring as construction proceeds; and
- (d) drainage channels shall be wide based, if possible; and
- (e) construction of temporary bunds throughout the site; and
- (f) the contract documentation shall include Quality Assurance Provisions in accordance with Australian Standard AS2900-1987.

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
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- (28) Soil exposure during the construction phase shall be minimised and restoration of exposed areas shall be carried out to the satisfaction of the Chief Engineer within seven (7) days of such areas no longer forming part of the construction areas.

For the purpose of this Clause "construction area" means that part of the site which is required for the carrying out of development and storage of equipment and materials associated with the development.

- (29) In accordance with the Local Planning Policy "Stormwater Headworks Contributions at Building Approval Stage" a contribution may be required towards the cost of provision or upgrading of the stormwater system in the area. Where a contribution is required as part of a development it shall be paid to the Council prior to the commencement of construction and shall be determined at the time of processing the building application in accordance with the rates fixed by the Council applicable at that time.

ROADWORKS AND FOOTPATH AREAS

- (30) Any existing kerb and channel which is damaged or is required by the Chief Engineer to be replaced for the frontage of the site shall be on an alignment both horizontal and vertical to match the existing kerb and channel or any future kerb and channel design approved by the Chief Engineer.
- (31) All redundant access crossings are to be removed and replaced with integral concrete kerb and channel. Footpath, grass verge, traffic and parking regulations shall be reinstated and restored. The work shall be completed in accordance with Council's requirements.
- (32) All pedestrian paved surfaces within the development are to have a minimum Polished Frictional Value of 40 as set down in the Australian Standard AS1141.42. All paving provided external to the site is to have a Polished Frictional Value of not less than 45 as set down in the Australian Standard AS1141.42.
- (33) The footpath and setback areas are to be kept clear of goods, signs and street furniture not approved by the Manager Health Building & By-laws and the Planning and Development Manager.
- (34) Any drainage works or alterations to public utilities, road signage or traffic control devices necessitated by the works required shall be undertaken by the owner of the land at no cost to the Council and to the satisfaction of the Chief Engineer.
- (35) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Chief Engineer.
- (36) Vehicular access is to be provided in a manner satisfactory to the Chief Engineer. The minimum requirement will consist of construction using reinforced concrete in accordance with Council's standard drawing No. 52790B.

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A TEN (10) STOREY MULTI-UNIT BUILDING - 292 THE ESPLANADE, BURLEIGH HEADS

FILLING AND FLOOD LEVEL

- (37) Any filling of the site shall not cause ponding on adjoining sites.

PAVED SURFACES

(38) Private Property

To protect pedestrians from accidents, all external paving within the site, together with all floor surfaces to public access areas within a building, which includes arcades, foyers, lobbies and the like, shall have a minimum Polished Frictional Value of 40, as set down in Australian Standard AS1141.42.

In relation to paving materials and floor surfaces within private property, the Chief Building Surveyor shall have discretionary power to dispense with the requirements for a polishing test stipulated in AS1141.41, for hard materials such as marble, which are unlikely to be readily polished by pedestrian traffic.

Where the Chief Building Surveyor is of the opinion that a particular installation within private property warrants dispensation from the above requirements, he may refer the matter to Council for determination.

(39) Public Property

All paving provided external to the site is to have a Polished Frictional Value of not less than 45, as set down in AS1141.42.

PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (40) Access to site, vehicular parking and loading bay requirements are to be in accordance with Council's parking policy and any relevant standard drawings. Alterations of access alignments may be necessary and shall be determined following discussions with Council's Traffic Section and to the reasonable satisfaction of the Chief Engineer. Should such alterations be considered necessary, the applicant shall modify all design plans accordingly prior to submission for building approval.
- (41) The applicant shall provide a site plan for investigation by the Traffic Section, showing existing parking and traffic regulations with existing access locations along the frontage of the site, to determine necessary on street or internal modifications. This plan shall be submitted prior to a Building Application so that any modifications to internal car parking arrangements or access locations can be resolved prior to completion of final design drawings. Surplus access crossings and Traffic and Parking Regulations shall be reinstated and restored. The extent of this work shall comply fully with Council's Landscaping Policy.

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A TEN (10) STOREY MULTI-UNIT BUILDING - 292 THE ESPLANADE, BURLEIGH HEADS

CONSTRUCTION ACCESS AND PROVISION FOR TRAFFIC

- (42) Prior to the lodgement of an application for a building permit, discussions shall be held with Council's Traffic and Building Sections to ascertain how this development is to be undertaken without any encroachment of construction activity or storage of material on the footpath or roadway. All agreements reached will be to the satisfaction of the Chief Engineer.
- (43) Access to site during construction shall be in accordance with the Local Planning Policy 'Requirements for Construction for Development Sites'.
- (44) Unloading, storage or movement of construction material or equipment shall take place within the site unless otherwise approved by the Chief Engineer.
- (45) Unloading, storage or movement of construction material or equipment shall take place within the site in accordance with the Local Planning Policy 'Requirements for Construction on Development Sites'.

CAR PARKING AND LOADING FACILITIES

- (46) Provision of at least 19 off-street car parking spaces and access and layout design to be provided and constructed in accordance with Local Planning Policy 'Off Street Vehicle Parking Requirements', Australian Standards AS-2890.1 and AS-1428.1 amended from time to time to the reasonable satisfaction of the Planning and Development Manager. Should the development be designed in such a manner as to reduce the amount of required car parking, the required amount of car parking may upon application to the Planning and Development Manager, be amended accordingly.
- (47) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (48) Where in accordance with the Local Planning Policy "Off-Street Vehicle Parking Requirements", car parking is necessary for disabled persons then such car parking and access thereto shall be provided in accordance with the provisions of the Local Planning Policy "Off-Street Vehicle Parking Requirements", Australian Standards AS2890.1 and AS1428.1 and to the satisfaction of the Chief Engineer.
- (49) Where car parking is required for visitors to any development pursuant to the provisions of the Planning Scheme, such car parking shall be provided in accordance with the following:
- (a) be freely accessible to visitors at all hours with no encumbrance, fee or charge; and
  - (b) have no gateways, doors or similar devices which would restrict vehicular access by visitors; and
  - (c) have no signs displayed restricting the use of visitor spaces or reserving the use of such spaces for a particular person.

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- (50) All of the required car parking shall be provided so as to be freely accessible to accommodate the vehicles of persons employed on the site for the time the development is open for business and those of bona fide visitors for the duration of any visit to the site. There shall be no encumbrance, fee or charge, and no gateways, doors or similar devices being erected or located which would restrict vehicular access to these spaces or no signs displayed which restrict the use of these spaces.
- (51) All car parking and loading area/areas shall be freely and readily accessible for vehicular use and be designed to enable all vehicles entering and leaving the site to do so in a forward direction.
- (52) All car parking and loading areas shall be kept and used exclusively for parking and associated manoeuvring and be maintained to the satisfaction of the Planning and Development Manager.
- (53) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Chief Engineer.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (54) Provision of water supply and sewerage to the reasonable satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and relevant Local Planning Policies.

The owner of the land shall be responsible for all costs involved with the connection to the existing Council water supply main and the sterilisation of any new water supply mains. These works shall be carried out by Council.

- (55) The existing Council water main / sewer traversing the site will be subject to Local Planning Policy "Structures near Council's Services". At the time of Building Application, a security bond will be assessed if required by the policy, for protection of the service. Where the service is to be relocated clear of a proposed building, or re-laid under a proposed building in cast iron cement lined or ductile iron cement lined pipe, then the bond will represent the estimated value of the work plus 20%. The bond will be required to be paid prior to construction commencing and shall be in the form of cash or unconditional bank bond. Where a service is to be relocated an easement shall be created over that service and dedicated in favour of Council, prior to the approval of a Building Application on the subject site.
- (56) An easement shall be created over the existing sewer and dedicated in favour of Council, prior to the approval of a building application on the subject site.

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HEADWORKS CONTRIBUTIONS

(57) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 2).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located.

The determination of the final amount of the contribution referred to in this condition will be deferred until the approval by Council of a building application, permissible development application, application for permitted development subject to conditions or application for subdivision, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such building approval, approval for permissible development, approval for permitted development subject to conditions or subdivision approval, as the case may be. The determination of the amount of the contribution at that time will be based on the following rates;

Water Supply	\$279.00 per Equivalent Population/Person
Sewerage	\$410.00 per Equivalent Population/Person

The above rates are valid for the period of this approval only and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

- (58) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS  
The contributions are payable to Council by the owner of the land in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

ALTERATION TO UTILITY MAINS

- (59) Any alterations to public utility mains, services or installations rendered necessary by a development shall be undertaken by the owner of the land, at no cost to the Council, and to the satisfaction of the Chief Engineer.

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GEOTECHNICAL CONSIDERATIONS

- (60) Where, in the opinion of the Chief Engineer and in accordance with Clause 13.4.5 of the Planning Scheme, the proposed construction of a development requires investigation of a geotechnical nature, the owner of the land shall submit a geotechnical report prior to the issue of Building Approval. This report shall be prepared by persons suitably qualified and experienced in the field of geotechnical investigations. All works required by a geotechnical investigation shall be undertaken by the owner of the land to the satisfaction of the Chief Engineer.
- (61) All development shall comply with the Local Planning Policy "Foundation and Geotechnical Assessment".

ENGINEERING DESIGN AND CONSTRUCTION

- (62) (a) Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Chief Engineer prior to construction commencing. Approval by the Chief Engineer does not warrant that such plans and specification have been checked in detail, nor does it absolve the Applicant from complying with all the conditions of this approval and / or relevant Council By-Laws and policies and / or relevant statutes and / or statutory regulations in the execution and / or performance of the said works. Neither the Council nor the Chief Engineer accepts any responsibility for the accuracy of such plans and specifications as approved.
- (b) All material supplied and all work performed by the Applicant pursuant to this approval shall be to the reasonable satisfaction of the Chief Engineer and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and / or Policies. The Chief Engineer may, by himself or his nominated delegate, supervise and test and generally may inspect all materials and work but no supervision, testing or inspection shall relieve the Applicant of any obligation imposed upon such applicant, pursuant to this clause or any other clause of this approval.
- (c) MAINTENANCE - All works which, at the completion of the development, will become the responsibility of Council, shall be subject to a maintenance period and provision of security for the maintenance period in accordance with Council's subdivision By-Laws and policies.
- (d) SUPERVISION - All internal roadworks, sewerage, water supply and stormwater drainage is to be constructed under the supervision of a qualified Engineer who is to certify that these works have been constructed under his direct supervision and that they comply with the approved drawings and specifications.
- (e) Prior to the commencement of any work arising out of conditions listed above, written advice of intention to

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proceed with the work is to be given to Council. The advice shall include the name of the responsible supervisor with whom Council's inspecting officer will make contact.

- (63) Construction work is permitted only during the hours of 7:00 am to 6:00 pm Monday to Saturday.

TREE PRESERVATION

- (64) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Chief Engineer. Exceptions will be made in the case of trees within an approved future road reserve or where necessary to install water and sewerage works, drainage lines, etc. Prior to any design or construction work commencing, arrangements shall be made with the Environmental Officer for an inspection to identify trees which are to be preserved. The results of this inspection will be valid only for the duration of this approval, and a fresh inspection will be required for any future approval.

Observance of Chapter 37 of Council's By-laws in regard to the preservation of trees.

PROVISIONS IN RESPECT OF SAND EXCAVATION AND BUILDING FOOTINGS ON SITES IN PROXIMITY TO AN OCEAN BEACH

Sand Excavation

- (65) All excess sand excavated from any site within 500 metres of the Foreshore Seawall Line shall be placed on an ocean beach at a location selected by the Chief Engineer and in accordance with the following provisions to the satisfaction of the Chief Engineer and at no cost to the Council:
- (a) all sand shall be sieved prior to placement on the beach to remove all material having a dimension greater than 50 millimetres. No material other than clean sand shall be placed on the beach; and
- (b) the sand shall be levelled and protected against wind erosion, provided that where the Chief Engineer requires the sand be delivered to a beach location in excess of five (5) kilometres from the subject site, the requirement to protect the sand against wind erosion shall not be imposed. Where required by the Chief Engineer the sand shall be stabilised and the area revegetated; and
- (c) lodgement with Council of a security pursuant to Section 17.12 of the Planning Scheme to an amount determined by the Chief Engineer prior to the commencement of any site excavation. The security shall be held for a period of 12 months, unless otherwise approved by the Chief Engineer, and will be utilised by the Council if considered necessary by the Chief Engineer to rectify



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- (d) any dangerous or unsightly conditions which are created by contaminated sand; and where the volume of sand to be excavated from a site exceeds 2000 cubic metres, the owner of the land shall, in addition to the security required pursuant to 13.19.1.1(iii) of the Planning Scheme, pay the full costs of employment of a supervisor appointed by the Chief Engineer for the duration of the site excavation and beach deposition works. The supervisor shall be responsible for the physical collection of any rubble located in the sand at the time it is placed on the beach.

\*\*\* RECOMMENDATION

That the recommendation of the Planning Officer be adopted.

\*\*\* ITEM 16

CM03/06/94(PD016)

APPLICATION FOR A COMBINED APPLICATION TO REZONE LAND FROM THE RESIDENTIAL-DUPLEX DWELLING ZONE TO THE RESIDENTIAL-TOWNHOUSE ZONE AND ISSUE OF A TOWN PLANNING CONSENT PERMIT - 93-95 WHITING STREET, LABRADOR

FILE REFERENCE(S)	820/094/003
APPLICATION NUMBER	940003
VIDE ITEM(S)	MAP(S)
PROJECT ADDRESS	: 93-95 WHITING STREET, LABRADOR
REAL PROPERTY DESCRIPTION	: LOTS 2 AND 3 ON REGISTERED PLAN 82066, PARISH OF NERANG, COUNTY OF WARD
OWNER	: JC & H WILLY AND AT BRADNAM
APPLICANT	: PETER THOMAS BURKE ATF THE CTC TRUST
PROPOSED DEVELOPMENT	: RESIDENTIAL TOWNHOUSE DWELLINGS
SITE AREA	: 1704 SQUARE METRES
ZONING OF THE LAND - EXISTING	: RESIDENTIAL-DUPLEX DWELLING
- PROPOSED	: RESIDENTIAL-TOWNHOUSE
CLASSIFICATION	: TOWNHOUSE DEVELOPMENT AND MODIFICATION OF PROVISION 4.14.2.1 IN ACCORDANCE WITH PROVISION 4.14.2.2
DATE RECEIVED	: 23/03/94
DATE ADVERTISED	: 24/03/94
OBJECTION(S)	: ONE (1) LETTER WAS RECEIVED AND LATER WITHDRAWN

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\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE PLANNING OFFICER (LJ) (13/05/94)

COMPONENT A

This component of the combined application seeks to exclude the subject land from the Residential-Duplex Dwelling Zone and include the land in the Residential-Townhouse Zone.

STATUTORY ADVERTISING

The application has been publicly advertised in accordance with Section 4 of the Local Government (Planning & Environment) Act. One (1) objection was received but has been subsequently withdrawn.

STRATEGIC PLAN

Designation : Mixed Low Density Residential

The proposal is in accordance with the Strategic Plan designation which seeks to accommodate a range of low density housing forms consisting of detached housing duplexes and townhouses.

DEVELOPMENT PARAMETERS

TOWNHOUSE DEVELOPMENT CHECKLIST			
	REQUIRED	PROVIDED	COMPLIANCE/COMMENTS
SITE AREA	minimum net site area 1000 m <sup>2</sup>	1704 m <sup>2</sup>	complies
ROAD FRONTAGE	minimum 20 metres	30.175 metres	complies
DEVELOPMENT DENSITY	1 unit per 250 m <sup>2</sup>	1 unit per 243 m <sup>2</sup>	refer component B of report
SITE COVERAGE	40% = 681.6 m <sup>2</sup>	40%	complies
BUILDING HEIGHT	shall not exceed 2 storeys	2 storeys	complies
BUILDING SETBACKS	provided refer provision 4.14.4.2(iii)(b)	provided	complies
LANDSCAPED OPEN SPACE			
(i) 30% of site area	511.2 m <sup>2</sup>	692.82 m <sup>2</sup>	complies
(ii) 70% of (i) above	357.84 m <sup>2</sup>	539.79 m <sup>2</sup>	complies
(iii) 50% communal	255.6 m <sup>2</sup>	275.40 m <sup>2</sup>	complies
(iv) courtyard	minimum 5 metres width perpendicular to external wall	264.39 m <sup>2</sup>	complies
BUILDING AESTHETICS	refer provision 4.14.6.2	provided	complies
CAR PARKING			
(i) dwelling units	14	14 covered	complies
(ii) visitors	4	4	complies

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REFUSE FACILITIES	yes	provided	complies
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**GENERAL COMMENT**

The proposal to rezone to Residential-Townhouse Zone is consistent with the intent of the mixed low density residential designation of the Strategic Plan. The proposal aims to meet the intent of the townhouse zone in ensuring that a high standard of development is achieved at this location.

**COMPONENT B**

This component of the combined application seeks Town Planning Consent to modify provision 4.14.2.2 which seeks to increase the development density from one unit per 250 square metres to one unit per 243 square metres. The proposal is for the provision of seven (7) x three (3) bedroom townhouses to be located on site.

**STATUTORY ADVERTISING**

The proposal has been publicly advertised in accordance with Section 4 of the Local Government (Planning & Environment) Act. One (1) objection was received but subsequently withdrawn.

**DEVELOPMENT PARAMETERS**

Refer Component (A) of report.

**LANDSCAPING**

Adequate landscaping is provided on site in accordance with the provision for townhouse development.

**CAR PARKING/ACCESS**

Adequate dwelling and visitor car parking is provided on site. The proposed access driveway should be widened to a minimum 5.5 metres and 6.0 metres at the kerb and channel.

**BUILDING SETBACKS**

This proposal complies with nearly all of the setback provisions apart from the car ports which are set back 0.8 metres from the side boundaries. This setback may be relaxed in accordance with provision 4.14.4.2(iii)(b) having regard to the purpose of Clause 4.14.4. It is recommended that this be relaxed.

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\*\*\* **OFFICER RECOMMENDATION**

It is recommended

- (A) The applicant be notified that in accordance with provision 4.14.2.2 the development density achieved pursuant to 4.14.2.1 be increased to a development density of one (1) dwelling unit for every 243 square metres of net site area.
- (B) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application and has also relied on reports prepared in relation to this matter.
- (C) The applicant be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to rezone the land as described herein be approved subject to the conditions listed in (E) below:

DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOTS 2 AND 3 ON REGISTERED PLAN 82066, PARISH OF NERANG, COUNTY OF WARD
POSTAL ADDRESS:	93-95 WHITING STREET, LABRADOR
AREA OF LAND:	1704 SQUARE METRES
ZONE TO WHICH THE LAND IS PROPOSED TO BE EXCLUDED:	RESIDENTIAL-DUPLEX DWELLING ZONE
ZONE INTO WHICH THE LAND IS PROPOSED TO BE INCLUDED:	RESIDENTIAL-TOWNHOUSE ZONE
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	RESIDENTIAL DWELLINGS
APPROVED USE/S AS GRANTED IN THIS APPROVAL:	RESIDENTIAL

- (D) The applicant be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to issue a Town Planning Consent Permit for the land as described herein be approved subject to the conditions listed in (E) below:

DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOTS 2 AND 3 ON REGISTERED PLAN 82066, PARISH OF NERANG, COUNTY OF WARD
POSTAL ADDRESS:	93-95 WHITING STREET, LABRADOR
AREA OF LAND:	1704 SQUARE METRES
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	RESIDENTIAL-DWELLINGS
APPROVED USE/S AS GRANTED IN THIS CONSENT:	RESIDENTIAL - MODIFICATION OF CLAUSE 4.14.2.1 (DEVELOPMENT DENSITY)

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(E) CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

APPROVED PLANS

- (1) The development shall comply with the relevant Planning Scheme requirements and the following development parameters:
- (a) Site Coverage shall not exceed . . . . . 40%
  - (b) Dwelling Unit Density shall not exceed . . . . . 1 unit per 243 m<sup>2</sup>
  - (c) Maximum Number of Storeys . . . . . two (2)
  - (d) Car parking . . . . . dwelling unit - 14 spaces  
visitors - 4 spaces
  - (e) All buildings shall be set back a minimum of six (6) metres from all frontages.
  - (f) The building setbacks shall be provided to the side and rear site boundaries in accordance with provision 4.14.4.2 of the 1994 Planning Scheme except where the side boundary setbacks to the carports have been relaxed in accordance with provision 4.14.4.2 (iii)(b) as part of this application.

BUILDING AND DEVELOPMENT COMPLIANCE

- (2) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Planning Scheme. These building plans are to accord with the plan approved in this Approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.
- (3) Provision of fire services in accordance with the Building Act.
- (4) The provisions of this Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.
- (5) Removal of the existing buildings on the site before the commencement of the specific use as granted by the said approval.
- Upon demolition of the existing buildings and the land becomes and remains vacant for more than three (3) months, the following works and provisions shall be carried out to the satisfaction of the Planning and Development Manager -
- (a) such land shall be cleared of all rubble, debris and demolition materials; and
  - (b) such land shall be levelled and turfed so as to be capable of being mowed; and
  - (c) land determined by the Planning and Development Manager as comprising a large parcel shall be landscaped to include perimeter planting consisting of advanced specimens of fast growing species; and
  - (d) existing trees shall be retained on site; and
  - (e) the land shall be maintained free of rubbish and the landscaping and any fencing maintained in good condition at all times; and

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- (f) the land shall not be used for the storage of any materials, equipment of vehicles; and

NOISE & AMENITY CONTROL

- (6) Any noise generated is to comply with the provisions of By-law 270 of Chapter 11 of Council's By-laws and The Noise Abatement Act and the requirements of any other Authorities.

FENCING

- (7) A screen fence 1.8 metres high shall be erected on all side and rear boundaries to the satisfaction of the Planning and Development Manager.

LIGHTING DEVICES - GENERAL

For the purpose of conditions that relate to lighting devices, a light shall be deemed to create a nuisance when the level of illumination measured at or above ground level at a distance of 1.5 metres outside the boundary of the site exceeds eight (8) lux.

- (8) Any lighting device is to be so positioned and shielded as not to cause any glare nuisance to any nearby residential occupation or passing motorist.

LANDSCAPING

- (9) The open space and setback areas are to be landscaped in accordance with a properly prepared planting plan to be submitted to and approved by the Planning and Development Manager prior to the issue of a building approval. Where building approval is not required, the planting plan is to be submitted and approved prior to the commencement of the said use. Such landscaping is to be completed in accordance with the approved planting plan prior to the premises being occupied and maintained at all times thereafter to the reasonable satisfaction of the Planning and Development Manager. The plan is to include the location of any proposed advertising devices and certain information listed in provision 13.12.1.1 of the Planning Scheme.
- (10) The required landscaped open space shall be distributed about the premises and developed as follows -
- (a) the landscaped open space shall be kept clear of all obstacles including clothes hoists, driveways and parking spaces.
  - (b) the landscaped open space excluding private court yard areas shall be available for the use of all residents of the development. In addition, the landscaped open space shall be capable of landscaped and shall be suitable for recreational use whether it is provided at ground level or not.
  - (c) a landscaped open space area at least 6.0 metres in width shall be provided adjoining any frontage. As part of this provision an area an average of 3.0 metres wide with a minimum width of 1.5 metres adjoining all

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frontages shall be landscaped in the following manner to the satisfaction of the Planning and Development Manager:

- (i) the area shall be at the same level as the footway; and
- (ii) at least 50 percent of the area shall be capable of deep planting and may be included in that area required by (iv) above; and

REFUSE FACILITIES

- (11) Provision shall be made for the storage and suitable access for the removal of refuse in accordance with the Refuse Management Regulations and the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

If the refuse storage area is to be located within the six (6) metre setback to the frontage the following provisions are met to the satisfaction of the Planning and Development Manager -

- (a) the refuse storage area shall be no closer than three (3) metres to any frontage and no closer than 1.5 metres to any other site boundary; and
- (b) the refuse storage area shall be enclosed on three (3) sides with a screen wall extending 0.2 metres above the height of the refuse receptacles; and
- (c) the refuse storage area shall be screened by dense planting and mounding.

General Siting Controls

- (12) All habitable rooms shall receive sufficient natural daylight to allow their enjoyment during the majority of daylight hours without the use of artificial lighting.
- (13) The design, materials and construction of buildings and the location of buildings shall be such as to minimise the penetration of external noise to dwelling units and private gardens.
- (14) All buildings shall be designed so as to provide reasonable internal and external privacy for their occupants, to the satisfaction of the Planning and Development Manager.

Internal Accessways and Footways

- (15) The pavement width of internal accessways shall be sufficient for service vehicles and emergency vehicles to traverse readily but designed to discourage speeds in excess of 20 km per hour. The minimum carriageway width shall be 4.0 metres for one-way access and 5.0 metres for two-way access.
- (16) The internal accessway pavement shall be of non-bituminous material.

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AUSTRALIA POST

- (17) The applicant is to contact Australia Post to ascertain requirements in relation to siting of letter boxes for the development. The representative for contact is the Postmaster at the Southport Post Office.

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS EXTERNAL TO DEVELOPMENT SITES

Stormwater Drainage

- (18) Stormwater drainage that may discharge onto the site, from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, easements shall be provided within and or external to the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.
- (19) Development shall ensure minimal downstream siltation during construction by intercepting the flow from the sub catchment and returning that flow to the natural gullies and downstream gullies or stormwater drainage systems at a volume and velocity not exceeding the existing condition. In addition, the following provisions shall be met to the satisfaction of the Chief Engineer -
- (a) construction of silt traps at the downstream end of the construction area; and
  - (b) stabilisation of earth batters using quick growing vegetation techniques or turfing; and
  - (c) re-aligned drainage channels shall be protected from scouring as construction proceeds; and
  - (d) drainage channels shall be wide based, if possible; and
  - (e) construction of temporary bunds throughout the site; and
  - (f) the contract documentation shall include Quality Assurance Provisions in accordance with Australian Standard AS2900-1987.
- (20) Soil exposure during the construction phase shall be minimised and restoration of exposed areas shall be carried out to the satisfaction of the Chief Engineer within seven (7) days of such areas no longer forming part of the construction areas.
- For the purpose of this Clause "construction area" means that part of the site which is required for the carrying out of development and storage of equipment and materials associated with the development.
- (21) In accordance with the Local Planning Policy "Stormwater Headworks Contributions at Building Approval Stage" a

ITEM 16 CONTINUED...  
APPLICATION FOR A COMBINED APPLICATION TO REZONE LAND FROM THE RESIDENTIAL-DUPLEX DWELLING ZONE TO THE RESIDENTIAL-TOWNHOUSE ZONE AND ISSUE OF A TOWN PLANNING CONSENT PERMIT - 93-95 WHITING STREET, LABRADOR

contribution may be required towards the cost of provision or upgrading of the stormwater system in the area. Where a contribution is required as part of a development it shall be paid to the Council prior to the commencement of construction and shall be determined at the time of processing the building application in accordance with the rates fixed by the Council applicable at that time.

ROADWORKS AND FOOTPATH AREAS

- (22) Any existing kerb and channel which is damaged or is required by the Chief Engineer to be replaced for the frontage of the site shall be on an alignment both horizontal and vertical to match the existing kerb and channel or any future kerb and channel design approved by the Chief Engineer.
- (23) All redundant access crossings are to be removed and replaced with integral concrete kerb and channel. Footpath, grass verge, traffic and parking regulations shall be reinstated and restored. The work shall be completed in accordance with Council's requirements.
- (24) All pedestrian paved surfaces within the development are to have a minimum Polished Frictional Value of 40 as set down in the Australian Standard AS1141.42. All paving provided external to the site is to have a Polished Frictional Value of not less than 45 as set down in the Australian Standard AS1141.42.
- (25) The footpath and setback areas are to be kept clear of goods, signs and street furniture not approved by the Manager Health Building & By-laws and the Planning and Development Manager.
- (26) Any drainage works or alterations to public utilities, road signage or traffic control devices necessitated by the works required shall be undertaken by the owner of the land at no cost to the Council and to the satisfaction of the Chief Engineer.
- (27) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Chief Engineer.
- (28) Vehicular access is to be provided in a manner satisfactory to the Chief Engineer. The minimum requirement will consist of construction using reinforced concrete in accordance with Council's standard drawing No. 52790B.

FILLING AND FLOOD LEVEL

- (29) Any filling of the site shall not cause ponding on adjoining sites.

PAVED SURFACES

- (30) Private Property  
To protect pedestrians from accidents, all external paving within the site, together with all floor surfaces to public access areas within a building, which includes arcades, foyers, lobbies and the like, shall have a minimum Polished

ITEM 16 CONTINUED...  
APPLICATION FOR A COMBINED APPLICATION TO REZONE LAND FROM THE RESIDENTIAL-DUPLEX DWELLING ZONE TO THE RESIDENTIAL-TOWNHOUSE ZONE AND ISSUE OF A TOWN PLANNING CONSENT PERMIT - 93-95 WHITING STREET, LABRADOR

Frictional Value of 40, as set down in Australian Standard AS1141.42.

In relation to paving materials and floor surfaces within private property, the Chief Building Surveyor shall have discretionary power to dispense with the requirements for a polishing test stipulated in AS1141.41, for hard materials such as marble, which are unlikely to be readily polished by pedestrian traffic.

Where the Chief Building Surveyor is of the opinion that a particular installation within private property warrants dispensation from the above requirements, he may refer the matter to Council for determination.

PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (31) Access to site, vehicular parking and loading bay requirements are to be in accordance with Council's parking policy and any relevant standard drawings. Alterations of access alignments may be necessary and shall be determined following discussions with Council's Traffic Section and to the reasonable satisfaction of the Chief Engineer. Should such alterations be considered necessary, the applicant shall modify all design plans accordingly prior to submission for building approval.

CONSTRUCTION ACCESS AND PROVISION FOR TRAFFIC

- (32) Prior to the lodgement of an application for a building permit, discussions shall be held with Council's Traffic and Building Sections to ascertain how this development is to be undertaken without any encroachment of construction activity or storage of material on the footpath or roadway. All agreements reached will be to the satisfaction of the Chief Engineer.
- (33) Access to site during construction shall be in accordance with the Local Planning Policy 'Requirements for Construction for Development Sites'.
- (34) Unloading, storage or movement of construction material or equipment shall take place within the site unless otherwise approved by the Chief Engineer.
- (35) Unloading, storage or movement of construction material or equipment shall take place within the site in accordance with the Local Planning Policy 'Requirements for Construction on Development Sites'.

CAR PARKING AND LOADING FACILITIES

- (36) Provision of off-street car parking spaces in accordance with Clause 13.5.1 of the Planning Scheme and access and layout design to be provided and constructed in accordance with the Local Planning Policy 'Off Street Vehicle Parking Requirements' Australian Standards AS-2890.1 and AS-1428.1 amended from time to time, to the reasonable satisfaction of the Planning and Development Manager. Should the development

## ITEM 16

CONTINUED...

APPLICATION FOR A COMBINED APPLICATION TO REZONE LAND FROM THE RESIDENTIAL-DUPLEX DWELLING ZONE TO THE RESIDENTIAL-TOWNHOUSE ZONE AND ISSUE OF A TOWN PLANNING CONSENT PERMIT - 93-95 WHITING STREET, LABRADOR

be designed in such a manner as to reduce the amount of required car parking, the required amount of car parking may upon application to the Planning and Development Manager, be amended accordingly.

- (37) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (38) Where car parking is required for visitors to any development pursuant to the provisions of the Planning Scheme, such car parking shall be provided in accordance with the following:
- be freely accessible to visitors at all hours with no encumbrance, fee or charge; and
  - have no gateways, doors or similar devices which would restrict vehicular access by visitors; and
  - have no signs displayed restricting the use of visitor spaces or reserving the use of such spaces for a particular person.
- (39) All car parking and loading area/areas shall be freely and readily accessible for vehicular use and be designed to enable all vehicles entering and leaving the site to do so in a forward direction.
- (40) All car parking and loading areas shall be kept and used exclusively for parking and associated manoeuvring and be maintained to the satisfaction of the Planning and Development Manager.
- (41) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Chief Engineer.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (42) Provision of water supply and sewerage to the reasonable satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and relevant Local Planning Policies.

The owner of the land shall be responsible for all costs involved with the connection to the existing Council water supply main and the sterilisation of any new water supply mains. These works shall be carried out by Council.

- (43) It is in the applicant's interest to ensure that each lot on the Group Title Development is metered for water supply as well as a meter for the whole parcel of land. Relevant easements are required over the water mains serving the lots. These easements are not necessarily in favour of Council.

HEADWORKS CONTRIBUTIONS

(44) WATER SUPPLY AND SEWERAGE COMPONENT 1

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 1).

## ITEM 16

CONTINUED...

APPLICATION FOR A COMBINED APPLICATION TO REZONE LAND FROM THE RESIDENTIAL-DUPLEX DWELLING ZONE TO THE RESIDENTIAL-TOWNHOUSE ZONE AND ISSUE OF A TOWN PLANNING CONSENT PERMIT - 93-95 WHITING STREET, LABRADOR

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located. The contributions have been determined from information supplied with the application and Council records, the principal particulars of which are as follows:

Water Supply	(Account No. 6635)	2 e.p	\$716.00
Sewerage	(Account No. 6637)	11 e.p	\$3641.00
Total Component 1 Headworks Contribution			\$4357.00

The above rates are valid for the period of this approval only and subject to increase in accordance with any increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

Prior to this approval for rezoning being forwarded to the Chief Executive of the Department of Housing, Local Government and Planning an agreement on terms and conditions to be determined by the Chief Executive Officer whereby the applicant for rezoning agrees to make payment of the Water Supply and Sewerage Component 1 Headworks contribution referred to above shall be signed by the applicant and lodged with the Council as security for compliance with the applicant's obligations to make the above contribution. Prior to referred of the application for rezoning to the Chief Executive of the Department of Housing, Local Government and Planning the applicant shall also lodge an unconditional and unequivocal bank bond or guarantee on terms and from an institution acceptable to the Chief Executive Officer for the amount of the total Component 1 Headworks contribution.

The agreement and the security referred to above shall only be released to the applicant or as directed by the applicant upon payment of the contribution (together with any CPI increases calculated in accordance with the index referred to above) in cash or by bank cheque payable to the Council.

In the event of a sale of the lands the subject of this rezoning approval Council may at its discretion on completion of the sale release the applicant from all obligations under the agreement and release the security referred to above upon lodgement of a substitute agreement on terms determined by the Chief Executive Officer executed by the purchaser of the land and the lodgement of a replacement security, the amount of which shall be determined by the Chief Executive Officer after taking into account any increases in the index referred to above.

ITEM 16 CONTINUED...  
APPLICATION FOR A COMBINED APPLICATION TO REZONE LAND FROM THE RESIDENTIAL-DUPLEX DWELLING ZONE TO THE RESIDENTIAL-TOWNHOUSE ZONE AND ISSUE OF A TOWN PLANNING CONSENT PERMIT - 93-95 WHITING STREET, LABRADOR

The determination of the final amount of the contribution referred to in this condition will be deferred until the approval by Council of an application for permissible development or permitted development subject to conditions, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such approval. The determination of the amount of the contribution at that time will be based on the following rates:

Water Supply	\$358.00 per Equivalent Person
Sewerage	\$331.00 per Equivalent Person

The above rates are valid for the period of this approval only and subject to increase in accordance with any increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April / June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

(45) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 2).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located.

The determination of the final amount of the contribution referred to in this condition will be deferred until the approval by Council of a building application, permissible development application, application for permitted development subject to conditions or application for subdivision, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such building approval, approval for permissible development, approval for permitted development subject to conditions or subdivision approval, as the case may be. The determination of the amount of the contribution at that time will be based on the following rates;

Water Supply	\$279.00 per Equivalent Population/Person
Sewerage	\$410.00 per Equivalent Population/Person

The above rates are valid for the period of this approval only and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base

ITEM 16 CONTINUED...  
APPLICATION FOR A COMBINED APPLICATION TO REZONE LAND FROM THE RESIDENTIAL-DUPLEX DWELLING ZONE TO THE RESIDENTIAL-TOWNHOUSE ZONE AND ISSUE OF A TOWN PLANNING CONSENT PERMIT - 93-95 WHITING STREET, LABRADOR

of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

(46) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS

The contributions are payable to Council by the owner of the land in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

ALTERATION TO UTILITY MAINS

(47) Any alterations to public utility mains, services or installations rendered necessary by a development shall be undertaken by the owner of the land, at no cost to the Council, and to the satisfaction of the Chief Engineer.

SUBDIVISION OF LAND

(48) Amalgamation of the existing allotments into one allotment and the issue of a new Certificate of Title to cover the new allotment as created, this action is required prior to the issue of a Certificate of Classification or prior to the commencement of the development whichever is the sooner.

GEOTECHNICAL CONSIDERATIONS

(49) All development shall comply with the Local Planning Policy "Foundation and Geotechnical Assessment".

ENGINEERING DESIGN AND CONSTRUCTION

- (50) (a) Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Chief Engineer prior to construction commencing. Approval by the Chief Engineer does not warrant that such plans and specification have been checked in detail, nor does it absolve the Applicant from complying with all the conditions of this approval and / or relevant Council By-Laws and policies and / or relevant statutes and / or statutory regulations in the execution and / or performance of the said works. Neither the Council nor the Chief Engineer accepts any responsibility for the accuracy of such plans and specifications as approved.
- (b) All material supplied and all work performed by the Applicant pursuant to this approval shall be to the reasonable satisfaction of the Chief Engineer and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and / or Policies. The Chief Engineer may, by himself or his nominated delegate, supervise and test and generally may inspect all materials and work but no supervision, testing or inspection shall relieve the Applicant of any

## ITEM 16

CONTINUED...

APPLICATION FOR A COMBINED APPLICATION TO REZONE LAND FROM THE RESIDENTIAL-DUPLEX DWELLING ZONE TO THE RESIDENTIAL-TOWNHOUSE ZONE AND ISSUE OF A TOWN PLANNING CONSENT PERMIT - 93-95 WHITING STREET, LABRADOR

obligation imposed upon such applicant, pursuant to this clause or any other clause of this approval.

- (c) MAINTENANCE - All works which, at the completion of the development, will become the responsibility of Council, shall be subject to a maintenance period and provision of security for the maintenance period in accordance with Council's subdivision By-Laws and policies.
- (d) SUPERVISION - All internal roadworks, sewerage, water supply and stormwater drainage is to be constructed under the supervision of a qualified Engineer who is to certify that these works have been constructed under his direct supervision and that they comply with the approved drawings and specifications.
- (e) Prior to the commencement of any work arising out of conditions listed above, written advice of intention to proceed with the work is to be given to Council. The advice shall include the name of the responsible supervisor with whom Council's inspecting officer will make contact.

- (51) Construction work is permitted only during the hours of 7:00 am to 6:00 pm Monday to Saturday.

NUISANCE

- (52) The Applicant is to ensure that a "smoke and dust nuisance" is not created in the development of this proposal. Attention is drawn to Chapter 8 of Council's By-laws in regard to this matter. Open burning off of any material shall not be permitted on the subject site. All waste material, including cleared vegetation, shall be transported from the site and disposed of in a satisfactory manner. The applicant is to apply to Council and receive in writing from Council an approved site to dispose of this waste material. The requirements of By-law 270 of Chapter 11 in regard to noise nuisances shall apply to this development, and in addition, construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday to Saturday unless otherwise approved by the Chief Engineer.

CASH IN LIEU OF PARK PROVISION

- (53) The applicant is to provide a cash contribution in lieu of park provision. This contribution is to be equivalent to 10% of the Unimproved Capital Value of the land.

The contribution is to be paid to Council prior to Council issuing a Certificate of Classification, a final Building Clearance sealing a Building Units Plan or Group Titles Plan or occupation of the building whichever occurs at the earlier (Account No. 6634).

That a notation be placed on Council's Rate Search Information indicating the requirement of this condition.

## ITEM 16

CONTINUED...

APPLICATION FOR A COMBINED APPLICATION TO REZONE LAND FROM THE RESIDENTIAL-DUPLEX DWELLING ZONE TO THE RESIDENTIAL-TOWNHOUSE ZONE AND ISSUE OF A TOWN PLANNING CONSENT PERMIT - 93-95 WHITING STREET, LABRADOR

TREE PRESERVATION

- (54) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Chief Engineer. Exceptions will be made in the case of trees within an approved future road reserve or where necessary to install water and sewerage works, drainage lines, etc. Prior to any design or construction work commencing, arrangements shall be made with the Environmental Officer for an inspection to identify trees which are to be preserved. The results of this inspection will be valid only for the duration of this approval, and a fresh inspection will be required for any future approval.

Observance of Chapter 37 of Council's By-laws in regard to the preservation of trees.

