

Council Meeting 16 December 1994

Report of Planning & Development Committee Meeting 13 December 1994

ITEM 21

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APPLICATION FOR TOWN PLANNING CONSENT FOR INTEGRATED DEVELOPMENT OF RESIDENTIAL MULTI-UNIT BUILDINGS AND COMMERCIAL PREMISES BUILDING 15B-29 SCARBOROUGH STREET AND 9 SEABANK LANE, SOUTHPORT - TEAM 3

CLAUSE, PURPOSE, PROVISION	PROPOSAL AND COMMENTS
<p>18.5.8 Other Provisions</p> <p>Site coverage not to exceed 60%</p> <p>All buildings setback 6m from frontage</p> <p><u>Setbacks and facades:</u></p> <ul style="list-style-type: none"> - variation of alignments - integration with adjoining facades - aesthetically pleasing materials & colours - carpark entrances, ramps, loading docks & accessways not to adversely impact on streetscape & adjoining development <p>Residential development to comply with 18.10.4 which requires assessment against specific provisions of 4.16</p> <p>Commercial development to comply with specified provisions of Part 5.4</p>	<p>Complies.</p> <p>Dominant setback is 6.5 m. However, 6.9 m wide extensions at first, second & third floors project to 4.5 metres from the frontage. The projecting form will create articulation to facade and is considered appropriate in the Scarborough Streetscape</p> <p>Detail of materials, colours etc to be required as a permit condition</p> <p>Generally complies except under Part 4.16.6.1 Block D does not meet the required setback of 4.4 m from the south boundary in relation to the length of true south shadow being 0.5 times the height of the building. The proposed setback is 2.5 m. Adjoining to the south is the Gold Coast Little Theatre which is built on the boundary with a blank wall and part of its carpark abutting. No shadow cast by the proposed building will adversely affect that property</p> <p>Under 4.16.13.1 the separation distance between Blocks D & E is deficient. There is provision to relax the requirement. In this instance, the juxtaposition of the buildings, internal layout and position of windows will not cause an unreasonable situation in terms of amenity for residents of either building. The building surveyor advised that the reduced setback does not present fire-rating concerns</p> <p>Standard permit conditions relating to; extent of reflective glass, lifts, safety switchboard, loading bays & refuse facilities, should be attached to permit</p> <p>Generally complies. Standard permit condition to require provision of public toilets</p>

Land use The proposal accords with the objectives for land use in this precinct of the DCP. It represents a mix of office and medium to high density residential development.

In relation to the commercial space, the applicant would like flexibility to enable uses allied to offices. As described in the table of assessment, permit conditions should be designed to ensure that restaurants and take-away food premises are only located at ground level, a temporary sales office associated only with sale of the subject site is acceptable, and the extent of floor area for medical centres and commercial services is restricted. The purpose being to ensure that commercial buildings are primarily used as commercial premises.

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In relation to the residential component, the single issue is the height of the 11 storey Block B and its shadowing impact on the adjoining residential properties to the south of the site, which front onto Park Lane. Park Lane properties are also in the Comprehensive Development Zone and no objections have been received. The setbacks of Block B meet the planning scheme requirements. The building height is therefore deemed to be acceptable.

Visual Amenity It is agreed with the applicant that "The variety of building form provides an interesting aspect and blend of structures and is a preferred design option to more bulky buildings of constant 7 storey height. The variation ... has been specifically designed to provide a village atmosphere incorporating pitched roofs and angled sunhoods. The top floor in each tower is incorporated within the pitched roof areas effectively giving an appearance of 10 storeys and 13 storeys as viewed from Scarborough Street."

Pedestrian and Vehicle Movement The proposal provides adequate on-site car parking. Vehicle access is limited to two points and will not unreasonably disrupt traffic circulation in Scarborough Street. Pedestrian access to the site is facilitated and encouraged, particularly by the central plaza. The plaza will incorporate pedestrian and vehicle access to the Gold Coast Little Theatre. It is important that the plaza is landscaped appropriately with regard to pedestrian safety and amenity. This issue can be addressed with later submission of the detailed landscaping plan.

Conclusion The proposed development is ideally suited to the site. It accords with the objectives of the DCP and should be approved.

It is recommended

- (A) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application.
- (B) The applicant be notified, as required under the provisions of "The Local Government (Planning & Environment) Act", that the application to develop integrated residential multi-unit and commercial premises buildings on the land as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

REAL PROPERTY DESCRIPTION: LOTS 1-3 ON REGISTERED PLAN 67409, LOTS 1-2 ON REGISTERED PLAN 57277, LOT 1 ON REGISTERED PLAN 48098, LOT 3 ON REGISTERED PLAN 54548, LOT 2 ON REGISTERED PLAN 51475, LOTS 1-2 ON REGISTERED PLAN 88371, LOT 2 ON REGISTERED PLAN 66544, LOT 2 ON REGISTERED PLAN 54548

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LOCATION OF SITE:	15B-29 SCARBOROUGH STREET AND 9 SEABANK LANE, SOUTHPORT
AREA OF LAND:	8431 SQUARE METRES
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	LOT 2 ON REGISTERED PLAN 51475 - UNOCCUPIED DETACHED DWELLING HOUSE, ALL OTHER LOTS VACANT LAND
APPROVED USE/S AS GRANTED IN THIS CONSENT:	INTEGRATED RESIDENTIAL MULTI- UNIT AND COMMERCIAL PREMISES BUILDINGS

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 Nos. A-1 to A-7 submitted by Burling Brown & Partners Architects, print issued 4 October 1994) (as amended by the conditions of the approval).

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

- (a) Blocks A, B, D, E & G are to be used as residential multi-unit buildings.
- (b) Use of any part of Blocks C and F for commercial premises is as-of-right. Other uses are permitted as follows:
 - (i) Use of up to 500 square metres of floor area for medical centres and commercial services is allowed without the need for further Council Consent.
 - (ii) Use of up to 500 square metres of floor area for the purpose of a temporary sales office is allowed for two (2) years of the commencement of the use, or until the allotments in the subdivision have been relinquished from the control of the initial developer, whichever is the sooner. Extension of the 2 year time period may be approved by the Director Development & Environment Planning.
 - (iii) Restaurant/take away food premises are allowed at ground level only.

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

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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 new use commencing, a Certificate of Classification shall be obtained to ensure that the existing building meets fire rating requirements for the proposed use.
- (4) Provision of fire services in accordance with the Building Act.
- (5) Compliance with the Food and Health Acts and all Regulations made thereunder.
- (6) Registration of the premises under the Workplace Health and Safety Act.
- (7) 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.
- (8) The provisions of the Consent Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.
- (9) 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

- (10) 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.
- (11) 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 Director Development & Environment Planning.
- (12) 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.
- (13) 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 Director Development & Environment Planning.
- (14) 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.

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.

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- (15) 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

- (16) 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..
- (17) Any lighting to be provided within the Road Reserve area or other public areas under council's control shall be satisfactorily integrated with the existing or proposed streetscape to the satisfaction of the Director Development & Environment Planning.

LANDSCAPING

- (18) The landscaping is to be established and maintained to the reasonable satisfaction of the Director Development & Environment Planning at all times.
- (19) 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 Director Development & Environment Planning prior to the issue of a building approval. In respect to the plaza, the plan should be developed through liaison with Council planning officers and with particular focus on creating a safe and pleasant pedestrian environment which is accessible to the public. 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 Director Development & Environment Planning. 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.
- (20) An area being at least 10 percent of the total site area must be capable of deep planting and located to the reasonable satisfaction of the Director Development & Environment Planning.

REFUSE / RECYCLING FACILITIES

- (21) Provision shall be made for the storage, removal and screening of refuse and recycling facilities in accordance with the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

AUSTRALIA POST

- (22) 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/Broadbeach/Burleigh Heads/Palm Beach/Coolangatta Post Office.

BUILDING PERFORMANCE AND SAFETY STANDARDS

- (23) 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

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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.

At least one (1) lift shall be installed in each commercial building exceeding two (2) storeys in height. Each lift shall have a minimum passenger capacity of eight (8) persons.

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 per building shall be designed for emergency purposes and as such capable of accommodating a stretcher.

- (24) A building safety equipment switchboard shall be provided to the satisfaction of the Health, Building and By-laws Manager.
- (25) 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.
- (26) Public toilet facilities appurtenant to the commercial buildings shall be provided in accordance with the requirements of the Building Code of Australia and to the satisfaction of the Director Development & Environment Planning, provided that the Council may relax this provision having regard to the existing provision of such facilities within the locality. These facilities shall be open and readily accessible to the general public during normal business hours or such other hours as determined necessary by the Director Development & Environment Planning.

ELECTRICITY FACILITIES

- (27) Where the electricity authority requires provision of a transformer, such provision shall be made to the satisfaction of the electricity authority and the Director Development & Environment Planning. The transformer shall not be located within any areas required for landscaping unless approved by the Director Development & Environment Planning having regard to constraints on the location of the transformer elsewhere on the site. Should the Director Development & Environment Planning 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 Director Development & Environment Planning.

TELECOMMUNICATION SERVICES

- (28) 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.

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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.

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.

SETBACK AND OPEN SPACE AREAS

- (29) Open space or setback areas, and the plaza area incorporated as part of the development shall not be used for commercial purposes without the prior approval of Council.

EMERGENCY POWER

- (30) 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 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.

COMPLIANCE WITH SAFETY REGULATIONS AND FLAMMABLE AND COMBUSTIBLE LIQUID REGULATIONS

- (31) Storage of any flammable and combustible liquids to be in accordance with "Flammable and Combustible Liquids Regulations".
- (32) Compliance with the Work Place Health and Safety Regulations and relevant Australian Standards (for the storage and handling of flammable and combustible liquids).

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ADVERTISING DEVICES

- (33) 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 SITESGeneral Provision

- (34) Council approves the payment by the owner of the land the subject of the application to the Council before commencement of construction specifically referred to in this approval, such sum as is required by the Council for the provision of those external works. Where such payment is accepted, the Council shall carry out the works and account for all costs within such time as is agreed between the Council and the owner of the land.

Where the actual cost to the Council of the above works exceeds the sum approved, the Council may recover the difference from the owner of the land as a debt due and owing to the Council.

Where the actual cost to the Council of the above works is less than the sum approved, the Council shall refund the difference to the owner of the land.

Stormwater Drainage

- (35) 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 Director Development & Environment Planning. Where required by the Director Development & Environment Planning, 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.
- (36) Soil exposure during the construction phase shall be minimised and restoration of exposed areas shall be carried out to the satisfaction of the Director Development & Environment Planning 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.

- (37) 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

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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

- (38) Any existing kerb and channel which is damaged or is required by the Director Roads & Transport 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 Director Roads & Transport.
- (39) 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.
- (40) 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 Director Development & Environment Planning.
- (41) 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.
- (42) 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 Director Development & Environment Planning.
- (43) The frontage footpath is to be upgraded in a manner satisfactory to the Director Development & Environment Planning. 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).
- (44) 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 Director Roads & Transport.
- (45) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Director Roads & Transport.
- (46) Vehicular access is to be provided in a manner satisfactory to the Director Development & Environment Planning. The minimum requirement will consist of construction using reinforced concrete in accordance with Council's standard drawing No. 52790B.

FLOOD LEVEL

- (47) 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 Director Development & Environment Planning, is to be provided examining flood and stormwater levels as affected by run-off from upstream and water levels which will occur downstream.

FILLING AND FLOOD LEVEL

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

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PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (49) 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 Director Development & Environment Planning. Should such alterations be considered necessary, the applicant shall modify all design plans accordingly prior to submission for building approval.
- (50) 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.
- (51) 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.
- (52) 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 current traffic control arrangements thereon to determine what effect this development would have on the existing system. Subject to the results of this study additional requirements of this town planning permit may be assessed, at the discretion of the Director Roads & Transport and shall be specified for inclusion in any subsequent building approval.

CONSTRUCTION ACCESS AND PROVISION FOR TRAFFIC

- (53) 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 Director Development & Environment Planning.
- (54) Unloading, storage or movement of construction material or equipment shall take place within the site unless otherwise approved by the Director Development & Environment Planning.

CAR PARKING AND LOADING FACILITIES

- (55) Provision of at least two hundred and seven (207) 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 Director Development & Environment Planning. Should the development be designed in such a manner as to reduce the amount of required car

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parking, the required amount of car parking may upon application to the Director Development & Environment Planning, be amended accordingly.

- (56) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (57) 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".
- (58) 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 Director Development & Environment Planning.
- (59) 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.
- (60) 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.
- (61) 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 Director Development & Environment Planning.
- (62) 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.
- (63) 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 Director Development & Environment Planning.
- (64) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Director Development & Environment Planning.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (65) Provision of water supply and sewerage to the reasonable satisfaction of the Director Water & Wastewater and in accordance with the Sewerage and Water Supply Act and relevant Local Planning Policies.

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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.

- (66) The development shall be provided with Fire Hydrant installation conforming with the provisions of the Australian Standard AS2419 (as amended from time to time).
- (67) 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.
- (68) 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 Director Community Services. The interceptor trap shall be so positioned to be easily cleaned and accessible to the satisfaction of the Director Community Services.
- (69) An easement shall be created over the existing sewer service and dedicated in favour of Council prior to the issue of a Certificate of Classification on the subject site.
- (70) 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.
- (71) 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.
- (72) Provision of a garbage service and pathological waste collection service to the reasonable satisfaction of the Manager Health Building & By-laws.

HEADWORKS CONTRIBUTIONS

(73) **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

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ITEM 21

CONTINUED...

APPLICATION FOR TOWN PLANNING CONSENT FOR INTEGRATED DEVELOPMENT OF RESIDENTIAL MULTI-UNIT BUILDINGS AND COMMERCIAL PREMISES BUILDING 15B-29 SCARBOROUGH STREET AND 9 SEABANK LANE, SOUTHPORT - TEAM 3

information supplied with the application and Council records, the principal particulars of which are as follows:

Water Supply (Account No. 74648)	100 e.p	\$36300
Sewerage (Account No. 74648)	223 e.p	\$74928
Total Component 1 Headworks Contribution		\$111228

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 112.5 for the October/December 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 referral 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.