CONTRIBUTION FOR DESIGN OF INFRASTRUCTURE

- (55) To ensure that provision is made for the design of infrastructure that ultimately comes under Council's control both external and internal to development sites, the applicant is to contribute eighty dollars (\$80.00) per existing allotment as covered by the application to Council. The contribution will be utilised by Council as a pro rata contribution towards the cost of completing infrastructure design for the particular development area. The contribution is to be paid to Council prior to the issue of a Building Approval for any structure proposed to be erected on the site. (Account 6634).

PREREQUISITE PRIOR TO APPLICATION BEING FORWARDED TO THE DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND PLANNING AND REVOCATION OF APPROVAL CONDITIONS

- (56) Prior to the matter being forwarded to the Chief Executive of the Department of Housing, Local Government and Planning for approval, the applicant within two (2) years of the date of the Council decision is to lodge with Council:

- (a) A cash bond or bank guarantee to the sum equivalent to the contributions required by the conditions of approval contained herein. The cash bond or bank guarantee is to be returned to the applicant if the application is not approved by the Governor-in-Council.

Should the applicant fail to comply with the provisions herein contained within the time period of two (2) years from the date of the Council decision, Council will take action to rescind the decision to approve the proposed rezoning without further notice, unless the applicant can give reasons satisfactory to Council why such rescission should not take place.

\*\*\* RECOMMENDATION

That the recommendation of the Planning Officer be adopted.



Council Meeting 3 June 1994  
Report of Planning & Development Committee Meeting 31 May 1994

## \*\*\* ITEM 17

CM03/06/94(PD017)

TOWN PLANNING SCHEME: EXTENSION OF TIME FOR TOWN PLANNING PERMIT NO. 818/091/155 - 3400-3416 GOLD COAST HIGHWAY, 5-17 OCEAN AVENUE AND 127-139 FERNY AVENUE, SURFERS PARADISE

FILE REFERENCE(S)	818/091/155
APPLICATION NUMBER	910155
PREVIOUS DECISION(S)	CM14/02/92(PD023)

  

TPP NO.	:	818/091/155
SITE LOCATION	:	3400-3416 GOLD COAST HIGHWAY, 5-17 OCEAN AVENUE AND 127-139 FERNY AVENUE, SURFERS PARADISE
RPD	:	LOT 1 ON REGISTERED PLAN 115770, LOT 4 ON REGISTERED PLAN 115103, LOTS 4 TO 14 ON REGISTERED PLAN 40234, LOTS 3 AND 4 ON REGISTERED PLAN 82971, LOTS 1 AND 3 ON REGISTERED PLAN 85986, LOT 1 ON REGISTERED PLAN 173272 AND LOT 1 ON REGISTERED PLAN 67714, PARISH OF GILSTON, COUNTY OF WARD
DATE OF ISSUE	:	26/03/92
APPLICANT	:	HAZAMA CORPORATION
CURRENT LANDOWNER	:	WACORE (AUST) PTY LTD
PROPOSAL	:	INTERNATIONAL HOTEL

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE ASSISTANT PLANNING OFFICER (SM) (18/05/94)

Town Planning Permit No. 818/091/155 has not been acted upon. Notice was served upon the Applicant and the current land owner on 20 April 1994, of Council's intention to revoke.

The owner has submitted a request and reasons for an extension of time.

It is considered that the points noted in the submission are reasonable.

\*\*\* OFFICER RECOMMENDATION

It is recommended that the applicant be advised that:

- (A) The period of time for commencement of the use be extended for a further twelve (12) months to 26 March 1995.
- (B) As a Notice of Intention to Revoke the Permit has already been served, Council may revoke the Permit after the expiration of the above period, without further notice. Should it be necessary that further extensions be sought, it is the applicant's responsibility to ensure that requests are lodged with Council prior to the expiration of the extended period.

\*\*\* RECOMMENDATION

That the recommendation of the Assistant Planning Officer be adopted.

Council Meeting 3 June 1994  
Report of Planning & Development Committee Meeting 31 May 1994

## \*\*\* ITEM 18

CM03/06/94(PD018)

TOWN PLANNING SCHEME : REVOCATION OF TOWN PLANNING PERMIT NO. 818/91/181 - LAND SITUATED AT 2586-2588 GOLD COAST HIGHWAY & SEAVIEW AVENUE, MERMAID BEACH

FILE REFERENCE(S)	818/091/181
PREVIOUS DECISION(S)	CM31/01/92(PD039) CM22/05/92(PD021)

TPP NO.	:	818/91/181
SITE LOCATION	:	2586-2588 GOLD COAST HIGHWAY & SEAVIEW AVENUE, MERMAID BEACH
RPD	:	LOT 9 ON RP 837013
APPLICANT	:	STEVEN SMITHERS C/- MICHEL & PARTNERS (SURVEYS) PTY LTD
CURRENT LANDOWNER	:	H HC HOLDINGS PTY LTD (TRUSTEE)
PROPOSAL	:	VEHICLES SALES PREMISES

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE ASSISTANT PLANNING OFFICER (LD) (18/05/94)

Council at its meeting of 31 January 1992 (PD039) granted approval to use the land and erect a building/structure on the land for the purpose of a vehicle sales premises.

The approved use has not commenced and in accordance with the Local Government (Planning & Environment) Act, Section 4.14(4)(b) a notice of intention to revoke the abovementioned approval was served on the applicant, the current land owner and the occupier by letter dated 21 April 1994.

To date no objection has been received within the specified period of thirty (30) days.

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) As the proposed development indicated in Council approval of 31 January 1992 (PD039) (Town Planning Permit No. 818/091/181 dated 17 March 1992) has not commenced and no objection has been received within the specified thirty (30) days to Council's notice of intention to revoke the approval, the said approval is revoked in accordance with the Local Government (Planning and Environment) Act, Section 4.14(9)(a).
- (B) The applicant, the owner and the occupier be advised that Council approval of 31 January 1992 (PD039) is revoked based on the grounds as indicated in (1) above in accordance with the Local Government (Planning & Environment) Act, Section 4.14(9)(b).

\*\*\* RECOMMENDATION

That the recommendation of the Assistant Planning Officer be adopted.

Council Meeting 3 June 1994  
Report of Planning & Development Committee Meeting 31 May 1994

## \*\*\* ITEM 17

CM03/06/94(PD017)

TOWN PLANNING SCHEME: EXTENSION OF TIME FOR TOWN PLANNING PERMIT NO. 818/091/155 - 3400-3416 GOLD COAST HIGHWAY, 5-17 OCEAN AVENUE AND 127-139 FERNY AVENUE, SURFERS PARADISE

FILE REFERENCE(S)	818/091/155
APPLICATION NUMBER	910155
PREVIOUS DECISION(S)	CM14/02/92(PD023)

TPP NO. : 818/091/155  
SITE LOCATION : 3400-3416 GOLD COAST HIGHWAY, 5-17 OCEAN AVENUE AND 127-139 FERNY AVENUE, SURFERS PARADISE  
RPD : LOT 1 ON REGISTERED PLAN 115770, LOT 4 ON REGISTERED PLAN 115103, LOTS 4 TO 14 ON REGISTERED PLAN 40234, LOTS 3 AND 4 ON REGISTERED PLAN 82971, LOTS 1 AND 3 ON REGISTERED PLAN 85986, LOT 1 ON REGISTERED PLAN 173272 AND LOT 1 ON REGISTERED PLAN 67714, PARISH OF GILSTON, COUNTY OF WARD  
DATE OF ISSUE : 26/03/92  
APPLICANT : HAZAMA CORPORATION  
CURRENT LANDOWNER : WACORE (AUST) PTY LTD.  
PROPOSAL : INTERNATIONAL HOTEL

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE ASSISTANT PLANNING OFFICER (SM) (18/05/94)

Town Planning Permit No. 818/091/155 has not been acted upon. Notice was served upon the Applicant and the current land owner on 20 April 1994, of Council's intention to revoke.

The owner has submitted a request and reasons for an extension of time.

It is considered that the points noted in the submission are reasonable.

\*\*\* OFFICER RECOMMENDATION

It is recommended that the applicant be advised that:

- (A) The period of time for commencement of the use be extended for a further twelve (12) months to 26 March 1995.
- (B) As a Notice of Intention to Revoke the Permit has already been served, Council may revoke the Permit after the expiration of the above period, without further notice. Should it be necessary that further extensions be sought, it is the applicant's responsibility to ensure that requests are lodged with Council prior to the expiration of the extended period.

\*\*\* RECOMMENDATION

That the recommendation of the Assistant Planning Officer be adopted.

Council Meeting 3 June 1994  
Report of Planning & Development Committee Meeting 31 May 1994

## \*\*\* ITEM 18

CM03/06/94(PD018)

TOWN PLANNING SCHEME : REVOCATION OF TOWN PLANNING PERMIT NO. 818/91/181 - LAND SITUATED AT 2586-2588 GOLD COAST HIGHWAY & SEAVIEW AVENUE, MERMAID BEACH

FILE REFERENCE(S)	818/091/181
PREVIOUS DECISION(S)	CM31/01/92(PD039) CM22/05/92(PD021)

TPP NO. : 818/91/181  
SITE LOCATION : 2586-2588 GOLD COAST HIGHWAY & SEAVIEW AVENUE, MERMAID BEACH  
RPD : LOT 9 ON RP 837013  
APPLICANT : STEVEN SMITHERS C/- MICHEL & PARTNERS (SURVEYS) PTY LTD  
CURRENT LANDOWNER : H HC HOLDINGS PTY LTD (TRUSTEE)  
PROPOSAL : VEHICLES SALES PREMISES

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE ASSISTANT PLANNING OFFICER (LD) (18/05/94)

Council at its meeting of 31 January 1992 (PD039) granted approval to use the land and erect a building/structure on the land for the purpose of a vehicle sales premises.

The approved use has not commenced and in accordance with the Local Government (Planning & Environment) Act, Section 4.14(4)(b) a notice of intention to revoke the abovementioned approval was served on the applicant, the current land owner and the occupier by letter dated 21 April 1994.

To date no objection has been received within the specified period of thirty (30) days.

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) As the proposed development indicated in Council approval of 31 January 1992 (PD039) (Town Planning Permit No. 818/091/181 dated 17 March 1992) has not commenced and no objection has been received within the specified thirty (30) days to Council's notice of intention to revoke the approval, the said approval is revoked in accordance with the Local Government (Planning and Environment) Act, Section 4.14(9)(a).
- (B) The applicant, the owner and the occupier be advised that Council approval of 31 January 1992 (PD039) is revoked based on the grounds as indicated in (1) above in accordance with the Local Government (Planning & Environment) Act, Section 4.14(9)(b).

\*\*\* RECOMMENDATION

That the recommendation of the Assistant Planning Officer be adopted.

Council Meeting 3 June 1994  
Report of Planning & Development Committee Meeting 31 May 1994

## \*\*\* ITEM 19

CM03/06/94(PD019)

APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
CONSENT PERMIT TO CARRY OUT MULTI UNIT BUILDING - COMMERCIAL / RETAIL  
PREMISES - CORNER OF CHAIRLIFT AVENUE & GOLD COAST HIGHWAY, MIAMI

FILE REFERENCE(S)	818/094/039
APPLICATION NUMBER	940039
VIDE ITEM(S)	MAP(S)
PROJECT ADDRESS	: CORNER OF CHAIRLIFT AVENUE & GOLD COAST HIGHWAY
REAL PROPERTY DESCRIPTION	: LOT 1 ON RP 854949, PARISH OF GILSTON, COUNTY OF WARD
OWNER	: LAUREATE AUSTRALIA PTY LTD
APPLICANT	: RAP CIVIC CONSTRUCTIONS PTY LTD
PROPOSED DEVELOPMENT	: RESIDENTIAL & COMMERCIAL DEVELOPMENT
SITE AREA	: 4129 SQUARE METRES
ZONING OF THE LAND	: SPECIAL FACILITY (INTEGRATED BUSINESS & RESIDENTIAL)
CLASSIFICATION	: MULTI UNIT BUILDING & COMMERCIAL/RETAIL
DATE RECEIVED	: 22/03/94
DATE ADVERTISED	: 21/03/94
OBJECTION(S)	: NO LETTERS WERE RECEIVED

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE PLANNING OFFICER (LMCEC) (20/05/94)**PROPOSAL**

It is proposed to seek Council's consent for a retail and residential development on the lower portion (Lot 1) of the "Magic Mountain" site at Miami.

The proposed development will contain seven shops, two blocks of residential units and associated landscaping and car parking areas.

This application seeks to modify a plan of development as approved by Council as part of a rezoning application (663/92/82).

The applicant has also requested a relaxation of the requirement for a lift.

**ADVERTISING**

It appears that the application has been advertised in accordance with the provisions of the Local Government (Planning & Environment) Act.

**OBJECTIONS**

No objections were received to the proposal.

Council Meeting 3 June 1994  
Report of Planning & Development Committee Meeting 31 May 1994

## ITEM 19

CONTINUED...

APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
CONSENT PERMIT TO CARRY OUT MULTI UNIT BUILDING - COMMERCIAL / RETAIL  
PREMISES - CORNER OF CHAIRLIFT AVENUE & GOLD COAST HIGHWAY, MIAMI

**HISTORY**

(663/92/82)

An application to rezone part of the Magic Mountain (now known as Lot 1) from the Tourist and Entertainment zone to the Special Facility (Integrated Business and Residential) zone was lodged on 30 December 1992.

This application was approved by Council in March 1993 (PD043) subject to conditions and gazetted on 28 January 1994.

The conditions refer to other development standards such as landscaping and car parking, development parameters such as site cover, plot ratio etc, plan of layout, (No. 12-028 AD submitted by Morton Perlman Svensson).

In November 1993 the condition relating to offstreet car parking was amended to require 88 spaces rather than the previously required 102 spaces.

A registered plan has now been issued and the subject site is now described as Lot 1 on RP 854949, Parish of Gilston.

Four lots have now been created from the former "Magic Mountain" site. Two lots (Lots 3 and 4) have now been transferred to the Council as parkland. The balance of the site (Lot 2) will be developed for residential purposes.

**DETAILS OF THE APPLICATION**

Within the Special Facility zone, a development proposal not in accordance with an approved plan of layout requires the consent of Council.

The proposed development varies from the previous approval as follows:

- (1) Deletion of commercial premises from the first floor level.
- (2) Vehicular access from Chairlift level only.
- (3) The number of units has been reduced from 48 to 43 units.
- (4) The unit density is consistent but additional bedrooms have been proposed.
- (5) Three (3) units will be of three (3) storeys.

A summary of the proposal follows:

Area of the site	4129 m <sup>2</sup>
Retail area (Total Use Area)	583 m <sup>2</sup>

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No. of units

BLOCK A	8 x 3 bedroom units
	8 x 2 bedroom units
TOTAL	16

BLOCK B

Units 17 to 43	
5 levels	• basement car park (below finished ground level)
	• 3 full levels of residential
	• 1 part level of residential

Levels 2 & 3 (i.e. above the car park)

12 x 3 bedrooms
<u>6 x 2 bedrooms</u>
18

Level 4

6 x 3 bedrooms on one level

Levels 4 and 5

3 x 3 bedrooms on two levels

Total Block B = 27

Total Blocks A and B = 16 + 27  
= 43 units

BLOCK B

Levels 2 and 3	12 x 3 bedroom units
	6 x 2 bedroom units

Levels 4-5	9 x 3 bedroom units
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TOTAL	27 units
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DETAILS OF THE PROPOSAL

RETAILING

1-7 shops 583 m<sup>2</sup> (total)

BLOCK A (Chairlift Avenue frontage)

- Units 1-16
- 8 x 3 bedrooms
- 8 x 2 bedrooms
- 4 levels of residential
- 4 units per level
- A roof terrace. Access to the roof terrace will be available to the residents of Block A
- The "existing ground level" will be lowered to allow direct access from Chairlift Avenue

Blocks A and B are connected by a podium. The landscaped open space for the development will be predominantly located on the podium.

64 car parking spaces (including 10 tandem spaces) and a loading bay are proposed in the basement car park.

14 spaces are proposed in Chairlift Avenue.

Access is only from Chairlift Avenue. The previous approval granted access was from Chairlift Avenue and the Gold Coast Highway.

Drawing DD-3.04 shows the "existing ground level" at the south / west property boundary.

Generally the basement car park is below the finished ground level. Part of the basement near to the shops is above one (1) metre of ground level. This area has been included in GFA calculations.

COMPARISON WITH PREVIOUS APPROVAL

This application has been assessed against the previous approval, as follows:

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## (1) Condition 1 - Approved Plans.

	APPROVED	PROPOSED
(a)	Site Coverage Residential component - 1559 m <sup>2</sup> Total development 42% 66%	38%
(b)	Population density 506 persons per hectare 209 per 4129 m <sup>2</sup>	14 x 2 bedroom = 56 persons 29 x 3 bedroom = 174 persons 230
(c)	Plot ratio 1.6 1.6 x 4129 = 6606 m <sup>2</sup>	5852 m <sup>2</sup>
(d)	No. of storeys = 4	5
(e)	Maximum No. of units = 48	43
(f)	Maximum No. of bedrooms = 102	115

(2) Condition 2 - 10 not applicable at this time.

(3) Condition 11 - Recycling bins not provided.

(4) Condition 13 - Setback and open space area.

APPROVED	PROPOSED
Chairlift Avenue 6m approx.	9m
To North 6m	4m
To East varies - average 25m	5m
To South East 2.5 m	3.5m
From communal area min. 3m	5.5 to 6.35 m

(5) Condition 16 - 32 not applicable at this time.

(6) Condition 33 (amended 23 November 1993).

Previously 88 spaces, including 10 spaces were required. Of the 88, 49 were for retail use, of which 14 were located in the Chairlift Avenue road reserve.

(7) Condition 34 and 35 loading bay.

(8) Condition 36 - 50 not applicable at this stage.

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The proposal is generally consistent with the previous approval, although there is a small increase in site population and the number of bedrooms.

A part of Block B exceeds four (4) storeys. This section contains the second level of three units. Given the location and extent of the fifth level, it is considered that there would not be a significant impact on the visual amenity.

## LANDSCAPED OPEN SPACE

The site area for the previous approval included the new parkland to the east.

The proposal included a 921 m<sup>2</sup> landscaped podium and a 921 m<sup>2</sup> landscaped area which is now the park.

Based on the previous town plan, 1910 m<sup>2</sup> is required for landscaped open space (14 units x 37 m<sup>2</sup>) + (29 units x 48 m<sup>2</sup>).

An area of 2570 m<sup>2</sup> has been provided for landscaped open space. This is in excess of the requirement for landscaped open space.

## CAR PARKING

Car parking has been calculated on the provisions of the previous Town Plan.

The car parking requirements are as follows:

- (1) Retailing component (583 m<sup>2</sup>)  
1 space per 20m<sup>2</sup> up to 200m<sup>2</sup> = 10  
1 space per 15m<sup>2</sup> = 26

36

- (2) Residential Component  
1 space per unit 43  
1 space per 10 unit visitor 5

48

(of which 10 are tandem spaces)

- (3) TOTAL 36 + 48 = 84

- (4) Provided

64 at basement level (10 tandem)  
14 on Chairlift Avenue

78

- (5) There is a shortfall of six (6) spaces. A cash in lieu payment could be accepted for this shortfall.

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**LIFT**

The applicant has requested a relaxation of the provision for a lift in Block A.

Given the configuration of the building and the location of the basement car park, it is considered that a relaxation could be granted.

**ENGINEERING CONSIDERATIONS**

The rock face of the north is considered unstable.

Works will be required along the eastern boundary of the site to ensure the safety of the residents.

Adequate conditions can be imposed on the developer. It is recommended that these works be completed prior to the issue of the building approval.

**CURRENT TOWN PLAN**

Under the current Town Plan the subject site is included in SDA No. 20 - North Nobby Hill.

The proposal accords with the intent of the site of a local shopping area in conjunction with medium density housing. An area of local shopping is as discussed in the intent.

The proposed population density for the site is D1. Based on this density, a gross site area of 6389 m<sup>2</sup> would be required to support the proposed development. However, it should be noted the density of this proposal is consistent with what was previously approved and this application is to vary the original approval.

The maximum height is noted as three (3) storeys. This proposal is consistent with the previous approved for four (4) storeys. A minor part of the development is five (5) storeys.

**\*\*\* OFFICER RECOMMENDATION**

It is recommended

(A) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application, and has also relied on reports prepared in relation to this matter.

(B) The applicant be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to modify an approved plan of development the land as described herein be approved subject to the conditions listed below:

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DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOT 1 ON RP 854949, PARISH OF GILSTON, COUNTY OF WARD
POSTAL ADDRESS:	CORNER CHAIRLIFT AVENUE & GOLD COAST HIGHWAY, MIAMI
AREA OF LAND:	4129 SQUARE METRES
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	VACANT
APPROVED USE/S AS GRANTED IN THIS CONSENT:	RESIDENTIAL & COMMUNAL

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

APPROVED PLANS

- (1) The development shall be in accordance with the plans (and elevations) submitted by the applicant (Plan/Drawing No. SD 1.11 to 1.17 and WD 1.01 dated February 1994, DD1.02 dated April 1994 and DD3.04 dated May 1994 submitted by DBI Design Corporation dated ) (as amended by the conditions of the approval).

The development shall comply with the relevant Planning Scheme requirements and the following development parameters:

- (a) Site Coverage . . . . . Residential Component 42%  
Total Development 66%
- (b) Population Density shall not exceed . . . 557 persons per hectare
- (c) Plot Ratio shall not exceed . . . . . 1.6m
- (d) Maximum Number of Storeys . . . Four (4) storeys with a partial fifth storey approved in Block B
- (e) Maximum Number of Units . . . . . 43
- (f) Maximum Number of Bedrooms . . . . . 115
- (g) Landscaped Open Space . . . . . 1910 m<sup>2</sup>

BUILDING AND DEVELOPMENT COMPLIANCE

- (2) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Planning Scheme. These building plans are to accord with the plan approved in this Approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.
- (3) Prior to the issue of Building Approval the applicant shall submit to Council for approval full details prepared by a professional engineer of the building work necessary to retain any excavation below the level and to preserve and protect adjoining building from damage.

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NOISE & AMENITY CONTROL

- (4) Any noise generated is to comply with the provisions of By-law 270 of Chapter 11 of Council's By-laws and The Noise Abatement Act and the requirements of any other Authorities.
- (5) There is to be no interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

LIGHTING DEVICES - GENERAL

For the purpose of conditions that relate to lighting devices, a light shall be deemed to create a nuisance when the level of illumination measured at or above ground level at a distance of 1.5 metres outside the boundary of the site exceeds eight (8) lux.

- (6) Any lighting device is to be so positioned and shielded as not to cause any glare nuisance to any nearby residential occupation or passing motorist.

STREET LIGHTING

- (7) Any proposed lighting to be provided within the Road Reserve area or other public areas under Council's control shall be of a design and standard and contain appropriate fittings which are S.E.Q.E.B. approved and comply with the necessary Australian Standards. In addition, the proposed lighting device is to be of a design and standard approved by S.E.Q.E.B. for on-going maintenance by S.E.Q.E.B..

LANDSCAPING

- (8) The open space and setback areas are to be landscaped in accordance with a properly prepared planting plan to be submitted to and approved by the Planning and Development Manager prior to the issue of a building approval. Where building approval is not required, the planting plan is to be submitted and approved prior to the commencement of the said use. Such landscaping is to be completed in accordance with the approved planting plan prior to the premises being occupied and maintained at all times thereafter to the reasonable satisfaction of the Planning and Development Manager. The plan is to include the location of any proposed advertising devices and certain information listed in provision 13.12.1.1 of the Planning Scheme.

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REFUSE FACILITIES

- (9) Provision shall be made for the storage and suitable access for the removal of refuse in accordance with the Refuse Management Regulations and the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

If the refuse storage area is to be located within the six (6) metre setback to the frontage the following provisions are met to the satisfaction of the Planning and Development Manager -

- (a) the refuse storage area shall be no closer than three (3) metres to any frontage and no closer than 1.5 metres to any other site boundary; and
- (b) the refuse storage area shall be enclosed on three (3) sides with a screen wall extending 0.2 metres above the height of the refuse receptacles; and
- (c) the refuse storage area shall be screened by dense planting and mounding.

- (10) Provision shall be made for the storage, removal and screening of refuse in accordance with the Council's By-laws and to the satisfaction of the Chief Health Surveyor, having regard to the purpose of Clause 12.7.11 of the Planning Scheme.

SETBACK AND OPEN SPACE AREAS

- (11) The building is to be set back as shown on the approved plans.
- (12) A screen fence 1.8 metres high shall be erected on all side and rear boundaries to the satisfaction of the Planning and Development Manager.
- (13) Open space or setback areas, arcades and plaza areas incorporated as part of the development shall not be used for commercial purposes without the prior approval of Council.
- (14) All motor cycles/vehicles/boats/plants are to be displayed on site within the property boundaries. There is to be no display of motor cycles/vehicles/boats/plants on the streets about the site.

EMERGENCY POWER

- (15) To ensure the preservation of power supply to fire safety equipment in the event of a fire, construct the "Building Safety Equipment Switchboard" to the following minimum standards:

- (a) The Building Safety Equipment Switchboard shall be a separate segment of the main switchboard. It may be installed as part of, adjacent to, or completely separate from the main switchboard, provided this is acceptable to the Supply Authority, and it is so constructed that any fault within the remainder of the switchboard will not impair the functionality of the Building Safety Switchboard segment.

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- (b) All power supplies, and sets of busbars, shall be completely segregated from each other, and from all functional units to limit fault transference.
- (c) The Building Safety Equipment Switchboard segment shall be constructed to be fully segregated to form 3 of AS 1136 with added segregation to the separate supplies (as in ii above). Prior to a final clearance being issued by Council, the electrical engineer responsible for the design of the electrical installation, shall provide a certification that the electrical installation meets the requirements of the Standard Building By-laws and the above mentioned minimum standards.

ADVERTISING DEVICES

- (16) The location, size, type and content of any advertising sign or device is to be submitted to Council for approval under the provisions of the Signs By-law. In assessing such applications, particular regard will be given to preserving the amenity of the area.

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS EXTERNAL TO DEVELOPMENT SITESStormwater Drainage

- (17) Stormwater drainage that may discharge onto the site, from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, easements shall be provided within and or external to the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.
- (18) Development shall ensure minimal downstream siltation during construction by intercepting the flow from the sub catchment and returning that flow to the natural gullies and downstream gullies or stormwater drainage systems at a volume and velocity not exceeding the existing condition. In addition, the following provisions shall be met to the satisfaction of the Chief Engineer -
- construction of silt traps at the downstream end of the construction area; and
  - stabilisation of earth batters using quick growing vegetation techniques or turfing; and
  - re-aligned drainage channels shall be protected from scouring as construction proceeds; and
  - drainage channels shall be wide based, if possible; and
  - construction of temporary bunds throughout the site; and

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- (f) the contract documentation shall include Quality Assurance Provisions in accordance with Australian Standard AS2900-1987.
- (19) Soil exposure during the construction phase shall be minimised and restoration of exposed areas shall be carried out to the satisfaction of the Chief Engineer within seven (7) days of such areas no longer forming part of the construction areas.
- For the purpose of this Clause "construction area" means that part of the site which is required for the carrying out of development and storage of equipment and materials associated with the development.
- (20) In accordance with the Local Planning Policy "Stormwater Headworks Contributions at Building Approval Stage" a contribution may be required towards the cost of provision or upgrading of the stormwater system in the area. Where a contribution is required as part of a development it shall be paid to the Council prior to the commencement of construction and shall be determined at the time of processing the building application in accordance with the rates fixed by the Council applicable at that time.

ROADWORKS AND FOOTPATH AREAS

- (21) All redundant access crossings are to be removed and replaced with integral concrete kerb and channel. Footpath, grass verge, traffic and parking regulations shall be reinstated and restored. The work shall be completed in accordance with Council's requirements.
- (22) All pedestrian paved surfaces within the development are to have a minimum Polished Frictional Value of 40 as set down in the Australian Standard AS1141.42. All paving provided external to the site is to have a Polished Frictional Value of not less than 45 as set down in the Australian Standard AS1141.42.
- (23) The footpath and setback areas are to be kept clear of goods, signs and street furniture not approved by the Manager Health Building & By-laws and the Planning and Development Manager.
- (24) REPAIR TO EXISTING KERB AND CHANNEL AND REPLACEMENT OF EXISTING FOOTPATH WITH A PAVED FOOTPATH AREA - If damaged, the existing kerb and channel and footpath is to be replaced with new kerb and channel and paved footpath for the frontage of the site. The kerb and channel is to be on an alignment to match the existing. The footpath area is to be reconstructed to the satisfaction of the Chief Engineer. The applicant is to be responsible for costs involved with the provision of a paved footpath area. The paving material will extend from the property boundary to the property side of the kerb and channel on all street frontages of the subject site. The details of this paved footpath area are to be submitted in conjunction with the



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- plans submitted to Council for Building Approval and are to be approved by Council prior the construction commencing on site.
- (25) Any drainage works or alterations to public utilities, road signage or traffic control devices necessitated by the works required shall be undertaken by the owner of the land at no cost to the Council and to the satisfaction of the Chief Engineer.
- (26) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Chief Engineer.
- (27) Vehicular access is to be provided in a manner satisfactory to the Chief Engineer. The minimum requirement will consist of construction using reinforced concrete in accordance with Council's standard drawing No. 52790B.
- (28) No fence, hoarding or other structure or plant growth shall exceed 750 mm in height within a truncated area on the corner of the allotment at any road intersection. This truncation shall be defined by a straight line connecting a point on each boundary that is six (6) metres from the intersection of those boundaries. Installation of any fencing material around this corner shall be in accordance with Chapter 14 of Council's By-Laws.

FILLING AND FLOOD LEVEL

- (29) Any filling of the site shall not cause ponding on adjoining sites.

PAVED SURFACES

- (30) Private Property  
 To protect pedestrians from accidents, all external paving within the site, together with all floor surfaces to public access areas within a building, which includes arcades, foyers, lobbies and the like, shall have a minimum Polished Frictional Value of 40, as set down in Australian Standard AS1141.42.

In relation to paving materials and floor surfaces within private property, the Chief Building Surveyor shall have discretionary power to dispense with the requirements for a polishing test stipulated in AS1141.41, for hard materials such as marble, which are unlikely to be readily polished by pedestrian traffic.

Where the Chief Building Surveyor is of the opinion that a particular installation within private property warrants dispensation from the above requirements, he may refer the matter to Council for determination.

- (31) Public Property  
 All paving provided external to the site is to have a Polished Frictional Value of not less than 45, as set down in AS1141.42.

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PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (32) Access to site, vehicular parking and loading bay requirements are to be in accordance with Council's parking policy and any relevant standard drawings.  
 Alterations of access alignments may be necessary and shall be determined following discussions with Council's Traffic Section and to the reasonable satisfaction of the Chief Engineer. Should such alterations be considered necessary, the applicant shall modify all design plans accordingly prior to submission for building approval.
- (33) Access to the site and any road works or associated facility design is to be to the approval of the Queensland Department of Transport - Main Roads.
- (34) Fire Brigade standing areas and associated hydrant stands shall only be provided on driveways into the development. No separate special cross-over is to be provided for Fire Brigade vehicles.
- (35) The applicant shall provide a site plan for investigation by the Traffic Section, showing existing parking and traffic regulations with existing access locations along the frontage of the site, to determine necessary on street or internal modifications. This plan shall be submitted prior to a Building Application so that any modifications to internal car parking arrangements or access locations can be resolved prior to completion of final design drawings. Surplus access crossings and Traffic and Parking Regulations shall be reinstated and restored. The extent of this work shall comply fully with Council's Landscaping Policy.
- (36) Prior to preparation of final design drawings for submission with a Building Application, the applicant shall engage a recognised traffic engineering consultant to undertake a study of the existing road network in this vicinity and the proposed developments effect on:
- (a) the integration of traffic with the school generated traffic in Great Hall Drive;
- (b) the car parking and road safety problems which may occur at Chairlift Avenue and Gold Coast Highway.
- (37) The report is to be lodged with the Chief Engineer for approval prior to the commencement of construction. The construction is to be completed prior to the issue of a Certificate of Classification.
- (38) The applicant is to contribute 50% of the construction cost for the upgrading of the intersection as required by condition (38) prior to the release of the building application. The cost will be determined at the time of lodgement of the building application.
- (39) Any construction work on the intersection is to be to the satisfaction of the Chief Engineer.

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CONSTRUCTION ACCESS AND PROVISION FOR TRAFFIC

- (40) Prior to the lodgement of an application for a building permit, discussions shall be held with Council's Traffic and Building Sections to ascertain how this development is to be undertaken without any encroachment of construction activity or storage of material on the footpath or roadway. All agreements reached will be to the satisfaction of the Chief Engineer.
- (41) Access to site during construction shall be in accordance with the Local Planning Policy 'Requirements for Construction for Development Sites'.
- (42) Unloading, storage or movement of construction material or equipment shall take place within the site in accordance with the Local Planning Policy 'Requirements for Construction on Development Sites'.

CAR PARKING AND LOADING FACILITIES

- (43) Provision of at least 84 car parking spaces (of which 10 are tandem spaces and 14 spaces are located in Chairlift Avenue Road Reserve to the satisfaction of the Planning and Development Manager) and access and layout design to be provided and constructed in accordance with Local Planning Policy 'Off Street Vehicle Parking Requirements', Australian Standards AS-2890.1 and AS-1428.1 amended from time to time to the reasonable satisfaction of the Planning and Development Manager. Should the development be designed in such a manner as to reduce the amount of required car parking, the required amount of car parking may upon application to the Planning and Development Manager, be amended accordingly. The final number of cash in lieu spaces is to be determined by the Planning and Development Manager at Building Application.
- (44) Payment to Council of \$7800.00 per space (or other such rate as adopted by Council as being applicable to the appropriate area at the time of lodgement of a Building Application) in lieu of six (6) off-street car parking spaces, such amount to be paid to Council prior to occupation of the building. A bond, acceptable to the Chief Executive Officer for the required amount is to be lodged with Council prior to the issue of Building Approval. Should the development be designed in such a manner as to reduce the amount of required car parking, the required payment may upon application to the Planning and Development Manager, be amended accordingly.
- (45) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (46) As the development exceeds more than twenty (20) car parking spaces, bicycle parking shall be provided in accordance with the provisions of the Local Planning Policy "Off-Street Vehicle Parking Requirements".
- (47) Where car parking is required for visitors to any development pursuant to the provisions of the Planning Scheme, such car parking shall be provided in accordance with the following:

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- (a) be freely accessible to visitors at all hours with no encumbrance, fee or charge; and
- (b) have no gateways, doors or similar devices which would restrict vehicular access by visitors; and
- (c) have no signs displayed restricting the use of visitor spaces or reserving the use of such spaces for a particular person.
- (48) All of the required car parking shall be provided so as to be freely accessible to accommodate the vehicles of persons employed on the site for the time the development is open for business and those of bona fide visitors for the duration of any visit to the site. There shall be no encumbrance, fee or charge, and no gateways, doors or similar devices being erected or located which would restrict vehicular access to these spaces or no signs displayed which restrict the use of these spaces.
- (49) Provision of a loading area, together with associated driveways, shall be developed in accordance with the Local Planning Policy "Off-Street Vehicle Parking Requirements" to the reasonable satisfaction of the Chief Engineer. The loading may be may located outside the basement at a location acceptable to the Planning and Development Manager.
- (50) All car parking and loading area/areas shall be freely and readily accessible for vehicular use and be designed to enable all vehicles entering and leaving the site to do so in a forward direction.
- (51) All car parking and loading areas shall be kept and used exclusively for parking and associated manoeuvring and be maintained to the satisfaction of the Planning and Development Manager.
- (52) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Chief Engineer.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (53) Provision of water supply and sewerage to the reasonable satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and relevant Local Planning Policies.

The owner of the land shall be responsible for all costs involved with the connection to the existing Council water supply main and the sterilisation of any new water supply mains. These works shall be carried out by Council.

- (54) The development shall be provided with Fire Hydrant installation conforming with the provisions of the Australian Standard AS2419 (as amended from time to time).

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ITEM 19 CONTINUED...  
APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
CONSENT PERMIT TO CARRY OUT MULTI UNIT BUILDING - COMMERCIAL / RETAIL  
PREMISES - CORNER OF CHAIRLIFT AVENUE & GOLD COAST HIGHWAY, MIAMI

HEADWORKS CONTRIBUTIONS

(55) WATER SUPPLY AND SEWERAGE COMPONENT 1

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 1).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located. The contributions have been determined from information supplied with the application and Council records, the principal particulars of which are as follows:

Water Supply	(Account No. 6635) 56 e.p	\$20,048.00
Sewerage	(Account No. 6637) 106 e.p	\$35,086.00
Total Component 1 Headworks Contribution		\$55,134.00

The above rates are valid for the period of this approval only and subject to increase in accordance with any increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April / June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

Prior to this approval for rezoning being forwarded to the Chief Executive of the Department of Housing, Local Government and Planning an agreement on terms and conditions to be determined by the Chief Executive Officer whereby the applicant for rezoning agrees to make payment of the Water Supply and Sewerage Component 1 Headworks contribution referred to above shall be signed by the applicant and lodged with the Council as security for compliance with the applicant's obligations to make the above contribution. Prior to referred of the application for rezoning to the Chief Executive of the Department of Housing, Local Government and Planning the applicant shall also lodge an unconditional and unequivocal bank bond or guarantee on terms and from an institution acceptable to the Chief Executive Officer for the amount of the total Component 1 Headworks contribution.

The agreement and the security referred to above shall only be released to the applicant or as directed by the applicant upon payment of the contribution (together with any CPI increases calculated in accordance with the index referred to above) in cash or by bank cheque payable to the Council.

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ITEM 19 CONTINUED...  
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CONSENT PERMIT TO CARRY OUT MULTI UNIT BUILDING - COMMERCIAL / RETAIL  
PREMISES - CORNER OF CHAIRLIFT AVENUE & GOLD COAST HIGHWAY, MIAMI

In the event of a sale of the lands the subject of this rezoning approval Council may at its discretion on completion of the sale release the applicant from all obligations under the agreement and release the security referred to above upon lodgement of a substitute agreement on terms determined by the Chief Executive Officer executed by the purchaser of the land and the lodgement of a replacement security, the amount of which shall be determined by the Chief Executive Officer after taking into account any increases in the index referred to above.

The determination of the final amount of the contribution referred to in this condition will be deferred until the approval by Council of an application for permissible development or permitted development subject to conditions, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such approval. The determination of the amount of the contribution at that time will be based on the following rates:

Water Supply	\$358.00	per Equivalent Person
Sewerage	\$331.00	per Equivalent Person

The above rates are valid for the period of this approval only and subject to increase in accordance with any increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April / June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

(56) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 2).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located.

The above rates are valid for the period of this approval only and subject to increases in the Consumer Price Index and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April / June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

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ITEM 19 CONTINUED...  
APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
CONSENT PERMIT TO CARRY OUT MULTI UNIT BUILDING - COMMERCIAL / RETAIL  
PREMISES - CORNER OF CHAIRLIFT AVENUE & GOLD COAST HIGHWAY, MIAMI

The determination of the final amount of the contribution referred to in this condition will be deferred until the approval by Council of a building application, permissible development application, application for permitted development subject to conditions or application for subdivision, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such building approval, approval for permissible development, approval for permitted development subject to conditions or subdivision approval, as the case may be. The determination of the amount of the contribution at that time will be based on the following rates;

Water Supply	\$279.00	per Equivalent Population/Person
Sewerage	\$410.00	per Equivalent Population/Person

- (57) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS  
The contributions are payable to Council by the owner of the land in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

ALTERATION TO UTILITY MAINS

- (58) Any alterations to public utility mains, services or installations rendered necessary by a development shall be undertaken by the owner of the land, at no cost to the Council, and to the satisfaction of the Chief Engineer.

GEOTECHNICAL CONSIDERATIONS

- (59) The owner of the land shall submit a geotechnical report prior to the issue of Building Approval. This report shall be prepared by persons suitably qualified and experienced in the field of geotechnical investigations and shall address issues such as:
- the stability of the adjacent sites during and after construction;
  - protection of the development from moving boulders, dislodged from "Magic Mountain" from time to time;
  - the treatment of the batter bank / retaining wall at the property boundaries.
  - take into consideration the proposed development of Lot 2 on RP 854949.

The geotechnical report is to be prepared in consultation with Council and the owners of Lot 2 on RP 854949, Parish of Gilston.

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The recommendations to stabilise the slope as contained in the geotechnical report and any other works required by the Chief Engineer and the Director of Parks and Gardens are to be approved and implemented prior to the commencement of construction.