- (74) **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"

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CONTINUED...

**APPLICATION FOR TOWN PLANNING CONSENT FOR INTEGRATED DEVELOPMENT
 OF RESIDENTIAL MULTI-UNIT BUILDINGS AND COMMERCIAL PREMISES BUILDING
 15B-29 SCARBOROUGH STREET AND 9 SEABANK LANE, SOUTHPORT - TEAM 3**

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	\$283	per Equivalent Population/Person
Sewerage	\$416	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 112.5 for the October/December 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.

(75) **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

(76) 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 Water & Wastewater.

GEOTECHNICAL CONSIDERATIONS

(77) Where, in the opinion of the Director Development & Environment Planning 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

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**APPLICATION FOR TOWN PLANNING CONSENT FOR INTEGRATED DEVELOPMENT
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 15B-29 SCARBOROUGH STREET AND 9 SEABANK LANE, SOUTHPORT - TEAM 3**

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 Director Development & Environment Planning.

- (78) All development shall comply with the Local Planning Policy "Foundation and Geotechnical Assessment".
- (79) 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.

ENGINEERING DESIGN AND CONSTRUCTION

- (80) (a) Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Director Development & Environment Planning prior to construction commencing. Approval by the Director Development & Environment Planning 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 Director Development & Environment Planning 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 Director Development & Environment Planning and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and / or Policies. The Director Development & Environment Planning 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

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

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

AMALGAMATION OF LOTS

- (82) Prior to commencement of the uses approved by this application, the existing allotments must be amalgamated into two allotments reflecting the two parcels of land labelled Site I and Site II on the plan of development and a new Certificate of Title to cover the new allotments must be issued.

NUISANCE

- (83) 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 Director Development & Environment Planning.

PARK PROVISION

- (84) The applicant is to provide ten percent (10%) of the land as park provision. The park area shall be transferred to Council in Fee Simple 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, under the direction of and to the reasonable requirements of the Director Parks & Recreation.

COMPLETION OF PARK WORKS

- (85) Council will not issue a Certificate of Compliance for the site until such time as all park areas have been completed to the requirements herein contained to the satisfaction of the Director Parks & Recreation and Director Development & Environment Planning in consultation with the Division Councillor.

TREE PRESERVATION

- (86) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Director Parks & Recreation. 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

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**APPLICATION FOR TOWN PLANNING CONSENT FOR INTEGRATED DEVELOPMENT
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 15B-29 SCARBOROUGH STREET AND 9 SEABANK LANE, SOUTHPORT - TEAM 3**

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.

*** RECOMMENDATION

That the recommendation of the Planning Officer be adopted.

*** ITEM 22

CM16/12/94(PD022)

**APPLICATION FOR TOWN PLANNING CONSENT FOR TOWNHOUSE DEVELOPMENT
 12-14 GARDINERS PLACE, SOUTHPORT - TEAM 3**

FILE REFERENCE(S)	818/094/129
APPLICATION NUMBER	940129
LOCATION OF SITE	: 12-14 GARDINERS PLACE, SOUTHPORT
REAL PROPERTY DESCRIPTION	: LOT 2 ON REGISTERED PLAN 865336, COUNTY OF WARD, PARISH OF NERANG
OWNER	: MARLIN TOWERS PTY LTD (TRUSTEE)
APPLICANT	: MORLEY ARCHITECTS
SITE AREA	: 1438m ²
ZONING OF THE LAND - EXISTING	: RESIDENTIAL-DUPLEX
PROPOSED DEVELOPMENT	: TOWNHOUSES
DEFINED USE	: TOWNHOUSES
RESIDENTIAL DENSITY	: THREE (3) UNITS
BUILDING HEIGHT	: TWO (2) STOREYS
DATE RECEIVED	: 18/08/94
DATE ADVERTISED	: 24/08/94
OBJECTION(S)	: ONE (1) LETTER WAS RECEIVED
OBJECTOR(S)	: J W LUTHERBORROW

*** CURRENT AGENDA MATERIAL

*** REFERENCE PLANNING OFFICER (LMCEC) (01/12/94)

The applicant has lodged a consent application for four (4) townhouses.

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ITEM 22

CONTINUED...

**APPLICATION FOR TOWN PLANNING CONSENT FOR TOWNHOUSE DEVELOPMENT
12-14 GARDINERS PLACE, SOUTHPORT - TEAM 3**

The site has recently been rezoned to the Residential-Duplex Zone so that the existing single family dwelling could be converted into a duplex. It was proposed to erect two (2) additional dwellings on the site.

The problems with this application are as follows:

1. A townhouse (in accordance with Part 4.12) is a Column 2 use in the Residential-Duplex Zone, therefore a consent application is not required.
2. The area of the site (1438m²) is below the required 2000m².
3. The density of the proposal exceeds the density parameters of twenty-five (25) units per hectare.
4. The height of the building, three (3) storeys exceeds the two (2) storey height limit.
5. The courtyards do not comply with the requirements.
6. The visitor carparks are located within the six (6) metre setback.

Numerous discussions have been held with the applicant and the owner to determine a course of action.

The applicant has now lodged amended plans for three (3) two storey townhouses. These plans are more consistent with the appropriate development parameters, however relaxations are required and have been requested:

- (a) Site area
- (b) Side boundary clearances

Council's approval for the site area relaxation is required. These relaxations are considered to be appropriate given that the mature trees on the site will be retained.

Consequently, in order to process this application:

- (1) Council decision is required on the relaxations;
- (2) the approval of the townhouses will be dealt with in a separate Column 2 application; and
- (3) this current consent application will be withdrawn.

*** **OFFICER RECOMMENDATION**

It is recommended that relaxations be granted for the site area and the side boundary clearances in accordance with Part 4.12.1.1 and 4.12.4.2 of the Town Planning Scheme and as shown on drawings prepared by Morley Architects - Job 248 1/2 dated November 1994.

*** **RECOMMENDATION**

That the recommendation of the Planning Officer be adopted.

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*** ITEM 23

CM016/12/94(PD023)

**REPORT TO COUNCIL OF DEVELOPMENT APPLICATION APPROVALS
 GRANTED UNDER THE POWERS OF DELEGATION PURSUANT TO SECTION 8.7
 OF THE LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) ACT - TEAM 8**

*** CURRENT AGENDA MATERIAL

*** REFERENCE DIRECTOR DEVELOPMENT & ENVIRONMENT PLANNING
 (NH) (28/11/94)

Council at its meeting held on 25 February, 1994 (PD007) resolved that certain powers pursuant to the Local Government (Planning & Environment) Act or the City of Gold Coast Planning Scheme be delegated to the Chief Executive Officer. For the information of Council those items dealt with under this delegation are listed in the following schedule.

DELEGATED AUTHORITY

FILE NO: 663/094/084

**APPLICATION FOR REZONING OF LAND FROM RESIDENTIAL DWELLING
 HOUSE ZONE TO RESIDENTIAL TOWNHOUSE ZONE AT 42-44 BRIGHTON
 PARADE, SOUTHPORT - TEAM 3**

APPLICANT:	BENNETT & BENNETT CONSULTING SURVEYORS
OWNER:	SUNNY VIEW HEIGHTS PTY LTD
SITE LOCATION:	42-44 BRIGHTON PARADE SOUTHPORT
EXISTING ZONING:	RESIDENTIAL DWELLING HOUSE ZONE
PROPOSED ZONING:	RESIDENTIAL TOWNHOUSE ZONE
PROPOSED DEVELOPMENT:	TOWNHOUSE DEVELOPMENT
AREA:	2270 SQUARE METRES
RPD:	LOT 67 ON REGISTERED PLAN 28982 AND LOT 37 ON REGISTERED PLAN 204630, PARISH OF NERANG, COUNTY OF WARD

FILE NO: 818/094/139

**DESIRABLE USE APPLICATION FOR INDOOR RECREATION (POOL HALL) AT
 53 CAVILL AVENUE, SURFERS PARADISE - TEAM 4**

APPLICANT:	SURFERS PARADISE POOL HALL PTY LTD
OWNER:	JIMNA LIMITED
SITE LOCATION:	53 CAVILL AVENUE, SURFERS PARADISE
EXISTING ZONING:	COMPREHENSIVE DEVELOPMENT
PROPOSED DEVELOPMENT:	INDOOR RECREATION (POOL HALL)
AREA:	585 SQUARE METRES
RPD:	PART LOT 115 ON RP 21839, COUNTY OF GILSTON, PARISH OF WARD

FILE NO: 663/094/089

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OF THE LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) ACT - TEAM 8

APPLICATION FOR REZONING OF LAND AT 35 SHAW STREET, SOUTHPORT - TEAM 3

APPLICANT:	SANOBA PTY LTD
OWNER:	LOIS HEWITT
SITE LOCATION:	35 SHAW STREET, SOUTHPORT
EXISTING ZONING:	RESIDENTIAL DWELLING HOUSE ZONE
PROPOSED ZONING:	RESIDENTIAL TOWNHOUSE ZONE
PROPOSED DEVELOPMENT:	TOWNHOUSE OR DUPLEX DEVELOPMENT
AREA:	511 SQUARE METRES
RPD:	LOT 36 ON REGISTERED PLAN 89651

COLUMN 2

FILE NO: 663/093/007

APPLICATION FOR INTEGRATED HOUSING DEVELOPMENT AT 80-84 HANSFORD ROAD COOMBABAH - TEAM 2

APPLICANT:	MICHEL AND PARTNERS (SURVEYS) PTY LTD ON BEHALF OF VILLA WORLD LIMITED
OWNER:	VILLA WORLD LIMITED
SITE LOCATION:	80-84 HANSFORD ROAD COOMBABAH
EXISTING ZONING:	RESIDENTIAL DUPLEX DWELLING
PROPOSED DEVELOPMENT:	INTEGRATED HOUSING DEVELOPMENT
AREA:	12170 M ²
RPD:	LOT 2 ON REGISTERED PLAN 124041 PARISH OF BARROW COUNTY OF WARD

FILE NO: 820/094/020

APPLICATION FOR COLUMN 2 - PERMITTED DEVELOPMENT SUBJECT TO CONDITIONS TO STRATA TITLE AN EXISTING AGED PERSONS HOSTEL AT 135 NERANG STREET, SOUTHPORT - TEAM 3

APPLICANT:	L J HEWITT & COMPANY CONSULTING SURVEYORS
OWNER:	LUTHERAN CHURCH OF AUSTRALIA QUEENSLAND DISTRICT
SITE LOCATION:	135 NERANG STREET, SOUTHPORT
EXISTING ZONING:	RESIDENTIAL MULTI-UNIT
PROPOSED DEVELOPMENT:	STRATA TITLE OF EXISTING AGED PERSONS HOSTEL
AREA:	1381 SQUARE METRES
RPD:	LOT 1 ON REGISTERED PLAN 81832 AND LOT 2 ON REGISTERED PLAN 62451

RELAXATIONS

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FILE NO: 825/94/134 cc:6-2668-5

**JEWEL OF THE PACIFIC - PROPOSED UNIT DEVELOPMENT - CORNER
GARFIELD TERRACE AND FREDERICK STREET, SURFERS PARADISE - TEAM
4**

APPLICANT: L HENDERSON
OWNER: TUXLAND PTY LTD
SITE LOCATION: 25 GARFIELD TERRACE, SURFERS
PARADISE
EXISTING ZONING: RESORT RESIDENTIAL 1
HEIGHT CONTROL: H30(HX)
DENSITY CONTROL: D2(D2)
PROPOSED DEVELOPMENT: MULTI-UNIT BUILDING
AREA: 2790 SQM
RPD: LOTS 29 - 35 RP21845

FILE NO: 06-02942-0000-5
825/094/122

**APPLICATION FOR MODIFICATION OF PROVISION AT 15 NORTHCLIFFE
TERRACE, SURFERS PARADISE - TEAM 4**

APPLICANT: TONY THOMPSON ARCHITECT
OWNER: YAMACOE PTY LTD
SITE LOCATION: 15 NORTHCLIFFE TERRACE, SURFERS
PARADISE
EXISTING ZONING: SPECIAL FACILITY (INTERNATIONAL HOTEL)
PROPOSED DEVELOPMENT: MULTI UNIT BUILDING
RPD: LOT 14 ON RP 218912, PARISH OF GILSTON,
COUNTY OF WARD

FILE NO: 818/094/161

**TOWN PLANNING SCHEME: DESIRABLE USE APPLICATION FOR
ESTABLISHMENT OF A INDOOR RECREATION (NON ALCOHOLIC
DISCOTHEQUE) AT 47A CAVILL AVENUE, SURFERS PARADISE - TEAM 4**

APPLICANT: CLUB RISE
OWNER: JIMNA LTD
SITE LOCATION: 47A CAVILL AVENUE, SURFERS PARADISE
EXISTING ZONING: COMPREHENSIVE DEVELOPMENT
PROPOSED DEVELOPMENT: INDOOR RECREATION (NON ALCOHOLIC
NIGHTCLUB)
AREA: 298 SQUARE METRES
RPD: LOT 6 RP90703

FILE NO: 04-08560-0000-3 cc:825/094/128
04-08561-0000-8
04-08562-0000-2

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**APPLICATION FOR MODIFICATION OF SCHEME PROVISIONS - SETBACK - AT
 1-3 STANHILL DRIVE SURFERS PARADISE - TEAM 4**

APPLICANT:	L T DESIGN
OWNER:	F U TAI INTERNATIONAL PTY LTD
SITE LOCATION:	1-3 STANHILL DRIVE SURFERS PARADISE
EXISTING ZONING:	RESIDENTIAL MULTI UNIT
PROPOSED DEVELOPMENT:	MULTI UNIT BUILDING
AREA:	1594 SQUARE METRES
RPD:	LOTS 560 & 562 ON REGISTERED PLAN 94914 PARISH NERANG COUNTY WARD

FILE NO: 06-00904-0000-5 cc:825/094/124

**APPLICATION FOR MODIFICATION OF SCHEME PROVISIONS - SETBACK - AT
 CORNER RYLIE STREET AND 4-10 MONTE CARLO AVENUE SURFERS
 PARADISE -TEAM 4**

APPLICANT:	R M HILL GROUP
OWNER:	HIROSHI FURUSHO
SITE LOCATION:	CORNER RYLIE STREET AND MONTE CARLO AVENUE SURFERS PARADISE
EXISTING ZONING:	RESIDENTIAL MULTI UNIT ZONE
PROPOSED DEVELOPMENT:	MULTI UNIT BUILDING
AREA:	1620 SQUARE METRES
RPD:	LOTS 136, 137, 138 AND 139 ON REGISTERED PLAN 42887

*** OFFICER RECOMMENDATION

It is recommended that the information be noted.