Prior to the commencement of the geotechnical report, the site will be required to be surveyed to determine the property boundary. All works to stabilise the slope are to occur on the subject site.

- All development shall comply with the Local Planning Policy "Foundation and Geotechnical Assessment".
- Prior to the issue of Building Approval the applicant shall submit to Council for approval full details prepared by a professional engineer of the building work necessary to retain any excavation below the level and to preserve and protect adjoining site from damage.

ENGINEERING DESIGN AND CONSTRUCTION

- Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Chief Engineer prior to construction commencing. Approval by the Chief Engineer does not warrant that such plans and specification have been checked in detail, nor does it absolve the Applicant from complying with all the conditions of this approval and / or relevant Council By-Laws and policies and / or relevant statutes and / or statutory regulations in the execution and / or performance of the said works. Neither the Council nor the Chief Engineer accepts any responsibility for the accuracy of such plans and specifications as approved.
  - All material supplied and all work performed by the Applicant pursuant to this approval shall be to the reasonable satisfaction of the Chief Engineer and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and / or Policies. The Chief Engineer may, by himself or his nominated delegate, supervise and test and generally may inspect all materials and work but no supervision, testing or inspection shall relieve the Applicant of any obligation imposed upon such applicant, pursuant to this clause or any other clause of this approval.
  - MAINTENANCE - All works which, at the completion of the development, will become the responsibility of Council, shall be subject to a maintenance period and provision of security for the maintenance period in accordance with Council's subdivision By-Laws and policies.
- (63) Construction work is permitted only during the hours of 7:00 am to 6:00 pm Monday to Saturday.

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## ITEM 19

CONTINUED...

APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT MULTI UNIT BUILDING - COMMERCIAL / RETAIL PREMISES - CORNER OF CHAIRLIFT AVENUE & GOLD COAST HIGHWAY, MIAMI

NUISANCE

(64) The Applicant is to ensure that a "smoke and dust nuisance" is not created in the development of this proposal. Attention is drawn to Chapter 8 of Council's By-laws in regard to this matter. Open burning off of any material shall not be permitted on the subject site. All waste material, including cleared vegetation, shall be transported from the site and disposed of in a satisfactory manner. The applicant is to apply to Council and receive in writing from Council an approved site to dispose of this waste material. The requirements of By-law 270 of Chapter 11 in regard to noise nuisances shall apply to this development, and in addition, construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday to Saturday unless otherwise approved by the Chief Engineer.

TREE PRESERVATION

(65) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Chief Engineer. Exceptions will be made in the case of trees within an approved future road reserve or where necessary to install water and sewerage works, drainage lines, etc. Prior to any design or construction work commencing, arrangements shall be made with the Environmental Officer for an inspection to identify trees which are to be preserved. The results of this inspection will be valid only for the duration of this approval, and a fresh inspection will be required for any future approval.

Observance of Chapter 37 of Council's By-laws in regard to the preservation of trees.

(C) That the requirement for a lift in Block A has been relaxed.

\*\*\* RECOMMENDATION

That the recommendation of the Planning Officer be adopted subject to the deletion of Part (C) and the replacement with the following:

(C) That the request for a relaxation of the lift requirement in Block A is refused in order to ensure adequate internal safety and convenience within the building.

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## \*\*\* ITEM 20

CM03/06/94(PD020)

APPLICATION FOR REZONING AT 487 PINE RIDGE ROAD, RUNAWAY BAY TO RESIDENTIAL-DUPLEX DWELLING ZONE

FILE REFERENCE(S)	663/094/023
APPLICATION NUMBER	940023
VIDE ITEM(S)	MAP(S)

PROPOSED DEVELOPMENT :	DUPLEX DWELLING
APPLICANT :	HALLGAP PTY LTD
OWNER :	DONALD JULIAN DIXON
SITE LOCATION :	487 PINE RIDGE ROAD, RUNAWAY BAY
EXISTING ZONING :	RESIDENTIAL-DWELLING HOUSE
PROPOSED ZONING :	RESIDENTIAL-DUPLEX DWELLING
AREA :	693 SQUARE METRES, 693 SQUARE METRES, 626 SQUARE METRES, 632 SQUARE METRES AND 632 SQUARE METRES
RPD :	LOTS 5, 6, 7, 8 AND 9 ON REGISTERED PLAN 113734, PARISH OF BARROW, COUNTY OF WARD
OBJECTION(S) :	NIL

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE ASSISTANT PLANNING OFFICER - DEVELOPMENT & ENVIRONMENT PLANNING (AS) (11/05/94)

PROPOSAL

An application has been lodged with Council to exclude five (5) parcels of land from the Residential-Dwelling House Zone and include them within the Residential-Duplex Dwelling Zone. The blocks of land range in size between 632 square metres to 926 square metres and are located on the north eastern corner of the Pine Ridge Road and Coombabah Road intersection.

ADVERTISING

The application appears to have been advertised in accordance with Section 4 of the Local Government (Planning and Environment) Act.

OBJECTIONS

No formal objections to the application were received.

One objection was submitted but did not conform with Section 4.3 (9)(b) & (c)(i) of the Act thereby rendering it informal.

The letter of objection was not addressed to the Chief Executive Officer and no return address for the objector has been supplied. Therefore the objector cannot be notified of any decisions relating to this application.

PLANNING CONSIDERATIONS

Zoning:	Residential-Dwelling House
Strategic Plan:	Semi-Detached Housing

The proposed rezonings are in accordance with the Strategic Plan's Preferred Dominant Land Use and Semi-Detached Housing for the area.

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APPLICATION FOR REZONING AT 487 PINE RIDGE ROAD, RUNAWAY BAY TO RESIDENTIAL-DUPLEX DWELLING ZONE

A plan of development has been submitted as part of this application though it forms no relevance to the rezoning assessment. Because the rezoning is in accordance with the Strategic Plan, development compliance with Scheme Provisions 4.11 (Provisions in respect of Dwelling Houses and Duplex Dwellings) is to be assessed at the Building Application Stage of the project.

\*\*\* OFFICER RECOMMENDATION

It is recommended

- (A) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application, and has also relied on reports prepared in relation to this matter.
- (B) The applicant be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to rezone the land as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOTS 5, 6, 7, 8 AND 9 ON REGISTERED PLAN 113734, PARISH OF BARROW, COUNTY OF WARD
POSTAL ADDRESS:	487 PINE RIDGE ROAD, RUNAWAY BAY
AREA OF LAND:	693 SQUARE METRES, 693 SQUARE METRES, 926 SQUARE METRES, 632 SQUARE METRES AND 632 SQUARE METRES
ZONE TO WHICH THE LAND IS PROPOSED TO BE EXCLUDED:	RESIDENTIAL-DWELLING HOUSE
ZONE INTO WHICH THE LAND IS PROPOSED TO BE INCLUDED:	RESIDENTIAL-DUPLEX DWELLING
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	VACANT
APPROVED USE/S AS GRANTED IN THIS APPROVAL:	AS PER TABLE OF DEVELOPMENT FOR RESIDENTIAL-DUPLEX DWELLING ZONE

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

BUILDING AND DEVELOPMENT COMPLIANCE

- (1) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Planning Scheme. These building plans are to accord with the plan approved in this Approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.

Building Aesthetics

- (2) The development shall be designed and constructed to a high standard, incorporating materials which complement the

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APPLICATION FOR REZONING AT 487 PINE RIDGE ROAD, RUNAWAY BAY TO RESIDENTIAL-DUPLEX DWELLING ZONE

existing development in the area and to the satisfaction of the Planning and Development Manager.

Compliance with Planning Scheme Provisions

- (3) Having regard to the purpose of Clause 13.1.1 of the Planning Scheme, a building application shall not be approved for any development unless the development, including all buildings, structures, site works and the proposed use of the building complies with all relevant provisions of this Planning Scheme and, where applicable, the conditions of any consents, permissions or approvals granted pursuant to the Planning Scheme or of any rezoning approval or subdivision approval.
- (4) No person shall erect or commence to erect any building or other structure unless a building application has been approved and issued for the proposed development in accordance with provisions of Clause 13.1.1 of the Planning Scheme.

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS TO DEVELOPMENT SITES

Stormwater Drainage

- (5) Stormwater drainage that may discharge onto the site, from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Easements shall be provided within and or external to the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.
- (6) Development shall ensure minimal downstream siltation during construction by intercepting the flow from the sub catchment and returning that flow to the natural gullies and downstream gullies or stormwater drainage systems at a volume and velocity not exceeding the existing condition. In addition, the following provisions shall be met to the satisfaction of the Chief Engineer -
- construction of silt traps at the downstream end of the construction area; and
  - stabilisation of earth batters using quick growing vegetation techniques or turfing; and
  - re-aligned drainage channels shall be protected from scouring as construction proceeds; and
  - drainage channels shall be wide based, if possible; and
  - construction of temporary bunds throughout the site; and
  - the contract documentation shall include Quality Assurance Provisions in accordance with Australian Standard AS2900-1987.
- (7) Soil exposure during the construction phase shall be minimised and restoration of exposed areas shall be carried out to the

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satisfaction of the Chief Engineer within seven (7) days of such areas no longer forming part of the construction areas.

For the purpose of this Clause "construction area" means that part of the site which is required for the carrying out of development and storage of equipment and materials associated with the development

ROADWORKS AND FOOTWAY AREAS

- (8) Any existing kerb and channel which is damaged or is required by the Chief Engineer to be replaced for the frontage of the site shall be on an alignment both horizontal and vertical to match the existing kerb and channel or any future kerb and channel design approved by the Chief Engineer.
- (9) All redundant vehicular invert crossings shall be removed and replaced with new concrete kerb and channel.
- (10) A formed footway shall be provided for the full length of all frontages of the site, provided that the Chief Engineer may relax this provision having regard to the nature of adjacent development.

The footway fronting Pine Ridge Road shall be a minimum of 2 metres wide.

A bond to the amount of \$7,325 for construction of the footpath is to be lodged with Council prior to the application being forwarded to the Chief Executive.

Where a footway is required by the Chief Engineer to be reconstructed, the owner of the land shall be responsible for all costs associated with such reconstruction which shall be in accordance with the Council's specifications and drawings. Where paving is to be provided this material shall have a Polished Frictional Value of not less than 45, as established in Australian Standard AS1141.42.

- (11) Where development abuts an unformed or partly formed road, the following works shall be carried out by the owner of the land the subject of the application:
- concrete kerb and channel constructed for the whole or part of the road frontages; and
  - a suitable footway between the road alignment and any existing or required kerb and channel; and
  - this work is to be completed to approval prior to the application being forwarded to the Chief Executive Officer.

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APPLICATION FOR REZONING AT 487 PINE RIDGE ROAD, RUNAWAY BAY TO RESIDENTIAL-DUPLEX DWELLING ZONE

ENGINEERING DESIGN, DRAWINGS AND SPECIFICATIONS

- (12) Submission of engineering plans and specifications in accordance with the provisions of the Local Government (Planning & Environment) Act (as amended from time to time) to the Council for consideration and approval prior to any construction commencing on site. Any approval granted does not warrant that such plans and specifications have been checked in detail, nor does it absolve the applicant from complying with all the conditions of this approval and / or relevant Council By-Laws and Policies and / or relevant statutes and / or statutory regulations in the execution and / or performance of the said works. Neither the Council nor the Chief Engineer accepts any responsibility for the accuracy of such plans and specifications as approved. Approval of plans and specifications under this condition will lapse with the lapsing of the rezoning approval.
- (13) Splitter islands shall be construction on Pine Ridge Road at the intersection of Coombabah Road. The design of the islands shall be submitted to the Council's Traffic Section for approval. Construction of the islands must be completed to approval prior to the application being forwarded to the Chief Executive.
- (14) All material supplied and all work performed by the applicant pursuant to this approval shall be to the reasonable satisfaction of the Chief Engineer and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-Laws and / or Policies. The Chief Engineer may, by himself or his nominated delegate, supervise and test and generally may inspect all materials and work but no supervision testing or inspection shall relieve the applicant of any obligation imposed upon such applicant, pursuant to this clause or any other clause of this approval.
- (15) All construction work shall be subject to a maintenance period in accordance with Council's By-Laws and Policies.
- (16) Prior to the commencement of construction, an identifying notice shall be erected in accordance with Council's Policy.
- (17) Any drainage works or alterations to public utilities, road signage or traffic control devices necessitated by the works required shall be undertaken by the owner of the land at no cost to the Council and to the satisfaction of the Chief Engineer.
- (18) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Chief Engineer.
- Filling and Flood Level
- (19) Any filling of the site shall not cause ponding on adjoining sites.

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WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

(20) Provision of water supply and sewerage to the reasonable satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and Council Policy.

The owner of the land shall be responsible for all costs involved with the connection to the existing Council water supply main and the sterilisation of any new water supply mains. These works shall be carried out by Council.

HEADWORKS CONTRIBUTIONS

(21) WATER SUPPLY AND SEWERAGE COMPONENT 1 HEADWORKS

In accordance with the Planning Scheme and local planning policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 1).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located. The contributions have been determined from information supplied with the application and Council records, the principal particulars of which are as follows:

Water Supply	(Account No. 6635)	83 e.p	\$29,714
Sewerage	(Account No. 6637)	161 e.p	\$53,291

Total Component 1 Headworks Contribution      \$83,005

The above rates are valid for the period of this approval only and subject to increase in accordance with any increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

Prior to this approval for rezoning being forwarded to the Minister and the Department of Housing and Local Government an agreement on terms and conditions to be determined by the Chief Executive Officer whereby the applicant for rezoning agrees to make payment of the Water Supply and Sewerage Component 1 Headworks contribution referred to above shall be signed by the applicant and lodged with the Council as security for compliance with the applicant's obligations to make the above contribution. Prior to referred of the application for rezoning to the Minister and Department of Housing and Local Government the applicant shall also lodge an unconditional and unequivocal bank bond or guarantee on terms and from an institution acceptable to the Chief Executive Officer for the amount of the total Component 1 Headworks contribution.

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APPLICATION FOR REZONING AT 487 PINE RIDGE ROAD, RUNAWAY BAY TO RESIDENTIAL-DUPLEX DWELLING ZONE

The agreement and the security referred to above shall only be released to the applicant or as directed by the applicant upon payment of the contribution (together with any CPI increases calculated in accordance with the index referred to above) in cash or by bank cheque payable to the Council.

In the event of a sale of the lands the subject of this rezoning approval Council may at its discretion on completion of the sale release the applicant from all obligations under the agreement and release the security referred to above upon lodgement of a substitute agreement on terms determined by the Chief Executive Officer executed by the purchaser of the land and the lodgement of a replacement security, the amount of which shall be determined by the Chief Executive Officer after taking into account any increases in the index referred to above.

The determination of the amount of the contribution was based on the following rates:

Water Supply	\$358 per Equivalent Person
Sewerage	\$331 per Equivalent Person

(22) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS

In accordance with the Planning Scheme and local planning policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 2).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located.

The determination of the final amount of the contribution referred to in this condition will be deferred until the approval by Council of a building application, permissible development application, application for permitted development subject to conditions or application for subdivision, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such building approval, approval for permissible development, approval for permitted development subject to conditions or subdivision approval, as the case may be. The determination of the amount of the contribution at that time will be based on the following rates;

Water Supply	\$279 per Equivalent Population/Person
Sewerage	\$410 per Equivalent Population/Person

The above rates are valid for the period of this approval only and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base



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of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

- (23) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS  
The contributions are payable to Council by the owner of the land in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

CASH IN LIEU OF PARK PROVISION

- (24) The applicant is to provide a cash contribution of \$1,500 per lot in lieu of park provision. This contribution is based upon the additional unit per lot which will be permitted as part of the approval of this rezoning.

The contribution is to be paid to Council prior to the application being forwarded to the Chief Executive for approval.

TREE PRESERVATION

- (25) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Chief Engineer. Exceptions will be made in the case of trees within an approved future road reserve or where necessary to install water and sewerage works, drainage lines, etc. Prior to any design or construction work commencing, arrangements shall be made with the Environmental Officer for an inspection to identify trees which are to be preserved. The results of this inspection will be valid only for the duration of this approval, and a fresh inspection will be required for any future approval. Observance of Chapter 37 of Council's By-Laws in regard to the preservation of trees.

Filling and Flood Level

- (26) The site shall be filled above the maximum recorded flood level or design flood level to the satisfaction of the Chief Engineer.
- (27) All filling shall be carried out in accordance with the local planning policy "Foundation and Geotechnical Assessment" in accordance with the purpose of Clause 13.4.3 of the Planning Scheme.

Water Supply, Sewerage and Waste Disposal

- (28) Adequate water reticulation shall be provided to the development to the satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and any relevant local planning policies.

The owner of the land shall be responsible for all costs involved with the connection to the existing Council water

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APPLICATION FOR REZONING AT 487 PINE RIDGE ROAD, RUNAWAY BAY TO RESIDENTIAL-DUPLEX DWELLING ZONE

supply mains and the sterilisation of any new water supply mains. All sterilisation works shall be carried out by the Council.

- (29) Adequate sewerage reticulation shall be provided to the development to the satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and any relevant local planning policy.
- (30) Where any existing Council water main or sewer traverses a site, development shall be subject to the provisions of local planning policy "Structures near Council's Services".
- (31) Where a service is to be relocated, an easement shall be created over that service and dedicated in favour of Council, prior to the approval of a Building Application on the subject site.
- (32) All development shall comply with the local planning policy "Foundation and Geotechnical Assessment".

PREREQUISITE PRIOR TO APPLICATION BEING FORWARDED TO THE MINISTER AND REVOCATION OF APPROVAL CONDITIONS

- (33) Prior to the matter being forwarded to the minister for approval the applicant within two (2) years of the date of the Council decision is to lodge with Council:
- (a) A cash bond or bank guarantee to the sum equivalent to the contributions required by the conditions of approval contained herein. The cash bond or bank guarantee is to be returned to the applicant if the application is not approved by the Governor-in-Council.
- (b) A legal Agreement on terms and conditions satisfactory to the Chief Executive Officer, ensuring compliance with the conditions relating to water supply and sewerage headworks contributions contained herein. This Agreement is to be binding on all successors in Title. Should the applicant fail to comply with the provisions herein contained within the time period of two (2) years from the date of the Council decision, Council will take action to rescind the decision to approve the proposed rezoning without further notice, unless the applicant can give reasons satisfactory to Council why such rescission should not take place.

\*\*\* RECOMMENDATION

That the recommendation of the Assistant Planning Officer be adopted.

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## \*\*\* ITEM 21

CM03/06/94(PD021)

LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO. 27 OF 1993 - APPLICATION FOR REZONING AT 38 TO 42 ROBERT STREET AND 41 MUIR STREET, LABRADOR FROM RESIDENTIAL 'B' ZONE TO SPECIAL RESIDENTIAL ZONE

FILE REFERENCE(S)	663/092/081 PT2
PREVIOUS DECISION(S)	CM07/05/93(PD043)
	CM21/05/93(PD044)
	CM18/06/93(PD001)
	CM16/07/93(PD029)

APPLICANT : LIFESTYLE INVESTMENTS AUSTRALIA PTY LTD  
OWNER : D LITCHFIELD, H & E SMITH, M BRIEN, L R & N F JURD  
ADDRESS : 38 TO 42 ROBERT STREET AND 41 MUIR STREET,  
LABRADOR  
PROPOSAL : TO RETAIN AN EXISTING DWELLING AND ERECT 17  
TOWNHOUSES  
RPD : LOT 185 ON REGISTERED PLAN 28570, LOTS 2 TO 4 ON  
REGISTERED PLAN 74671, PARISH OF NERANG, COUNTY OF  
WARD

\*\*\* PREVIOUS AGENDA MATERIAL\*\*\* CORRESPONDENCE PRIMROSE COUPER CRONIN RUDKIN TO MCDONALD BALANDA & CHESTERS (08/06/93)

We refer to the above matter which has been set down for mention before His Honour Judge Row at 9.30 a.m. on Friday the 11th instant.

We have since been advised by our client that he is not prepared to consent to an order in the terms of the offer from the Council as he wishes to have further discussions with the Council with respect to the following matters:

1. The reduction by one of the number of units.
2. The payment of \$24,000.00 to the Council.
3. The provision of parking.

Our client will be having discussions with the respective Council officers but at this stage the proposal for a consent order cannot proceed.

\*\*\* CORRESPONDENCE MCDONALD BALANDA & CHESTERS (FOLIO 9322879) (10/06/93)

We refer to the above matter and previous correspondence. When the matter was mentioned at the last Callover the Judge adjourned the matter to be mentioned again on Friday 11th June at 9.30 am in Brisbane so that Consent Orders could be approved. We have now received a facsimile from Messrs Primrose Couper Cronin Rudkin, solicitors for the appellant, which is self explanatory. Would you please advise us of the outcome of any further discussions with the Appellant in relation to the matters raised in the correspondence attached.

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## ITEM 21

CONTINUED...

LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO. 27 OF 1993 - APPLICATION FOR REZONING AT 38 TO 42 ROBERT STREET AND 41 MUIR STREET, LABRADOR FROM RESIDENTIAL 'B' ZONE TO SPECIAL RESIDENTIAL ZONE

Of course we will advise the Court that this matter has not now been settled and ask the Court to adjourn the matter to the next Callover on the Gold Coast.

\*\*\* REFERENCE PLANNING AND DEVELOPMENT MANAGER (NH) (22/06/93)\*\*\* OFFICER RECOMMENDATION

It is recommended that Council note a meeting has been arranged between the applicant's representatives and the Planning and Development Committee. This meeting has been arranged for Tuesday 13 July, 1993.

COUNCIL DECISION CM16/07/93(PD029)

- (A) That Council note a "without prejudice" meeting was held between the Planning and Development Committee and the appellant's representatives on Tuesday 13th July, 1993.
- (B) Council note that Alderman Lawlor declared a pecuniary interest and was not present during any Committee discussion or decision in this matter.
- (C) That the appellant and Council's solicitor be advised that Council reiterates its previous decision to enter into a Consent Order in accordance with the conditions as previously advised.

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE PLANNING OFFICER (DG) (10/05/94)

Council's solicitors have advised that following the request of the appellant's solicitors, Local Government (Planning & Environment) Court Appeal No. 27 of 1993 was struck out at the Planning & Environment Court Callover on 21 April 1994.

\*\*\* OFFICER RECOMMENDATION

It is recommended that Council note Local Government (Planning & Environment) Court Appeal No. 27 of 1993 was struck out at the Planning & Environment Court Callover on 21 April 1994.

\*\*\* RECOMMENDATION

Council note Local Government (Planning & Environment) Court Appeal No. 27 of 1993 was struck out at the Planning & Environment Court Callover on 21 April 1994.

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## \*\*\* ITEM 22

CM03/06/94(PD022)

MODIFICATION OF SCHEME PROVISIONS - WIDTH OF SITE - 10 PACIFIC PARADE, BILINGA

FILE REFERENCE(S)	:	13-01526-0000-4 825/094/029
PROJECT ADDRESS	:	10 PACIFIC PARADE, BILINGA
REAL PROPERTY DESCRIPTION	:	LOT 16 ON B 70828, PARISH OF TALLEBUDGERA, COUNTY OF WARD
OWNER	:	M E D HODGSON
APPLICANT	:	TD & CN GRAY
PROPOSED DEVELOPMENT	:	THREE (3) STOREY MULTI-UNIT BUILDING
SITE AREA	:	673 SQUARE METRES
ZONING OF THE LAND	:	RESORT RESIDENTIAL 1 - D2(D2) H3(10)

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE TECHNICAL OFFICER PLANNING & DEVELOPMENT (SF) (19/05/94)

Application has been made for modification of Clause 4.16.1.2 which prescribes that the width of the site shall be at least fifteen (15) metres measured along a line on the site six (6) metres from and parallel to the frontage but provides that Council may relax this provision if it considers relaxation is justified having regard to -

- (i) whether the site can be developed with adequate and well located landscaped open space; and
- (ii) whether the site can be developed with acceptable and safe vehicle access; and
- (iii) whether development would result in an undesirably high site coverage on that part of the site available for building; and
- (iv) whether relaxation would result in the premature development of a site which has a reasonable opportunity to amalgamation with adjoining allotments; and
- (v) the purpose of Clause 4.16.1.

The width of the site is 13.4 metres which is 1.6 metres less than that required, hence this application.

GENERAL COMMENT

The proposal is to erect a three (3) storey multi-unit building containing three x three bedroom units (one per floor).

A modification of the width of the site is justified on the following basis:

- (1) 50% reduction in permitted population density.

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## ITEM 22

MODIFICATION OF SCHEME PROVISIONS - WIDTH OF SITE - 10 PACIFIC PARADE, BILINGA CONTINUED...

- (2) Maximum 30% site coverage proposed.
- (3) 50% increase in the required landscape provision.

Having regard to the above, it is not considered that the proposal will result in a premature development of the site or adversely impact on the amenity of the adjoining residential properties. Further, a three (3) storey residential dwelling house which is a permitted development in the Zone could realistically exceed the above provisions.

\*\*\* OFFICER RECOMMENDATION

It is recommended that the applicant be advised that:

- (A) The application for modification of Clause 4.16.1.2 which relates to the width of the site be approved in conjunction with the proposed three x three bedroom unit development only.
- (B) All other relevant Town Planning Scheme requirements will be assessed on lodgement of a building application.
- (C) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application and has also relied on reports prepared in relation to this matter.

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Planning and Development be adopted.

## \*\*\* ITEM 23

CM03/06/94(PD023)

TOWN PLANNING SCHEME : APPLICATION FOR CONSENT FOR HOME OCCUPATION (PROFESSIONAL OFFICE) - 40 ASHMORE ROAD, BUNDALL

FILE REFERENCE(S)	818/094/043
APPLICATION NUMBER	940043
VIDE ITEM(S)	MAP(S)

PROPOSED DEVELOPMENT	:	PROFESSIONAL OFFICE
APPLICANT	:	HANGER & TARDENT PTY LTD
OWNER	:	J F & M J GARCIA
SITE LOCATION	:	40 ASHMORE ROAD, BUNDALL
RPD	:	LOT 20 ON REGISTERED PLAN 103567, PARISH OF NERANG, COUNTY OF WARD
ZONING	:	RESIDENTIAL-DWELLING HOUSE
CLASSIFICATION	:	HOME OCCUPATION (PROFESSIONAL OFFICE)
DATE RECEIVED	:	28/03/94
DATE ADVERTISED	:	29/03/94
OBJECTION(S)	:	NIL

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ITEM 23 CONTINUED...  
TOWN PLANNING SCHEME : APPLICATION FOR CONSENT FOR HOME OCCUPATION  
(PROFESSIONAL OFFICE) - 40 ASHMORE ROAD, BUNDALL

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE PLANNING OFFICER (LJ) (05/05/94)

PROPOSAL

Application has been made for the establishment of a Home Occupation (Professional Office) at 40 Ashmore Road, Bundall

STATUTORY ADVERTISING

The proposal has been publicly advertised in accordance with Section 4 of the Local Government (Planning and Environment) Act. No objections were received.

GENERAL COMMENTS

The proposal seeks to incorporate a professional office within an existing residential dwelling. Whilst the specific use has not been stipulated, it is considered that the proposal is an acceptable land use at this location. It is recommended that this application be approved subject to conditions.

\*\*\* OFFICER RECOMMENDATION

It is recommended

- (A) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application, and has also relied on reports prepared in relation to this matter.
- (B) The applicant be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application for a Home Occupation (Professional Office) on the land as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOT 20 ON REGISTERED PLAN 103567, PARISH OF NERANG, COUNTY OF WARD 40 ASHMORE ROAD, BUNDALL
POSTAL ADDRESS:	40 ASHMORE ROAD, BUNDALL
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	RESIDENTIAL
APPROVED USE/S AS GRANTED IN THIS CONSENT:	HOME OCCUPATION (PROFESSIONAL OFFICE)

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

HOME OCCUPATIONS

Operation of Home Occupations

- (1) The person carrying on the occupation is to reside in the dwelling house.

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ITEM 23 CONTINUED...  
TOWN PLANNING SCHEME : APPLICATION FOR CONSENT FOR HOME OCCUPATION  
(PROFESSIONAL OFFICE) - 40 ASHMORE ROAD, BUNDALL

- (2) Not more than one (1) person, other than the person referred to above, is to be employed, occupied or engaged in the conduct of the occupation.
- (3) The total use area of the home occupation shall not exceed one third of the gross floor area of the dwelling house or 45 square metres, whichever is the lesser.
- (4) The home occupation shall not attract clientele on a frequent or regular basis. In this regard the home occupation shall be operated so that no more than 15 client visits are made to the premises within any seven (7) day period.
- (5) The home occupation shall not operate on Sundays or public holidays or otherwise between the hours of 7.00 pm and 8.00 am.
- (6) No sign other than a sign not exceeding 0.3 square metres in area and bearing only the name and telephone number of the occupier and occupation shall be displayed on the premises.
- (7) The location, size, type and content of any advertising sign or device is to be submitted to Council for approval under the provisions of the Signs By-law. In assessing such applications, particular regard will be given to preserving the amenity of the area.
- (8) The home occupation shall be operated in such a manner that:
- it does not create hazards or cause undue annoyance or disturbance to persons or premises not connected with the home occupation; and
  - it does not interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products, radio or electrical interference or otherwise.
  - There is to be no public display of goods on the premises.
  - The development shall be licensed as a home occupation under the provisions of the Council's By-laws.

CAR PARKING

- (9) One (1) car parking space shall be provided for the home occupation in addition to those required for the dwelling house. This space shall not be located within any area required to be provided as landscaped open space pursuant to the provisions of Clause 4.21.2 of the Planning Scheme.

\*\*\* RECOMMENDATION

That the recommendation of the Planning Officer be adopted.

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## \*\*\* ITEM 24

CM03/06/94(PD024)

TOWN PLANNING SCHEME : REVOCATION OF TOWN PLANNING PERMIT NO. 818/092/044 -  
LAND SITUATED AT 3-11 RAWLINS STREET, 8-18 BAY STREET, 42A DAVENPORT  
STREET, SOUTHPORT

FILE REFERENCE(S)	818/092/044
APPLICATION NUMBER	920044
PREVIOUS DECISION(S)	CM05/06/92(PD030)

TPP NO.	:	818/092/044
SITE LOCATION	:	3-11 RAWLINS STREET, 8-18 BAY STREET, 42A DAVENPORT STREET, SOUTHPORT
RPD	:	LOTS 11 TO 14 AND 16 ON REGISTERED PLAN 4766, LOTS 1 AND 2 ON REGISTERED PLAN 71903, LOTS 1 AND 3 ON REGISTERED PLAN 53359, LOT 1 ON REGISTERED PLAN 115927, LOT 2 ON REGISTERED PLAN 114733, PARISH OF NERANG, COUNTY OF WARD
APPLICANT	:	LAVIDIA PTY LTD C/- DREDGE & BELL PLANNING PTY LTD
CURRENT LANDOWNER	:	SHANNON NOMINEES NO 193 PTY LTD
PROPOSAL	:	SHOPS (INDOOR AND OUTDOOR MARKET) AND CARETAKER'S RESIDENCE

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE ASSISTANT PLANNING OFFICER (LMD) (10/05/94)

Council at its meeting of 5 June 1992 (PD030) granted approval to use the land and buildings on the land for the purpose of Shops (Indoor and Outdoor Markets) and a Caretaker's Residence.

The approved use has ceased and in accordance with the Local Government (Planning & Environment) Act, Section 4.14(4)(b) a notice of intention to revoke the abovementioned approval was served on the applicant, the current land owner and the occupier by letter dated 18 February 1994.

To date no objection has been received within the specified period of thirty (30) days.

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) As the proposed development indicated in Council approval of 5 June 1992 (PD030) (Town Planning Permit No. 818/092/044 dated 16 July 1992) has ceased and no objection has been received within the specified thirty (30) days to Council's notice of intention to revoke the approval, the said approval is revoked in accordance with the Local Government (Planning and Environment) Act, Section 4.14(9)(a).
- (B) The applicant, the owner and the occupier be advised that Council approval of 5 June 1992 (PD030) is revoked based on the grounds as indicated in (1) above in accordance with the Local Government (Planning & Environment) Act, Section 4.14(9)(b).

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CONTINUED...

TOWN PLANNING SCHEME : REVOCATION OF TOWN PLANNING PERMIT NO. 818/092/044 -  
LAND SITUATED AT 3-11 RAWLINS STREET, 8-18 BAY STREET, 42A DAVENPORT  
STREET, SOUTHPORT

\*\*\* RECOMMENDATION

That the recommendation of the Assistant Planning Officer be adopted.

## \*\*\* ITEM 25

CM03/06/94(PD025)

APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-  
MULTI-UNIT ZONE AND SPECIAL FACILITIES (RESTAURANTS, SHOPS AND TAKEAWAY  
FOOD PREMISES) ZONE TO LOCAL SHOPPING ZONE - 19-21 TEDDER AVENUE, MAIN  
BEACH

FILE REFERENCE(S)	663/094/031
APPLICATION NUMBER	940031
VIDE ITEM(S)	MAP(S)

PROJECT ADDRESS	:	19-21 TEDDER AVENUE, MAIN BEACH
REAL PROPERTY DESCRIPTION	:	LOTS 92 AND 93 M73841, PARISH OF GILSTON, COUNTY OF WARD
OWNER	:	B & L WILSON
APPLICANT	:	B & L WILSON
SITE AREA	:	1012 SQUARE METRES
ZONING OF THE LAND - EXISTING	:	RESIDENTIAL-MULTI-UNIT ZONE AND SPECIAL FACILITIES (RESTAURANTS, SHOPS AND TAKEAWAY FOOD PREMISES)
	- PROPOSED	: LOCAL SHOPPING ZONE
DATE RECEIVED	:	21/03/94
DATE ADVERTISED	:	24/03/94
OBJECTION(S)	:	NIL

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE PLANNING OFFICER (LJ) (05/05/94)PROPOSAL

Application has been made for the exclusion of land from the Residential-Multi-Unit Zone and Special Facilities (Restaurants, Shops and Take Away Food Premises) Zone to the Local Shopping Zone, located at 19-21 Tedder Avenue, Main Beach. The land also has frontage to Woodroffe Avenue and an un-named laneway on the eastern side of the site.

STATUTORY ADVERTISING

The proposal has been publicly advertised in accordance with Section 4 of the Local Government (Planning and Environment) Act. No objections were received.

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CONTINUED...

APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-MULTI-UNIT ZONE & SPECIAL FACILITIES (RESTAURANTS, SHOPS & TAKEAWAY FOOD PREMISES) ZONE TO LOCAL SHOPPING ZONE - 19-21 TEDDER AVENUE, MAIN BEACH

STRATEGIC PLAN DESIGNATION:LOCAL CENTRE

Under the planning scheme the Preferred Dominant Land Use is local convenience shopping facilities. Other development which may be suitable in Local Centres is limited to professional and business offices. Development in these areas will be required to accord with the provisions applicable to the Local Shopping Zone, in this case.

The site presently contains a duplex dwelling and offices. The surrounding land uses are general commercial in nature including take-away food premises, offices, shops and also residential uses to the immediate east of the site. The application is supported by the Strategic Plan designation - Local Centre. Recent development approvals and recently completed development have reflected this trend towards commercial type development and are consistent with Council's forward planning intentions.

No formal plans of development have been lodged with this application as it is the applicant's intention to lodge an "as of right" building application once the land has been successfully rezoned.

It is recommended that this application be approved subject to conditions.

\*\*\* OFFICER RECOMMENDATIONIt is recommended

- (A) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application, and has also relied on reports prepared in relation to this matter.
- (B) The applicant be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to rezone land to Local Shopping Zone the land as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOTS 92 AND 93 M 73841, PARISH OF GILSTON, COUNTY OF WARD
POSTAL ADDRESS:	19-21 TEDDER AVENUE, MAIN BEACH
AREA OF LAND:	1012 SQUARE METRES
ZONE TO WHICH THE LAND IS PROPOSED TO BE EXCLUDED:	RESIDENTIAL - MULTI-UNIT ZONE AND SPECIAL FACILITIES (RESTAURANTS, SHOPS AND TAKEAWAY FOOD PREMISES) ZONE
ZONE INTO WHICH THE LAND IS PROPOSED TO BE INCLUDED:	LOCAL SHOPPING ZONE
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	RESIDENTIAL AND OFFICES
APPROVED USE/S AS GRANTED IN THIS APPROVAL:	LOCAL SHOPPING ZONE

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CONTINUED...

APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-MULTI-UNIT ZONE & SPECIAL FACILITIES (RESTAURANTS, SHOPS & TAKEAWAY FOOD PREMISES) ZONE TO LOCAL SHOPPING ZONE - 19-21 TEDDER AVENUE, MAIN BEACH

CONDITIONS ATTACHED TO THE COUNCIL APPROVALBUILDING AND DEVELOPMENT COMPLIANCE

- (1) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Planning Scheme. These building plans are to accord with the plan approved in this Approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.
- (2) The proposed development shall be required to meet the provisions of Clauses 5.4.1 to 5.4.8 applicable to permitted and permissible development as specified in Columns 1, 2 and 3 of the Table of Development for the Local Shopping Zone in the 1994 City of Gold Coast Planning Scheme.

Building Aesthetics

- (3) The topmost storey of all buildings including the roof and any service equipment or plant rooms shall be designed and treated so as to visually integrate with and complement the design and finish of the rest of the building, to the reasonable satisfaction of the Planning and Development Manager.
- (4) The development shall be designed and constructed to a high standard, incorporating materials which complement the existing development in the area and to the satisfaction of the Planning and Development Manager.

AMALGAMATION OF DEVELOPMENT SITESGeneral Provision

- (5) Having regard to the purpose of Clause 13.2.1 of the Planning Scheme the site shall be amalgamated into one (1) allotment or lot within three (3) months of the gazettal of the zoning amendment.

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS EXTERNAL TO DEVELOPMENT SITESStormwater Drainage

- (6) Stormwater drainage that may discharge onto the site, from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, easements shall be provided within and or external to the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.
- (7) In accordance with the local planning policy "Stormwater Headworks Contributions at Building Approval Stage" a contribution may be required towards the cost of provision or upgrading of the stormwater system in the area. Where a

ITEM 25 CONTINUED...  
APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-MULTI-UNIT ZONE & SPECIAL FACILITIES (RESTAURANTS, SHOPS & TAKEAWAY FOOD PREMISES) ZONE TO LOCAL SHOPPING ZONE - 19-21 TEDDER AVENUE, MAIN BEACH

contribution is required as part of a development it shall be paid to the Council prior to the commencement of construction and shall be determined at the time of processing the building application in accordance with the rates fixed by the Council applicable at that time.

Roadworks and Footway Areas

- (8) Any existing kerb and channel which is damaged or is required by the Chief Engineer to be replaced for the frontage of the site shall be on an alignment both horizontal and vertical to match the existing kerb and channel or any future kerb and channel design approved by the Chief Engineer.
- (9) All redundant vehicular invert crossings shall be removed and replaced with new concrete kerb and channel.
- (10) Any drainage works or alterations to public utilities, road signage or traffic control devices necessitated by the works required shall be undertaken by the owner of the land at no cost to the Council and to the satisfaction of the Chief Engineer.
- (11) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Chief Engineer.

Access and Provision for Traffic During Construction

- (12) Construction activities, including the storage of materials, shall not encroach on any footway or road. Prior to making an application for building approval discussions shall be held with the Council's Traffic Section and Building Section to ascertain any necessary requirements.
- (13) Access to the site during construction shall be in accordance with the local planning policy "Requirements for Construction on Development Sites."
- (14) Unloading, storage or movement of construction material or equipment shall take place within the site, unless otherwise approved by the Chief Engineer.

Streetscaping

- (15) A contribution is required towards the cost of upgrading and improving the amenity and character of Tedder Avenue. These works included the relocation of the power supply underground, provision of garden beds and the raising and decorative treatment of the intersection pavement. The owner of the land shall pay to Council the sum of \$42,877.00 prior to approval by Council of a building application, permissible development application, application for permitted development subject to conditions or application for subdivision, as the case may be. This amount is valid for the period of this approval only and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. The CPI figure referred to above has a 1989/90 base of 100.

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-MULTI-UNIT ZONE & SPECIAL FACILITIES (RESTAURANTS, SHOPS & TAKEAWAY FOOD PREMISES) ZONE TO LOCAL SHOPPING ZONE - 19-21 TEDDER AVENUE, MAIN BEACH

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS INTERNAL TO DEVELOPMENT SITES

Drainage

- (16) Stormwater drainage from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, easements shall be provided within the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.
- (17) Stormwater headworks contributions are payable in accordance with this provision and local planning policy "Stormwater Headworks Contributions at Building Approval Stage" as the result of internal site works.
- (18) The contribution is payable to Council prior to the commencement of construction and will be determined at the time of processing a Building Application for the work. The contribution will be in accordance with the rates, fixed by the Council's Budget, applicable at the time of the Building Application.