*** RECOMMENDATION

That the recommendation of the Director Development & Environment Planning be adopted.

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*** ITEM 24

CM16/12/94(PD024)

MAGIC MOUNTAIN DEVELOPMENT - LOWER SITE - REQUEST FOR FURTHER CONSIDERATION - TEAM 5

FILE REFERENCE(S)	818/094/039 PT 2
PREVIOUS DECISION(S)	CM21/10/94(PD067) CM03/06/94(PD019)
PROJECT NAME	: M A G I C M O U N T A I N DEVELOPMENT - LOWER SIDE
LOCATION OF SITE	: CORNER CHAIRLIFT AVENUE & GOLD COAST HIGHWAY MIAMI
REAL PROPERTY DESCRIPTION	: LOT 3 ON RP854949 COUNTY OF WARD PARISH OF GILSTON
OWNER	: R A P C I V I C C O N S T R U C T I O N S PTY LTD
APPLICANT	: R A P C I V I C C O N S T R U C T I O N S PTY LTD
PROPOSED DEVELOPMENT	: M U L T I U N I T B U I L D I N G & RETAIL
SITE AREA	: 4129M ²
ZONING OF THE LAND	: SPECIAL FACILITIES

*** **PREVIOUS AGENDA MATERIAL****RELEVANT CONDITIONS OF APPROVAL**

- (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.
- (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.
- (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.

GEO TECHNICAL 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

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MAGIC MOUNTAIN DEVELOPMENT - LOWER SITE - REQUEST FOR FURTHER
CONSIDERATION - TEAM 5

suitably qualified and experienced in the field of geotechnical investigations and shall address issues such as:

1. the stability of the adjacent sites during and after construction;
2. protection of the development from moving boulders, dislodged from "Magic Mountain" from time to time;
3. the treatment of the batter bank / retaining wall at the property boundaries; and
4. take into consideration the proposed development of Lot 2 on Registered Plan 854949.

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

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.

- (60) All development shall comply with the Local Planning Policy "Foundation and Geotechnical Assessment".
- (61) 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.

COUNCIL DECISION CM03/06/94 (PD019)

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.

*** REFERENCE PLANNING OFFICER (LMCEC)(11/10/94)

Council at its meeting of 3 June 1994 approved a consent application for a multi-unit building with a retail component.

In accordance with Condition 59, a geotechnical report was to be supplied to Council by the applicant. The report was to address:

- (1) the stability of the adjacent sites during and after construction;
- (2) protection of the development from moving boulders;

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CONTINUED...

MAGIC MOUNTAIN DEVELOPMENT - LOWER SITE - REQUEST FOR FURTHER CONSIDERATION - TEAM 5

- (3) treatment of the batter bank; and
- (4) take into consideration the Walker's development at the top of the hill.

The purpose of obtaining this report was to ensure the stability of Magic Mountain, which consists of old and fragmented sedimentary rocks. The land between the two development sites (Lot 3) is in the ownership of the Crown and is in the process of being transferred to Council by the Department of Lands.

After detailed discussions between the applicant and Council's officers, a geotechnical report has been provided.

The applicant has advised, by letter dated 3 October 1994, that it is "prepared to carry out the work in accordance with the report". This offer is subject to Council agreeing to relax certain conditions, as follows:

- (1) Condition (20) - Stormwater drainage.
- (2) Condition (38) - A 50% contribution was required to the cost of upgrading the intersection.

This condition was not applied to the Walker's development. As design work has not been completed, a costing is not available.
- (3) Condition (44) - 9 carparking spaces are required to be paid for by cash-in-lieu at \$7000 per space.

*** **REFERENCE MANAGER, PLANNING AND DESIGN (BL) (11/10/94)**

An investigation has been undertaken by geotechnical engineers Golder Associates Pty Ltd for Rapticiv Constructions on the stability of the rock slope between the Rapticiv and Walker sites at Magic Mountain. The investigations and report was commissioned by Rapticiv as they agreed the study was a requirement under the conditions of their development approval.

The findings of the Consultant's Report and subsequent actions can be summarised as follows:

- (1) The Consultant's opinion is that the rock slope is unstable in its current condition with evidence of recent rock falls and open joints on several areas of the face indicating rock blocks about to fall. There is also potential for wedge failures to occur by sliding along lines of intersection of bedding planes. Ground support (rock bolts and rock fall netting) will be required to maintain long term stability when the face inclination exceeds 35° above horizontal.
- (2) Two possible basic options for stabilisation exist:
 - (a) Flatten slope to 35° or less.
 - (b) Install ground support in the form of rock and rock fall netting.

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Schematic details of these options are shown on appended Figure 3. Solutions involving a combination of the two basic methods are also possible.

- (3) The Consultant's options for stabilisation are well recognised and accepted practice with the selection of the preferred option dependent upon compatibility with the adjacent Walker development and, of course, economics.
- (4) As a general principle, the options involving lowering of the total height of the rock slope are technically preferable, however consideration needs to be given to the aesthetics of the final product as cutting down the height could potentially expose a "four storey" construction on top of the escarpment in lieu of a "three storey" above existing ground level. The appearance of the stabilised rock face will also need to be addressed. Some form of revegetation could be established which would also assist in surface stabilisation.
- (5) Rapcivic Pty Ltd have undertaken to negotiate with the adjacent developer (Walkers) to determine their preferred option within the guidelines set down in the Golder Report and make a submission to Council in respect of the stabilisation works. This technical submission is still awaited and needs to be reviewed before the matter can be finalised.

*** OFFICER RECOMMENDATION

It is recommended that Council consider the applicant undertaking the necessary works to stabilise the proposed park to Council's satisfaction in exchange for the relaxation of Conditions 20, 38 and 44.

*** PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION (18/10/94)

That Conditions 28, 38 and 44 not be relaxed and the applicant be advised accordingly.

COUNCIL DECISION CM21/10/94(PD067)

That the recommendation be adopted subject to "Condition 28" being altered to read "Condition 20".

*** CURRENT AGENDA MATERIAL

*** CORRESPONDENCE RAPCIVIC CONSTRUCTIONS PTY LTD (FOLIO 9445701) (23/11/94)

We refer to your letter dated 27th October 1994. We note Council's decision of its meeting of 21st October 1994 and ask that you re-submit our application to relax Conditions 20, 38 and 44, requesting that the Planning & Development Committee reconsider the matter.

We feel that Council is taking too hard a line in this issue and believe that full responsibility for stabilisation of the parkland should not wholly rest on our site. Whilst

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we acknowledge that the "park" is not under Council's control and more correctly is owned by the Crown, it seems to us that maintenance or rectification of any area of land outside the boundaries of our site should not be our responsibility.

Clearly if the land was privately owned, the onus of stabilisation and protection of adjacent land would rest with the land owner. In this instance, we are not asking Council to make a payment towards stabilisation of the wall but rather to relax development conditions relating to our site so that with some fairness the issue can be resolved at no cost to Council and at reasonable cost to us.

It would be greatly appreciated if Council would look favourably on our submission.

*** **REFERENCE PLANNING OFFICER (LMCEC) (02/12/94)**

Council at its meeting of 21 October 1994 refused the applicant's offer to undertake the stabilisation work in exchange for the relaxation of three (3) development conditions (stormwater drainage, the cost of upgrading the intersection and cash in lieu of carparking).

In a letter dated 23 November 1994, the applicant has requested a reconsideration of this matter. The Director, Development and Environment Planning has advised that this stabilisation work is essential and as the cost of the work appears to have not been foreseen by the applicant it may be appropriate, on the basis of achieving the rock stabilisation without cost to Council or incurring legal costs to Conditions (20) and (38) which were not applied to the original rezoning conditions. In the case of Condition (20) the stormwater drainage is being upgraded at the developer's expense.

*** **OFFICER RECOMMENDATION**

It is recommended that as requested by the applicant, this matter be reconsidered.

*** **RECOMMENDATION**

On the basis of Rapcivic Constructions Pty Ltd carrying out stabilisation of the rock face situated on Crown Land between development sites, at no cost to Council, Council agrees to the deletion of Condition (38) of the Consent Approval of 3 June 1994.

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*** ITEM 25

CM16/12/94(PD025)

FIRE SAFETY - HIGHRISE BUILDINGS - TEAM 8

FILE REFERENCE(S)

008/001/006 PT 11

*** CURRENT AGENDA MATERIAL*** REFERENCE DEVELOPMENT COORDINATION MANAGER (JWL) (30/11/94)

I was recently invited by the Queensland Fire Service (QFS) to attend a meeting to discuss the upgrading of fire safety features, in highrise buildings which were constructed prior to the introduction of the Building Act in 1976. The meeting was attended by officers from QFS, Albert Shire Council and Gold Coast City Council. This is part of a Statewide review of such buildings, initiated by the Commissioner of QFS to facilitate a consultation process with building owners to identify any deficiencies in fire safety facilities, with a view to developing a programme of building safety improvements.

One difficulty envisaged by QFS in this process, is a concern by building owners that in the event that they agree to undertake some fire safety improvement works, Local Government are likely to require the upgrading of the whole building to present day standards, which could place an enormous impost on building owners. The following provisions of the Building Act are relevant to this issue.

Section 13(1): **Building work that was lawfully carried out before the coming into operation of the Standard Building Law shall not cease to be lawfully carried out by reason of its not conforming in any respect with any provision of those laws.**

The abovementioned concern presumably stems from the following provisions of the Standard Building Law

- SBL 1.5**
- (1) This law applies wherever alterations are proposed for a building or other structure and any other provision of these laws affects those alterations.**
 - (2) The local government must not approve any structural alterations unless it is satisfied that those alterations will not unduly reduce any of the following :-**
 - (a) the existing level of fire protection provided to persons accommodated in or using the building or other structure;**
 - (b) the existing level of resistance to fire of the building or other structure;**
 - (c) the existing safeguards against spread of fire to adjoining buildings or other structures.**
 - (3) The local government may require that a part of the building or other structure or the entire building or other**

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structure be brought into conformity with these laws or parts of these laws as though it were a new building or other structure if -

- (a) the proposed alterations, together with any previous structural alterations completed or approved within the previous 3 years, represent, in the case of a building, more than half the total volume of the original building, measured over the roof and the external walls; or
 - (b) the local government considers that the safety of persons accommodated in or using the building or other structure, or the risk of the spread of fire to adjoining buildings or other structures, warrants it.
- (4) If alterations to a building are associated with a change of use from one class to another class, Part 7 applies.

It has been the practice of this Council, not to impose unreasonable requirements in such cases, but rather to encourage building owners to undertake those aspects which are considered crucial to achieving a reasonable standard of safety for building occupants. The meeting considered it desirable that Local Governments adopt guidelines which provide building owners with some assurance on this issue.

*** **OFFICER RECOMMENDATION**

It is recommended that Council adopt the following Policy:

Where deficiencies in the level of fire safety facilities are identified in a building in relation to current standards, notwithstanding the building was erected lawfully and remains lawful, Council will agree to the carrying out of work for the purpose of upgrading the fire safety standard of the building without requiring the whole of the building to be brought into compliance with current day standards. The extent of work to be undertaken will be determined by the Council after taking into account any reports prepared by Council Officers, the Queensland Fire Service and Building Consultants, together with any representations made by the building owners.

*** **RECOMMENDATION**

That the recommendation of the Development Coordination Manager be adopted.

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*** ITEM 26

CM06/12/94(PD026)

EXTENSION OF TIME OF FORTY (40) DAY PERIOD FOR DEVELOPMENT APPLICATIONS - TEAM 8

FILE REFERENCE(S) VARIOUS

*** CURRENT AGENDA MATERIAL

*** REFERENCE ADMINISTRATION OFFICER (JRK) (06/12/94)

As Council will be in recess, the following applications will not be dealt with in the required time in accordance with the Local Government (Planning & Environment) Act 1990.

(1) Consent Applications under Section 4.12(4A) of the Local Government (Planning & Environment) Act.

818/094/091	Cnr Douglas & Musgrave Street Kirra
818/094/162	28 Remembrance Drive Surfers Paradise
818/094/167	View Avenue Surfers Paradise
818/094/169	The Esplanade Burleigh Heads
818/094/170	429 Oxley Drive Runaway Bay
818/094/171	25A Albatross Avenue Mermaid Beach
818/094/172	Cnr Edinburgh Road & Renate Way Benowa
818/094/173	2268 Gold Coast Highway Nobbys Beach
818/094/174	27 Minnie Street Southport
818/094/176	Musgrave Avenue & Melia Court Southport

(2) Rezoning Applications under Section 4.4(4A) of the Local Government (Planning & Environment) Act.

663/094/091	27 Tedder Avenue Main Beach
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(3) Combined Applications under Sections 4.4(4A) and 4.12(4A) of the Local Government (Planning & Environment) Act.

820/094/021	Lae Drive Runaway Bay
820/094/022	Pohlman & Eugaree Streets Southport

(4) Subdivision Applications Under Section 5.1(5A) of the Local Government (Planning & Environment) Act.

665/093/035	10-14 Paradise Place Surfers Paradise
665/083/002	Wardoo Street Ashmore
665/083/002	Wardoo Street Ashmore
818/094/142	Heeb Street & Mulyan Place Ashmore

*** OFFICER RECOMMENDATION

It is recommended

Council approve an extension of time of 40 days for the above applications.