Water Supply, Sewerage and Waste Disposal

- (19) Adequate water reticulation shall be provided to the development to the satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and any relevant local planning policies. The owner of the land shall be responsible for all costs involved with the connection to the existing Council water supply mains and the sterilisation of any new water supply mains. All sterilisation works shall be carried out by the Council.
- (20) Provision shall be made, where required by the Chief Engineer, for fire hydrant installation conforming with the provisions of Australian Standard AS2419.
- (21) Adequate sewerage reticulation shall be provided to the development to the satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and any relevant local planning policy. The owner of the land shall be responsible for all costs involved with the connection to the existing Council sewer mains.
- (22) Any disposal of waste into the sewerage system shall be to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, waste interceptors shall be provided prior to such disposal.

Geotechnical Considerations

- (23) Where, in the opinion of the Chief Engineer and in accordance with Clause 13.4.5 of the Planning Scheme, the proposed construction of a development requires investigation of a geotechnical nature, the owner of the land shall submit a

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CONTINUED...

APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-MULTI-UNIT ZONE & SPECIAL FACILITIES (RESTAURANTS, SHOPS & TAKEAWAY FOOD PREMISES) ZONE TO LOCAL SHOPPING ZONE - 19-21 TEDDER AVENUE, MAIN BEACH

geotechnical report prior to the issue of Building Approval. This report shall be prepared by persons suitably qualified and experienced in the field of geotechnical investigations.

All works required by a geotechnical investigation shall be undertaken by the owner of the land to the satisfaction of the Chief Engineer.

- (24) All development shall comply with the local planning policy "Foundation and Geotechnical Assessment".
- (25) Prior to the issue of Building Approval the applicant shall submit to Council for approval full details prepared by a professional engineer of the building work necessary to retain any excavation below the level and to preserve and protect adjoining building from damage.

Dust, Smoke and Noise Control

- (26) All development shall:
- (a) provide and maintain at all times adequate dust control measures to the satisfaction of the Chief Engineer which shall incorporate a schedule of works which minimises the area of cleared land or open excavation at any one time; and
- (b) ensure that all waste material including vegetation is transported from the site and disposed of in a location approved by the Chief Engineer, provided that the Chief Engineer may permit on-site burning using an approved pit burning method incorporating forced ventilation; and
- (c) limit construction activity to the hours of 7.00 a.m. to 6.00 p.m. Monday to Saturday inclusive unless otherwise approved by the Chief Engineer.

Paved Surfaces

- (27) Paved footways within development shall have a minimum Polished Frictional Value of 40 as established in Australian Standard AS1141.42.

CAR PARKING, BICYCLE PARKING AND LOADING

Car Parking, Bicycle Parking and Loading Requirements

- (28) Tandem spaces shall be counted as one (1) car parking space.
- (29) Where in accordance with the local planning policy "Off-Street Vehicle Parking Requirements", car parking is necessary for disabled persons then such car parking and access thereto shall be provided in accordance with the provisions of the local planning policy "Off-Street Vehicle Parking Requirements", Australian Standards AS2890.1 and AS1428.1 and to the satisfaction of the Chief Engineer.
- (30) Where car parking is required for visitors to any development pursuant to the provisions of the Planning Scheme, such car parking shall be provided in accordance with the following:

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## ITEM 25

CONTINUED...

APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-MULTI-UNIT ZONE & SPECIAL FACILITIES (RESTAURANTS, SHOPS & TAKEAWAY FOOD PREMISES) ZONE TO LOCAL SHOPPING ZONE - 19-21 TEDDER AVENUE, MAIN BEACH

- (a) be freely accessible to visitors at all hours with no encumbrance, fee or charge; and
- (b) have no gateways, doors or similar devices which would restrict vehicular access by visitors; and
- (c) have no signs displayed restricting the use of visitor spaces or reserving the use of such spaces for a particular person.
- (31) All of the required car parking shall be provided so as to be freely accessible to accommodate the vehicles of persons employed on the site for the time the development is open for business and those of bona fide visitors for the duration of any visit to the site. There shall be no encumbrance, fee or charge, and no gateways, doors or similar devices being erected or located which would restrict vehicular access to these spaces or no signs displayed which restrict the use of these spaces.
- (32) All development shall provide service vehicle parking in accordance with the provisions of the local planning policy "Off-Street Vehicle Parking Requirements".
- (33) Where development requires the provision of more than 20 car parking spaces, bicycle parking shall be provided in accordance with the provisions of the local planning policy "Off-Street Vehicle Parking Requirements".

Development and Maintenance of Car Parking and Loading Areas

- (34) Any car parking area or loading area, together with their associated driveways, shall be developed in accordance with the local planning policy "Off-Street Vehicle Parking Requirements".
- (35) All car parking shall be freely and readily accessible for vehicular use and be designed to enable all vehicles entering and leaving the site to do so in a forward direction.
- (36) All car parking and loading areas shall be kept and used exclusively for parking and associated manoeuvring and be maintained to the satisfaction of the Planning and Development Manager.
- (37) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Chief Engineer.

PROVISIONS IN RESPECT OF LANDSCAPING

General Provisions

- (38) The landscaping plan shall reflect the objectives of the Strategic Planning Statements on City Character to the reasonable satisfaction of the Planning and Development Manager.

Landscaped Open Space

- (39) An area comprising at least 10 percent of the site shall be provided at ground level as landscaped open space. At least half of the landscaped open space area shall be provided for planting. The remaining part of the landscaped open space area shall be paved for pedestrian use. The area of



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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-MULTI-UNIT ZONE & SPECIAL FACILITIES (RESTAURANTS, SHOPS & TAKEAWAY FOOD PREMISES) ZONE TO LOCAL SHOPPING ZONE - 19-21 TEDDER AVENUE, MAIN BEACH

landscaped open space required shall include an area of at least two (2) metres in width adjoining all frontages which shall be landscaped and paved to the satisfaction of the Director Development and Environment Planning.

PROVISIONS IN RESPECT OF NOISE NUISANCE

General Provisions

- (40) All development shall be designed and constructed to ensure that a noise nuisance is not caused.
- (41) All service equipment and refrigeration units are to be positioned and housed so as not to cause nuisance or disturbance to persons or property not connected with the development and to the reasonable satisfaction of the Planning and Development Manager.

SPECIAL PROVISIONS FOR ADVERTISING HOARDINGS

General Provisions

- (42) An advertising hoarding shall be designed and located so as to visually integrate with and complement the design of any building upon which it is proposed to be located to the satisfaction of the Planning and Development Manager.

TREE PRESERVATION

- (43) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Chief Engineer. Exceptions will be made in the case of trees within an approved future road reserve or where necessary to install water and sewerage works, drainage lines, etc. Prior to any design or construction work commencing, arrangements shall be made with the Environmental Officer for an inspection to identify trees which are to be preserved. The results of this inspection will be valid only for the duration of this approval, and a fresh inspection will be required for any future approval.

Observance of Chapter 37 of Council's By-laws in regard to the preservation of trees.

PREREQUISITE PRIOR TO APPLICATION BEING FORWARDED TO THE DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND PLANNING AND REVOCATION OF APPROVAL CONDITIONS

- (44) Prior to the matter being forwarded to the Chief Executive of the Department of Housing, Local Government and Planning for approval, the applicant within two (2) years of the date of the Council decision is to lodge with Council:

- (a) A cash bond or bank guarantee to the sum equivalent to the contributions required by the conditions of approval contained herein. The cash bond or bank guarantee is to be returned to the applicant if the application is not approved by the Governor-in-Council.

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-MULTI-UNIT ZONE & SPECIAL FACILITIES (RESTAURANTS, SHOPS & TAKEAWAY FOOD PREMISES) ZONE TO LOCAL SHOPPING ZONE - 19-21 TEDDER AVENUE, MAIN BEACH

\*\*\* RECOMMENDATION

That the recommendation of the Planning Officer be adopted.

\*\*\* ITEM 26

CM03/06/94(PD026)

MODIFICATION OF SITE COVERAGE PROVISION - DUPLEX DWELLING - 20 MURLONG CRESCENT, PALM BEACH

FILE REFERENCE(S) 11-02404-0000-6  
825/094/025

APPLICANT : ROBIN BUTT  
OWNER : D & L ALLAN  
ADDRESS : 20 MURLONG CRESCENT, PALM BEACH  
PROPOSAL : DUPLEX DWELLING  
RPD : LOT 357 ON RP 96264  
SITE AREA : 602 m<sup>2</sup>  
ZONE : RESIDENTIAL MULTI UNIT

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE TECHNICAL OFFICER - PLANNING & DEVELOPMENT (SF) (11/05/94)

Application has been made for modification of Clause 4.11.2.2 of the Town Planning Scheme which prescribes that the site coverage of a duplex dwelling shall not exceed 40% provided that Council may permit the site coverage to be increased to 50% where such an increase would not conflict with the purpose of Clause 4.11.2 i.e. to facilitate a pleasant living environment by the provision of adequate open space around buildings.

The proposal is to erect a two (2) storey duplex dwelling at 20 Murlong Crescent, Palm Beach. The submission indicates a gross floor area of 468 m<sup>2</sup> and a site coverage of 298 m<sup>2</sup> or 49% hence this application.

Each dwelling unit has access to approximately 50 square metres of open space at the front of the development.

It is considered that the proposal does not conflict with Scheme provisions as adequate open space has been provided and a modification of this provision is considered warranted.

\*\*\* OFFICER RECOMMENDATION

It is recommended that the applicant be advised that approval is granted for modification of the site coverage provision to 49%.

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ITEM 26 CONTINUED...  
MODIFICATION OF SITE COVERAGE PROVISION - DUPLEX DWELLING - 20 MURLONG CRESCENT, PALM BEACH

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Planning and Development be adopted.

\*\*\* ITEM 27 CM03/06/94(PD027)

PLANNING & ENVIRONMENT APPEAL NO. 102 OF 1994 - STATEWISE PROJECT PLANNERS PTY LTD - 212 SEAWORLD DRIVE, MAIN BEACH

FILE REFERENCE(S) 818/093/192 PT3  
PREVIOUS DECISION(S) CM11/03/94(PD099)

PROPOSED DEVELOPMENT : TOURIST FACILITY (BUNGEE JUMP, HOVERCRAFT JOY RIDE, WATER TAXI AND ASSOCIATED MERCHANDISE SALES AND CAR PARKING), PASSENGER TERMINAL (WATER TAXI, HOVERCRAFT, HELICOPTER LANDING FACILITY AND ASSOCIATED MERCHANDISE SALES AND CAR PARKING), OUTDOOR RECREATION (BUNGEE JUMP, MINI GOLF AND ASSOCIATED MERCHANDISE SALE AND CAR PARKING), WATERFRONT SHOP (BOAT BROKERAGE AND ASSOCIATED MERCHANDISE SALES AND CAR PARKING), TAKEAWAY FOOD PREMISES (ASSOCIATED CANTEEN FOR LIGHT REFRESHMENTS) AND CARETAKER RESIDENCE (TWO STOREY (EXISTING) FLAT AND ASSOCIATED CAR PARKING)

APPLICANT : STATEWISE PROJECT PLANNERS PTY LTD  
OWNER : DEPARTMENT OF LANDS (LEASED TO DUNKERTON PTY LTD)  
SITE LOCATION : 212 SEAWORLD DRIVE, MAIN BEACH  
RPD : LOT 273 ON PLAN WD3813 AND LOT 381 ON PLAN WD5096, PARISH OF GILSTON, COUNTY OF WARD  
ZONING : WATERFRONT INDUSTRY  
AREA : 1.2395 HECTARES  
CLASSIFICATION : TOURIST FACILITY (BUNGEE JUMP, HOVERCRAFT JOY RIDE, WATER TAXI AND ASSOCIATED MERCHANDISE SALES AND CAR PARKING), TRANSIT CENTRE (WATER TAXI, HOVERCRAFT, HELICOPTER LANDING FACILITY AND ASSOCIATED MERCHANDISE SALES AND CAR PARKING), OUTDOOR RECREATION (BUNGEE JUMP, MINI GOLF AND ASSOCIATED MERCHANDISE SALE AND CAR PARKING), WATERFRONT SHOP (BOAT BROKERAGE AND ASSOCIATED MERCHANDISE SALES AND CAR PARKING), TAKEAWAY FOOD PREMISES (ASSOCIATED CANTEEN FOR LIGHT REFRESHMENTS) AND CARETAKER RESIDENCE (TWO STOREY (EXISTING) FLAT AND ASSOCIATED CAR PARKING)

DATE RECEIVED : 05/11/93  
DATE ADVERTISED : 10/11/93  
OBJECTION(S) : THIRTY-ONE (31) LETTERS WERE RECEIVED PLUS TWO (2) LATE OBJECTIONS  
OBJECTOR(S) : REFER ATTACHED VIDE ITEM

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PLANNING & ENVIRONMENT APPEAL NO. 102 OF 1994 - STATEWISE PROJECT PLANNERS PTY LTD - 212 SEAWORLD DRIVE, MAIN BEACH

\*\*\* PREVIOUS AGENDA MATERIAL

COUNCIL DECISION CM11/03/94 (PD099)

- (A) That Council note a meeting was held between the Planning and Development Committee and the applicant's representatives on Tuesday 8 March 1994 in which the operations of bungee structure and sails were explained to the Committee.
- (B) That the Bungee Jump facility is not approved for the following reasons:
  - (1) The height of the structure when extending and retracting will substantially exceed the height limit of RL 13.5 AHD as set out in The Spit Development Control Plan. No relaxation of height has been granted for the recent Bungee Down Under application and it would be inconcistent and inappropriate to grant a relaxation of height in this instance.
  - (2) The structure will be visually intrusive throughout the majority of the day.
  - (3) It is considered that the structure with the inclusion of sail like features will create an adverse visual impact, having regard for the locational characteristics of the site and Council's strategic objectives for the visual quality of the Broadwater and the Spit.
- (C) The applicant and the objectors be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to issue a Town Planning Consent Permit for the premises and uses described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES AND APPROVED USES

PROPERTY DESCRIPTION:	LOT 273 ON PLAN WD 3813 AND LOT 381 ON PLAN WD 5096, PARISH OF GILSTON, COUNTY OF WARD
POSTAL ADDRESS:	212 SEAWORLD DRIVE, MAIN BEACH
AREA OF LAND:	1.2395 HECTARES
USE OF PREMISES AT THE TIME OF THE APPLICATION:	SLIPWAY
APPROVED USE/S AS GRANTED IN THIS CONSENT:	TOURIST FACILITY (HOVERCRAFT JOY RIDE, WATER TAXI AND ASSOCIATED MERCHANDISE SALES AND CAR PARKING), TRANSIT CENTRE (WATER TAXI, HOVERCRAFT, OUTDOOR RECREATION (MINI GOLF AND ASSOCIATED MERCHANDISE SALE AND CAR PARKING), WATERFRONT SHOP TAKEAWAY FOOD PREMISES (ASSOCIATED CANTEEN FOR LIGHT REFRESHMENTS) AND CARETAKER RESIDENCE (TWO STOREY (EXISTING) FLAT AND ASSOCIATED CAR PARKING)

ITEM 27 CONTINUED...  
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CONDITIONS ATTACHED TO THE COUNCIL CONSENT

APPROVED PLANS

(1) The development is to be generally in accordance with the plans (and elevations) submitted by the applicant (Plan/Drawing No. 6.4 prepared by Ainsley Bell and Murchison Architects dated June 1993) (as amended by the conditions of this approval).

The development shall comply with the relevant Town Planning Scheme requirements and the following development parameters:

- (a) Land Coverage . . . . . 40%
- (b) Number of Storeys . . . . . 3 storeys or 13.5 m on AHD
- (c) Basic Plot Ratio . . . . . 0.8:1
- (d) Landscaping . . . . . 20% of the site area at ground level of which 10% is capable of being used for deep planting
- (e) No approval has been given for the sale of boats.

CONDITIONS RELATING TO SPECIFIC USES

BUNGEE JUMP

(2) No approval has been granted for any bungee jump facility on the subject site or adjacent to the site.

HELICOPTER

(3) No approval has been granted for any helicopter flights from the subject site or adjacent to the site.

HOVERCRAFT

(4) Prior to the commencement of the commercial use of the site, approval is required from the Department of Lands and Council in consultation with the Department of Environment & Heritage regarding the operation of hovercrafts. A copy of this approval from the Department of Lands is to be forwarded to Council prior to the commencement of operation.

The approval is to determine the type of hovercraft, the acceptable level of noise emission, frequency and if there is any impact on the environment.

Any proposed future changes to the operation or type of hovercraft will require the written approval of the Department of Lands and Council in consultation with the Department of Environment and Heritage.

Any change to the type of hovercraft to be used may require additional car parking spaces to be provided on site. The number of spaces will be determined by the Manager of the Planning and Development Department, at the time of notification of Council of the intention to change the type of hovercraft to be used.

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PLANNING & ENVIRONMENT APPEAL NO. 102 OF 1994 - STATEWISE PROJECT PLANNERS PTY LTD - 212 SEAWORLD DRIVE, MAIN BEACH

CONTAMINATED LANDS

(5) A site contamination report (clearance) is required from the Department of Environment and Heritage for all contaminants aside from radio active wastes prior to the lodgement of a building application and/or occupation of the site.

A clearance is required from the Department of Health regarding the removal of radio active wastes from the site prior to the lodgement of a Building Application and/or occupation of the site.

COASTAL MANAGEMENT

(6) An application pursuant to Section 44 of the Beach Protection Act is to be lodged and approved by the Department of Environment and Heritage prior to the lodgement of a building application and/or occupation of the site.

An application pursuant to Section 86 of the Harbours Act (work on tidal lands) is to be lodged and approved by the Department of Environment and Heritage prior to the lodgement of building application and/or occupation of the site.

A special approval from Council, pursuant to Part 14.5 of the 1994 Town Plan is required for any development that is to be carried out, in or over water, or on tidal land.

BOARDWALK

(7) An unrestricted public pedestrian accessway is to be provided via a boardwalk and is to be located along the Broadwater foreshore with connection to Seaworld Drive, to the satisfaction of Council. Detailed engineering drawings are to be lodged with Council prior to the lodgement of the Building Application. Work is to be completed on the boardwalk within six (6) months of the issue of the Town Planning Permit. A bond for the cost of construction and in a form suitable to Council is to be lodged prior to the issue of a Building Application.

BUILDING AND DEVELOPMENT COMPLIANCE

(8) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Town Planning Scheme. These plans are to generally accord with the plan approved in this Town Planning approval apart from where amendments are necessary to comply with the conditions of the approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use approved in this Town Planning approval.

(9) Provision of fire services in accordance with the Fire Safety Act.

(10) Compliance with the Health Acts and all Regulations made thereunder.

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- (11) Registration of the premises under the Workplace Health and Safety Act.
- (12) The storage of any machinery, materials or vehicles is to be aesthetically screened so as not to be visible from any road to which it has frontage, to the reasonable satisfaction of the Planning and Development Manager.
- (13) Compliance with "The Food Hygiene Regulations of 1989" and Council's Code of "General Standards for the Construction and Alteration of Food Premises" and requirements in connection with the installation of equipment and appliances. Plans are to be submitted to Council's Health Section in triplicate and approved prior to the commencement of any work.

NOISE & AMENITY CONTROL

- (14) Any noise generated is to comply with the provisions of By-law 270 of Chapter 11 of Council's By-laws and The Noise Abatement Act and the requirements of any other Authorities.
- (15) There is to be no interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

LIGHTING DEVICES

- (16) Any lighting device is to be so positioned and shielded as not to cause any glare nuisance to any nearby residential occupation or passing motorist.

LANDSCAPING

- (17) The landscaping is to be established and maintained to the reasonable satisfaction of the Planning and Development Manager at all times.
- (18) A six (6) metre landscaped strip is to be provided along all road frontages. Within this area, a three (3) metre strip is to be provided for deep planting and is to be at the same level as the footpath. No fences are to be located within the area or between the area and the footpath. Security fencing shall be obscured by vegetation planted on or against it. Plant species are to complement the natural vegetation on the eastern side of Seaworld Drive and the marine theme of The Spit.

PROVISION FOR GARBAGE DISPOSAL AND RECYCLING BINS

- (19) The applicant is to provide in accordance with Council's By-laws and Policies, adequate storage facilities for Council's garbage waste disposal and recycling bins. The storage area is to be adequately screened from view to the satisfaction of the Planning and Development Manager.

S.E.Q.E.B. PROVISIONS

- (20) Should S.E.Q.E.B. require provision of a transformer, such provision is to be made to the satisfaction of S.E.Q.E.B. and the Planning and Development Manager. The transformer is not to be located within landscaping areas unless approved by the Planning and Development Manager. Should the Planning and

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Development Manager approve provision of the transformer within a landscaped setback area, the area of the transformer in plan, excluding the surrounding pad mount is not to be included for landscaping calculation.

SETBACK AND OPEN SPACE AREAS

- (21) The building is to be set back at least six (6) metres from all property boundaries.

ADVERTISING DEVICES

- (22) Any advertising device is to comply with Chapter 13 of Council's By-laws.
- (23) The location, size, type and content of any advertising sign or device is to be submitted to Council for approval under the provisions of the Signs By-law. In assessing such applications, particular regard will be given to preserving the amenity of the area.

STORMWATER DRAINAGE

- (24) Stormwater drainage from the site and traversing the site is to be collected on site in an underground drainage system and discharged into a satisfactory stormwater drainage system to be constructed to a legal point of discharge, at the time of development of the site. Any easements, necessary in the opinion of the Chief Engineer, are to be provided to ensure that a drainage path to the ultimate outlet of the catchment may be obtained.
- (25) If, in the opinion of the Chief Engineer, stormwater drainage from the subject site cannot be adequately drained to a legal point of discharge, downstream stormwater easements shall be required over adjoining downstream properties. All necessary stormwater easements shall be dedicated in favour of Council prior to the approval of a Building Application on the subject site.

ROADWORKS AND FOOTPATH AREAS

- (26) An unrestricted public pedestrian access way is to be provided via a boardwalk and is to be located along the Broadwater foreshore with connections to Seaworld Drive to the satisfaction of Council. Detailed engineering drawings are to be lodged with Council prior to the lodgement of the building application. Suitable legal agreements will be required to be entered into to ensure unrestricted public access.
- (27) All redundant access crossings are to be removed and replaced with integral concrete kerb and channel. Footpath, grass verge, traffic and parking regulations shall be reinstated and restored. The work shall be completed in accordance with Council's requirements.
- (28) The paving of the footpath area along the frontage of the site in paving material to a design and standard to be submitted to and approved by the Planning and Development Manager and Chief Engineer.

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- (29) All pedestrian paved surfaces within the development are to have a minimum Polished Frictional Value of 40 as set down in the Australian Standard AS1141.42. All paving provided external to the site is to have a Polished Frictional Value of not less than 45 as set down in the Australian Standard AS1141.42.
- (30) The footpath and setback areas are to be kept clear of goods, signs and street furniture not approved by the Manager Health, Building and By-laws and the Planning and Development Manager.
- (31) REPAIR TO EXISTING KERB AND CHANNEL AND REPLACEMENT OF EXISTING FOOTPATH WITH A PAVED FOOTPATH AREA - If damaged, the existing kerb and channel and footpath is to be replaced with new kerb and channel and paved footpath for the frontage of the site. The kerb and channel is to be on an alignment to match the existing.
- (32) The frontage footpath is to be upgraded in a manner satisfactory to the Chief Engineer. The minimum requirement will consist of turfing with a concrete pathway constructed in accordance with Council's standard drawing No. 52790B (as amended from time to time).

CONTROL OF ACCESS

- (33) Vehicular access is to be provided in a manner satisfactory to the Chief Engineer. The minimum requirement will consist of construction using reinforced concrete in accordance with Council's standard drawing No. 52790B.

Access and egress to and from the site to Seaworld Drive is to be taken from one point only and is to be provided directly to the site. The access as shown on the proposal plan at a point located on the northern boundary is not approved and no access is to be gained other than directly from Seaworld Drive.

CONTRIBUTION TO SEAWORLD DRIVE UPGRADING

- (34) Seaworld Drive was widened and provision made for two laned vehicular movements in both a north and south direction and accompanying kerb and channel median and stormwater drainage provision. Council has levied against other developments fronting Seaworld Drive a pro rata contribution to be paid to Council as a contribution towards upgrading Seaworld Drive. A contribution based on \$472.00 per metre frontage of the site where it adjoins Seaworld Drive is required to be paid to Council prior to the issue of a Certificate of Classification or any building clearance or use of the site whichever occurs at the earlier.

DESIGN, CONSTRUCTION AND CERTIFICATION OF INTERNAL ROADWORKS

- (35) The applicant is required to supply a Certificate to Council, at the completion of the works, prepared by a suitably qualified person. The certificate is to clearly identify

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that the design, supervision and construction of all internal roadworks and car parking areas is in accordance with Council's requirements and good engineering practice.

PAVED SURFACES(36) Private Property

To protect pedestrians from accidents, all external paving within the site, together with all floor surfaces to public access areas within a building, which includes arcades, foyers, lobbies and the like, shall have a minimum Polished Frictional Value of 40, as set down in Australian Standard AS1141.42.

In relation to paving materials and floor surfaces within private property, the Chief Building Surveyor shall have discretionary power to dispense with the requirements for a polishing test stipulated in AS1141.41, for hard materials such as marble, which are unlikely to be readily polished by pedestrian traffic.

Where the Chief Building Surveyor is of the opinion that a particular installation within private property warrants dispensation from the above requirements, he may refer the matter to Council for determination.

(37) Public Property

All paving provided external to the site is to have a Polished Frictional Value of not less than 45, as set down in AS1141.42.

FILLING AND FLOOD LEVEL

- (38) The Site is to be filled above the recorded flood level or design flood level to the reasonable satisfaction of the Chief Engineer. All filling is to be carried out in accordance with Council's policy in regard to Foundation Requirements for Developments.

PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (39) Access to site, vehicular parking and loading bay requirements are to be in accordance with Council's parking policy and any relevant standard drawings. Alterations of access alignments may be necessary and shall be determined following discussions with Council's Traffic Section and to the reasonable satisfaction of the Chief Engineer. Should such alterations be considered necessary, the applicant shall modify all design plans accordingly prior to submission for building approval.
- (40) Fire Brigade standing areas and associated hydrant stands shall only be provided on driveways into the development. No separate special cross-over is to be provided for Fire Brigade vehicles.

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CONSTRUCTION ACCESS AND PROVISION FOR TRAFFIC

- (41) Access to site during construction shall be in accordance with Council's Construction Access and Provision for Traffic at Development Site Policy.

CAR PARKING

- (42) Provision of off-street car parking spaces in accordance with Town Planning Scheme requirements and Council's Car Parking Policy, and access thereto to be constructed in accordance with Paragraphs 17 to 20, Division II, Part VIII, of the Town Planning Scheme and to the reasonable satisfaction of the Planning and Development Manager. Should the development be designed in such a manner as to reduce the amount of required car parking, the required amount of car parking may upon application to the Planning and Development Manager, be amended accordingly. The number of car parking spaces will be determined when the type of hovercraft and helicopters to be used is finalised.
- (43) Adequate provision is to be provided for bus and shuttle bus parking and manoeuvring. The number of spaces is to be determined by Council prior to the approval of the Building Application or the occupation of site, whichever is sooner.
- (44) The car park area is to be defined by a low physical barrier along the property boundary and excluding the access points.
- (45) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (46) A suitable loading area shall be fully contained on site and shall obtain access from a common driveway into the development unless otherwise approved by the Chief Engineer. Should the proposed development be of such a nature to require the delivery of goods by semi-trailer, then the loading area and access will need to be designed in accordance with Council's car parking Policy. Reversing of delivery vehicles to or from the site shall not be permitted.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (47) Provision of water supply and sewerage to the reasonable satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and Council Policy.

The applicant shall be responsible for all costs involved with the connection to the existing Council water supply main and the sterilisation of any new water supply mains. These works shall be carried out by Council.

- (48) The development shall be provided with Fire Hydrant installation conforming with the provisions of the Australian Standard AS2419 (as amended from time to time).
- (49) Disposal of waste classified as Trade Waste under the Sewerage and Water Supply Act and Council Sewerage By-Laws will be subject to special consideration, including the provision of interceptors to the satisfaction of the Chief Engineer. The interceptor trap shall be so positioned to be

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ITEM 27 CONTINUED...  
PLANNING & ENVIRONMENT APPEAL NO. 102 OF 1994 - STATEWISE PROJECT PLANNERS  
PTY LTD - 212 SEAWORLD DRIVE, MAIN BEACH

- easily cleaned and accessible to the satisfaction of the Chief Engineer.
- (50) Any existing or proposed drainage receiving the kitchen or cooking area discharge is to have a Grease Interceptor Trap provided. The Interceptor Trap is to be positioned to be accessible and easily cleaned.
- (51) The existing Council water main/sewer traversing the site will be subject to Council's policy "Structures near Council's Services". At the time of Building Application, a security bond will be assessed if required by the policy, for protection of the service. Where the service is to be relocated clear of a proposed building, or re-laid under a proposed building in cast iron cement lined or ductile iron cement lined pipe, then the bond will represent the estimated value of the work plus 20%. The bond will be required to be paid prior to construction commencing and shall be in the form of cash or unconditional bank bond. Where a service is to be relocated an easement shall be created over that service and dedicated in favour of Council, prior to the approval of a Building Application on the subject site.
- (52) Provision of a garbage service and pathological waste collection service to the reasonable satisfaction of the Manager Health, Building and By-laws.
- (53) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS  
In accordance with Council policy "Development Charges for Water Supply and Sewerage Services" contributions are applicable towards water supply and sewerage headworks (Component 2).

The contributions are based on the equivalent population proposed in excess of that either connected to water and sewerage or for which contributions towards headworks (Component 2) have been paid.

Council has resolved that the application and determination of these contributions will be deferred to the time of a Building Application or Consent or Subdivision application, for the site the subject of this application, whichever is the earlier.

Where the determination of the contributions has been deferred, such determination is to be based on the following rates:

Water Supply	\$277.00 per Equivalent Population/Person
Sewerage	\$408.00 per Equivalent Population/Person

The above rates are valid for the period of this approval only and are subject to alteration in accordance with changes in the Consumer Price Index (All Groups) Brisbane which was 110.2 for the January/March quarter of 1994 (Note the C.P.I. figure quoted has a 1989/90 base of 100).

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- (54) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS  
The contributions are payable to Council by the applicant in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

ENGINEERING DESIGN AND CONSTRUCTION

- (55) (a) Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Chief Engineer prior to construction commencing. Approval by the Chief Engineer does not warrant that such plans and specification have been checked in detail, nor does it absolve the Applicant from complying with all the conditions of this approval and/or relevant Council By-Laws and policies and/or relevant statutes and/or statutory regulations in the execution and/or performance of the said works. Neither the Council nor the Chief Engineer accepts any responsibility for the accuracy of such plans and specifications as approved.
- (b) All material supplied and all work performed by the Applicant pursuant to this approval shall be to the reasonable satisfaction of the Chief Engineer and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and/or Policies. The Chief Engineer may, by himself or his nominated delegate, supervise and test and generally may inspect all materials and work but no supervision, testing or inspection shall relieve the Applicant of any obligation imposed upon such applicant, pursuant to this clause or any other clause of this approval.
- (c) MAINTENANCE - All works which, at the completion of the development, will become the responsibility of Council, shall be subject to a maintenance period and provision of security for the maintenance period in accordance with Council's subdivision By-Laws and policies.
- (d) SUPERVISION - All internal roadworks, sewerage, water supply and stormwater drainage is to be constructed under the supervision of a qualified Engineer who is to certify that these works have been constructed under his direct supervision and that they comply with the approved drawings and specifications.
- (e) Prior to the commencement of any work arising out of conditions listed above, written advice of intention to proceed with the work is to be given to Council. The advice shall include the name of the responsible supervisor with whom Council's inspecting officer will make contact.
- (56) Construction work is permitted only during the hours of 7:00 am to 6:00 pm Monday to Saturday.

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NUISANCE

- (57) The Applicant is to ensure that a "smoke and dust nuisance" is not created in the development of this proposal. Attention is drawn to Chapter 8 of Council's By-laws in regard to this matter. Open burning off of any material shall not be permitted on the subject site. All waste material, including cleared vegetation, shall be transported from the site and disposed of in a satisfactory manner. The applicant is to apply to Council and receive in writing from Council an approved site to dispose of this waste material. The requirements of By-law 270 of Chapter 11 in regard to noise nuisances shall apply to this development, and in addition, construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday to Saturday unless otherwise approved by the Chief Engineer.

TREE PRESERVATION

- (58) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Chief Engineer. Exceptions will be made in the case of trees within an approved future road reserve or where necessary to install water and sewerage works, drainage lines, etc. Prior to any design or construction work commencing, arrangements shall be made with the Environmental Officer for an inspection to identify trees which are to be preserved. The results of this inspection will be valid only for the duration of this approval, and a fresh inspection will be required for any future approval.

Observance of Chapter 37 of Council's By-laws in regard to the preservation of trees.

BEACH PROTECTION POLICY

(59) SAND EXCAVATION

All excess sand excavated from within five hundred (500) metres of the nominated boulder wall line shall be sieved to remove all material with any dimension greater than 50 mm and the resultant clean sand be placed on the beach seaward of the building at a location directed by Council and levelled and stabilised against wind erosion.

All material other than clean sand is not to be placed on the beach.

- (a) A \$1,000.00 bond apply for quantities up to 2000 m<sup>3</sup>, this bond be increased at a rate of \$2,000.00 for each additional 5000 m<sup>3</sup> (or part thereof) and that the bond monies be available to be utilised by Council if deemed necessary by the Chief Engineer to rectify any dangerous or unsightly conditions which are created by contaminated sand.
- (b) The bond be lodged in a form acceptable to the Town Clerk/Chief Executive Officer prior to the commencement of any site excavation.

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PLANNING & ENVIRONMENT APPEAL NO. 102 OF 1994 - STATEWISE PROJECT PLANNERS  
PTY LTD - 212 SEAWORLD DRIVE, MAIN BEACH

- (c) Where the sand volume to be excavated from the site, in the opinion of the Chief Engineer, exceeds 2000 m<sup>3</sup>, the applicant shall in addition to the bond pay the full costs of employment of a Supervisor, to be appointed by the Chief Engineer, for the duration of the site excavation and beach disposal works relevant to the site who will be responsible for the physical collection of any rubble located in the sand at the time it is placed on the beach by the applicant.
- (d) Where it is deemed by the Chief Engineer to be preferable that the sand should be delivered to a beach location within the City which is in excess of 5 kilometres from the subject site, the applicant shall deliver the sand to the site free of costs to Council, however, the applicant shall not, in that circumstances, be required to vegetate and fence the beach disposal area.

(60) Compliance with the requirements of the Beach Protection Authority and any additional requirements as specified by the Chief Engineer.

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE PLANNING OFFICER (LMCEC) (01/05/94)

At its meeting on 11 March 1994, Council approved this application subject to conditions. The helicopter and bungee jump component of the application were not approved.

An appeal has been lodged in the Planning and Environment Court in Brisbane by Corrs Chambers Westgarth Solicitors.

The appeal is against both the decision and the conditions.

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) Council appoint solicitors to defend this appeal.
- (B) The solicitors be authorised to appoint Counsel and / or expert witnesses, as required.

\*\*\* RECOMMENDATION

That the recommendation of the Planning Officer be adopted.

\*\*\* ITEM 28 CM03/06/94(PD028)

MODIFICATION OF SITE COVERAGE PROVISION - DUPLEX DWELLING - 29 VESPA  
CRESCENT, SURFERS PARADISE

FILE REFERENCE(S)	05-01648-0000-5 825/094/032 665/093/034
APPLICATION NUMBER	940032

APPLICANT	: MPS ARCHITECTS & PLANNERS
OWNER	: TDS PROPERTIES PTY LTD
ADDRESS	: 29 VESPA CRESCENT, SURFERS PARADISE
PROPOSAL	: RESIDENTIAL-DUPLEX DWELLING
RPD	: LOT 1 ON REGISTERED PLAN 114677, PARISH OF NERANG, COUNTY OF WARD
SITE AREA	: 1791 SQUARE METRES PROPOSED SUBDIVISION 665/093/034 : 897.9 SQUARE METRES
ZONE	: RESIDENTIAL-DUPLEX DWELLING

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE TECHNICAL OFFICER - PLANNING & DEVELOPMENT (SF) (13/06/94)

Application has been made for modification of Clause 4.11.2.2 of the Town Planning Scheme which prescribes that the site coverage of a duplex dwelling shall not exceed 40% provided that Council may permit the site coverage to be increased to 50% where such an increase would not conflict with the purpose of Clause 4.11.2, i.e. to facilitate a pleasant living environment by the provision of adequate open space around buildings.

The proposal is to erect a single storey duplex dwelling at 29 Vespa Crescent, Surfers Paradise. The submission indicates a gross floor area of 388 square metres and a site coverage of 43%, hence, this application.

Each dwelling unit has access to approximately 72 square metres of open space at the rear of the development.

It is considered that the proposal does not conflict with Scheme provisions as adequate open space has been provided and a modification of this provision is considered warranted.

\*\*\* OFFICER RECOMMENDATION

It is recommended that the applicant be advised that approval is granted for modification of the site coverage provision in accordance with Building Application No. 94/1699.

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Planning and Development be adopted.



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\*\*\* ITEM 29

CM03/06/94(PD029)

APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A FOUR (4) STOREY MULTI-UNIT BUILDING IN A THREE (3) STOREY HEIGHT CONTROL AREA - 39-43 TWEED STREET, COOLANGATTA

FILE REFERENCE(S)	818/094/047
APPLICATION NUMBER	940047
VIDE ITEM(S)	MAP(S)
PROJECT ADDRESS	: 39-43 TWEED STREET, COOLANGATTA
REAL PROPERTY DESCRIPTION	: LOTS 8, 9 AND 10 ON REGISTERED PLAN 1816, PARISH OF TALLEBUDGERA, COUNTY OF WARD
OWNER	: J MORRIS AND J DOWN
APPLICANT	: J MORRIS
PROPOSED DEVELOPMENT	: TO ERECT A FOUR (4) STOREY MULTI-UNIT BUILDING IN A THREE (3) STOREY HEIGHT CONTROL AREA
SITE AREA	: 1215 SQUARE METRE
ZONING OF THE LAND	: RESIDENTIAL MULTI-UNIT
RESIDENTIAL DENSITY	: D2 (D2)
BUILDING HEIGHT	: H3 (H5)
CLASSIFICATION	: MULTI-UNIT BUILDING
DATE RECEIVED	: 31/03/94
DATE ADVERTISED	: 31/03/94
OBJECTION(S)	: TWO (2) LETTERS WERE RECEIVED
OBJECTOR(S)	: V THOMAS, GN & ZA THOMAS

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE ASSISTANT PLANNING OFFICER (SM) (11/05/94)

The proposal is to erect a four (4) storey building in an area where the permitted height is three storeys and the maximum permissible height is five storeys. The site is located on the corner of Tweed Street and Garrick Street, Coolangatta and comprises an area of 1215 square metres. It is situated on the crest of a hill.

The surrounding allotments comprise a mix of old dwelling houses and three to six storey multi-unit buildings. A recently completed three storey multi-unit building exists to the north west of the site at 28 Tweed Street. A two storey dwelling house is located to the south. Further to the east are two older multi-unit buildings which are at the bottom of the crest. It should be noted that all of the multi-unit buildings which surround the site are at least 1.5 metres above natural ground level.

The current proposal will have minimal impact on the three storey height provision when viewed from the street. As a result of the sloping nature of the site the building will not be as obtrusive as it would be on flat ground. Furthermore, all of the land encompassing the site is zoned Residential - Multi-Unit and buildings of three or more storeys of a similar style which blend into the slope of the ridge should be expected.

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A FOUR (4) STOREY MULTI-UNIT BUILDING IN A THREE (3) STOREY HEIGHT CONTROL AREA - 39-43 TWEED STREET, COOLANGATTA

DESIGN PARAMETERS

The design parameters effected by the additional storey are plot ratio, site coverage and shadows.

PLOT RATIO

The proposed plot ratio is 0.9615:1 which is the maximum permitted plot for a four (4) storey building. This represents an increase of 0.05:1 compared with a three storey building. Having regard for site coverage and the appearance of the building, this increase does not result in an excessive building bulk and is in keeping with the character of the area.

SITE COVER

The proposal indicates a site coverage of twenty-four percent (24%) which is considerably less than the maximum permitted site coverage of forty percent (40%) for an as of right three (3) storey development. This in turn will result in an increase in landscaped space around the building.

SHADOWS

Due to the topographical nature of the site and its surrounds, the shadow impact of the building is minimal and comparable with that of a three (3) storey building. The proposal complies with the shadow provisions of the Scheme.

OBJECTIONS

Two (2) letters of objection were received from the statutory advertising of the proposal. The main grounds for objection are summarised below:

- (1) Increased shadows on adjoining properties.
- (2) Increase in height.

GENERAL COMMENT

The proposal of a four (4) storey building does not exceed the design parameters for a three (3) storey building. The additional storey has no impact on residential density and therefore associated traffic numbers. The building will not notably contribute to an increase in shadows cast and have little adverse impact on the amenity and character of the area. Conditions have been imposed in relation to the additional storey.

Assessment of the application, however, does indicate 0.8 of a space shortfall in car parking. The Town Planning Scheme provides that Council may relax car parking requirements. In this instance car parking is required at the rate of 1.6 spaces per unit.

REQUIRED: 12.8 plus 2 visitors  
PROVIDED: 12.0 plus 2 visitors

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A FOUR (4) STOREY MULTI-UNIT BUILDING IN A THREE (3) STOREY HEIGHT CONTROL AREA - 39-43 TWEED STREET, COOLANGATTA

It is recommended that the relaxation be approved as the development has two street frontages, totalling 70 metres in length and there is more than adequate street parking available to compensate the loss of 0.8 of a car park. The proposal more than adequately complies with all other Scheme requirements, therefore the relaxation of 0.8 of a car park seems warranted.

\*\*\* OFFICER RECOMMENDATION

It is recommended

- (A) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application, the submissions made by the objectors and has also relied on reports prepared in relation to this matter.
- (B) The applicant and the objectors be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to erect a four (4) storey multi-unit building on the land as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOTS 8, 9 AND 10 ON REGISTERED PLAN 1816, PARISH OF TALLEBUDGERA, COUNTY OF WARD
POSTAL ADDRESS:	39, 41 AND 43 TWEED STREET, COOLANGATTA
AREA OF LAND:	1215 SQUARE METRES
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	THREE (3) DWELLING HOUSES
APPROVED USE/S AS GRANTED IN THIS CONSENT:	MULTI-UNIT BUILDING

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

APPROVED PLANS

- (1) The development shall be in accordance with the plans (and elevations) submitted by the applicant (Plan/Drawing No. Preliminary-3 submitted by PK Design and Drafting Service dated 22 March 1994) (as amended by the conditions of the approval).

The development shall comply with the relevant Planning Scheme requirements and the following development parameters:

- (a) Site Coverage shall not exceed . . . . . 24%
- (b) Plot Ratio shall not exceed . . . . . 0.9615:1
- (c) Maximum Height of Building . . . . . 12.5 metres
- (d) Maximum Number of Storeys . . . . . four (4) storeys
- (e) Maximum Number of Units . . . . . eight (8) units
- (f) Maximum Number of Bedrooms . . . . . twenty-four (24)

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A FOUR (4) STOREY MULTI-UNIT BUILDING IN A THREE (3) STOREY HEIGHT CONTROL AREA - 39-43 TWEED STREET, COOLANGATTA

BUILDING AND DEVELOPMENT COMPLIANCE

- (2) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Planning Scheme. These building plans are to accord with the plan approved in this Approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.
- (3) Provision of fire services in accordance with the Building Act.
- (4) Compliance with the Health Acts and all Regulations made thereunder.
- (5) Compliance with provision 4.16.4 of the Town Planning Scheme in relation to Height of Development.
- (6) The provisions of the Consent Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.

NOISE & AMENITY CONTROL

- (7) Any noise generated is to comply with the provisions of By-law 270 of Chapter 11 of Council's By-laws and The Noise Abatement Act and the requirements of any other Authorities.
- (8) There is to be no interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
- (9) The topmost storey of all buildings including the roof and any service equipment or plant rooms shall be designed and treated so as to visually integrate with and complement the design and finish of the rest of the building, to the reasonable satisfaction of the Planning and Development Manager.

SETBACK AND OPEN SPACE AREAS

- (10) The building is to be set back at least six (6) metres from the Tweed Street property boundary, three (3) metres from the Garrick Street property boundary, 2.5 metres from the rear property boundary, with such setbacks to be to the outermost projection.

CAR PARKING AND LOADING FACILITIES

- (11) Provision of at least fourteen (14) off-street car parking spaces and access and layout design to be provided and constructed in accordance with Local Planning Policy 'Off Street Vehicle Parking Requirements', Australian Standards AS-2890.1 and AS-1428.1 amended from time to time to the reasonable satisfaction of the Planning and Development Manager. Should the development be designed in such a manner as to reduce the amount of required car parking, the required amount of car parking may upon application to the Planning and Development Manager, be amended accordingly.
- (12) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.

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- (13) The minimum space width shall be 2.6 metres except where there are obstructions such as columns or walls the parking space shall be enlarged such that obstruction shall not encroach within the Preferred Design Envelope - Appendix F Australian Standard Code 2890.1-1986.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (14) Provision of water supply and sewerage to the reasonable satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and relevant Local Planning Policies.

The owner of the land shall be responsible for all costs involved with the connection to the existing Council water supply main and the sterilisation of any new water supply mains. These works shall be carried out by Council.

- (15) The existing Council sewer traversing the site will be subject to Local Planning Policy "Structures near Council's Services". At the time of Building Application, a security bond will be assessed if required by the policy, for protection of the service. Where the service is to be relocated clear of a proposed building, or re-laid under a proposed building in cast iron cement lined or ductile iron cement lined pipe, then the bond will represent the estimated value of the work plus 20%. The bond will be required to be paid prior to construction commencing and shall be in the form of cash or unconditional bank bond.  
Where a service is to be relocated an easement shall be created over that service and dedicated in favour of Council, prior to the approval of a Building Application on the subject site.
- (16) An easement shall be created over the existing sewer service and dedicated in favour of Council, prior to the approval of a Building Application on the subject site.

HEADWORKS CONTRIBUTIONS

- (17) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 2).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located.

The above rates are valid for the period of this approval only and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT TO CARRY OUT THE ERECTION OF A FOUR (4) STOREY MULTI-UNIT BUILDING IN A THREE (3) STOREY HEIGHT CONTROL AREA - 39-43 TWEED STREET, COOLANGATTA

publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

The determination of the final amount of the contribution referred to in this condition will be deferred until the approval by Council of a building application, permissible development application, application for permitted development subject to conditions or application for subdivision, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such building approval, approval for permissible development, approval for permitted development subject to conditions or subdivision approval, as the case may be. The determination of the amount of the contribution at that time will be based on the following rates;

Water Supply	\$279.00 per Equivalent Population/Person
Sewerage	\$410.00 per Equivalent Population/Person

The above rates are valid for the period of this approval only and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

- (18) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS  
The contributions are payable to Council by the owner of the land in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

- (C) The applicant be advised that the proposed supplementary parking on vacant land on the corner of Garrick Street and Tweed Street is not required.

\*\*\* RECOMMENDATION

That the recommendation of the Assistant Planning Officer be adopted subject to the deletion of Part (C) and replacement with the following:

- (C) A relaxation of one (1) car space has been granted subject to the applicant bitumen sealing that part of the Road Reserve directly opposite the subject site near the intersection with Tweed Street to the satisfaction of the Director Development and Environment Planning.

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## \*\*\* ITEM 30

CM03/06/94(PD030)

MODIFICATION OF SITE COVERAGE PROVISION - DUPLEX DWELLING - 70 BAYVIEW STREET, RUNAWAY BAY

FILE REFERENCE(S)           02-07799-0042-9  
                                  825/094/020  
APPLICATION NUMBER        940020

APPLICANT                 : LIFESTYLE INVESTMENTS PTY LTD  
OWNER                     : CARATEL PTY LTD  
ADDRESS                  : 62 BAYVIEW STREET, RUNAWAY BAY  
PROPOSAL                 : DUPLEX DWELLING  
RPD                        : LOT 5 ON REGISTERED PLAN 117191, PARISH OF BARROW,  
                                  COUNTY OF WARD  
SITE AREA                 : 662 SQUARE METRES  
CURRENT ZONE             : RESIDENTIAL DWELLING HOUSE  
PROPOSED ZONED          : RESIDENTIAL DUPLEX DWELLING

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE TECHNICAL OFFICER - PLANNING & DEVELOPMENT (SF) (10/05/94)

Application has been made for modification of Clause 4.11.2.2 of the Town Planning Scheme which prescribes that the site coverage of a duplex dwelling shall not exceed 40% provided that Council may permit the site coverage to be increased to 50% where such an increase would not conflict with the purpose of Clause 4.11.2, i.e. to facilitate a pleasant living environment by the provision of adequate open space around buildings.

The proposal is to erect a single storey duplex dwelling at 62 Bayview Street, Runaway Bay. The submission indicates the following:

Site cover (building)	308 square metres (47%)
Site cover (at eaves)	355 square metres (53%)
Total Useable Open Space per dwelling unit (approximately)	104 square metres (front - 61 square metres) (rear - 43 square metres)

It is considered that the proposal does not conflict with Scheme provisions as adequate open space has been provided and a modification of this provision is considered warranted.

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) The applicant be advised that approval is granted for modification of the site coverage provision in accordance with plans lodged with this application to 50%.
- (B) This modification of the site coverage provision for a proposed duplex dwelling will not take force or effect until such time as Rezoning Application No. 663/093/083 is approved by the Governor-in-General.

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## ITEM 30

CONTINUED...

MODIFICATION OF SITE COVERAGE PROVISION - DUPLEX DWELLING - 70 BAYVIEW STREET, RUNAWAY BAY

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Planning and Development be adopted.

## \*\*\* ITEM 31

CM03/06/94(PD031)

MODIFICATION OF SITE COVERAGE PROVISION - DUPLEX DWELLING - 70 BAYVIEW STREET, RUNAWAY BAY

FILE REFERENCE(S)           02-07799-0042-9  
                                  825/094/021  
APPLICATION NUMBER        940021

APPLICANT                 : LIFESTYLE INVESTMENTS PTY LTD  
OWNER                     : CARATEL PTY LTD  
ADDRESS                  : 70 BAYVIEW STREET, RUNAWAY BAY  
PROPOSAL                 : DUPLEX DWELLING  
RPD                        : LOT 9 ON REGISTERED PLAN 117191, PARISH OF BARROW,  
                                  COUNTY OF WARD  
SITE AREA                 : 673 SQUARE METRES  
CURRENT ZONE             : RESIDENTIAL DWELLING HOUSE  
PROPOSED ZONE          : RESIDENTIAL DUPLEX DWELLING

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE TECHNICAL OFFICER - PLANNING & DEVELOPMENT (SF) (10/05/94)

Application has been made for modification of Clause 4.11.2.2 of the Town Planning Scheme which prescribes that the site coverage of a duplex dwelling shall not exceed 40% provided that Council may permit the site coverage to be increased to 50% where such an increase would not conflict with the purpose of Clause 4.11.2, i.e. to facilitate a pleasant living environment by the provision of adequate open space around buildings.

The proposal is to erect a single storey duplex dwelling at 70 Bayview Street, Runaway Bay. The submission indicates the following:

Site cover (building)	308 square metres (46%)
Site cover (at eaves)	355 square metres (52.7%)
Total Useable Open Space per dwelling unit	103 square metres (front - 60 square metres) (rear - 43 square metres)

It is considered that the proposal does not conflict with Scheme provisions as adequate open space has been provided and a modification of this provision is considered warranted.

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MODIFICATION OF SITE COVERAGE PROVISION - DUPLEX DWELLING - 70 BAYVIEW STREET, RUNAWAY BAY

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) The applicant be advised that approval is granted for modification of the site coverage provision in accordance with plans lodged with this application to 50%.
- (B) This modification of the site coverage provision for a proposed duplex dwelling will not take force or effect until such time as Rezoning Application No. 663/093/083 is approved by the Governor-in-Council.

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Planning and Development be adopted.

\*\*\* ITEM 32

CM03/06/94(PD032)

APPLICATION FOR REZONING AT 350, 352, 354, 360, 380, 382 AND 390 PINE RIDGE ROAD, COOMBABAH TO RESIDENTIAL 'B' ZONE

FILE REFERENCE(S)	663/093/027 PT2
APPLICATION NUMBER	930027
PREVIOUS DECISION(S)	CM10/09/93(PD028) CM15/10/93(PD054) CM12/11/93(PD035) CM11/03/94(PD018)
VIDE ITEM(S)	LETTER(S) PREVIOUS AGENDA ITEM(S)

PROPOSED DEVELOPMENT : SEMI-DETACHED HOUSING  
 APPLICANT : KEILAR FOX AND MCGHIE PTY LTD  
 OWNER : ERNEST GEORGE HARRIS, RECEIVER OF MARINDI PARK PTY LTD (RECEIVER AND MANAGER APPOINTED AND COLLART PTY LTD (RECEIVER AND MANAGER APPOINTED))  
 SITE LOCATION : 350, 352, 354, 360, 380, 382 AND 390 PINE RIDGE ROAD, COOMBABAH  
 EXISTING ZONING : RURAL  
 PROPOSED ZONING : RESIDENTIAL 'B'  
 AREA : 23.355 HECTARES  
 RPD : LOTS 1 AND 2 AND 6, 7 AND 8 ON REGISTERED PLAN 86211, LOT 1 ON REGISTERED PLAN 96326 AND LOT 3 ON REGISTERED PLAN 83069, PARISH OF BARROW, COUNTY OF WARD

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\*\*\* PREVIOUS AGENDA MATERIAL

\*\*\* REFERENCE PLANNING OFFICER (WPD) (24/08/93)

PROPOSAL

Application is made for exclusion of the subject land from the Rural Zone and inclusion in the Residential B Zone. Should the application be approved, it is proposed to subdivide the land into 195 new allotments with associated road and public park as depicted on Plan Number 813299/3 dated 15th April, 1993 prepared by the applicant company.

An existing dwelling will remain on Lot 195. Lot 194 is shown as a townhouse site having an area of 8180 square metres. This site will have to be the subject of a subsequent application for Town Planning Consent if the current application is approved and its Rural zoning is changed to Residential B.

The remaining 193 lots are shown on the plan, ranging from 525 square metres to 1100 square metres in area and it is proposed that each of these will be improved with two units in the form of duplex dwellings. The applicant has requested that Council's normal requirement of depth exceeding frontage be relaxed and the minimum area be reduced to 530 square metres when it can be demonstrated that a suitable building will fit on the lot.

PROPOSED PARK AREAS

Six separate areas of park are proposed. These range in area from 1680 square metres to 8110 square metres and have a combined area of 19840 square metres which is only 8.495% of the gross area.

Most of these areas of park have limited street frontage and are irregular in shape. For reasons stated below it will be necessary to redesign a major portion of the site to eliminate a proposed drainage reserve and possibly to take account of a proposed exchange of land. In either case, the applicant should be encouraged to redesign the park areas to be of more practical size and shape and make up the deficit to 10% of the gross area.

PROPOSED DRAINAGE RESERVE

Two x 30 metres wide strips of land end to end from north east to south west are designated as Drainage Reserve on the plan. These have a combined area of 17910 square metres which is 7.67% of the gross area. The Services Engineer has advised that there is no need for such a reserve because Council has a drainage scheme for the area which will take the run off through its own land to the south east.

REPORT ON FLORA AND FAUNA

At the Manager's request the applicant has submitted a Report on Flora and Fauna prepared by W.B.M. Oceanics Australia. A copy of this is attached as a vide item.

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The conclusions contained in the report are considered to be valid. It is also considered that if the recommendations contained in the report are implemented, the result would be a satisfactory compromise between the existing facts and circumstances and those which will prevail if the application is approved and the proposed residential development takes place.

MAN-MADE PONDS

One of the proposed park areas, having an area of 8110 square metres and situated at the western end of the site includes one of the man-made ponds referred to in the Flora and Fauna Report. The plan of development indicates that it is intended to retain this pond. Whilst its retention may be considered to be very desirable for any birds and animals in the area, it could prove to be quite dangerous for young children who may eventually live in the area.

It is considered that this pond should be back filled with suitable material as is proposed for others on site. Another alternative would be to allow the pond to remain and require the applicant to surround it with child proof fencing. This may also restrict access by some larger varieties of wild life to the water.

OBJECTIONS

The seven (7) objections are all based mainly on grounds relating to flora and fauna conservation. Each of them is produced in full as a vide item.

The applicant has responded to each of the grounds of objection in what is considered to be a satisfactory manner. The complete response is attached as a vide item.

EXISTING AND DRAFT STRATEGIC PLANS

The preferred dominant land use for the site, as shown on the existing and draft Strategic Plans is Urban Area (with Possible Tourist Facility Growth Area) and Semi-Detached Housing respectively. The zoning and development proposed in this application complies with each of these uses.

DRAFT PLANNING SCHEME ZONING

The zoning proposed in the draft Planning Scheme is Future Urban. As written in the Statement of Intent for that zone, "It is intended that land in the zone will ultimately be rezoned and developed for urban purposes in accordance with the Strategic Plan,".

IRREGULAR SHAPE OF SITE

The subject land is effectively divided into two areas with a common boundary between them of only 23.319 metres.

One of these areas comprises Lots 6, 7 and 8 on Registered Plan 86211 with a combined frontage of 81.239 metres to Pine Ridge Road and an area of 4.651 hectares. This connects across the common boundary in the north west

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corner with the second area. The bulk of the second area is triangular in shape and the balance is trapezium shaped with north and south parallel sides and frontage of 117.979 metres to Pine Ridge Road.

Because of the irregular shape of the whole area, the restricted connection between its two parts and the inclusion of the proposed drainage reserve which is not required, certain aspects of the proposed subdivision design will need to be revised. Some of these are included in the reference above to proposed park areas. Another is the excessively long cul-de-sac which ends in the south west corner of the site. It would also be desirable to vary the size and shape of allotments to give greater scope for design of units later on.

PROPOSED LAND EXCHANGE

In the course of considering this application it became apparent that a better design could be achieved, both for the applicant and the Council if part of the subject land in the south west corner was exchanged for an equal area of Council's land, as shown on a plan entitled "Proposed Exchange of Land Pine Ridge Road Coombabah, File 663/093/027." A copy of this plan is attached as a vide item.

Such an exchange would create a more suitable shape of land for the redevelopment site and for the adjoining Council Reserve. The area which would be added to the Reserve contains a small patch of forest red gum (*Eucalyptus tereticornis*), a preferred Koala food tree. On the adjoining Reserve these are also present. Mature examples are common according to the Flora and Fauna Report.

The proposed land exchange was put to the applicant by phone and a facsimile of the plan referred to above was sent. The applicant's favourable written response dated 30th July, 1993 is attached as a vide item. The applicant has stressed however, that any dealings which may result from the suggested exchange will not impede the processing of this application.

\*\*\* REFERENCE DESIGN ENGINEER (MA) (20/08/93)

Pump Station D55 referred to in your memo and in Council's Planning Report No. 698, has been renamed to Pump Station D41.

Council staff have an agreement with the Developers of "Flame Tree Glen" that Council will construct the D41 pump station facility by 3rd December, 1993 to service the Flame Tree Glen development.

This agreement was finalised prior to the land exchange suggestion. The design plans for Pump Station D41 have been completed and tenders were called on 17th July, 1993. The Contract period of 12 weeks was programmed to commence by 3rd September, 1993 in order to fulfil Council's commitments to the Flame Tree Glen Developers. Should Council fail to construct Pump Station D41 by the agreed date, Council will have to bear the cost of tankering from a downstream sewer manhole at a cost of approximately \$400.00 per week until the pump station is completed.

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The design plans for the construction of the D41 rising main are nearing completion and should the location of the pump station alter, the design drawings will need modification after further survey is obtained for the new rising main route through the environmental park.

It is estimated that the cost of supply of the 2000 uPVC Class 12 pressure pipe for the D41 rising main is approximately \$30,000.00 and therefore quotations for the supply of these pipes are required in accordance with Council Policy. Any delay in the finalisation of the rising main design plans will hinder the completion of the rising main construction, bearing in mind the abovementioned pipe supply quotations are required. The anticipated construction period for the D41 rising main is 4 weeks and this construction needs to be programmed into Council's sewerage construction commitment as soon as possible.

A preliminary investigation into the comparison of Council's design and construction costs for Pump Station D41 and its rising main in the two possible locations, shows that the actual cost to Council is approximately the same in the two locations shown on the attached plan. This is primarily due to the fact that cost savings on the shorter length of rising main balance out the additional costs of constructing a deeper pump station in the alternative location. Please note that this cost balancing situation does not include the possible tankering cost to Council, should the completion of the D41 pump station occur after 3rd December, 1993.

Please also note that as the original position of Pump Station D41 was reasonably central to the surrounding properties, the construction costs of the sewerage reticulation systems for all developers within the D41 Catchment were kept to a minimum. Should the pump station location be moved to the alternative location, the Developer of Lot 3 on Registered Plan 83096 (Villa World) will be responsible to extend the sewer system to the alternative location of Pump Station D41. It is estimated that this additional cost of a 225 dia. sewer at a depth of approximately 6.5 metres is \$65,000.00. Please note that in accordance with Council's Planning Report No. 698 for the West Pine Ridge Road Catchment, Council is responsible for costs associated with the construction of Pump Station D41 and its rising main, and the cost of the construction of all reticulation sewers within the D41 Catchment is the responsibility of the respective developers.

At this stage, the services shown on the attached plan have been constructed and should the pump station be relocated to the alternative location, these services cannot be utilised and would become redundant before they were ever used. If the land swap was to proceed, and the pump station remained in its original position, a dedicated park would be required to encapsulate the pump station and easements over the rising main, power supply and existing sewers would be required. The question of access to the pump station also needs addressing, as Council requires a permanent all weather access road to the pump station in either of the alternative locations.

The contents of this memo may be used as a reference on your agenda item to Council, with regard to possible land swap discussed in your memo of 17th August, 1993 and the effects this land swap could have on the proposed

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sewerage services in the area and associated costs to Council and the respective developers.

\*\*\* REFERENCE PLANNING OFFICER (WPD) (24/08/93)

It would be appropriate, if Council is favourably disposed towards the suggested land exchange, that a meeting be held with the applicant to discuss the matter before a final decision is made. In the mean time there is no reason why the application, in its present form, cannot proceed. Should the land exchange take place appropriate steps would need to be made to rezone the two areas accordingly at a later date.

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) The applicant and the objectors be notified, as required under the provisions of "The Local Government (Planning & Environment) Act 1990 and as amended from time to time, that the application to rezone the land as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES AND PROPOSED REZONING

PROPERTY DESCRIPTION:	LOTS 1, 2, 6, 7 AND 8 ON REGISTERED PLAN 86211, LOT 1 ON REGISTERED PLAN 96326 AND LOT 3 ON REGISTERED PLAN 83096, PARISH OF BARROW, COUNTY OF WARD
POSTAL ADDRESS:	352, 354, 360, 380, 382 AND 390 PINE RIDGE ROAD, COOMBABAH
AREA OF LAND:	23.355 HECTARES
ZONE FROM WHICH THE LAND IS TO BE EXCLUDED:	RURAL ZONE
ZONE INTO WHICH THE LAND IS TO BE INCLUDED:	RESIDENTIAL B ZONE

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

APPROVED PLANS

- (1) The development is to be generally in accordance with the plans (and elevations) submitted by the applicant (Plan No. 813299/3 prepared by Keilar Fox and McGhie Pty. Ltd., dated 6th April, 1993) (as amended by the conditions of the approval).  
Such plan is to be designated as the "Approved Plan".

The development shall comply with the relevant Town Planning Scheme requirements and the following development parameters:

- (i) Site Coverage . . . . . maximum 40%  
(ii) Population Density . . . . . maximum 50 persons per net ha  
(iii) Unit Density . . . . . maximum 25 per net hectare  
(iv) Maximum Number of Storeys . . . . . two (2)

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- (v) Maximum Number of Persons . . . . . 3150
- (vi) Maximum Number of Units . . . . . 525
- (vii) Maximum Number of Bedrooms . . . . . 1050
- (viii) Approved Uses . . . . . duplex dwellings

BUILDING AND DEVELOPMENT COMPLIANCE

- (2) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Town Planning Scheme. These plans are to generally accord with the plan approved in this Rezoning Approval apart from where amendments are necessary to comply with the conditions of the Approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use approved in this Rezoning Approval.
- (3) Provision of fire services in accordance with the Fire Safety Act.
- (4) Prior to the issue of Building Approval the applicant shall submit to Council for approval full details prepared by a professional engineer of the building work necessary to retain any excavation below the level and to preserve and protect adjoining building from damage.
- (5) The provisions of the Rezoning Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.
- (6) Removal of the existing buildings on site before the commencement of the specific use as granted by the said approval.

LIGHTING DEVICES

- (7) Any lighting device is to be so positioned and shielded as not to cause any glare nuisance to any nearby residential occupation or passing motorist.

LANDSCAPING

- (8) The open space and setback areas being landscaped in accordance with a properly prepared planting plan to be submitted to and approved by the Planning and Development Manager prior to the issue of a building approval. Where building approval is not required, the planting plan is to be submitted and approved prior to the commencement of the said use. Such landscaping is to be completed in accordance with the approved planting plan prior to the premises being occupied and maintained at all times thereafter to the reasonable satisfaction of the Planning and Development Manager. The plan is to include the location of any proposed advertising devices.
- (9) The particular flora species to be utilised and the landscaped areas are to be native species endemic to the area and are to be in accordance with Council's adopted Policies.

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S.E.Q.E.B. PROVISIONS

- (10) Should S.E.Q.E.B. require provision of a transformer, such provision is to be made to the satisfaction of S.E.Q.E.B. and the Planning and Development Manager. The transformer is not to be located within landscaping areas unless approved by the Planning and Development Manager. Should the Planning and Development Manager approve provision of the transformer within a landscaped setback area, the area of the transformer in plan, excluding the surrounding pad mount is not to be included for landscaping calculation.

TELECOMMUNICATION SERVICES

- (11) The applicant shall demonstrate, to the Council's satisfaction, that the supply of Telecommunication services will be connected to each and every dwelling unit within the proposed development within the time period specified by the Council approval.

The applicant shall negotiate with Telecom for the provision of telephone services to all proposed dwelling units within the development and any conditions or requirements imposed by Telecom shall form part of this approval.

The applicant is to indicate on the telecommunication facilities drawings the preferred location as suggested by Telecom future public telephone locations.

Prior to Council issuing a Certificate of Classification for the development, the applicant is to produce documentary evidence that satisfactory arrangements have been reached with Telecom for the provision of telecommunication services.

ADVERTISING DEVICES

- (12) The location, size, type and content of any advertising sign or device is to be submitted to Council for approval under the provisions of the Signs By-law. In assessing such applications, particular regard will be given to preserving the amenity of the area.

STORMWATER DRAINAGE

- (13) Stormwater drainage from the site and traversing the site is to be collected on site in an underground drainage system and discharged into a satisfactory stormwater drainage system to be constructed to a legal point of discharge, at the time of development of the site. Any easements, necessary in the opinion of the Chief Engineer, are to be provided to ensure that a drainage path to the ultimate outlet of the catchment may be obtained.
- (14) All stormwater runoff from the subject site shall be controlled so that concentration of flows from the developed site would not cause scouring and damage of the existing downstream channel through the buffer area of the Coombabah Waste Treatment Plant.



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An adequate stormwater drainage system shall be provided on site to service the whole catchment area as detailed in Council's "West Pine Ridge Road Catchment - Water Supply, Sewerage and Stormwater Drainage Planning Report." All stormwater drainage works shall be contained in easements to the satisfaction of Council's Chief Engineer.

- (15) In accordance with Council policy "Stormwater Headworks Charges for Building Approval" a contribution of \$0.43 per square metre is applicable towards the cost of future upgrading of the stormwater system in the area. The contribution is payable to Council prior to the commencement of construction and will be determined at the time of processing a building application or subdivision application for the work. The contribution will be in accordance with the rates, fixed by the Council's Budget, applicable at the time of the Building Application. The above rates are valid for the period of this approval only and subject to alteration in accordance with changes in the Consumer Price Index (All Groups) Brisbane which was 109.7 for the July/September quarter of 1993. (Note the C.P.I. figure quoted has a 1989/90 base of 100).

ROADWORKS AND FOOTPATH AREAS

- (16) At the time of future development of the site all redundant access crossings are to be removed and replaced with integral concrete kerb and channel. Footpath, grass verge, traffic and parking regulations shall be reinstated and restored. The work shall be completed in accordance with Council's requirements.

- (17) REPAIR TO EXISTING KERB AND CHANNEL AND REPLACEMENT OF EXISTING FOOTPATH WITH A PAVED FOOTPATH AREA - If damaged, the existing kerb and channel and footpath is to be replaced with new kerb and channel and paved footpath for the frontage of the site. The kerb and channel is to be on an alignment to match the existing.

The footpath area is to be reconstructed to the satisfaction of the Chief Engineer. The applicant is to be responsible for costs involved with the provision of a paved footpath area. The paving material will extend from the property boundary to the property side of the kerb and channel on all street frontages of the subject site. The details of this paved footpath area are to be submitted in conjunction with the plans submitted to Council for Building Approval and are to be approved by Council prior the construction commencing on site.

- (18) Vehicular access is to be provided in a manner satisfactory to the Chief Engineer.

FILLING AND FLOOD LEVEL

- (19) The site is to be filled above the recorded flood level or design flood level to the reasonable satisfaction of the Chief Engineer. All filling is to be carried out in accordance with

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Council's policy in regard to Foundation Requirements for Developments.

PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (20) Access to site, vehicular parking requirements are to be in accordance with Council's parking policy and any relevant standard drawings. Alterations of access alignments may be necessary and shall be determined following discussions with Council's Traffic Section and to the reasonable satisfaction of the Chief Engineer. Should such alterations be considered necessary, the applicant shall modify all design plans accordingly prior to submission for building approval.

CONSTRUCTION ACCESS AND PROVISION FOR TRAFFIC

- (21) Access to site during construction shall be in accordance with Council's Construction Access and Provision for Traffic at Development Site Policy.
- (22) Unloading, storage or movement of construction material or equipment shall take place on site in accordance with Council's Construction Access and Provision for Traffic at Development Site Policy.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (23) Provision of water supply and sewerage to the reasonable satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and Council Policy.

The applicant shall be responsible for all costs involved with the connection to the existing Council water supply main and the sterilisation of any new water supply mains. These works shall be carried out by Council.

SEWERAGE

- (24) Prior to the preparation of internal subdivision plans for the subject site, the applicant shall consult with Council's Works Department and Planning and Development Department to ascertain the location of the proposed Council pump station to service the catchment. The sewerage reticulation system shall be designed and constructed to connect into the pump station to the satisfaction of Council's Chief Engineer. All sewerage mains shall be contained in satisfactory easements.

- (25) The development shall be provided with Fire Hydrant installation conforming with the provisions of the Australian Standard AS2419 (as amended from time to time).

HEADWORKS CONTRIBUTIONS

- (26) WATER SUPPLY AND SEWERAGE COMPONENT 1 HEADWORKS  
In accordance with Council policy "Development Charges for Water Supply and Sewerage Services" contributions are applicable towards water supply and sewerage headworks (Component 1).

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The contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this application is located and has been determined from information supplied with the application and Council records as follows:

Water Supply (Acc No. 6635) 1080 e.p \$382,461.00  
Sewerage (Acc No. 6637) 1402.8 e.p \$460,140.00

Total Component 1 Headworks Contribution \$842,601.00

The above rates are valid for the period of this approval only and subject to alteration in accordance with changes in the Consumer Price Index (All Groups) Brisbane which was 109.7 for the July/September quarter of 1993. (Note the C.P.I. figure quoted has a 1989/90 base of 100).

An agreement and security (both in a form acceptable to the Town Clerk) are to be lodged with Council to cover the total component 1 contribution prior to the application for rezoning being forwarded to the Minister for approval.

The agreement and security will be released on payment of the contribution in cash or bank cheque.

- (27) The applicant shall contribute to Council a sewerage levy of \$7,842.00 per hectare which totals \$183,150.00 as contribution towards provision of a sewerage pump station and rising main in accordance with Council's "West Pine Ridge Road - Water Supply, Sewerage and Stormwater Drainage Planning Report". This contribution shall be deducted from Water Supply and Sewerage Component 2 headworks charges which have been deferred to the time of a building application, or consent or subdivision application, for the site the subject of this application, whichever is the earlier.

The above levy is valid for the period of this approval only and is subject to alteration in accordance with changes in the Consumer Price Index (All Groups) Brisbane which was 109.7 for the July/September quarter of 1993. (Note the C.P.I. figure quoted has a 1989/90 base of 100).

The contribution is payable to Council by the applicant in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received or within 14 days of receipt by Council of notification by the applicant of intention to commence construction of works associated with the subdivision of the land whichever is the earlier. Any alteration to this condition is to be to the satisfaction of the Chief Engineer.

An agreement and security (both in a form acceptable to the Town Clerk) are to be lodged with Council to cover the

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sewerage levy contribution prior to the application for rezoning being forwarded to the Minister for approval.

- (28) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS  
In accordance with Council policy "Development Charges for Water Supply and Sewerage Services" contributions are applicable towards water supply and sewerage headworks (Component 2).

The contributions are based on the equivalent population proposed in excess of that either connected to water and sewerage or for which contributions towards headworks (Component 2) have been paid.

Council has resolved that the application and determination of these contributions will be deferred to the time of a Building Application or Consent or Subdivision application, for the site the subject of this application, whichever is the earlier.

Where the determination of the contributions has been deferred, such determination is to be based on the following rates:

Water Supply \$276.00 per Equivalent Population / Person  
Sewerage \$406.00 per Equivalent Population / Person

The above rates are valid for the period of this approval only and are subject to alteration in accordance with changes in the Consumer Price Index (All Groups) Brisbane which was 109.7 for the July/September quarter of 1993. (Note the C.P.I. figure quoted has a 1989/90 base of 100).

- (29) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS  
The contributions are payable to Council by the applicant in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received or within 14 days of receipt by the Council of notification by the applicant of intention to commence construction of works associated with the subdivision of the land whichever is the earlier. Any alteration to this condition is to be to the satisfaction of the Chief Engineer.

ENGINEERING DESIGN AND CONSTRUCTION

- (30) (i) Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Chief Engineer prior to construction commencing. Approval by the Chief Engineer does not warrant that such plans and specification have been checked in detail, nor does it absolve the Applicant from complying with all the conditions of this approval and / or relevant Council By-Laws and policies and / or relevant statutes and / or statutory regulations in the execution

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- and / or performance of the said works. Neither the Council nor the Chief Engineer accepts any responsibility for the accuracy of such plans and specifications as approved.
- (ii) All material supplied and all work performed by the Applicant pursuant to this approval shall be to the reasonable satisfaction of the Chief Engineer and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and / or Policies. The Chief Engineer may, by himself or his nominated delegate, supervise and test and generally may inspect all materials and work but no supervision, testing or inspection shall relieve the Applicant of any obligation imposed upon such applicant, pursuant to this clause or any other clause of this approval.
- (iii) MAINTENANCE - All works which, at the completion of the development, will become the responsibility of Council, shall be subject to a maintenance period and provision of security for the maintenance period in accordance with Council's subdivision By-Laws and policies.
- (iv) SUPERVISION - All internal roadworks, sewerage, water supply and stormwater drainage is to be constructed under the supervision of a qualified Engineer who is to certify that these works have been constructed under his direct supervision and that they comply with the approved drawings and specifications.
- (v) Prior to the commencement of any work arising out of conditions listed above, written advice of intention to proceed with the work is to be given to Council. The advice shall include the name of the responsible supervisor with whom Council's inspecting officer will make contact.

NUISANCE

- (31) The Applicant is to ensure that a "smoke and dust nuisance" is not created in the development of this proposal. Attention is drawn to Chapter 8 of Council's By-laws in regard to this matter. Open burning off of any material shall not be permitted on the subject site. All timber shall be either milled or woodchipped, with waste material, including cleared vegetation, shall be transported from the site and disposed of in a satisfactory manner. The applicant is to apply to Council and receive in writing from Council an approved site to dispose of this waste material. The requirements of By-law 270 of Chapter 11 in regard to noise nuisances shall apply to this development, and in addition, construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday to Saturday unless otherwise approved by the Chief Engineer.

TREE PRESERVATION

- (32) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Chief Engineer. Exceptions will be made in the case of trees within an approved future road reserve or where necessary to

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install water and sewerage works, drainage lines, etc. Prior to any design or construction work commencing, arrangements shall be made with the Environmental Officer for an inspection to identify trees which are to be preserved. The results of this inspection will be valid only for the duration of this approval, and a fresh inspection will be required for any future approval.

Observance of Chapter 37 of Council's By-laws in regard to the preservation of trees.

PERFORMANCE SECURITY AND TIME OF APPROVAL

- (33) The relevant conditions are to be satisfactorily completed prior to the use commencing in the premises or prior to the issue of any Certificate of Classification that may be required to be issued in relation to this building or structure.

PREREQUISITE PRIOR TO APPLICATION BEING FORWARDED TO THE MINISTER AND REVOCATION OF APPROVAL CONDITIONS

- (34) Prior to the matter being forwarded to the Minister for approval the applicant within two (2) years of the date of the Council decision is to lodge with Council:
- (i) A cash bond or bank guarantee to the sum equivalent to the contributions required by the conditions of approval contained herein. The cash bond or bank guarantee is to be returned to the applicant if the application is not approved by the Governor-in-Council.
- (ii) A legal Agreement on terms and conditions satisfactory to the Town Clerk, ensuring compliance with the conditions relating to water supply and sewerage headworks contributions which shall include the sewerage levy contained herein. This Agreement is to be binding on all successors in Title.

Should the applicant fail to comply with the provisions herein contained within the time period of two (2) years from the date of the Council decision, Council will take action to rescind the decision to approve the proposed rezoning without further notice, unless the applicant can give reasons satisfactory to Council why such rescission should not take place.

- (B) The comments on the objections contained in the reference be adopted as Council's representations on these objections in its application to the Minister.
- (C) That a meeting be arranged between the Planning and Development Committee and the applicant to discuss the suggested land exchange.

PLANNING AND DEVELOPMENT COMMITTEE RECOMMENDATION (07/09/93)

- (I) That the recommendation of the Planning Officer be adopted.

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APPLICATION FOR REZONING AT 350, 352, 354, 360, 380, 382 AND 390 PINE RIDGE ROAD, COOMBABAH TO RESIDENTIAL 'B' ZONE

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(II) The applicant be advised that prior to the matter being forwarded to the Minister for approval:

- (1) The applicant shall be required to include traffic calming measures as part of the development. The location and design of such measures shall be to the satisfaction of the Chief Engineer.
- (2) The applicant shall be required to liaise with the relevant authorities regarding the location of various public facilities (eg. street lighting, public telephone, postal services), in order to address the public safety and security of the proposed development.

The location of these various facilities shall be indicated on the plan of development to the satisfaction of the relevant authorities and the Planning and Development Manager.

- (3) Additional car parking spaces are to be located adjacent to park areas to the satisfaction of the Chief Engineer.
- (4) The three (3) metre buffer easement along that part of the northern property boundary adjoining Cable Ski Lake is to be densely landscaped with the species predominately endemic to the area and is to be designed and constructed for minimal maintenance.

COUNCIL DECISION CM10/09/93(PD028)

Recommendation (II) be altered to read as follows:

(II) The conditions of approval be amended to include the following -

- (1) The applicant shall be required to include traffic calming measures as part of the development. The location and design of such measures shall be to the satisfaction of the Chief Engineer.
- (2) The applicant shall be required to liaise with the relevant authorities regarding the location of various public facilities (eg. street lighting, public telephone, postal services), in order to address the public safety and security of the proposed development.  
The location of these various facilities shall be indicated on the plan of development to the satisfaction of the relevant authorities and the Planning and Development Manager.
- (3) Additional car parking spaces are to be located adjacent to park areas to the satisfaction of the Chief Engineer.
- (4) The three (3) metre buffer easement along that part of the northern property boundary adjoining Cable Ski Lake is to be densely landscaped with the species predominantly endemic to the area and is to be designed and constructed for minimal maintenance to the satisfaction of the Planning and Development Manager.

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APPLICATION FOR REZONING AT 350, 352, 354, 360, 380, 382 AND 390 PINE RIDGE ROAD, COOMBABAH TO RESIDENTIAL 'B' ZONE

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- (5) The applicant is to provide ten percent (10%) of the land as park provision. The location of the park areas are to be agreed to with Council and these areas shall be dedicated to the Crown and shall be developed to a condition fit for the purpose for which it will be surrendered, and shall be selectively cleared, graded, filled, grassed, planted etc, and in addition the applicant is to install recreation equipment in appropriate park areas under the direction of and to the reasonable requirements of the Chief Engineer.
- (6) The footpath areas are to be planted with suitable species in accordance with plans approved by the Chief Engineer.