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EXTENSION OF TIME OF FORTY (40) DAY PERIOD FOR DEVELOPMENT APPLICATIONS - TEAM 8

*** RECOMMENDATION

- (I) That the recommendation of the Administration Officer be adopted.
- (II) Urgent applications be referred to the Coordination Committee for determination during the Recess period, to avoid undue delay.

*** ITEM 27

CM16/12/94(PD027)

CONDITIONS OF PLANNING APPROVALS - TEAM 8

FILE REFERENCE(S)	811/000/002 PT 6
PREVIOUS DECISION(S)	CM18/11/94(PD004)

*** PREVIOUS AGENDA MATERIAL

*** REFERENCE ACTING DIRECTOR DEVELOPMENT & ENVIRONMENT PLANNING (JWL) (TEAM 8) (09/11/94)

Councillor Rickard raised with the Planning & Development Committee his concern that variations to Conditions of Approval are sometimes agreed to on site, without the knowledge of the Divisional Councillor. For example, instances have occurred where the landscaping provided is vastly different to that originally intended.

He suggested that where substantial variations are proposed, the Divisional Councillor could be consulted. Also, consideration should be given to requiring Landscape Plans to be submitted prior to Planning Approval being granted.

COUNCIL DECISION CM18/11/94(PD004)

That the Director Development & Environment Planning bring forward a report on procedural changes to the existing planning approval process and in particular, the content of Conditions of Approval.

*** CURRENT AGENDA MATERIAL

*** REFERENCE DEVELOPMENT MANAGER (ST) (05/12/94)

In the past, detailed landscaping plans have generally formed part of the building application phase of the development process. This has undesirable consequences, not only as indicated by Councillor Rickard but also causing delays at the construction phase, especially if trees that are to be retained need special approval for removal.

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CONDITIONS OF PLANNING APPROVALS - TEAM 8

Problems encountered would be eliminated if detailed landscaping assessment both from a planning perspective as well as input from the Parks and Recreation Department occurred at the early development assessment phase.

In view of the above, a general policy should be implemented that requires a detailed planting plan to be submitted with all town planning applications where appropriate. A copy of these plans are to be referred to the Parks and Recreation Department for assessment with regard to removal of existing trees, retention of significant trees, etc. Further, conditions of development should be amended to incorporate that any significant changes to the approved plan are to be in consultation with the Divisional Councillor and the Director, Development and Environment Planning.

***** OFFICER RECOMMENDATION**

It is recommended that the following procedures be agreed to:

- (A) (1) Where applicable, all town planning applications on submission to Council are to have one (1) copy of a detailed landscape/planting plan or if identified on the application form that existing trees are to be retained or removed, then two (2) copies are to be submitted in accordance with Section 17.9 of the Planning Scheme.
- (2) Upon receipt of the application a copy of the landscape/planting plan, where reference is made to the removal or retention of existing trees on the site, is to be referred to the Parks and Recreation Department for assessment.
- (B) Standard Conditions be altered to incorporate "that where a significant variation to the approved landscape/planting plan is proposed an application is to be made to the Director, Development and Environment Planning or his delegate for determination in consultation with the Divisional Councillor".
- (C) Where practicable, Planning Conditions of Approval clearly quantify requirements, eg the actual number of carparking spaces be stated and any significant variation thereto be authorised by the Director, Development and Environment Planning or his delegate, in consultation with the Divisional Councillor.

***** RECOMMENDATION**

That the recommendation of the Development Application Manager be adopted.

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*** ITEM 28

CM16/12/94(PD028)

APPLICATION FOR MODIFICATION OF CERTAIN APPLICATIONS AND APPROVALS
- A B PATERSON COLLEGE AT 452 BRISBANE ROAD ARUNDEL - TEAM 2

FILE REFERENCE(S)	00-06367-0000-2 825/094/138
APPLICATION NUMBER	94/138
PREVIOUS DECISION(S)	CM01/06/90(PD029)
PROJECT NAME	: A B PATERSON COLLEGE
LOCATION OF SITE	: 452 BRISBANE ROAD ARUNDEL
REAL PROPERTY DESCRIPTION	: LOT -11 ON REGISTERED PLAN 807239 COUNTY OF WARD PARISH OF BARROW
OWNER	: A B PATERSON COLLEGE LTD
APPLICANT	: PARUPS WARING ARCHITECTS PTY LTD
ZONING OF THE LAND - EXISTING	: SPECIAL FACILITY (SCHOOL)
PROPOSED DEVELOPMENT	: SWITCHBOARD BUILDING
DATE RECEIVED	: 21 NOVEMBER 1994

*** CURRENT AGENDA MATERIAL

*** REFERENCE TECHNICAL OFFICER - PLANNING (PKM) (TEAM 2) (24/11/94)

Council at its meeting of 1st June 1990 (PD029) resolved to approve a rezoning application for land situated at 452 Brisbane Road Arundel and include same within the Special Facilities (Educational Establishment) Zone.

The submission accompanying the application indicated a minimum 6.0 metre wide buffer zone is to be provided from the buildings to the property boundaries.

The applicant now seeks approval to construct a switchboard building within the 6.0 metre setback area on the north western boundary abutting the adjacent residential property.

The proposal is to replace the existing switchboard for the update of the College supply.

A 4.6 metre setback to the property boundary is proposed. This relaxation is considered minor in impact.

The request for a modification of certain applications and approvals is considered to be reasonable and warrants favourable consideration by Council. The approval was urgent due to power needs for the College and was approved by the Director, Development and Environment Planning on the basis of a letter of undertaking on the additional landscaping.

*** OFFICER RECOMMENDATION

It is recommended that the approval of the application for a modification of conditions be ratified subject to a 4.6 metre setback area being provided between the proposed switchboard building and the north western property boundary abutting the adjacent residential premises.

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- A B PATERSON COLLEGE AT 452 BRISBANE ROAD ARUNDEL - TEAM 2

Such setback area is to be densely planted to effectively screen the switchboard building to be to the satisfaction of the Director, Development and Environment Planning.

*** RECOMMENDATION

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

*** ITEM 29

CM16/12/94(PD029)

APPLICATION TO AMEND A PLANNING SCHEME BY REZONE OF LAND - 456 PINE RIDGE ROAD COOMBABAH - TEAM 2

FILE REFERENCE(S)	663/094/079
VIDE ITEM(S)	01-01032-0000-3 LETTER(S)
PROJECT NAME	: PARADISE POINT ASSEMBLY OF GOD
LOCATION OF SITE	: 456 PINE RIDGE ROAD COOMBABAH
REAL PROPERTY DESCRIPTION	: LOT 3 ON REGISTERED PLAN 118943 COUNTY OF WARD PARISH OF BARROW
OWNER	: ASSEMBLIES OF GOD IN AUSTRALIA (QUEENSLAND CONFERENCE) (TRUSTEE)
APPLICANT	: PARADISE POINT ASSEMBLY OF GOD
SITE AREA	: 3615 M ²
ZONING OF THE LAND - EXISTING	: FUTURE URBAN ZONE
- PROPOSED	: SPECIAL FACILITY (PLACE OF WORSHIP AND CHILD CARE CENTRE)
PROPOSED DEVELOPMENT	: CHURCH AND CHILD CARE CENTRE AND ASSOCIATED CAR PARKING
DEFINED USE	: PLACE OF WORSHIP AND CHILD CARE CENTRE
DATE RECEIVED	: 29 AUGUST 1994
DATE ADVERTISED	: 31 AUGUST 1994
OBJECTION(S)	: 3 LETTERS WERE RECEIVED
OBJECTOR(S)	: C T LITTLE AND ASSOCIATES, SQUIGGLE'S KINDERGARTEN AND PRESCHOOL, T N AND L J BARNARD