That the following recommendation (III) be added:

- (III) That the Planning and Development Manager prepare a policy to cover public safety and security (such a policy to include reference to street lighting, public telephones, postal services, park locations and off street parking etc.) for all relevant development applications.

That condition (9) be altered to read as follows:

- (9) The particular flora species to be utilised and the landscaped areas are to be predominantly native species endemic to the area and are to be in accordance with Council's adopted Policies.

\*\*\* REFERENCE PLANNING OFFICER (WPD) (06/10/93)

\*\*\* OFFICER RECOMMENDATION

It is recommended that Council note a meeting has been arranged between the applicant's representatives and the Planning and Development Committee. This meeting has been arranged for Tuesday 12 October, 1993.

COUNCIL DECISION CM15/10/93 (PD054)

- (A) That Council note a meeting was held between the Planning and Development Committee and the applicant's representatives on Tuesday 12 October, 1993.
- (B) That Council note that representatives of the applicant delivered a presentation on a revised plan of development.
- (B) That further consideration of the application be deferred pending a report on the revised plan of development and accompanying written submission.

\*\*\* REFERENCE PLANNING OFFICER (WPD) (26/10/93)

A Notice of Appeal No. 56 of 1993 in the Local Government (Planning & Environment) Court has been lodged and a copy served on Council (vide item attached). It is to be noted that no objection was lodged in the name of the appellant.

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\*\*\* OFFICER RECOMMENDATION

It is recommended that Council defend the Appeal and that solicitors be engaged to represent Council with authority to brief Counsel and call necessary witnesses.

\*\*\* PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION (02/11/93)

That this item be referred to the Planning and Development Committee meeting to be held on 9 November, 1993.

\*\*\* REFERENCE PLANNING OFFICER (WPD) (05/11/93)

The revised plan of development presented to the Planning and Development Committee at its meeting held on 12 October, 1993 was accompanied by a letter dated 11 October, 1993 which is attached as a vide item (folio 9340994). The plan is numbered 813299/10 dated 11 October, 1993 and was prepared by Keilar Fox and McGhie Pty Ltd.

That plan was accompanied also by a proposed subdivision of land described as Lot 3 on RP 83096 and Lot 12 on RP 835931 and an enlargement of part of that plan to illustrate details of areas to be exchanged between the Council and the developers.

The revised plan shows the total area of 23.355 ha being subdivided to provide for the following forms of development:

<u>Development</u>	<u>Lots</u>	<u>Titles</u>	<u>Lot Size Range</u>
Duplex dwellings	134	268	600m <sup>2</sup> - 960m <sup>2</sup>
Greenstreet (Amcord) Dwelling houses	77	77	380 m <sup>2</sup> - 450 m <sup>2</sup>
<u>Group housing</u>	<u>8</u>	<u>75</u>	2408m <sup>2</sup> - 4970m <sup>2</sup>
Total	219	420	

Six (6) areas of open space are shown on the plan. Five (5) of these are for local parks with a total area of 2.32 ha i.e. 10% of the gross site area and a 20 metre wide buffer area of 7700 m<sup>2</sup> along the western half of the northern boundary to screen the development from the "active" part of Cable Ski World to the north.

The net unit density is therefore 20 units per hectare which is well within the recognised maximum of 25 units per hectare for the Residential 'B' zone.

The applicant refers to certain "anomalies" in the existing approval conditions which need amending.

Clause 1 (i). The applicant is correct. The figure "50" is a typographical error and should be "150".

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Clause 1 (viii). Under the provisions of the existing Town Planning Scheme "dwelling houses" and "parks" are uses which are permitted in the Residential 'B' zone without consent of Council. These should also be included as approved uses in Condition 1 (viii). "Group housing" is permissible in the Residential 'B' zone only with the consent of Council and should be the subject of a separate application for consent.

Clauses 13 and 14. Matters relating to drainage and drainage easements will be dealt with by Works Department when detailed engineering plans and specifications are lodged.

"0.77m" in the first paragraph of page 3 of the letter of the 11 October, 1993 from Keilar Fox and McGhie Pty Ltd should be "0.77 ha". This buffer area was referred to the former Director of Parks and Landscapes to investigate whether it could be satisfactorily maintained. The following reference contains his report.

\*\*\* REFERENCE DIRECTOR - PARKS AND LANDSCAPING (ACB) (28/10/93)

I inspected the above site on Tuesday 26 October, 1993 with Keith Harris. There is a danger that the buffer may become unmaintainable unless drainage and vehicle access is maintained for its full length. The need to fill house pad sites will mean that the buffer will be at least one (1) metre below the final ground level and unless drainage is maintained it may pond stagnant water. Noxious weed control will require vehicle access along the property line in the buffer to control infestations of groundsel and other weeds. Some additional planting should be undertaken where the buffer tree cover is thin (preferred species Melaleuca Quinquinerva).

\*\*\* FURTHER REFERENCE PLANNING OFFICER (WPD) (05/11/93)

Based on the above it is considered that this buffer area is adequate for its intended purpose and can be satisfactorily maintained provided certain measures are taken. These can be incorporated in amended conditions of approval. It is not considered necessary to provide a similar additional buffer area between that proposed and Pine Ridge Road for the reason given by the applicant i.e. "because this adjoins passive activities in the adjoining property and a buffer already exists in the adjoining property".

Whilst the areas to be exchanged between the developers and Council have increased they are equal and on this basis no objection is raised to the proposed subdivision plan which, if approved, will enable the exchange to take place.

The rezoning and consent applications, referred to by the applicant, will be processed separately at appropriate times in the future.

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APPLICATION FOR REZONING AT 350, 352, 354, 360, 380, 382 AND 390 PINE RIDGE ROAD, COOMBABAH TO RESIDENTIAL 'B' ZONE

\*\*\* OFFICER RECOMMENDATION

It is recommended that:

- (A) Council defend the Appeal and that solicitors be engaged to represent Council with authority to brief Counsel and call necessary witnesses.
- (B) That the appellant be advised that Council is prepared to enter into a Consent Order on the following terms:

"That Council's decision of 10 September, 1993 be modified as follows:

- (a) Condition (1) of Planning and Development Committee Recommendation I be amended to read:

Approved Plans

- (1) The development is to be generally in accordance with the plans submitted by the applicant (Plans No. 813299/9 and 813299/10, insofar as they relate to the subject land, prepared by Keilar Fox and McGhie Pty Ltd, dated 8 October, 1993 and 11 October, 1993 respectively) as amended by the conditions of the approval.

Such plans are to be designated as the "approved plans".

The development shall comply with the relevant Town Planning Scheme requirements and the following development parameters:

- (i) Site Coverage . . . . . 40%
- (ii) Population Density . . . . . Maximum 150 persons per net hectare
- (iii) Unit Density . . . . . Maximum 25 units per net hectare
- (iv) Maximum Number of Storeys . . . . . Two (2)
- (v) Approved Uses . . . . . Dwelling houses, duplex dwellings, parks, and group housing (subject to consent of Council)"

- (b) Condition (4) of Planning and Development Committee Recommendation II be amended to read:

- "(4) The 20 metre wide buffer area of .77 hectares along that part of the northern property boundary adjoining Cable Ski World Lake is to be densely landscaped with species predominantly endemic to the area, including Melaleuca Quinquinerva, and is to be adequately drained and designed and constructed for minimal maintenance with appropriate access for maintenance personnel and equipment to the satisfaction of the Chief Engineer and the Planning and Development Manager."

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APPLICATION FOR REZONING AT 350, 352, 354, 360, 380, 382 AND 390 PINE RIDGE ROAD, COOMBABAH TO RESIDENTIAL 'B' ZONE

COUNCIL DECISION CM12/11/93(PD035)

That the recommendation of the Planning Officer dated 5 November, 1993 be adopted.

\*\*\* CORRESPONDENCE KEILAR FOX AND MCGHIE PTY LTD (FOLIO 9403249) (27/01/94)

I wish to advise that my clients, Villa World Limited are no longer the contractual owners of this land.

Would you please cancel all rezoning and subdivision applications that have been made over this land by myself on behalf of Villa World Limited.

I note that application fees of \$16,030.00 have been paid for the completion of the rezoning application.

As the application is not proceeding it would be appreciated if Council could refund an appropriate amount to take account of the application not proceeding.

\*\*\* CORRESPONDENCE WITHERIFF NYST (FOLIO 9403146) (27/01/94)

Villa World proposes to file a Notice of Withdrawal in respect of their Notice of Election. Apparently the Contract for the purchase of the subject land has fallen through. We are uncertain of Grimley Pty Limited's intentions in respect of the future conduct of the Appeal.

We shall advise you of developments as they occur.

\*\*\* CORRESPONDENCE WITHERIFF NYST (FOLIO 9403966) (31/01/94)

Further to our letter of 27 January 1994 we have been contacted by the Solicitors for Grimley Pty Ltd who propose the Appeal be disposed of by way of an Order allowing for the Appeal to be amended from an Appeal against Condition 34(D)(4) to an Appeal against the whole of the Council's decision, thereafter the Appeal would be allowed and the rezoning would be refused.

It is proposed by the Solicitors for Grimley that Council would consent to Orders in the above terms. We suggest a preferable course would be neither to consent to nor oppose the Orders sought by Grimley Pty Ltd. We anticipate in those circumstances Grimley would obtain the amendment of the Appeal and thereafter would be entitled to an Order that the Appeal be allowed on the basis that the applicant, Villa World Limited, carried the onus of proof (by reason of Section 7.1A (2) (a) of the Act) and no longer being a party to the Appeal is unable to discharge the onus of proof.

\*\*\* CORRESPONDENCE WITHERIFF NYST (FOLIO 9404332) (04/02/94)

We refer to the writer's conversation with Mr Daniel on the 3rd instant, we acknowledge receipt of your facsimile transmission of that date.

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APPLICATION FOR REZONING AT 350, 352, 354, 360, 380, 382 AND 390 PINE RIDGE ROAD, COOMBABAH TO RESIDENTIAL 'B' ZONE

We note Council has received from the applicant a letter dated 22 January 1994 wherein the applicant advises its clients, Villa World Limited, are no longer the contractual owners of the subject land. They request that Council cancel all rezoning and subdivision applications that have been made over this land by the applicant on behalf of Villa world Limited. They further request a refund, of an appropriate amount, of the application fees.

We are asked to advise whether Council can cancel the applications, pursuant to the applicant's request in circumstances where Council has decided the application and an Objector Appeal by Grimley Pty Ltd (Southport Planning and Environment Appeal No. 56 of 1993) has been lodged. The short answer is that Council cannot, in the present circumstances, cancel the applications, it follows the applicant is not entitled to a refund of any amount of the application fees. Section 4.18 of the Local Government (Planning & Environment) Act ("The PEA") is relevant, it empowers an applicant, by notice in writing, to withdraw an application made to a Local Authority where that Notice if received by the Local Authority prior to its decision on the application. There is no power, pursuant to the PEA, for an applicant to withdraw an application after the Local Authority has made a decision in respect of it.

We suggest you advise the applicant accordingly.

\*\*\* REFERENCE PLANNING OFFICER (WPD) (11/02/94)

The request contained in the letter dated 27 January 1994 from Keilar Fox and McGhie Pty Ltd was referred to Witheriff Nyst who are acting for Council in Local Government (Planning & Environment) Court Appeal No. 56 of 1993. Their reply of 4 February 1994 is also quoted above.

\*\*\* OFFICER RECOMMENDATION

It is recommended that Keilar Fox and McGhie Pty Ltd be advised in accordance with the advice received from Solicitors, Witheriff Nyst in their letter dated 4 February 1994.

COUNCIL DECISION CM11/03/94(PD018)

That the recommendation of the Planning Officer be adopted.

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE PLANNING OFFICER - DEVELOPMENT & ENVIRONMENT PLANNING (WPD) (04/05/94)

The Appeal referred to in the previous Agenda Item CM11/03/94 (PD018) has yet to be determined by the Local Government (Planning & Environment) Court.

The following comments are based on each of the three grounds given in support of the request for a reduction in fees:

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APPLICATION FOR REZONING AT 350, 352, 354, 360, 380, 382 AND 390 PINE RIDGE ROAD, COOMBABAH TO RESIDENTIAL 'B' ZONE

- (1) Whilst the rezoning component of the proposed Combined Application may be similar to the previous application, there has already been considerable time given to various inquiries about the subject site and no doubt there could be more both before and after the application is determined by Council.
- (2) The proposed exchange of land would be just as beneficial, if not more so, to the applicant as it would be to the Council. For this reason, this ground is not considered a valid one to justify a reduction in fees.
- (3) The relevant part of the gazetted Strategic Plan was incorporated in the plan because of Council's original decision on the earlier application. One would expect that any subsequent application would accord with the Strategic Plan in the light of Section 4.4 (5A) of the Local Government (Planning & Environment) Act which states that:

"The local authority must refuse to approve the application if-

- (a) the application conflicts with any relevant Strategic Plan or Development Control Plan; and
- (b) there are not sufficient planning grounds to justify approving the application despite the conflict."

With regard to the subdivision component of the proposed Combined Application, there has not been a formal subdivision application lodged previously. Therefore no reduction is warranted in that regard.

Council's Planning Scheme Schedule of Fees and Charges provides for a 25% discount on the sum of the fees for all application types included in a Combined Application.

\*\*\* OFFICER RECOMMENDATION

It is recommended that the request for a substantial reduction in fees applicable to a proposed Combined Application for rezoning and subdivision be not granted for the reasons stated above.

\*\*\* RECOMMENDATION

That the recommendation of the Planning Officer be adopted.

\*\*\* ITEM 33

CM03/06/94(PD033)

APPLICATION FOR TOWN PLANNING CONSENT FOR THE ISSUES OF A TOWN PLANNING CONSENT PERMIT FOR THE USE OF AN EXISTING BUILDING FOR COMMERCIAL PREMISES (OFFICE) - 13 MARGARET STREET, SOUTHPORT

FILE REFERENCE(S)	818/094/041
VIDE ITEM(S)	MAP(S)
PROPOSED DEVELOPMENT :	USE AN EXISTING BUILDING FOR COMMERCIAL PREMISES
APPLICANT :	JOHN P MARENDY & ASSOCIATES
OWNER :	SABSAGA PTY LTD
SITE LOCATION :	13 MARGARET STREET, SOUTHPORT
RPD :	LOT 1 ON RP 92635
ZONING :	COMMERCIAL INDUSTRY
AREA :	622 SQUARE METRES
DATE RECEIVED :	25/03/94
DATE ADVERTISED :	25/03/94
OBJECTION(S) :	NIL

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE TECHNICAL OFFICER - LANDSCAPING PLANNING & DEVELOPMENT (BW) (21/04/94)

PROPOSAL

The proposal relates to the conversion of an existing dwelling to offices (commercial premises) at 13 Margaret Street, Southport.

ADVERTISING

The public advertising of the proposal has been carried out in accordance with Section 4 of the Local Government (Planning & Environment) Act.

OBJECTIONS

No objections were received.

ASSESSMENT OF THE SCHEME PROVISIONS

VEHICULAR ACCESS

Normally reinforced industrial crossings are to be constructed between the kerb and channel and the road alignment. However, as the proposed use is not of an industrial nature, the existing crossing is considered adequate.

SITE COVERAGE AND BUILDING HEIGHT

The Scheme specifies 60% site cover with a two (2) storey height limit. The proposal indicates that it complies with these requirements.

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APPLICATION FOR TOWN PLANNING CONSENT FOR THE ISSUES OF A TOWN PLANNING CONSENT PERMIT FOR THE USE OF AN EXISTING BUILDING FOR COMMERCIAL PREMISES (OFFICE) - 13 MARGARET STREET, SOUTHPORT

LANDSCAPING

A landscaped open space area at least six (6) metres in width adjoining the main frontage and at least three (3) metres in width adjoining any secondary road frontage is to be provided. The total landscaped content required is 12% of the site. The proposal indicates that the landscaping content within these setback areas exceeds the 12% required and the proposal is acceptable.

BUFFER STRIPS

The adjoining sites are zoned Commercial Industry and buffer requirements are not applicable in this instance.

CAR PARKING

The proposed use as commercial premises require car parking at the rate of one (1) space per 30m<sup>2</sup> of use area. The total area of this proposal has been calculated at 143 square metres which therefore requires the provision of five (5) spaces. The proposal complies with the Scheme requirements.

SETBACKS

The existing building indicates a setback of three (3) metres from Alicia Street and 8.5 metres from Margaret Street. The car park layout as proposed makes provision for three (3) car spaces situated six (6) metres from Alicia Street and one (1) space three (3) metres from Margaret Street.

The setback from Alicia Street is considered satisfactory even though it does not fully comply with Planning Scheme requirements. An encroachment of an existing deck and storeroom in this setback area does not adversely impact the development.

COMMENT

In view that the building and car parking are existing and that all other provisions have been met including a surplus of landscaped areas, favourable consideration of the proposal would be reasonable.

\*\*\* OFFICER RECOMMENDATION

It is recommended

- (A) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application, and has also relied on reports prepared in relation to this matter.
- (B) The applicant be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to convert an existing dwelling into offices (commercial premises) the land as described herein be approved subject to the conditions listed below:



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APPLICATION FOR TOWN PLANNING CONSENT FOR THE ISSUES OF A TOWN PLANNING CONSENT PERMIT FOR THE USE OF AN EXISTING BUILDING FOR COMMERCIAL PREMISES (OFFICE) - 13 MARGARET STREET, SOUTHPORT

DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOT 1 ON RP 92635 PARISH OF NERANG COUNTY OF WARD
POSTAL ADDRESS:	13 MARGARET STREET, SOUTHPORT
AREA OF LAND:	622 SQUARE METRES
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	RESIDENTIAL
APPROVED USE/S AS GRANTED IN THIS CONSENT:	COMMERCIAL PREMISES

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

APPROVED PLANS

- (1) The development is to be in accordance with the plans (and elevations) submitted by the applicant drawn by John Westera & Associates for John Westera dated 25 April, 1994 (as amended by the conditions of the approval).

The development shall comply with the relevant Planning Scheme requirements and the following development parameters:

- (a) Maximum Number of Storeys . . . . . two (2)
- (b) Approved Uses . . . . . Commercial Premises

BUILDING AND DEVELOPMENT COMPLIANCE

- (2) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Planning Scheme. These building plans are to accord with the plan approved in this Approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.

DEVELOPMENT PARAMETERS

Boundary Setbacks and Screening

- (3) Car parking shall be set back at least six (6) metres from Alicia Street and three (3) metres from Margaret Street. This setback area shall be densely planted with screen landscaping consistent with the purpose of Clause 7.6.3.1 of the Planning Scheme and to the satisfaction of the Planning and Development Manager.

Building Aesthetics

- (4) A screen fence 1.8 metres high shall be erected on all side and rear boundaries.
- (5) The development shall be designed and constructed to a high standard, incorporating materials which complement the existing development in the area and to the satisfaction of the Planning and Development Manager.

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APPLICATION FOR TOWN PLANNING CONSENT FOR THE ISSUES OF A TOWN PLANNING CONSENT PERMIT FOR THE USE OF AN EXISTING BUILDING FOR COMMERCIAL PREMISES (OFFICE) - 13 MARGARET STREET, SOUTHPORT

Building Performance and Safety Standards

- (6) The design, materials and construction of all parts of the building and the location of equipment that has the potential to create noise shall be such as to minimise the penetration of noise to dwelling units on the premises and habitable premises external to the site.

Refuse Facilities

- (7) Provision shall be made for the storage and suitable access for the removal of refuse in accordance with the Refuse Management Regulations and the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

If the refuse storage area is to be located within the six (6) metre setback to the frontage the following provisions are met to the satisfaction of the Planning and Development Manager -

- (a) the refuse storage area shall be no closer than three (3) metres to any frontage and no closer than 1.5 metres to any other site boundary; and
- (b) the refuse storage area shall be enclosed on three (3) sides with a screen wall extending 0.2 metres above the height of the refuse receptacles; and
- (c) the refuse storage area shall be screened by dense planting and mounding.

- (8) Provision shall be made for the storage, removal and screening of refuse in accordance with the Council's By-laws and to the satisfaction of the Chief Health Surveyor, having regard to the purpose of Clause 12.7.11 of the Planning Scheme.

ADVERTISING DEVICES

- (9) Any advertising device is to comply with Chapter 13 of Council's By-laws.
- (10) The location, size, type and content of any advertising sign or device is to be submitted to Council for approval under the provisions of the Signs By-law. In assessing such applications, particular regard will be given to preserving the amenity of the area.

HEADWORKS CONTRIBUTIONS

(11) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS

In accordance with the Planning Scheme and local planning policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 2).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located.

The determination of the final amount of the contribution referred to in this condition will be deferred until the

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APPLICATION FOR TOWN PLANNING CONSENT FOR THE ISSUES OF A TOWN PLANNING CONSENT PERMIT FOR THE USE OF AN EXISTING BUILDING FOR COMMERCIAL PREMISES (OFFICE) - 13 MARGARET STREET, SOUTHPORT

approval by Council of a building application, permissible development application, application for permitted development subject to conditions or application for subdivision, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such building approval, approval for permissible development, approval for permitted development subject to conditions or subdivision approval, as the case may be. The determination of the amount of the contribution at that time will be based on the following rates;

Sewerage                   \$410.00 per Equivalent Population/Person

The above rate is valid for the period of this approval only and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April / June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, this rate shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

- (12) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS  
The contributions are payable to Council by the owner of the land in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS INTERNAL TO DEVELOPMENT SITES

Drainage

- (13) Stormwater drainage from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, easements shall be provided within the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.

CAR PARKING, BICYCLE PARKING AND LOADING

Car Parking, Bicycle Parking and Loading Requirements

- (14) Provision of five (5) car parking shall be provided in association with the development listed in Column 1 of Table 13.1 in accordance with the provisions of Column 2 of Table 13.1 of the provisions of Clause 13.5.1 of the Planning Scheme, as they apply to that particular development.

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APPLICATION FOR TOWN PLANNING CONSENT FOR THE ISSUES OF A TOWN PLANNING CONSENT PERMIT FOR THE USE OF AN EXISTING BUILDING FOR COMMERCIAL PREMISES (OFFICE) - 13 MARGARET STREET, SOUTHPORT

Where the number of car parking spaces calculated using Column 2 of Table 13.1 of the Planning Scheme is not a whole number, the number of spaces required shall be the next highest whole number.

- (15) Where car parking is required for visitors to any development pursuant to the provisions of the Planning Scheme, such car parking shall be provided in accordance with the following:
- (a) be freely accessible to visitors at all hours with no encumbrance, fee or charge; and
  - (b) have no gateways, doors or similar devices which would restrict vehicular access by visitors; and
  - (c) have no signs displayed restricting the use of visitor spaces or reserving the use of such spaces for a particular person.
- (16) All of the required car parking shall be provided so as to be freely accessible to accommodate the vehicles of persons employed on the site for the time the development is open for business and those of bona fide visitors for the duration of any visit to the site. There shall be no encumbrance, fee or charge, and no gateways, doors or similar devices being erected or located which would restrict vehicular access to these spaces or no signs displayed which restrict the use of these spaces.

Development and Maintenance of Car Parking and Loading Areas

- (17) Any car parking area or loading area, together with their associated driveways, shall be developed in accordance with the local planning policy "Off-Street Vehicle Parking Requirements".
- (18) All car parking shall be freely and readily accessible for vehicular use and be designed to enable all vehicles entering and leaving the site to do so in a forward direction.
- (19) All car parking and loading areas shall be kept and used exclusively for parking and associated manoeuvring and be maintained to the satisfaction of the Planning and Development Manager.
- (20) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Chief Engineer.

PROVISIONS IN RESPECT OF LANDSCAPING

General Provisions

- (21) Provision is to be made for the area required to be landscaped in accordance with this approval granted, a properly prepared landscaping plan shall be submitted to and approved by the Planning and Development Manager prior to the issue of a building approval or, where a building approval is not

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APPLICATION FOR TOWN PLANNING CONSENT FOR THE ISSUES OF A TOWN PLANNING CONSENT PERMIT FOR THE USE OF AN EXISTING BUILDING FOR COMMERCIAL PREMISES (OFFICE) - 13 MARGARET STREET, SOUTHPORT

required, the commencement of development. Such plan shall incorporate all proposed planting, paving, fences, recreational facilities and other landscape elements necessary, in the opinion of the Planning and Development Manager, to meet the purpose of the relevant Planning Scheme provisions or to comply with the conditions of any approval, consent or permission granted by the Council.

Without limiting the generality of this provision, landscaping plans shall contain the following information, to the satisfaction of the Planning and Development Manager-

- (a) location and species of existing trees; and
  - (b) soil type and moisture condition; and
  - (c) location of drainage, sewerage and other underground services and overhead power lines; and
  - (d) details of any structure proposed as part of the landscaping; and
  - (e) contours or spot levels, if required; and
  - (f) proposed surfaces; and
  - (g) where landscaping is above a basement, podium, roof or other above ground structure, the means of drainage; and
  - (h) fence size and material; and
  - (i) location and species of proposed plants; and
  - (j) schedule of plants and plant sizes; and
  - (k) any other information which the Planning and Development Manager may consider necessary.
- (22) The landscaping plan shall reflect the objectives of the Strategic Planning Statements on City Character to the reasonable satisfaction of the Planning and Development Manager.
- (23) It is necessary for substantial planting to be provided in a landscaped area so as to reduce the visual impact of a development due to its size or bulk, or to visually screen the development, or to enhance the attractiveness of the development, then advanced trees shall be provided in that landscaped area, to the satisfaction of the Planning and Development Manager.
- (24) All landscaping shall be provided in accordance with the approved landscaping plan prior to the occupation of the premises.
- (25) All landscaping shall be maintained at all times to the satisfaction of the Planning and Development Manager.
- (26) Where a landscaped buffer strip is required in accordance with this approval no person shall remove or lop any tree or shrub within the buffer strip without the approval of the Planning and Development Manager.

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PROVISIONS IN RESPECT OF NOISE NUISANCEGeneral Provisions

- (27) All development shall be designed and constructed to ensure that a noise nuisance is not caused.

PROVISIONS IN RESPECT OF LIGHTING NUISANCEGeneral Provisions

- (28) No person shall cause, carry out or permit the erection of a light source in such a manner that light emanating from the source is a nuisance.
- (29) Screens, vegetation and other landscape elements to be provided adjacent to any light source or may specify the height, shielding and the type of lighting to be provided in order to minimise the spill of light so as to avoid any adverse effects of glare or direct light nuisance in accordance with the purpose of clause 13.14 of the Planning Scheme.

\*\*\* RECOMMENDATION

That the recommendation of the Technical Officer - Landscaping - Planning and Development be adopted.

## \*\*\* ITEM 34

CM03/06/94(PD034)

APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-DWELLING HOUSE ZONE TO RESIDENTIAL-TOWNHOUSE ZONE - 129 EUGAREE STREET, SOUTHPORT

FILE REFERENCE(S) APPLICATION NUMBER VIDE ITEM(S)	663/094/010 940010 MAP(S)
PROJECT ADDRESS	: 129 EUGAREE STREET, SOUTHPORT
REAL PROPERTY DESCRIPTION	: LOT 42 ON REGISTERED PLAN 28685, PARISH OF NERANG, COUNTY OF WARD
OWNER	: J & I STROHMEYER
APPLICANT	: DESIGN IMAGERY PTY LTD
PROPOSED DEVELOPMENT	: ONE (1) SINGLE STOREY VILLA AND THREE (2) TWO STOREY TOWNHOUSES
SITE AREA	: 1012 SQUARE METRES
ZONING OF THE LAND - EXISTING	: RESIDENTIAL-DWELLING HOUSE
- PROPOSED	: RESIDENTIAL-TOWNHOUSE
ROAD HIERARCHY	: MINOR COLLECTOR
CLASSIFICATION	: TOWNHOUSE DEVELOPMENT
DATE RECEIVED	: 10/02/94
DATE ADVERTISED	: 16/02/94
OBJECTION(S)	: ONE (1) LETTER WAS RECEIVED
OBJECTOR(S)	: WJ & MHB AITKENHEAD

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\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE ASSISTANT PLANNING OFFICER (SM) (18/05/94)

PROPOSAL

The proposal is to exclude the subject land from the Residential-Dwelling House Zone and include land in the Residential-Townhouse Zone.

It is the applicant's intention to develop the site with one (1) single storey villa and three (3) two storey townhouses accessed off Eugaree Street.

ADVERTISING

The proposal has been advertised in accordance with Section 4 of the Local Government (Planning & Environment) Act.

OBJECTIONS

One (1) objection was received from the statutory advertising of the proposal and the ground for objection is summarised below:

The objector raises concern about the increase in traffic which will result from the proposed townhouse development. Such cannot be adequately substantiated having regard for the Strategic Plan designation which envisages townhouse development in the subject location. While objectors express concern that an increase in cars will be parked on the street, the planning scheme details car parking requirements considered sufficient to accommodate traffic generated by the development.

Other issues that were raised are of a very general nature and are not of town planning relevance.

TOWN PLANNING CONSIDERATIONS

The proposal involves the development of four townhouses on a site of 1012 square metres which complies with the development density for the Residential-Townhouse Zone. The proposed density is one unit for every 253 square metres of the site. The development complies with the 1994 Town Planning Scheme in respect of site coverage, building height and landscaping requirements.

The enclosed garages, however, do not comply with Council's Car Parking Policy. The proposal indicates enclosed garages with a length of 5.4 metres and a width of three metres. A condition has been imposed so the applicant must comply with the policy where single enclosed garages are required to be six metres x 3.2 metres and double garages to be six metres x 5.8 metres.

The proposed rezoning conforms with the Strategic Plan and warrants favourable consideration.

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\*\*\* OFFICER RECOMMENDATION

It is recommended

- (A) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application, the submissions made by the objectors and has also relied on reports prepared in relation to this matter.
- (B) The applicant and the objectors be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to rezone land from Residential-Dwelling House zone to Residential Townhouse zone as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOT 42 ON REGISTERED PLAN 28685, PARISH OF NERANG, COUNTY OF WARD
POSTAL ADDRESS:	129 EUGAREE STREET, SOUTHPORT
AREA OF LAND:	1012 SQUARE METRES
ZONE TO WHICH THE LAND IS PROPOSED TO BE EXCLUDED:	RESIDENTIAL-DWELLING HOUSE
ZONE INTO WHICH THE LAND IS PROPOSED TO BE INCLUDED:	RESIDENTIAL-TOWNHOUSE
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	DWELLING HOUSE
APPROVED USE/S AS GRANTED IN THIS APPROVAL:	FOUR (4) TOWNHOUSES

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

APPROVED PLANS

- (1) The development shall be in accordance with the concept plans (and elevations) submitted by the applicant (Plan/Drawing No. 93-1542 submitted by Design Imagery dated 4 May 1994) (as amended by the conditions of the approval).

The development shall comply with the relevant Planning Scheme requirements and the following development parameters:

- (a) Site Coverage shall not exceed . . . . . 36.6%
- (b) Dwelling Unit Density shall not exceed 39.5 units/ha
- (c) Maximum Height of Building . . . . . nine (9) metres
- (d) Maximum Number of Storeys . . . . . two (2)
- (e) Maximum Number of Units . . . . . four (4)
- (f) Maximum Number of Bedrooms . . . . . eleven (11)
- (g) All buildings shall be set back a minimum of six (6) metres from all frontages.
- (h) The following building setbacks shall be provided to the side and rear site boundaries -

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- (i) 1.5 metres to the outermost projection of that part of the building which is 4.5 metres or less above ground level; and
- (ii) 2.0 metres to the outermost projection of that part of the building which is greater than 4.5 metres but not exceeding 7.5 metres above ground level; and

BUILDING AND DEVELOPMENT COMPLIANCE

- (2) Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-laws where applicable and the City of Gold Coast Planning Scheme. These building plans are to accord with the plan approved in this Approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.
- (3) Compliance with Section 4.14 of the Planning Scheme unless otherwise detailed in this approval.
- (4) The provisions of the Rezoning Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.
- (5) Removal of the existing buildings on the site before the commencement of the specific use as granted by the said approval.  
Upon demolition of the existing buildings and the land becomes and remains vacant for more than three (3) months, the following works and provisions shall be carried out to the satisfaction of the Planning and Development Manager -
  - (a) such land shall be cleared of all rubble, debris and demolition materials; and
  - (b) such land shall be levelled and turfed so as to be capable of being mowed; and
  - (c) land determined by the Planning and Development Manager as comprising a large parcel shall be landscaped to include perimeter planting consisting of advanced specimens of fast growing species; and
  - (d) existing trees shall be retained on site; and
  - (e) the land shall be kept free of screen fences or hoardings provided that the Planning and Development Manager may permit open wire mesh fencing or similar which may be required to be set back from any frontage; and
  - (f) the land shall be maintained free of rubbish and the landscaping and any fencing maintained in good condition at all times; and
  - (g) the land shall not be used for the storage of any materials, equipment of vehicles; and
  - (h) the land shall be adequately drained to the satisfaction of the Chief Engineer and shall discharge stormwater by means of an underground drainage system to an outlet approved by the Chief Engineer; and

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- (i) and land shall be maintained so that there is no siltation run off from the land onto adjacent lands, roads or footways; and
- (j) the land shall be maintained to ensure no nuisance to adjacent premises or roads by wind blown sand or dust. unless the relaxation has been granted by the Planning and Development Manager in accordance with Provision 14.3.1.1 of the Planning Scheme.

NOISE & AMENITY CONTROL

- (6) Any noise generated is to comply with the provisions of By-law 270 of Chapter 11 of Council's By-laws and The Noise Abatement Act and the requirements of any other Authorities.
- (7) There is to be no interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

LIGHTING DEVICES - GENERAL

For the purpose of conditions that relate to lighting devices, a light shall be deemed to create a nuisance when the level of illumination measured at or above ground level at a distance of 1.5 metres outside the boundary of the site exceeds eight (8) lux.

- (8) Any lighting device is to be so positioned and shielded as not to cause any glare nuisance to any nearby residential occupation or passing motorist.

LANDSCAPING

- (9) The landscaping is to be established and maintained to the reasonable satisfaction of the Planning and Development Manager at all times.
- (10) The open space and setback areas are to be landscaped in accordance with a properly prepared planting plan to be submitted to and approved by the Planning and Development Manager prior to the issue of a building approval. Where building approval is not required, the planting plan is to be submitted and approved prior to the commencement of the said use. Such landscaping is to be completed in accordance with the approved planting plan prior to the premises being occupied and maintained at all times thereafter to the reasonable satisfaction of the Planning and Development Manager. The plan is to include the location of any proposed advertising devices and certain information listed in provision 13.12.1.1 of the Planning Scheme.

REFUSE FACILITIES

- (11) Provision shall be made for the storage and suitable access for the removal of refuse in accordance with the Refuse Management Regulations and the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

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If the refuse storage area is to be located within the six (6) metre setback to the frontage the following provisions are met to the satisfaction of the Planning and Development Manager -

- (a) the refuse storage area shall be no closer than three (3) metres to any frontage and no closer than 1.5 metres to any other site boundary; and
- (b) the refuse storage area shall be enclosed on three (3) sides with a screen wall extending 0.2 metres above the height of the refuse receptacles; and
- (c) the refuse storage area shall be screened by dense planting and mounding.

AUSTRALIA POST

- (12) The applicant is to contact Australia Post to ascertain requirements in relation to siting of letter boxes for the development. The representative for contact is the Postmaster at the Southport Post Office.

ELECTRICITY FACILITIES

- (13) Where the electricity authority requires provision of a transformer, such provision shall be made to the satisfaction of the electricity authority and the Planning and Development Manager. The transformer shall not be located within any areas required for landscaping unless approved by the Planning and Development Manager having regard to constraints on the location of the transformer elsewhere on the site. Should the Planning and Development Manager approve a transformer within an area required for landscaping, the area of the site occupied by the transformer, including the surrounding pad mount shall not be included as landscaping for the purpose of meeting Scheme provisions and the transformer shall be adequately screened by planting and fencing, to the satisfaction of the Planning and Development Manager.

TELECOMMUNICATION SERVICES

- (14) The applicant shall demonstrate, to the Council's satisfaction, that the supply of Telecommunication services will be connected to each and every dwelling unit within the proposed development within the time period specified by the Council approval.

The applicant shall negotiate with the Communication Agency for the provision of telephone services to all proposed dwelling units within the development and any conditions or requirements imposed by the Communication Agency shall form part of this approval.

The applicant is to indicate on the telecommunication facilities drawings the preferred location as suggested by the Communication Agency future public telephone locations.

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Prior to Council issuing a Certificate of Classification for the development, the applicant is to produce documentary evidence that satisfactory arrangements have been reached with the Communication Agency for the provision of telecommunication services.

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS EXTERNAL TO DEVELOPMENT SITES

Stormwater Drainage

- (15) Stormwater drainage that may discharge onto the site, from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, easements shall be provided within and or external to the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.
- (16) Stormwater drainage easements will be required over the adjoining property through which the proposed drainline will be constructed.
- (17) The downstream stormwater system shall be designed in accordance with Council's Stormwater Drainage Design Guidelines.
- (18) A 3.0 metre wide easement shall also be dedicated at the rear of Lot 32 on Registered Plan 28685 for future Council stormwater works.
- (19) All necessary easements are to be acquired and a Titles Office dealing number provided to Council prior to this application being forwarded to the Minister.
- (20) Soil exposure during the construction phase shall be minimised and restoration of exposed areas shall be carried out to the satisfaction of the Chief Engineer within seven (7) days of such areas no longer forming part of the construction areas.

For the purpose of this Clause "construction area" means that part of the site which is required for the carrying out of development and storage of equipment and materials associated with the development.

ROADWORKS AND FOOTPATH AREAS

- (21) Any existing kerb and channel which is damaged or is required by the Chief Engineer to be replaced for the frontage of the site shall be on an alignment both horizontal and vertical to match the existing kerb and channel or any future kerb and channel design approved by the Chief Engineer.
- (22) All redundant access crossings are to be removed and replaced with integral concrete kerb and channel. Footpath, grass verge, traffic and parking regulations shall be reinstated and

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- restored. The work shall be completed in accordance with Council's requirements.
- (23) All pedestrian paved surfaces within the development are to have a minimum Polished Frictional Value of 40 as set down in the Australian Standard AS1141.42. All paving provided external to the site is to have a Polished Frictional Value of not less than 45 as set down in the Australian Standard AS1141.42.
- (24) The footpath and setback areas are to be kept clear of goods, signs and street furniture not approved by the Manager Health Building & By-laws and the Planning and Development Manager.
- (25) Any drainage works or alterations to public utilities, road signage or traffic control devices necessitated by the works required shall be undertaken by the owner of the land at no cost to the Council and to the satisfaction of the Chief Engineer.
- (26) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Chief Engineer.
- (27) Vehicular access is to be provided in a manner satisfactory to the Chief Engineer. The minimum requirement will consist of construction using reinforced concrete in accordance with Council's standard drawing No. 52790B.

FILLING AND FLOOD LEVEL

- (28) Any filling of the site shall not cause ponding on adjoining sites.
- (29) The applicant is to ensure that the development levels are safe against local flooding or drainage problems. A report by competent consultants, to the satisfaction of Council's Chief Engineer, is to be provided examining flood and stormwater levels as affected by run-off from upstream and water levels which will occur downstream. (Council does not have flood level records relevant to this site).
- (30) Any filling of land shall be in accordance with the provisions of the Local Planning Policy "Foundation and Geotechnical Assessment" and shall be constructed in accordance with the provisions of that policy, to the reasonable satisfaction of the Chief Engineer and the Planning and Development Manager. All fill placed on the lands shall also be suitable for the purpose of providing a foundation for the proposed use of the land and shall be placed on the land and compacted in accordance with sound engineering practice.

The applicant shall, before Council seals the plan of subdivision, lodge a certificate from a professional engineer (civil) registered in accordance with the Professional Engineers Act 1929-1973 addressed to Council and certifying that the engineer has been responsible for the inspection of the construction of the filling and any roadworks, the installation of any pipe work and drainage works and other development and civil engineering works for the subdivision.

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Such certificate shall be in a form prescribed by the Chief Engineer or the Chief Executive Officer and shall be to the effect that all stages of construction were inspected by such engineer and certifying that all materials, components and works have been constructed in accordance with the approved drawings, amendments and specifications and conform with the requirements of the design and all relevant standards and codes and have been constructed in accordance with sound engineering practice.

PAVED SURFACES

(31) Public Property

All paving provided external to the site is to have a Polished Frictional Value of not less than 45, as set down in AS1141.42.

PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (32) Access to site, vehicular parking and loading bay requirements are to be in accordance with Council's parking policy and any relevant standard drawings. Alterations of access alignments may be necessary and shall be determined following discussions with Council's Traffic Section and to the reasonable satisfaction of the Chief Engineer. Should such alterations be considered necessary, the applicant shall modify all design plans accordingly prior to submission for building approval.

CONSTRUCTION ACCESS AND PROVISION FOR TRAFFIC

- (33) Access to site during construction shall be in accordance with the Local Planning Policy 'Requirements for Construction for Development Sites'.
- (34) Unloading, storage or movement of construction material or equipment shall take place within the site unless otherwise approved by the Chief Engineer.
- (35) Unloading, storage or movement of construction material or equipment shall take place within the site in accordance with the Local Planning Policy 'Requirements for Construction on Development Sites'.

CAR PARKING AND LOADING FACILITIES

- (36) Provision of off-street car parking spaces in accordance with Clause 13.5.1 of the Planning Scheme and access and layout design to be provided and constructed in accordance with the Local Planning Policy 'Off Street Vehicle Parking Requirements' Australian Standards AS-2890.1 and AS-1428.1 amended from time to time, to the reasonable satisfaction of the Planning and Development Manager. Should the development be designed in such a manner as to reduce the amount of required car parking, the required amount of car parking may upon application to the Planning and Development Manager, be amended accordingly.
- (37) Enclosed garages are to be constructed in accordance with Council's Car Parking Policy. Single enclosed garages are to

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- be six (6) metres in length x 3.2 metres in width and double enclosed garages are to be six (6) metres in length x 5.8 metres in width.
- (38) Visitor car parking spaces may be required to be provided on site and/or within the road reserve. If located within the road reserve, the car parking bays are to be located, designed, constructed and landscaped in accordance with Council's streetscaping plans. A bond, acceptable to the Town Clerk/Chief Executive Officer for the full amount of construction is required to be lodged with Council prior to the issue of a building approval. The amount of the bond will be calculated at the time of lodgement of the B.A. The bond will be released on the completion of the construction to the satisfaction of the Chief Engineer and Director, Development and Environment Planning.
- (39) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (40) Where car parking is required for visitors to any development pursuant to the provisions of the Planning Scheme, such car parking shall be provided in accordance with the following:
- be freely accessible to visitors at all hours with no encumbrance, fee or charge; and
  - have no gateways, doors or similar devices which would restrict vehicular access by visitors; and
  - have no signs displayed restricting the use of visitor spaces or reserving the use of such spaces for a particular person.
- (41) All car parking and loading area/areas shall be freely and readily accessible for vehicular use and be designed to enable all vehicles entering and leaving the site to do so in a forward direction.
- (42) All car parking and loading areas shall be kept and used exclusively for parking and associated manoeuvring and be maintained to the satisfaction of the Planning and Development Manager.
- (43) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Chief Engineer.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (44) Provision of water supply and sewerage to the reasonable satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and relevant Local Planning Policies.

The owner of the land shall be responsible for all costs involved with the connection to the existing Council water supply main and the sterilisation of any new water supply mains. These works shall be carried out by Council.

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- (45) It is in the applicant's interest to ensure that each lot on the Group Title Development is metered for water supply as well as a meter for the whole parcel of land. Relevant easements are required over the water mains serving the lots. These easements are not necessarily in favour of Council.

WATER SUPPLY AND WASTE DISPOSAL

- (46) A 3.0 metre wide easement shall be dedicated over the existing sewer in Lot 42 on Registered Plan 28685.

HEADWORKS CONTRIBUTIONS

(47) WATER SUPPLY AND SEWERAGE COMPONENT 1

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 1).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located. The contributions have been determined from information supplied with the application and Council records, the principal particulars of which are as follows:

Water Supply	(Account No. 6635) 4 e.p	\$1,432.00
Sewerage	(Account No. 6637) 11 e.p	\$3,641.00
Total Component 1 Headworks Contribution		\$5,073.00

The above rates are valid for the period of this approval only and subject to increase in accordance with any increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

Prior to this approval for rezoning being forwarded to the Chief Executive of the Department of Housing, Local Government and Planning an agreement on terms and conditions to be determined by the Chief Executive Officer whereby the applicant for rezoning agrees to make payment of the Water Supply and Sewerage Component 1 Headworks contribution referred to above shall be signed by the applicant and lodged with the Council as security for compliance with the applicant's obligations to make the above contribution. Prior to referred of the application for rezoning to the Chief Executive of the Department of Housing, Local Government and Planning the applicant shall also lodge an unconditional and unequivocal bank bond or guarantee on terms and from an institution acceptable to the Chief Executive Officer for the amount of the total Component 1 Headworks contribution.



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The agreement and the security referred to above shall only be released to the applicant or as directed by the applicant upon payment of the contribution (together with any CPI increases calculated in accordance with the index referred to above) in cash or by bank cheque payable to the Council.

In the event of a sale of the lands the subject of this rezoning approval Council may at its discretion on completion of the sale release the applicant from all obligations under the agreement and release the security referred to above upon lodgement of a substitute agreement on terms determined by the Chief Executive Officer executed by the purchaser of the land and the lodgement of a replacement security, the amount of which shall be determined by the Chief Executive Officer after taking into account any increases in the index referred to above.

The determination of the final amount of the contribution referred to in this condition will be deferred until the approval by Council of an application for permissible development or permitted development subject to conditions, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such approval. The determination of the amount of the contribution at that time will be based on the following rates:

Water Supply	\$358.00 per Equivalent Person
Sewerage	\$331.00 per Equivalent Person

The above rates are valid for the period of this approval only and subject to increase in accordance with any increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April / June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

(48) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 2).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located.

The determination of the final amount of the contribution referred to in this condition will be deferred until the approval by Council of a building application, permissible development application, application for permitted development

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ITEM 34 CONTINUED...  
APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM  
RESIDENTIAL-DWELLING HOUSE ZONE TO RESIDENTIAL-TOWNHOUSE ZONE - 129 EUGAREE  
STREET, SOUTHPORT

subject to conditions or application for subdivision, as the case may be, and payment of the contribution shall then be made to Council at the time of such approval by it or such other date as may be determined by it at the time of such building approval, approval for permissible development, approval for permitted development subject to conditions or subdivision approval, as the case may be. The determination of the amount of the contribution at that time will be based on the following rates;

Water Supply	\$279.00 per Equivalent Population/Person
Sewerage	\$410.00 per Equivalent Population/Person

The above rates are valid for the period of this approval only and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April/June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

(49) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS

The contributions are payable to Council by the owner of the land in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

ALTERATION TO UTILITY MAINS

(50) Any alterations to public utility mains, services or installations rendered necessary by a development shall be undertaken by the owner of the land, at no cost to the Council, and to the satisfaction of the Chief Engineer.

GEOTECHNICAL CONSIDERATIONS

(51) All development shall comply with the Local Planning Policy "Foundation and Geotechnical Assessment".

ENGINEERING DESIGN AND CONSTRUCTION

(52) (a) Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Chief Engineer prior to construction commencing. Approval by the Chief Engineer does not warrant that such plans and specification have been checked in detail, nor does it absolve the Applicant from complying with all the conditions of this approval and / or relevant Council By-Laws and policies and / or relevant statutes and / or statutory regulations in the execution and / or performance of the said works. Neither the Council nor the Chief Engineer accepts any responsibility for the accuracy of such plans and specifications as approved.

ITEM 34 CONTINUED...  
APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-DWELLING HOUSE ZONE TO RESIDENTIAL-TOWNHOUSE ZONE - 129 EUGAREE STREET, SOUTHPORT

- (b) All material supplied and all work performed by the Applicant pursuant to this approval shall be to the reasonable satisfaction of the Chief Engineer and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and / or Policies. The Chief Engineer may, by himself or his nominated delegate, supervise and test and generally may inspect all materials and work but no supervision, testing or inspection shall relieve the Applicant of any obligation imposed upon such applicant, pursuant to this clause or any other clause of this approval.
- (c) MAINTENANCE - All works which, at the completion of the development, will become the responsibility of Council, shall be subject to a maintenance period and provision of security for the maintenance period in accordance with Council's subdivision By-Laws and policies.
- (d) SUPERVISION - All internal roadworks, sewerage, water supply and stormwater drainage is to be constructed under the supervision of a qualified Engineer who is to certify that these works have been constructed under his direct supervision and that they comply with the approved drawings and specifications.
- (e) Prior to the commencement of any work arising out of conditions listed above, written advice of intention to proceed with the work is to be given to Council. The advice shall include the name of the responsible supervisor with whom Council's inspecting officer will make contact.
- (53) Construction work is permitted only during the hours of 7:00 am to 6:00 pm Monday to Saturday.

NUISANCE

- (54) The Applicant is to ensure that a "smoke and dust nuisance" is not created in the development of this proposal. Attention is drawn to Chapter 8 of Council's By-laws in regard to this matter. Open burning off of any material shall not be permitted on the subject site. All waste material, including cleared vegetation, shall be transported from the site and disposed of in a satisfactory manner. The applicant is to apply to Council and receive in writing from Council an approved site to dispose of this waste material. The requirements of By-law 270 of Chapter 11 in regard to noise nuisances shall apply to this development, and in addition, construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday to Saturday unless otherwise approved by the Chief Engineer.

CASH IN LIEU OF PARK PROVISION

- (55) The applicant is to provide a cash contribution in lieu of park provision. This contribution is to be equivalent to 10% of the Unimproved Capital Value of the land.

ITEM 34 CONTINUED...  
APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-DWELLING HOUSE ZONE TO RESIDENTIAL-TOWNHOUSE ZONE - 129 EUGAREE STREET, SOUTHPORT

The contribution is to be paid to Council prior to Council issuing a Certificate of Classification, a final Building Clearance sealing a Building Units Plan or Group Titles Plan or occupation of the building whichever occurs at the earlier (Account No. 6634).

That a notation be placed on Council's Rate Search Information indicating the requirement of this condition.

TREE PRESERVATION

- (56) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Chief Engineer. Exceptions will be made in the case of trees within an approved future road reserve or where necessary to install water and sewerage works, drainage lines, etc. Prior to any design or construction work commencing, arrangements shall be made with the Environmental Officer for an inspection to identify trees which are to be preserved. The results of this inspection will be valid only for the duration of this approval, and a fresh inspection will be required for any future approval.

Observance of Chapter 37 of Council's By-laws in regard to the preservation of trees.

CONTRIBUTION FOR DESIGN OF INFRASTRUCTURE

- (57) To ensure that provision is made for the design of infrastructure that ultimately comes under Council's control both external and internal to development sites, the applicant is to contribute eighty dollars (\$80.00) per existing allotment as covered by the application to Council. The contribution will be utilised by Council as a pro rata contribution towards the cost of completing infrastructure design for the particular development area. The contribution is to be paid to Council prior to the issue of a Building Approval for any structure proposed to be erected on the site.

PREREQUISITE PRIOR TO APPLICATION BEING FORWARDED TO THE DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND PLANNING AND REVOCATION OF APPROVAL CONDITIONS

- (58) Prior to the matter being forwarded to the Chief Executive of the Department of Housing, Local Government and Planning for approval, the applicant within two (2) years of the date of the Council decision is to lodge with Council:
- (a) A cash bond or bank guarantee to the sum equivalent to the contributions required by the conditions of approval contained herein. The cash bond or bank guarantee is to be returned to the applicant if the application is not approved by the Governor-in-Council.
- (b) A legal Agreement on terms and conditions satisfactory to the Chief Executive Officer, ensuring compliance with the conditions relating to water supply and sewerage

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL-DWELLING HOUSE ZONE TO RESIDENTIAL-TOWNHOUSE ZONE - 129 EUGAREE STREET, SOUTHPORT

headworks contributions contained herein. This Agreement is to be binding on all successors in Title. The Agreement shall be prepared by solicitors acting for Council at the applicant's cost and expense. In the event that the rezoning approval contained herein does not proceed to gazettal, then the applicant shall be responsible for all of the Council's legal fees in relation to the negotiations and preparation of the above legal agreement and any associated documentation.

The applicant is required to submit the information required for the preparation of the legal agreement on the appropriate "Request for a Development Agreement".

- (c) Three coloured copies of the Plan of Development amended where necessary to comply with the conditions of approval.

Should the applicant fail to comply with the provisions herein contained within the time period of two (2) years from the date of the Council decision, Council will take action to rescind the decision to approve the proposed rezoning without further notice, unless the applicant can give reasons satisfactory to Council why such rescission should not take place.

- (C) The comments on the objections contained in the reference be adopted as Council's representations on these objections in its application to the Minister.
- (D) The applicant is to be advised that their amended concept plans are generally in accordance with the Town Planning Scheme provisions for townhouse development in the Residential-Townhouse Zone. However, the applicant's attention should be drawn to the end of the building adjacent to the street frontage. This wall should incorporate more windows for a more aesthetic appeal to the reasonable satisfaction of the Director, Development and Environment Planning.

\*\*\* RECOMMENDATION

That the recommendation of the Assistant Planning Officer be adopted.

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\*\*\* ITEM 35

CM03/06/94(PD035)

APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL - DWELLING HOUSE ZONE TO RESIDENTIAL DUPLEX ZONE - 1 FOLKSTONE PLACE, RUNAWAY BAY

FILE REFERENCE(S)	663/094/026
APPLICATION NUMBER	940026
VIDE ITEM(S)	MAP(S) LIST(S)
PROJECT ADDRESS	: 1 FOLKSTONE PLACE, RUNAWAY BAY
REAL PROPERTY DESCRIPTION	: LOT 23 ON RP 842365
OWNER	: G & M WACHTER
APPLICANT	: G WACHTER
PROPOSED DEVELOPMENT	: DUPLEX
SITE AREA	: 619 SQUARE METRES
ZONING OF THE LAND - EXISTING	: RESIDENTIAL - DWELLING HOUSE
- PROPOSED	: RESIDENTIAL - DUPLEX DWELLING
OBJECTION(S)	: 30 LETTERS WERE RECEIVED
OBJECTOR(S)	: (SEE ATTACHED VIDE LIST)

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE PLANNING OFFICER (LMCEC) (20/05/94)

PROPOSAL

It is proposed to rezone the subject site from the Residential - Dwelling House Zone to the Residential - Duplex Dwelling Zone.

No information on the proposed use of the site has been provided.

Within the Residential - Duplex Zone, a duplex dwelling is a permitted development.

2.01 ADVERTISING

It would appear that the application has been advertised in accordance with the provisions of the Planning and Environment Act.

2.02 OBJECTIONS

Thirty (30) letters of objections were received to the application.

The majority of the objectors are owners of land within the Sequester Coves Estate.

The main ground of objection was that the purchasers entered into covenant with the developers (AV Jennings) to ensure the establishment of an exclusive low density residential area. Consequently the objectors consider that their expectations have been compromised. (AV Jennings only have an action against the original purchaser of land for not obtaining a transfer of the covenant to future owners of the land).

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL - DWELLING HOUSE ZONE TO RESIDENTIAL DUPLEX ZONE - 1 FOLKSTONE PLACE, RUNAWAY BAY

Other grounds of objections include that similar rezoning applications will be lodged and that the development was not designed to carry traffic levels above a Residential-Dwelling House Zone density.

2.03 REPRESENTATIONS IN OBJECTIONS

Both the "as advertised" and the "as gazetted" Strategic Plan included the site in the "semi-detached" housing designation.

The developers of the estate (AV Jennings) did not lodge an objection to the inclusion of the site in this designation.

Council's intent for this area has not altered.

The matter of the covenant is between the developer and the purchasers of the property.

Any development on the site will be required to comply with the provisions applicable to the Residential-Duplex Dwelling Zone.

3.0 TOWN PLANNING CONSIDERATIONS

3.01 STRATEGIC PLAN

The subject site is designated as "semi-detached" housing on the Strategic Plan.

"The preferred dominant land use is duplex dwellings situated on suburban allotments".

The proposed rezoning is consistent with the intent of the Strategic Plan. There was no amendment to the Strategic Plan between the time of advertising and gazetting.

3.02 DEVELOPMENT PROVISIONS

No plans of layout were lodged as part of the application.

Any development would be required to comply with the provisions applicable to the Residential - Duplex Dwelling Zone.

CONCLUSION

That as the proposed rezoning is consistent with the intent of the Strategic Plan it is recommended that the application be approved.

\*\*\* OFFICER RECOMMENDATION

It is recommended

- (A) Council in determining this matter has had due regard to the information supplied by the applicant as part of the application,

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL - DWELLING HOUSE ZONE TO RESIDENTIAL DUPLEX ZONE - 1 FOLKSTONE PLACE, RUNAWAY BAY

the submissions made by the objectors and has also relied on reports prepared in relation to this matter.

- (B) The applicant (and the objectors) be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to rezone the land to the Residential - Duplex zone as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

PROPERTY DESCRIPTION:	LOT 23 ON RP 842365, PARISH OF BARROW, COUNTY OF WARD
POSTAL ADDRESS:	1 FOLKSTONE PLACE, RUNAWAY BAY
AREA OF LAND:	619 SQUARE METRES
ZONE TO WHICH THE LAND IS PROPOSED TO BE EXCLUDED:	RESIDENTIAL DWELLING HOUSE
ZONE INTO WHICH THE LAND IS PROPOSED TO BE INCLUDED:	RESIDENTIAL DUPLEX ZONE
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	VACANT
APPROVED USE/S AS GRANTED IN THIS APPROVAL:	DUPLEX

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

APPROVED PLANS

- (1) Any development on the site is to comply with the provisions applicable to the proposed development in the Residential-Duplex zone.

LANDSCAPING

- (2) The particular flora species to be utilised and the landscaped areas are to be native species endemic to the area and are to be in accordance with Council's adopted Policies.

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS EXTERNAL TO DEVELOPMENT SITES

Stormwater Drainage

- (3) Stormwater drainage that may discharge onto the site, from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, easements shall be provided within and or external to the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.

## ITEM 35

CONTINUED...  
APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL - DWELLING HOUSE ZONE TO RESIDENTIAL DUPLEX ZONE - 1 FOLKSTONE PLACE, RUNAWAY BAY

Drainage

- (4) Stormwater drainage from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a legal point of discharge at the time of development of the site, to the satisfaction of the Chief Engineer. Where required by the Chief Engineer, easements shall be provided within the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.

Water Supply, Sewerage and Waste Disposal

- (5) Adequate water reticulation shall be provided to the development to the satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and any relevant local planning policies.

The owner of the land shall be responsible for all costs involved with the connection to the existing Council water supply mains and the sterilisation of any new water supply mains. All sterilisation works shall be carried out by the Council.

- (6) Adequate sewerage reticulation shall be provided to the development to the satisfaction of the Chief Engineer and in accordance with the Sewerage and Water Supply Act and any relevant local planning policy. The owner of the land shall be responsible for all costs involved with the connection to the existing Council sewer mains.

ROADWORKS AND FOOTPATH AREAS

- (7) Any existing kerb and channel which is damaged or is required by the Chief Engineer to be replaced for the frontage of the site shall be on an alignment both horizontal and vertical to match the existing kerb and channel or any future kerb and channel design approved by the Chief Engineer.
- (8) Any drainage works or alterations to public utilities, road signage or traffic control devices necessitated by the works required shall be undertaken by the owner of the land at no cost to the Council and to the satisfaction of the Chief Engineer.
- (9) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Chief Engineer.

FILLING AND FLOOD LEVEL

- (10) The site is to be filled above the highest recorded flood level or design flood level to the reasonable satisfaction of the Chief Engineer. All filling is to be carried out in accordance with Local Planning Policy 'Foundation and Geotechnical Assessment'.

## ITEM 35

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL - DWELLING HOUSE ZONE TO RESIDENTIAL DUPLEX ZONE - 1 FOLKSTONE PLACE, RUNAWAY BAY

HEADWORKS CONTRIBUTIONS(11) WATER SUPPLY AND SEWERAGE COMPONENT 1

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 1).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located. The contributions have been determined from information supplied with the application and Council records, the principal particulars of which are as follows:

Water Supply	(Account No. 6635) 2 e.p	\$716.00
Sewerage	(Account No. 6637) 3 e.p	\$993.00
Total Component 1 Headworks Contribution		\$1709.00

The above rates are valid for the period of this approval only and subject to increase in accordance with any increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April / June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

Prior to this approval for rezoning being forwarded to the Chief Executive of the Department of Housing, Local Government and Planning an agreement on terms and conditions to be determined by the Chief Executive Officer whereby the applicant for rezoning agrees to make payment of the Water Supply and Sewerage Component 1 Headworks contribution referred to above shall be signed by the applicant and lodged with the Council as security for compliance with the applicant's obligations to make the above contribution. Prior to referred of the application for rezoning to the Chief Executive of the Department of Housing, Local Government and Planning the applicant shall also lodge an unconditional and unequivocal bank bond or guarantee on terms and from an institution acceptable to the Chief Executive Officer for the amount of the total Component 1 Headworks contribution.

The agreement and the security referred to above shall only be released to the applicant or as directed by the applicant upon payment of the contribution (together with any CPI increases calculated in accordance with the index referred to above) in cash or by bank cheque payable to the Council.

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL - DWELLING HOUSE ZONE TO RESIDENTIAL DUPLEX ZONE - 1 FOLKSTONE PLACE, RUNAWAY BAY

In the event of a sale of the lands the subject of this rezoning approval Council may at its discretion on completion of the sale release the applicant from all obligations under the agreement and release the security referred to above upon lodgement of a substitute agreement on terms determined by the Chief Executive Officer executed by the purchaser of the land and the lodgement of a replacement security, the amount of which shall be determined by the Chief Executive Officer after taking into account any increases in the index referred to above.

(12) WATER SUPPLY AND SEWERAGE COMPONENT 2 HEADWORKS

In accordance with the Planning Scheme and Local Planning Policy "Development Charges for Water Supply and Sewerage Service" contributions are payable towards Water Supply and Sewerage Headworks (Component 2).

These contributions are based on the equivalent population proposed in excess of that allowed for the zone within which the land the subject of this approval is located. The contributions have been determined from information supplied with the application and Council records, the principal particulars of which are as follows:

Water Supply	(Account No. 6627) 2 e.p	\$ 558.00
Sewerage	(Account No. 6628) 3 e.p	\$1230.00

Total Component 2 Headworks Contribution \$1788.00

The above rates are valid for the period of this approval only and subject to increases in the Consumer Price Index (All Groups) Brisbane which was 110.8 for the April / June quarter of 1994. (The C.P.I. figure referred to above has a 1989/90 base of 100). In the event of a discontinuance or the cessation of publication of the above Index, such rates shall be increased in accordance with a substitute index selected by the Chief Executive Officer.

(13) PAYMENT OF WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS

The contributions are payable to Council by the owner of the land in cash or bank cheque within seven (7) days of the commencement of the construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

ENGINEERING DESIGN AND CONSTRUCTION

(14) Construction work is permitted only during the hours of 7:00 am to 6:00 pm Monday to Saturday.

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NUISANCE

(15) The Applicant is to ensure that a "smoke and dust nuisance" is not created in the development of this proposal. Attention is drawn to Chapter 8 of Council's By-laws in regard to this matter. Open burning off of any material shall not be permitted on the subject site. All waste material, including cleared vegetation, shall be transported from the site and disposed of in a satisfactory manner. The applicant is to apply to Council and receive in writing from Council an approved site to dispose of this waste material. The requirements of By-law 270 of Chapter 11 in regard to noise nuisances shall apply to this development, and in addition, construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday to Saturday unless otherwise approved by the Chief Engineer.

CASH IN LIEU OF PARK PROVISION

(16) The applicant is to provide a cash contribution of \$1,500.00 in lieu of park provision. This contribution is based on the additional unit which will be permitted as part of the approval of this rezoning.

The contribution is to be paid to Council prior to Council issuing a Certificate of Classification, a final Building Clearance sealing a Building Units Plan or Group Titles Plan or occupation of the building whichever occurs at the earlier (Account No. 6634).

That a notation be placed on Council's Rate Search Information indicating the requirement of this condition.

PREREQUISITE PRIOR TO APPLICATION BEING FORWARDED TO THE DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND PLANNING AND REVOCATION OF APPROVAL CONDITIONS

(17) Prior to the matter being forwarded to the Chief Executive of the Department of Housing, Local Government and Planning for approval, the applicant within two (2) years of the date of the Council decision is to lodge with Council:

- (a) A cash bond or bank guarantee to the sum equivalent to the contributions required by the conditions of approval contained herein. The cash bond or bank guarantee is to be returned to the applicant if the application is not approved by the Governor-in-Council.
- (b) A legal Agreement on terms and conditions satisfactory to the Chief Executive Officer, ensuring compliance with the conditions relating to water supply and sewerage headworks contributions contained herein. This Agreement is to be binding on all successors in Title. The Agreement shall be prepared by solicitors acting for Council at the applicant's cost and expense. In the event that the rezoning approval contained herein does

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL - DWELLING HOUSE ZONE TO RESIDENTIAL DUPLEX ZONE - 1 FOLKSTONE PLACE, RUNAWAY BAY

not proceed to gazettal, then the applicant shall be responsible for all of the Council's legal fees in relation to the negotiations and preparation of the above legal agreement and any associated documentation.

The applicant is required to submit the information required for the preparation of the legal agreement on the appropriate "Request for a Development Agreement".

- (c) Three coloured copies of the Plan of Development amended where necessary to comply with the conditions of approval.

Should the applicant fail to comply with the provisions herein contained within the time period of two (2) years from the date of the Council decision, Council will take action to rescind the decision to approve the proposed rezoning without further notice, unless the applicant can give reasons satisfactory to Council why such rescission should not take place.

- (C) The comments on the objections contained in the reference be adopted as Council's representations on these objections in its application to the Minister.

\*\*\* RECOMMENDATION

- (I) That the application be refused as it is contrary to residents expectations and the subdivision was approved with a number of relaxations to provide an integrated road layout and building envelope development for single detached housing.
- (II) That appropriate action be taken to have the designation on the Strategic Plan Map amended to a detached dwelling house form of development.
- (III) That the applicant be invited in to discuss the matter with the Planning and Development Committee on Tuesday 7 June 1994.

ITEM 35 - APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM RESIDENTIAL - DWELLING HOUSE ZONE TO RESIDENTIAL DUPLEX ZONE - 1 FOLKSTONE PLACE, RUNAWAY BAY

File 663/094/026

That this Item be referred back to Committee.

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\*\*\* ITEM 36

CM03/06/94(PD036)

APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING CONSENT PERMIT FOR A MEDICAL CENTRE - 17 THOMAS DRIVE, CHEVRON ISLAND

FILE REFERENCE(S)	818/094/042
APPLICATION NUMBER	940042
VIDE ITEM(S)	MAP(S)
	PLAN(S)
	LIST(S)

PROJECT ADDRESS	:	17 THOMAS DRIVE, CHEVRON ISLAND
REAL PROPERTY DESCRIPTION	:	LOT 406 ON RP 93882, PARISH OF NERANG, COUNTY OF WARD
OWNER	:	R E MCCLELLAND
APPLICANT	:	R E MCCLELLAND
PROPOSED DEVELOPMENT	:	MEDICAL CENTRE
SITE AREA	:	627 SQUARE METRES
ZONING OF THE LAND	:	RESIDENTIAL MULTI-UNIT ZONE
RESIDENTIAL DENSITY	:	D1 (D1)
BUILDING HEIGHT	:	H3* (H3)
DEVELOPMENT CONTROL PLAN	:	PART 21 - DEVELOPMENT CONTROL PLAN # 4
DATE RECEIVED	:	28/03/94
DATE ADVERTISED	:	25/03/94
OBJECTION(S)	:	18 LETTERS WERE RECEIVED
OBJECTOR(S)	:	20 (SEE VIDE LIST)

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE ASSISTANT PLANNING OFFICER (LMD) (26/04/94)

PROPOSAL

Application has been made for a medical centre on the north-eastern corner of Thomas Drive and Darrambal Street, Chevron Island. The site is currently developed with a single storey dwelling house. Adjacent properties are developed with a duplex and dwelling house respectively. Access to the proposal is via a single accessway off Darrambal street. In support of the application, the applicant has stated that the existing building will require no major alterations but only minor building work in order to improve the proposals presentation. The applicant reports that where similar premises have been developed into medical centres there has been a marked improvement in presentation and maintenance. The applicant also states that the character of the proposed development is in keeping with adjacent developments.

ADVERTISING

The application has been advertised in accordance with the provisions of the Local Government (Planning & Environment) Act. Initially eighteen (18) letters of objection were received, however nine (9) objectors have since been withdrawn.

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APPLICATION FOR TOWN PLANNING CONSENT BY THE ISSUE OF A TOWN PLANNING  
CONSENT PERMIT FOR A MEDICAL CENTRE - 17 THOMAS DRIVE, CHEVRON ISLAND

**GROUNDS FOR OBJECTION**

- (1) The proposal is contrary to the Chevron Island Development Control Plan.

COMMENT

Uses such as indoor recreation and medical centre may be better located within Precinct 1 in order to maintain the residential integrity of the precinct while preserving residential amenity.

- (2) Commercial intrusion.

COMMENT

Contrary to the intent of precinct three (3) of the Chevron Island Development Control Plan.

- (3) The need for another medical centre is negligible.

COMMENT

The area would appear to be adequately serviced by already existing medical facilities at:

- (i) Corner 72 Thomas Drive and 12 Anembo Street, Chevron Island.
- (ii) 12 Thomas Drive, Chevron Island.
- (iii) 1/38-40 Thomas Drive, Chevron Island.
- (iv) 1/54 Thomas Drive, Chevron Island.

- (5) Inadequate provisions for cars to exit from the site in a forward manner.

COMMENT

Amended plans submitted by the applicant illustrate a more practical solution.

- (6) Inadequate off-street parking arrangements will aggregate curb-side parking.

COMMENT

The reduced floor space of the proposal deems the provision of four (4) car parking spaces as adequate.

- (7) Non compliance with a number of planning scheme provisions.

COMMENT

The proposal does not fully comply with Local Planning Policy 1.0 provisions (see Reference M.G. 10 May 1994).

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Amended plans have been submitted by the applicant which illustrates a reduction in the number of required car parking spaces. This has been based on the premise that the proposed medical centre is utilising approximately half the maximum allowable floor space, that is 71 square metres as opposed to 150 square metres.

Although the amended plans alleviate some of the concerns raised by the objectors, the proposal remains in conflict with the intent of precinct 3 of the Chevron Island Development Control Plan, the City of Gold Coast Strategic Plan and associated Town Planning Provisions.

**REPRESENTATION ON OBJECTIONS**

- (1) The car parking as drawn is sufficient in number however, we agree that it does not comply pertaining to the landscaping requirements. This however was done so as to preserve the existing native trees as discussed with Council's officers.

Alternative parking arrangements are hereby submitted however these will require a variation to the parking requirements.

The variation request as submitted by the Client Mrs R.E. McClelland can be supported by the fact that most one practitioner medical facilities do not have more than two patients at the one time waiting for attention as appointments are spaced at 10-20 minute intervals depending on the type of medical care being provided.

- (2) Pertaining to the question of need and direct service to residents can best be addressed by the fact that all the other medical centre are on the southern side of Thomas Drive.

As the majority of residents live on the north side of Thomas Drive this centre would cater for their needs without the necessity of negotiating the through traffic on Thomas Drive.

- (3) The centre would retain its residential aesthetics as part is to remain as a residence and hence does not deter from the neighbourhood amenity.

The above items are the salient points raised by the objection the remaining items are based purely on their over personal commercial grounds and should be treated as such.

\*\*\* REFERENCE DEVELOPMENT ENGINEER (MG) (10/05/94)

This proposal does not conform to the Local Planning Policy 1.0 because the number of driveways to the site should be reduced in accordance to clause 1.2.2.2.

An additional driveway will decrease the amount of on street parking spaces in an area where parking spaces are in high demand.

The proposed parking spaces three and four do not comply with the Planning Policy 1.0 as they should be a minimum of 5.4 metres deep by 2.6 metres



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wide, with an additional 300 mm width if the bay is adjacent to a wall.  
The bays, as shown, are only 5.0 m deep.

\*\*\* REFERENCE ASSISTANT PLANNING OFFICER (LMD) (26/04/94)

**TOWN PLANNING ASSESSMENT**

Strategic Plan (1984 Scheme)

The subject site is designated as multi unit development. This particular preferred dominant land use is limited to multi unit buildings at varying densities in an almost exclusively residential environment. Also included is non-residential development which services the surrounding residential neighbourhood and can meet the same development conditions. In order to maintain a pre-eminently residential character embodying a high level of amenity the range of non-residential development will need to be limited to facilities which directly serve the convenience needs of residents. Development in these areas will be subject to provisions which, amongst other things, will ensure ease of access as well as aesthetically pleasing buildings and streetscapes.

1994 Planning Scheme

The proposed land is currently zoned Residential-Multi Unit. In accordance with the 1994 Scheme, the intent for the Residential Multi-Unit zone is to "ensure that the integrity of these residential areas is maintained, and permissible development will not be approved if it can reasonably be achieved as permitted development elsewhere in the locality. In order to preserve residential amenity, permissible development should be limited to locations which offer good accessibility and minimal impact upon residential amenity."

**COMMENT**

In view of the aforementioned considerations, the development is considered undesirable, even though a medical centre is defined as a non-residential development permissible in a residential multi-unit zone.

Consideration needs to be given to the already existing medical facilities within the locality. These facilities appear to be adequately provided for at:

- (i) Corner 72 Thomas Drive and 12 Anembo Street, Chevron Island (Medical).
- (ii) 12 Thomas Drive, Chevron Island (Chiropractor).
- (iii) 1/38-40 Thomas Drive, Chevron Island (Medical).
- (iv) 1/54 Thomas Drive, Chevron Island.

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Furthermore, this particular proposed is contrary to the intentions of precinct three (3) of the Chevron Island DCP, the residential multi unit zone and associated town planning provisions. The land use intent for precinct three (3) of the Chevron Island DCP clearly states that: "It is considered that the establishment of free standing non-residential uses would generally not be appropriate due to the likely adverse impacts such developments would have on the existing residential amenity of the area.

Only those ancillary uses that provide a direct service to on site residents may be acceptable. Uses such as indoor recreation and medical centre may be better located within Precinct 1 in order to maintain the residential integrity of the precinct while preserving residential amenity." To ensure the integrity of these residential areas is maintained, permissible development will not be approved if it can be reasonably be achieved as permitted development elsewhere in the locality (i.e. precinct 1).

Approval of this application would change the character of the area and pattern of land uses such that this would be an issue relevant to consideration of future application in the vicinity of the site and would make it more difficult for Council to resist applications for similar non-residential uses.

\*\*\* OFFICER RECOMMENDATION

It is recommended the applicant and the objectors be notified, as required under the provisions of The Local Government (Planning & Environment) Act, that the application to issue a Town Planning Consent Permit for the premises and uses described herein be refused for the reasons listed below:

DETAILS OF PREMISES AND PROPOSED USES

PROPERTY DESCRIPTION:	LOT 406 ON RP 93882, PARISH OF NERANG, COUNTY OF WARD
POSTAL ADDRESS:	17 THOMAS DRIVE, CHEVRON ISLAND
AREA OF LAND:	627 SQUARE METRES
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	RESIDENTIAL
PROPOSED USE/S:	MEDICAL CENTRE

REASONS FOR COUNCIL REFUSAL

- (A) The proposal is contrary to the Chevron Island DCP, particularly the intentions of precinct three (3).
- (B) The proposal is contrary to the intentions of the residential multi-unit zone under the City of Gold Coast Planning Scheme.
- (C) Objections to the proposal have been received and their grounds for objection are considered valid.

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- (D) The proposal does not conform to Local Planning Policy 1.0 - Off Street Vehicle Parking Requirements.
- (E) The proposed development if approved would change the character of the area and pattern of land uses such that this would be an issue relevant to consideration of future applications in the vicinity of the site and would make it more difficult for Council to resist applications for similar non-residential uses.

\*\*\* RECOMMENDATION

That the recommendation of the Assistant Planning Officer be adopted.

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ISSUE OF A TOWN PLANNING CONSENT PERMIT FOR A MEDICAL  
CENTRE - 17 THOMAS DRIVE, CHEVRON ISLAND

File 818/094/042

Resolved on the MOTION of Councillor A J D Bell, seconded 94/139  
Councillor K L Thompson, that this Item be referred back  
to the Planning and Development Committee.

\*\*\* ITEM 37

CM03/06/94 (PD037)

LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO. 23 OF 1993 -  
PROPOSED RESTAURANT AT CORNER OF 17 ST KILDA AVENUE, GOLD COAST HIGHWAY AND  
36 ARMTRICK AVENUE, BROADBEACH

FILE REFERENCE(S)	818/092/199
PREVIOUS DECISION(S)	CM26/03/93 (PD011)
	CM04/06/94 (PD004)

PROPOSED DEVELOPMENT	: RESTAURANT DEVELOPMENT
APPLICANT	: LONGHURST HOLDINGS PTY.LTD.
OWNER	: LONGHURST HOLDINGS PTY.LTD.
SITE LOCATION	: CORNER 17 ST. KILDA AVENUE, GOLD COAST HIGHWAY & 36 ARMTRICK AVENUE, BROADBEACH
RPD	: LOT 1 ON B 83842 & LOTS 2 & 4 ON B 8387 PARISH OF GILSTON COUNTY OF WARD
ZONING	: RESIDENTIAL C
AREA	: 1827 SQUARE METRES
CLASSIFICATION	: RESTAURANT
DATE RECEIVED	: 21/12/92
DATE ADVERTISED	: 21/12/92
OBJECTION(S)	: SIX (6) LETTERS WERE RECEIVED
OBJECTOR(S)	: W.H. DAVIES; PROPRIETORS UNITS 1-4 PAMELA PLACE; STRATA & BODY CORPORATE SERVICES PTY.LTD.; A.G. CASSIMATIS; D.G. FERN; N.J. HENRY

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\*\*\* PREVIOUS AGENDA MATERIAL

\*\*\* REFERENCE PLANNING OFFICER (DG) (10/05/93)

Council at its meeting of 26th March, 1993 (PD035) resolved to refuse an application to erect a restaurant at corner 17 St. Kilda Avenue, Gold Coast Highway and Armrick Avenue, Broadbeach. Subsequently, Local Government Planning and Environment Court Appeal No. 4 of 1993 has been lodged against Council's decision.

The facts and circumstances relied upon in support of the Appeal are included as a vide item (Folio 9317375).

\*\*\* OFFICER RECOMMENDATION

It is recommended that Council engage solicitors to act on its behalf in defence of the Appeal with the authority to engage Counsel if necessary.

COUNCIL DECISION CM04/06/93 (PD004)

That the recommendation of the Planning Officer be adopted.

\*\*\* CURRENT AGENDA MATERIAL

\*\*\* REFERENCE ACTING SENIOR TOWN PLANNER (DG) (18/05/94)

Council's solicitors have advised that at the Planning and Environment Court Callover on 21 April 1994, the appellant's solicitors notified of their client's intention to withdraw the Appeal and that filing of Notice of Withdrawal has been made.

\*\*\* OFFICER RECOMMENDATION

It is recommended that Council note Planning and Environment Court Appeal No. 23 of 1993 has been withdrawn.

\*\*\* RECOMMENDATION

That the recommendation of the Acting Senior Town Planner be adopted.

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## \*\*\* ITEM 38

CM03/06/94(PD038)

APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM GENERAL COMMERCIAL ZONE TO SPECIAL RESIDENTIAL ZONE - WEST BURLEIGH ROAD AND REEDY CREEK ROAD, WEST BURLEIGH

FILE REFERENCE(S)	663/093/076
APPLICATION NUMBER	930076
VIDE ITEM(S)	MAP(S) REFERENCE(S)
PROJECT NAME	: WEST BURLEIGH RESIDENTIAL PROJECT
PROJECT ADDRESS	: WEST BURLEIGH ROAD AND REEDY CREEK ROAD, WEST BURLEIGH
REAL PROPERTY DESCRIPTION	: LOT 1 ON REGISTERED PLAN 174886 AND LOT 5 ON REGISTERED PLAN 208764, PARISH OF MUDGEERABA, COUNTY OF WARD AND ALSO REFERRED TO AS PROPOSED LOT 10 ON PLAN 854946
OWNER	: SANFAM PTY LTD ACN 002 880
APPLICANT	: SANFAM PTY LTD ACN 002 880, C/- ROBINA PLANNING PTY LTD
PROPOSED DEVELOPMENT	: MIXED LOW DENSITY RESIDENTIAL DEVELOPMENT WITH A LAKE THEME
SITE AREA	: 26.1 HECTARES
ZONING OF THE LAND - EXISTING	: GENERAL COMMERCIAL
- PROPOSED	: SPECIAL RESIDENTIAL
CLASSIFICATION	: ARTERIAL ROAD
DATE RECEIVED	: 01/10/93
DATE ADVERTISED	: 2-3/10/93
OBJECTION(S)	: ONE (1) LETTER WAS RECEIVED
OBJECTOR(S)	: BESSER MASONRY QUEENSLAND

\*\*\* CURRENT AGENDA MATERIAL\*\*\* REFERENCE ACTING SENIOR TOWN PLANNER (DG) (17/05/94)

Application is made to exclude land from the General Commercial Zone and include it in the Special Residential Zone, Residential-Dwelling House Zone and Public Open Space - General Zone. The subject land is described as part of proposed Lot 10 on Plan 854946 (refer vide map 1) and is situated to the north west of the existing West Burleigh Shopping Centre. While the total site comprises an area of 70.8 hectares, approximately 26.1 hectares comprises land within the Gold Coast City area. The total site extends to Dunlin Drive in the north (Albert Shire), and the major easement running through the site to the north of the existing shopping centre in the south. Further commercial and industrial development adjoins the eastern and southern boundaries of the site.

The proposal comprises an extension of the existing Burleigh Lake in a southerly direction and includes the connection of two existing roads with a collector road to provide access from the north (Dunlin Drive) and east (West Burleigh Road adjoining the shopping centre). This collector road will also provide access to a series of culs-de-sac within the development.

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An area of some 7.9 hectares fronting Reedy Creek Road between the shopping centre and Besser operations is excluded from this application.

ENVIRONMENTAL IMPACT STATEMENT

Under Schedule 1 Regulation 16 of the Local Government (Planning & Environment) Act, works involving the creation of bodies of water exceeding 0.5 hectares is a designated development. Under Section 8.2 of the Act, the preparation of an Environmental Impact Statement (EIS) is required when an application is made to a local authority for this type of use when it is not regarded as being of a minor or ancillary nature. For subdivisions incorporating a lake, Section 5.10 of the Act also specifies that an EIS is required pursuant to Section 8.12 of the Act.

The proposed lake extension comprises an area of approximately 10.0 hectares. It is noted that an application to rezone the subject land was previously made in December, 1992 (refer 663/092/077). This application was not accompanied by an EIS. The applicant sought that the requirement to undertake an EIS be waived largely on the basis that appropriate research and assessments had already been undertaken in respect to previous approvals and such use is not a prescribed development when the local authority regards it to be of a minor or ancillary nature. Following lengthy consultation between representatives of both Councils, the Department of Housing, Local Government and Planning, the Department of Environment and Heritage and the applicant, it was concluded that an EIS would be required. This previous application was therefore deemed to be not duly made. The applicant was required to lodge a fresh application accompanied by an EIS. The latest application excludes land situated between the West Burleigh shopping centre and the Besser Plant operations fronting Reedy Creek Road. This area has been highlighted as a future development site and will be subject to further application.

The EIS addresses potential environmental impacts in respect to:

- \* topography
- \* soils and geology
- \* hydrology (water)
- \* air and noise
- \* transportation

Comments on these findings and recommendations are contained throughout the remainder of this report and include references from various officers within Council. Council Officers concerns in respect of the contents of the EIS were forwarded to the applicant in correspondence dated 18 April, 1994. The applicant has attempted to address all areas of concern in correspondence dated 3 May, 1994, referred to as folio 9417684 which is included as a vide item.

CITY/SHIRE BOUNDARY

Detailed consideration has already been given to the possibility of achieving a more appropriate boundary. These discussions have largely been held via mutual interest meetings between Council and Albert Shire.

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING LAND FROM GENERAL COMMERCIAL ZONE TO SPECIAL RESIDENTIAL ZONE - WEST BURLEIGH ROAD AND REEDY CREEK ROAD, WEST BURLEIGH

Council's Chief Engineer has previously presented two practical boundary options for Council's consideration. Option 1 takes account of the gravitational catchment of the B1 Sewerage Pumping Station and the natural stormwater drainage of the site. Option 2 takes account of the residential/commercial boundary of the development and has previously been highlighted as the preferred option (refer vide map 2).

The applicant has submitted that processing of the application should not be delayed until the new boundary is determined. They state that while the location of the existing boundary may be inappropriate for the long term efficient servicing of the subdivision and development, they believe this matter can be resolved later. In respect to the proposed subdivision, it is noted that lots have been designed to respect the existing City/Shire boundary. The applicant submits that the release of subdivision plans will provide accurate survey information upon which to base the final plans.

It is not considered essential that the new boundary be determined at this point in time provided appropriate consideration is given to maintenance and servicing aspects at the rezoning stage. These aspects can be adequately addressed by conditions of approval.

PLAN OF DEVELOPMENT/SUBDIVISION LAYOUT

The applicant has not lodged a combined rezoning and subdivision application essentially due to the subdivision fees that are applicable. They wish to stage the development and defer payment of fees to each stage. The subdivision layout is a critical component of the plan of development. Council's acceptance of the plan of development will infer acceptance of the subdivision layout. The applicant has been advised that Council will assess the application as though it were a combined application i.e. should Council approve the application, conditions of approval will also detail subdivision requirements. However, such approval will be subject to lodgement of a formal subdivision including payment of relevant fees at a later date.

As previously indicated, it is intended to develop the site by extending the existing Burleigh Lake in a southerly direction and connect the two existing roads with a collector road to provide access from the north (Dunlin Drive) and the east (West Burleigh Road). This collector road will provide access to a series of culs-de-sac within the development. Residential dwellings will vary from standard detached houses, zero lot line detached housing, two storey townhouses and three storey multi-unit buildings. It is intended that a proposed subdivision layout plan and plans of development for each residential precinct (including design and siting guidelines) will become the approved plans.

The subdivision layout and plan of development provides for:

- (1) Approximately 182 detached housing allotments with minimum lot sizes of 600 square metres. Only 23 of these allotments will be within the City area.

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- (2) Approximately 132 integrated housing lots with minimum lot sizes of 400 square metres. Only 28 of these allotments will be in the City area. Development will be required to accord with a plan of development which controls setbacks and the location of major private open space for each lot. Such plans are supported by design and siting guidelines.
- (3) Thirteen townhouse sites. Development will be of a density up to 40 dwellings per hectare on allotments generally 0.4 hectares in area. Ten of these sites will be within the City area. It is intended that these developments will be group titled. While indicative plans have been prepared, development will be controlled by design and siting guidelines. The maximum number of units are nominated on the subdivision layout plan.
- (4) Two multi-unit development sites within the City area. Development will be of a density up to 60 dwellings per hectare and will not exceed three storeys. Each site is in excess of one hectare. It is intended that these units will be strata titled. While indicative plans have been prepared, development will be controlled by design and siting guidelines. The maximum number of units are nominated on the subdivision layout plan.

OBJECTION

One (1) letter of objection was received from Besser Masonry Queensland whose operations adjoin the subject site to the south. While their objection quotes the superseded file number, based upon the timing of receipt of their objection, it is clear that they object to the latest proposal. The grounds for objection are:

- (1) The rezoning is inappropriate having regard for Bessers well established, lawful operations.
- (2) The proposal will create an adverse conflict of interest with adjoining property owners.
- (3) Concerned that proposal will compromise future development potential of their land which is zoned for industrial purposes.

COMMENT

Besser's operation is within Albert Shire and is therefore subject to Albert Shire's zoning and strategic plan requirements. However it is considered that valid concerns are expressed in respect to compatibility of land uses and minimising adverse impacts. It is noted that land adjoining the Besser site to the east owned by Sanfam has been excluded from the subject application. Traffic associated with the two land uses will not directly impact upon each other. The main area of concern is therefore potential noise impact from the industrial operations. Land to the north within Albert Shire forming part of the application has been allocated for park purposes and provides a minimum buffer of 30 metres to dwelling house sites. Part of the Environmental Impact Statement includes

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an acoustic report which considers the noise impact from essentially the Besser plant and adjoining shopping centre. Comments on these findings are detailed under the heading of noise impact.

NOISE IMPACT

The applicant engaged Ron Rumble Pty Ltd, Acoustical and Vibration Engineers, to prepare a noise impact assessment report. This report forms Appendix 7 of the EIS and is contained on file. The findings and recommendations were referred to Council's Environmental Protection Section for consideration and comment. Further details were requested by Council and the applicant provided additional information which has been referred to relevant Officers for further comment.

In respect to the initial report, the Environmental Protection Section acknowledged that the noise problems were identified rather realistically but held reservations that the construction of barriers or mounds between the Besser site and the subdivision would not eliminate the problem with the worst situation. They agreed that successful negotiation between the developer and Besser is important but doubted the method of negotiation would be practicable in the long run. They concluded that the Besser site is too near and the noise emitting from its operation would be difficult to solve on a long term basis. Some residents would be affected and complaints may ensue with little prospect of satisfactory attenuation being achieved. It is difficult to assess at this stage how many people would be affected in the proposed development. From previous experience noise problems associated with new residential estates being developed immediately adjacent to an existing industrial areas occur and are difficult to resolve.

In respect to the shopping centre development, it was concluded that if negotiation between the applicant and the shopping centre developers can successfully achieve 30dB(A) reduction of the air conditioning and refrigeration plants most of the problems are solved, leaving behind the noise of the semi trailer. Delivery to Supermarkets is usually done at night and large trucks make a lot of noise with the hydraulic brake system and engine. Attenuation in this regard was not addressed.

Concerns were also expressed that there was no mention of how the Pump Station noise can be attenuated. It appears that an attenuation of 30dB(A) is required. It seems that Council has to do such work if it owns the Station and no negotiation from the developer is forthcoming.

The applicant was invited to address the concerns detailed above. Additional information on noise impact is contained in folio 9417684 dated 3 May 1994 on the subject file.

In response to this submission, Council's Environmental Protection Section has stated that the applicant/developer is to be responsible for a legal agreement/contract with Besser to ensure the modified practices referred to in the consultants report relating to the Besser site be put in place. These practices relate to the modification of forklifts to stop the tyres rattling and managerial action to control the manner of driving trucks and

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forklifts on the site at night. In addition, the applicant/developer is to provide noise barriers in the form of mounding and/or fencing or any other means to comply with the necessary noise attenuation as outlined in the Noise Consultant's Report. The report details noise barriers with an effective height in the order of four metres in the form of mounding and/or fencing to achieve a further attenuation of 11 dBA.

In respect of the shopping centre, Council's Environmental Protection Section has stated that all measures in the Noise Consultant's Report are to be adopted. These measures involve effective attenuation for fixed plant noise to be treated at the source to achieve attenuation levels up to 30 DBA. The applicant has indicated that the owners of the shopping centre (Schwartz) are bound by contract to allow Sanfam to erect the recommended barriers on the building and that this can be included as a condition of the rezoning. In addition, administration noise control measures such as prohibiting or locking off vehicles from using the laneway behind the shopping centre after 10 pm, together with screening along the property boundary. The applicant has further indicated that Mr Rumble proposed a barrier along the entire boundary with the shopping centre to give a visual as well as acoustical protection and that such barrier would have a height in the order of three metres giving attenuation of around 10 DBA for vehicle noise.

It should also be noted that the acoustic assessment prepared as part of the Town Planning Consent Application to extend the Burleigh West Shopping Centre (refer file 818/094/022) recommends that loading and unloading be limited to between the hours of 7:00 am and 7:00 pm and this forms one of the recommended conditions of approval. A further recommendation was the erection of a two metre acoustic fence along the common boundary to the proposed residential development. Based upon Mr Rumble's recommendations, a barrier of three metres forms one of the conditions of approval. It is noted in the Council Officer's assessment that the proposed residential development should also be subject to this requirement. Following a further recommendation for the shopping centre extensions, a condition of approval requires that the selection and location of air conditioning and any refrigeration units is to be to the satisfaction of Council's Environmental Protection Section.

WATER SUPPLY, SEWERAGE AND STORMWATER DRAINAGE

The following comments have been received from Council's Technical and Scientific Services Department in respect of the engineering component of the EIS which relates to water supply, sewerage and stormwater issues. Appropriate conditions can be imposed to ensure compliance with comments and recommendations raised in this reference. These conditions will essentially relate to the subdivision works on the site.

\*\*\* REFERENCE SUPERVISING DESIGN ENGINEER (BL) (15/04/94)

The location of the Shire/City boundary has significant implications in respect of provision of water supply, sewerage and stormwater infrastructure. The possible rationalisation of the boundary has been the subject of many Joint Council Meetings since November, 1992 and, although

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a "preferred option" has been settled upon, no formal decision has been made. I understand the Local Government Commissioner has also requested that no further action be taken on this matter in view of review of all boundary matters affecting the two Councils.

The major issues in respect of the provision of water supply and sewerage to this development are generally discussed in the latest Agenda Item presented to this Council - Item 28 P&D Council meeting 29 October, 1993 (copy included as a vide item).

SEWERAGE

The proposed sewerage reticulation system for the eastern portion of the development is the same irrespective of the final location of the City/Shire boundary (refer Option 2 (amended) sketch appended to Agenda Item). The description set out in the Environmental Impact Assessment Engineering Report (Appendix 3 Part (#) in respect of sewerage reticulation is generally accurate, however, it should be noted that the Infrastructure Plan included in the document (Cozens Regan Pty Ltd Plan R.12.5/4) shows sewerage flow in this area gravitating westward which is inconsistent with the text of the report.

The Engineering Report (Appendix 3, Part (3) Sect. (iv)) also references "partial connection to the existing City Council gravity trunk system will provide a gravity sewer emergency overflow solution to protect the Lake Environment".

The details of such a proposal needs to be developed further before approval is given.

The general position in respect of the sewerage collection system can generally be summarised as:

"Gold Coast shall only accept the natural gravity catchment into B1 pumping station on a permanent basis. Gold Coast City Council should receive its normal Component 1 and Component 2 Sewerage headworks for the full catchment that gravitates to B1 pumping station and the Sewerage Agreement noted accordingly because Gold Coast will be providing the full infrastructure for the transport, treatment and disposal of sewage from the catchment".

It is proposed that Gold Coast City Council's B22 pump station in Kortum Drive be phased out and sewage gravitate through the proposed subdivision. This may require a contribution to the developer for any increased costs in provision of the reticulation as a result of the B22 catchment flow. This GCCC sewage flow into the proposed system may also lead to complications under the Joint Sewerage Agreement if boundary changes result in the residential areas becoming Albert Shire responsibility.

600 DIAMETER EFFLUENT FORCE MAIN

I also believe comment is warranted on the proposed filling over Council's 600 mm diameter effluent force main from Elanora WWTP which traverses the

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site, as per attached Drawing 52363A (and Cozens Regan Plan R.12.5/3 - Appendix 3).

This pipeline was constructed with asbestos cement pipes in approximately 1982 and generally with cover of about 1.0 metre. This pipeline will also need to be duplicated within the next 10 years.

There has also been a recent history of failures along the relevant section of the main, mainly due to fitting deterioration.

The current subdivision proposal intends to place up to 3.0 metres of fill over this pipeline. The Geotechnical Report (Appendix D) predicts significant primary and secondary consolidations of up to 200 mm and 800 mm respectively (including a 10kPa structural load). Given the variability of the site and hence differential settlements, there has to be real concerns over maintaining the integrity of the pipeline under the proposed filling conditions.

I believe we need to undertake a detailed review of this potential problem. A detailed review of the easement documentation should also be undertaken to assess Council's rights (and the Developer's rights) in filling over the easements. A Surveyor's Report is included in Appendix 2 and concludes that there is nothing in the easement documents which prohibit the proposed usage.

If the filling proceeds, Council will need to seriously consider relaying the effluent main (in a larger size to accommodate the future duplication) and possibly look to the developer for a contribution.

There are also other existing pipelines through the area (i.e. 1050 diameter trunk sewer; 450 diameter water main) which will be filled over and therefore should also be assessed for any detrimental affects, although these are in areas, which according to the Geotechnical Report, where primary consolidations are not expected.

WATER SUPPLY

Water supply is addressed in the EIA in the Engineering Report (Appendix 3) Section (4). The two Council areas can be serviced independently, however, this is not the best solution if a rationalisation of the boundary ever eventuates. The Cozens Regan Plan R12.5/4 appears to be drawn on the basis of the "preferred option for boundary rationalisation" with trunk mains along both sides of the lake and connecting back into the existing Albert Shire residential reticulation system to provide ring mains.

If the areas are serviced independently, it will require construction of new mains from Tabilban/Bunyip Streets to the site from external works contributions.

Irrespective of where the final boundary may lie, Gold Coast City should receive its normal Headworks Component 1 charges for the area which is currently within the Gold Coast because it will be providing the bulk water

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for the development. Payment of Component 2 charges is dependant upon which authority the area ends up in.

STORMWATER DRAINAGE

These comments apply to the local stormwater drainage infrastructure proposed within the current Gold Coast Council area and not to flood mitigation in general (refer Technical Assistant to Chief Engineer reference) or the effects on lake water quality which is being addressed separately.

In general, it is proposed to discharge to the lake via strategic drainage reserves with underground and overland systems. The system will need to accommodate significant flows from the Tabilban Street area as shown on Cozens Regan Plan R12.5/4. Care will need to be taken that the GCCC B1 pumping station site does not become land locked.

The EIA (Appendix 3), Part 1) addresses the proposed treatment of local drainage issues including pollution control of stormwater and, as pointed out therein, the specific issues of stormwater management are to be addressed during detail design phase.

\*\*\* REFERENCE ACTING SENIOR TOWN PLANNER (DG) (17/05/94)

WATER QUALITY

Council's Director of Beaches, Waterways and City Cleaning has serious concerns with respect to water quality which have been discussed with the Chief Executive Officer. He states that the adjacent lakes' water quality is well in excess of the guidelines for recreational use and the subject site in its present state has a positive effect in treating the stormwater runoff into the existing lakes which will be lost in this development proposal. It is considered that whilst the EIS proposes various solutions it does not predict qualitatively how effective they will be. He recommends that approval should be granted only if the applicant can provide satisfactory details of:

- (1) Gross pollutant/silt traps which can be readily maintained.
- (2) Nutrient stripping basins.
- (3) Calculations of the efficiency of (a) and (b) and likely resultant water quality.
- (4) Calculations of the expected water quality parameters.
- (5) Management procedures for the lake with respect to water quality and how the use of the lake can be regulated during periods of low water quality.

Specific conditions have been incorporated into the approval to reflect the requirements.

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FILLING AND FLOOD MITIGATION

The following reference has been obtained from Council's Works Department in respect to the impact of filling of the site on the flood plain.

\*\*\* REFERENCE TECHNICAL ASSISTANT TO THE CHIEF ENGINEER (ED) (13/04/94)

Consideration of the proposed development and the extension of the Burleigh Lake system southward into the City, raises issues both of detail and of principle concerning the effect of these types of development on flooding in the Nerang River flood plain.

It is a matter of considerable concern that the questions of filling levels and the effects of flood plain development on flood levels in the Merrimac and Stephens areas are being determined on the basis of a report nearly twelve years old. The report does not reflect any of the knowledge or understanding which has been gained during the revision of the Nerang River flood mitigation scheme between 1987 and 1992. The revision of the Scheme was carried out under State Government direction by the Nerang River Flood Study Joint Technical Steering Committee composed of Engineers from the Water Resources Commission, Albert Shire Council and Gold Coast City Council.

One of the earliest conclusions reached in the work of the Joint Technical Steering Committee was that the work and reports of the physical model study of the Nerang River flooding was defective in method and detail, and consequently its reports were not a safe basis on which to plan and design development on the flood plain.

As far as can be determined from the appendix to the EIS, the Shire and their Consultants are working on the basis of a report that recommended a maximum flood level in the area for setting filling and floor levels of RL 3.28 metres above mean sea level. This 1982 report states that this is 0.65 metres below the 1974 flood, and it can only be assumed that this reduced design flood level was justified by the expected reduction in flood levels due to the raising of Hinze Dam.

For reasons which are not elaborated in the Consultant's report, a development level is now proposed of RL 4.1 metres. From tests so far made on the Nerang River computer model, it is considered that this level is still too low for safety from flooding, yet too high to avoid adverse effects on flood levels elsewhere in the Nerang River flood plain.

The Joint Technical Steering Committee has been aware for the past four years that the expected reduction in flood levels due to Hinze Dam Stage 2 has been wholly negated by the effect of development in the Shire's Nerang River flood plain.

The lowest possible design flood level for this development is RL 4.16 metres AHD (above mean sea level), and modelling of the area on the Nerang River computer model is likely to show that a design flood level higher than this is needed.

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The Shire is currently assembling the data to have the area south of Bond University modelled by the Department of Primary Industries Water Resources Division, and no approval for this development should be given by either Council until the results of the modelling are known.

Assuming that a realistic design flood level and development level are adopted, the likely height of filling will involve a major loss of flood storage which would further aggravate flood level increases throughout the Nerang River flood plain.

Conditions need to be applied to the extent and source of this filling. It is stated that filling is to come from the lake. Uncontrolled winning of fill from extreme depths of lakes has become a feature of waterway development on the Nerang River flood plain and should no longer be permitted. This source of fill came about because it complied with the letter of the old requirement that filling on the flood plain was to be obtained from the flood plain, while getting around the intentions and intended constraints of that requirement.

A realistic requirement for lakes should now be that a lake depth which is satisfactory for navigation and water quality should be established, and excavation for obtaining fill should not be made below that depth. Importing fill for the development will then only be approved if it can be demonstrated by competent engineering studies that no increase in flood level will occur as a result of the filling proposed for the development.

As far as can be determined from the EIS and its appendices which have been made available, this development appears to be headed towards the same low development levels relative to likely flood levels as is the case in the adjacent areas of the Shire. The City Council should have no part in approving such a project.

The EIS should be rejected due to its inadequate assessment of the flooding problem and likely effect of filling, and no approval should be given until a fresh presentation is made based on the flood studies carried out from 1987 to 1992, and until the tests of the area south of the Bond University have been carried out on the Nerang River Model by Water Resources.

Conditions of approval can then be set in the light of those test results along the lines described above, but they would be irrelevant to any approval which was based on the documentation and the proposal so far submitted.

It is repeated, that no approval should be given for this project at this time, and it should only be given further consideration after fresh reports on flooding have been supplied.

\*\*\* REFERENCE ACTING SENIOR TOWN PLANNER (DG) (17/05/94)

It is noted that concerns expressed in the Technical Assistant to the Chief Engineer's reference were raised with the applicant and in turn an additional submission was prepared for Council's consideration (folio

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9417684 dated 3 May 1994). In response to this further submission, a condition has been drafted to provide for an appropriate filling level.

TRAFFIC AND ACCESS

The following references have been obtained from Council's Traffic Engineer. The Traffic reference provided as part of the assessment of the Burleigh West Shopping Centre extension has been included as a vide item. The issues needing to be resolved have been summarised in the Traffic Engineer's memorandum to the Supervising Design Engineer dated 13 April 1994.

\*\*\* REFERENCE TRAFFIC ENGINEER (IM) (18/02/94)

The subject development is located to the north and west of the West Burleigh shopping centre in the major part of the previously proposed regional shopping centre site. The site is part in Gold Coast City and part in Albert Shire. Vehicular access to the site is proposed in the south east at the West Burleigh Road/Tabilban Street intersection and in the north, at the southern end of Dunlin Drive, in Albert Shire.

Redevelopment and extensions to the adjacent West Burleigh shopping centre has also been referred for town planning approval and this has given the opportunity to consider the impacts of the two developments at the same time.

The traffic impact of the proposed residential development has been examined in reports prepared by consultant Sinclair Knight (November 1992 and August 1993). The traffic impact of the proposed shopping centre redevelopment has been investigated in a report prepared by Brameld Consulting (January 1994). However, neither of these reports considers the combined impact of the two developments. I have had some discussions with Sinclair Knight and I understand that further analysis is being carried out to investigate the combined impact.

The Sinclair Knight report discusses the traffic impact on Dunlin Drive but concentrates on examining the performance of the West Burleigh Road/Reedy Creek Road/Tallebudgera Creek Road and the West Burleigh Road/Tabilban Street intersections. I understand that some concern has been expressed about the impact on Dunlin Drive, so it is not clear at this stage whether or not there would be consideration given to a third access point, possibly via Sunlight Drive.

For Gold Coast City the major impact of the site would be in West Burleigh Road, with secondary impacts in Tabilban Street, Tallebudgera Creek Road and Christine Avenue, via Dunlin Drive.

Sinclair Knight have assumed 8 trips per residential unit with the total 765 units (including 80 for a future development site with shared access) generating 6120 vehicle trips per day or 612 vehicle trips per hour in the peak hour. With 1200 trips per day assumed to use Dunlin Drive, the balance of 4920 trips per day or 492 trips per hour (peak) would use the West Burleigh Road/Tabilban Street intersection.



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The consultant has investigated the two West Burleigh Road intersections for the Friday afternoon peak period with annual growth rates of 4 and 6 percent to a design year of 2004 and concludes that under both scenarios traffic growth would require an additional lane in each direction regardless of the subject development. The report goes on to say that with an additional lane the two intersections would operate in a satisfactory manner at year 2004 with that addition of the development generated traffic.

The traffic report for the shopping centre carries out forecasts to year 2006 with 4 percent annual traffic growth and concludes that the impact of the additional shopping traffic is minor in comparison to background traffic growth. The relevant volumes from this and the Sinclair Knight report are summarised in the following table.

Table 1 Traffic Volumes

LOCATION	BASE TRAFFIC (VEH/HOUR) (1992 SK)	20047 TRAFFIC (SK)*	RESIDENTIAL TRAFFIC (SK)	SHOPPING CENTRE EXTN (BC)
West Burleigh Road North of Tabilban	2163	3979 (+84%)	185 (+8.4%)	178 (+8.2%)
West Burleigh Road South of Tabilban	1988	3657 (+84%)	276 (+13.9%)	59 (+3.0%)
Reedy Creek Road	1842	3388 (+84%)	153 (+8.3%)	155 (+8.4%)
Tallebudgera Ck Rd	1043	1919 (+84%)	123 (+11.8%)	113 (+10.8%)
Tabilban Street	387	735 (+84%)	31 (+8%)	44 (+11.4%)

\* The Sinclair Knight 2004 figures are 1992 values increased by 15 percent to design day conditions and then factored at 4 percent growth for 12 years.

It can be seen that the residential development increases the traffic loading on the surrounding road system by between 8 and 13.9 percent, dependent upon location. This equates to between 2 and 3.5 years traffic growth on the roads, without the development traffic included. In other words the subject development proceeding takes 2-3 years off the life of the existing two lane sections of the Burleigh Connection Road and brings forward the need to widen the road to four lane conditions between Gold Coast Highway and Bermuda Street.

The extensions to the shopping centre would have a similar impact as can be seen from the above table.

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Queensland Transport has prepared a planning layout for the widening of the Burleigh Connection Road (West Burleigh Road and Reedy Creek Road) and is seeking land dedications, access restrictions and a developer contribution to road widening works under the subject development application. Queensland Transport letter of 22 November 1992 refers.

Other issues to be considered are the impact of a new road, connecting the subject site to the West Burleigh Road/Tabilban Street intersection, on the shopping centre northern access and the impact of additional traffic using Tabilban Street.

The shopping centre northern access currently forms the western approach to the West Burleigh Road/Tabilban Street intersection. With a new road carrying in excess of 6000 vehicles per day and the increase in size of the shopping centre adding to the traffic load at this point it will be necessary to give further consideration to the design of works in the western approach to this intersection. This situation needs to be assessed by both consultants in consultation with Council and Queensland Transport.

The Tabilban Street situation is of concern, given the existing Local Area Traffic Management devices already in the street and the limited scope to further deter non local traffic. Given that it would not be desirable to restrict access between West Burleigh Road and Tabilban Street, the only course of action I would recommend would be to require the developer be bonded to cover future works in Tabilban Street, should the local residents demonstrate at a future date that further intervention is required. This bond should be set at \$30,000.00.

Roadworks internal to the site are shown in the plans submitted and include a main spine road through the site with roundabouts at the more important intersections. The distance between roundabouts is quite long and it is suggested that some type of speed control device be incorporated in the design to ensure that the main route through the site does not become subject to speeding problems.

In conclusion then the developer is to be responsible for the upgrading of the West Burleigh Road/Tabilban Street and West Burleigh Road/Reedy Creek Road/Tallebudgera Creek Road intersections to the satisfaction of the Chief Engineer and Queensland Transport. The same condition should be placed upon the shopping centre redevelopment. The developer is to make a contribution to the upgrading of the Burleigh Connection Road commensurate with the relative traffic load of the development. This will require further negotiation between all relevant parties, including the shopping centre. The developer is to be advised that Council has concerns about the problems associated with further traffic using Tabilban Street and is to be bonded as set out above.

\*\*\* REFERENCE TRAFFIC ENGINEER (IM) (08/04/94)

Since the previous reference was prepared discussions have been held with Sinclair Knight and Brameld Consulting, traffic consultants for the residential and the shopping centre developers respectively. This was to

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resolve the issues relating to the shared point of access at the West Burleigh Road/Tabilban Street intersection.

Further to this, a meeting was held on 30 March 1994 at the offices of Queensland Transport to assess the proposed access arrangements for the two sites. At this meeting a concept plan for a revised intersection arrangement in the western approach to the West Burleigh Road/Tabilban Street intersection was discussed and generally agreed upon by all parties. Intersection capacity analysis for the revised layout had been carried out by Sinclair Knight, who will be carrying out further analysis as requested by Queensland Transport.

Under previous arrangements the proposed road through to the residential site would have intersected with the shopping centre access road about 20 metres west of the West Burleigh Road/Tabilban Street intersection. The proposal now is to relocate this "Tee" junction to a point 80 metres from the West Burleigh Road/Tabilban Street intersection. With this arrangement the two intersections would be expected to operate in a satisfactory manner without major queuing problems.

The modification would result in some loss of landscape component for the residential site and some loss of parking spaces for the shopping site and this will be addressed in the planner's report.

The details of the proposed access road modifications will need to be finalised at the building application stage with engineering drawings submitted to both Council and Queensland Transport for approval.

The two developments should each be conditioned for road widening in West Burleigh Road (Tabilban Street to Tallebudgera Creek Road), including upgrading at the traffic signals and modifications to right and left turn tapers, to the requirements of Queensland Transport.

The shopping centre's consultant has suggested that, should the shopping centre redevelopment proceed first, then the shopping centre access could remain at the present location until the time of development of the residential site. This may be acceptable, depending upon the formal agreement of all parties and pending the analysis of the staged works capacity investigations of Sinclair Knight.

As stated in my previous reference, Tabilban Street will have additional traffic use as a consequence of the increased development and it would be applicable for Council to seek a bond for future traffic management works in Tabilban Street to protect the amenity of that street.

\*\*\* CORRESPONDENCE MEMORANDUM FROM TRAFFIC ENGINEER TO SUPERVISING DESIGN ENGINEER (13/04/94)

I have already provided references on the residential development and the shopping centre redevelopment as follows:

1. 18 February 1994 file 663/093/076 Residential
2. 8 April 1994 file 663/093/076 Residential

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3. 8 April 1994 file 818/094/022 Shopping Centre.

Copies of these references are attached for your information.

The issues which had to be resolved were as following:

- (1) The need to widen West Burleigh Road, generally between Tabilban Street and Tallebudgera Creek Road and the need to widen Reedy Creek Road on the shopping centre frontage. The development of either site is to result in the provision of an additional lane in each direction.
- (2) The need to upgrade the two traffic signal installations, including the provision of additional storage length in right turn bays.
- (3) The need to relocate the northern shopping centre access further away from the West Burleigh Road/Tabilban Street signals, given the residential development access road would also join the road network at this point.
- (4) The issues relating to the \$1M bond held by Queensland Transport in regard to widening of West Burleigh Road into Burleigh Heads. This is with Keith Dipplesmann who is currently trying to resolve the matter.
- (5) The Dunlin Drive issues in Albert Shire, which I understand have been resolved in further traffic studies carried out by Sinclair Knight.

The consultant's works suggests that with full development of the site the main spine road through the residential development would carry about 3000 vehicles per day at the Dunlin Drive end and about 6000 - 6500 vehicles per day at the West Burleigh Road end. These volumes are consistent with a Residential/Commercial Collector or Collector/Distributor status in Council's Road Hierarchy. The traffic volumes projected into West Burleigh Road/Reedy Creek Road are shown in Table 1 of my report of 18 February 1994. These figures will be subject to change as a result of the reassignments of shopping centre trips with the Dunlin Drive extension taken into consideration. However, it is fair to say that the 10 year design layout should include six laning of West Burleigh Road/Reedy Creek Road on the shopping centre frontage and four laning elsewhere. Part of this cost will no doubt fall to Queensland Transport under its upgrading of the overall road network.

\*\*\* REFERENCE ACTING SENIOR TOWN PLANNER (DG) (17/05/94)

Since Council's Traffic Engineer's comments were obtained, Queensland Department of Transport has recently completed preliminary layouts to define the extent of works for the upgrading of West Burleigh Road and Reedy Creek Road and associated intersections and has identified the extent of works that adjoining land owners should be required to undertake at a rezoning, subdivision or development stage. A condition of approval should require that road works be designed and constructed generally in accordance

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with Queensland Transport Plan No. 102 SK2 dated 16 May 1994 to the satisfaction of the Queensland Department of Transport-Main Roads, and Council's Director of Roads and Transport. Conditions relating to road works which were imposed upon the previous rezoning application (i.e. Light Industry to General Commercial file 663/084/048) and which form part of the current legal agreement between Council and Sanfam and which are considered reasonable and relevant to the current application should also be imposed.

PUBLIC PARK

Public park has been dedicated at a previous subdivision stage (refer file 665/083/010). This area is described as Lot 3 on Registered Plan 174866, also known as Reserve 2867, and extends along the northern boundary of the site providing a buffer to residential properties in Acanthus Avenue. It comprises an area of 2.425 hectares.

The proposed residential development will provide additional park areas at the entry into the development off West Burleigh Road which will link with a lake front park and the previously dedicated park to the north. A series of easements extend along the common boundary with the shopping centre and to the rear of the light industrial properties to the north east fronting West Burleigh Road. These areas are highlighted as buffer park areas. The applicant also proposes to undertake landscape works with native species within the existing park to the north.

As the proposal does not conform with canal requirements under the Canals Act 1958-89, an area of 10% of the site is required as park in accordance with Part 5.6 (2) (b) of the Local Government (Planning & Environment) Act. A total of 10% of the site should therefore be dedicated as public park. This requirement should have due regard for dedications previously made under subdivision approval 665/083/010.

FLORA AND FAUNA AND LANDSCAPING

The Department of Environment and Heritage has stated that the EIS comprehensively addresses all issues of concern by the Department. In addition, they have provided qualifying statements and recommendations in respect of; amongst other things, flora and fauna, namely:

- (i) It is recommended that Melaleuca quinquenervia and allied species, including native grasses, be planted in the detention basins and, where possible, that they be left in a natural state.
- (ii) The consultant's recommendation that endemic local species be utilised during street and lake-edge planting is supported.
- (iii) It endorses the recommendation to improve the existing park on the north east boundary by removal of weeds and exotics and the planting of endemic local species.

A condition of approval should be imposed to ensure compliance with the recommendations detailed in correspondence from the Department dated 8 November 1993.

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Council's Senior Landscape Architect has commented on landscape issues relevant to the proposal and has identified the major landscape issues. A number of the issues raised have been discussed in detail elsewhere in the report. Specific conditions have been imposed to reflect the Senior Landscape Architect's recommendations where there is no conflict with engineering aspects. It is noted that a number of issues raised are relevant at the subdivision stage. Issues that should be highlighted are:

- (i) Buffer zones should be excluded from the overall public park/open space requirement if such space is to be dominated by services and buffer planting as such area would be regarded as an easement and not open space. The west, south and south east buffer zones are likely to fall into this category.
- (ii) Tall landscaped screening should be provided along buffers and the southern park to reduce the visual impact of industrial and commercial sites.
- (iii) Casuarina and Melaleuca species recommended in lake edge planting. It is noted, however, that extensive lake edge planting will be difficult to achieve as the majority of land will be under private ownership. Such species could be planted in waterfront park areas.

Council's City Arborist concludes that both reports (Flora and Fauna Report and Landscape Report) appear to ignore or at least minimise any imminent and/or potential negative environmental impacts and more site inspections at various seasons throughout the year should have been undertaken and a more objective argument in respect of the landscape report should be submitted. Particular concerns are expressed regarding the proposal to include lawns and other cleared areas into suitable sections of open space and tree species within open space should be referred to Council's risk Management Section in order to ensure public risks are minimised.

It is noted that the majority of the site has been cleared and that both Council's have given approvals for certain filling works. The applicant should be required to liaise with Council's Parks and Landscape Section prior to finalising any landscape plans involving street and park planting.

RESIDENTIAL TYPES

The following provides a detailed assessment of residential types proposed. As previously noted, it is intended that the subdivision layout plan and plans of development for each residential precinct including design and siting guidelines will become the approved plans.

DWELLING-HOUSE ALLOTMENTS

The application seeks to include those conventional lots to be developed with dwelling houses in the Residential "A" Zone, now known as the Residential-Dwelling House Zone. It is considered more appropriate that these lots be included in the Special Residential Zone and the overall approved plan of development, thereby reinforcing the merits of the proposal which provides for an integrated form of residential development

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comprising a fairly wide range of low density housing forms based around a lake theme. The development of these allotments should accord with Section 4.11 of the Planning Scheme. In addition, those allotments adjoining the lake should comply with setbacks to the lake frontage as detailed in guidelines for townhouses on sites with a lake frontage.

INTEGRATED HOUSING LOTS

The design and siting guidelines for the proposed small lot subdivision sites have been assessed having regard for Section 4.13 and 16.4 of the 1994 Planning Scheme which details requirements in respect of integrated housing.

The proposed guidelines are acceptable with the exception of the following:

(i) Site Cover

A maximum site coverage of 50% is nominated. However, there is the potential to greatly increase the area of the lot covered as the applicant's definition of site cover will exclude roof overhangs and verandahs less than two metres wide, pergolas, leisure and recreational purpose areas which are either wholly or partly open to the elements such as shade structures, translucent roofs etc. This guideline definition should be brought into line with the Planning Scheme definition, namely:

"That portion of a site which is covered by a building or other structure having an impervious roof. The term does not include structures which are used exclusively for recreational purposes and which have a total roofed area not exceeding 15 square metres and eaves up to a maximum of 600 mm in width."

(ii) Car Parking

A guideline states that tandem visitor spaces situated on the driveway can over run the boundary line. This should not automatically be accepted but should be considered having regard for the street type to which the lot has frontage, the area of road reserve to be landscaped and the impact on the pedestrian environment.

(iii) Boundary Setbacks

A guideline states that the front setback from the boundary line shall be a minimum of three metres with a 600 mm roof overhang being permitted in this space. This contrasts with AMCORD in which setbacks are reflective of the street type having regard for traffic volumes and the detailed streetscape plan. Clearly a three metre setback would be unacceptable on sites fronting the Dunlin Drive extension. The guideline should be modified to six metres provided this may be relaxed to a minimum of three metres having regard for the street type to which the lot has frontage and the detailed streetscape plans.

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As a detailed assessment cannot be made at this stage i.e. dwelling layouts and detailed streetscape plans have not been provided, a guideline should ensure compliance with Sections 4.13 and 16.4 of the Planning Scheme, unless otherwise detailed.

TOWNHOUSE DEVELOPMENT

The design and siting guidelines for the proposed townhouse sites have been assessed having regard for Section 4.14 of the 1994 Planning Scheme which details provisions in respect of townhouse development in the Residential-Townhouse Zone. The following comments are made:

Density

The guidelines stipulate that the number of units will not exceed that nominated on the Subdivision Layout Plan provided two x one bedroom units may be built in lieu of one two bedroom unit. While this has the potential to greatly increase unit numbers, the applicant has indicated that unit density will not exceed 40 dwellings per hectare. This density is equivalent to one dwelling unit for every 250 square metres of site area which is the permitted density for this form of development under the Scheme.

Site Coverage and Building Height

Complies with Scheme requirements.

Building Setbacks

The guidelines state minimum building setback of six metres to any road frontage providing that in respect of sites with more than one street frontage, a minimum setback of three metres to the secondary frontage may be adopted having regard for the location of urban services. This generally accords with the Planning Scheme, however, other important issues should be taken into account when considering a reduction in the setback, namely the proposed landscape treatment of the setback and the setbacks of buildings on adjacent sites.

In respect of townhouse sites with frontage to the lake, the applicant submits a building setback of 12 metres, provided decks, pergolas, swimming pools and terraces can be permitted to within three metres of the lake frontage, provided they are stepped and designed to complement the landscaped batter.

13.17.1.2 of the Planning Scheme requires that all buildings, structures, screens and fences be set back and erected in accordance with the Local Planning Policy "Building Development Control - Waterfront Allotments".

Discussions with Council's Building Section has confirmed that a six metre setback should be provided to decks, pergolas, swimming pools and terraces unless evidence is provided that the water level will not reach that level governed by a three metre setback, to the satisfaction of the principle building surveyor. Furthermore, that any structures within the 12 metre