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONE OF LAND - 456 PINE RIDGE ROAD COOMBABAH - TEAM 2

*** CURRENT AGENDA MATERIAL

*** CORRESPONDENCE T N AND L J BARNARD (FOLIO 9437663) (26/09/94)

As owners of 460 Pine Ridge Road which adjoins the above property, and having been to Council and viewed the plans for the above facility, we would like to make a very strong objection to this development on the following grounds:-

1. The rear of the block will be a carpark for over 50 cars with a down ramp running parallel with our drive. As our bedrooms are less than 20 metres from the proposed carpark we would suffer from both noise and exhaust pollution particularly as vehicles driving up the ramp will have their exhausts pointing directly at our house. Also, their plan does not show a fence or barrier between our drive and their down ramp which makes it dangerous.
2. The development plan does not show any provision for sewage or storm water drainage. As it is now, the building on the block discharges both storm water and household waste onto our block via an open drain which runs parallel with our drive, as shown on their "as is" block plan. This could not be tolerated with the new development.
3. As this development is a place of worship and child care centre with administration offices it would mean we would go from a rural atmosphere to a seven day a week virtual commercial atmosphere with noise and pollution which would be undesirable.

*** CORRESPONDENCE SQUIGGLE'S KINDERGARTEN AND PRESCHOOL (FOLIO 9437662) (RECEIVED 29/09/94)

Objection to construction of proposed Child Care Centre situated on Pine Ridge Road approximately one kilometre from our Centre and approximately the same distance from Harbour town Babyland. Listed below are reasons why we feel the construction of the proposed Centre would be inappropriate.

* The area presently is saturated with Child Care Centres and presently none of the centres in the area are running at 100% occupancy and have all been running well below 100% occupancy levels for the entire year. On these figures it is clear to see that the area proposed at this time does not have the child numbers to support such a proposal.

* There are not enough qualified staff to service all the existing services throughout the Gold Coast area and finding staff is virtually impossible in some cases. Many staff are now having to be hired under "special circumstances" whereby they do not have the appropriate qualifications or they are currently studying towards gaining qualifications. This solution I feel is inappropriate as children in the Early Childhood category deserve to be cared for by fully qualified professionals as at this time in their development they are learning skills and strategies for the rest of their lives. We would not consider hiring unqualified people to teach our primary or high schoolers so why should we deprive our little learners of this.

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**APPLICATION TO AMEND A PLANNING SCHEME BY REZONE OF LAND - 456 PINE
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*** CORRESPONDENCE PARADISE POINT ASSEMBLY OF GOD (FOLIO 9442744)
(02/11/94)

With reference to your request of additional details concerning the above application I submit the following information:-

1. The Child Care Centre is a Christian based facility which will teach the children, utilizing a Christian orientated syllabus. It will operate on a full time basis and will primarily serve the needs of the church congregation. It will also provide a service to the ever increasing area of Coombabah and in particular Pine Ridge Road. Council would be well aware of the thousands of new homes and families being established in this area and the need for such centres.

2. The Centre will cater for a total of 44 children based on the following three groups:-
2 - 3 years - 16 positions
3 - 4 years - 16 positions
4 - 5 years - 12 positions

According to our research there is a great need for the 2 - 3 years category.

3. We have discussions regarding the proposal with Rosy Wheaton at the Southport Branch of the Department of Family Services and Aboriginal and Islander Affairs.

4. The hours of operation will be 7.30am to 5.30pm, 51 weeks of the year.

I trust this information is satisfactory to your needs.

*** REFERENCE TECHNICAL OFFICER - PLANNING (PKM)(28/11/94)

Application has been received to exclude land from the Future Urban Zone and include same within a Special Facility (Place of Worship and Child Care Centre) Zone. The subject site is located on the western side of Pine Ridge Road, north of the Coombabah Road intersection.

In support of the application the applicant has advised that the congregation of the Assembly of God have been assembling at a tenancy within the Hansford Road Shopping Centre for over 4 years but require to build alternate premises as the current facilities are somewhat limited. The proposed Child Care Centre is a Christian based facility which will teach the children, utilising a Christian orientated syllabus. It will operate on a full time basis and will primarily serve the needs of the church congregation. It will also provide a service to the ever increasing area of Coombabah and in particular Pine Ridge Road.

It is proposed to cater for a total of 44 children.

Advertising

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

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Zone and Strategic Plan

The subject site is included within the Future Urban Zone and is designated as semi-detached house on the City of Gold Coast Strategic Plan.

Both a Place of Worship and Child Care Centre are classified as development which may be undertaken only with the consent of Council within the Residential Duplex Zone.

The proposed development is prohibited within the Future Urban Zone.

Car Parking

The required number of car parking spaces are assessed as follows:-

Place of Worship	1 space per 8 seats
Child Care Centre	1 space per employee; plus 1 space for every 5 children enrolled for on site passenger setdown areas. These areas shall provide for the free flow of traffic in a forward direction and shall be designed to meet the purpose of Clause 12.4.4 (Provisions for Child Care Centres in Residential Zones).

The proposal indicates that the seating capacity of the proposed Place of Worship is 250 seats.

Therefore,

Place of Worship:	250 seats	= 31.25 spaces
Child Care Centre:	44 children	= 8.80 spaces
	5 employees	= <u>5.00</u> spaces
		= 45.05 spaces required

The proposal indicates 59 spaces will be provided with a basement car park providing 24 car parking bays with the balance being at ground level.

Objections

Three letters were received. The main points of objections are as follows:-

1. Lack of information in relation to the Child Care Centre.
2. Over supply of Child Care Centres.
3. Traffic.
4. Issue of need.
5. Shortage of qualified staff.
6. Noise.

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONE OF LAND - 456 PINE
 RIDGE ROAD COOMBABAH - TEAM 2

7. Drainage.
8. Pollution.

Comments

1. The applicant was requested to submit to Council further details relating to the proposed Child Care Centre regarding number of children proposed to be catered for, hours of operation and whether the proposal has been discussed with the Department of Family Services and Aboriginal and Islander Affairs.

In response to this request Folio No. 9442744 was received which satisfactorily answered the questions raised to enable the application to be assessed in accordance with the provisions of the Planning Scheme.

2. The child care component of the proposal is primarily designed to offer to members of the church congregation a Christian based facility which will teach the children, utilising a Christian orientated syllabus.

Verbal advice received from an Officer of the Department of Family Services indicates that enquiries are received by the Department from parents, regarding the localities of such centres which do offer a Christian based child care facility.

It would appear that a need does exist for a Child Care Centre offering a Christian orientated syllabus.

3. The issue of traffic is addressed later in this report. (Refer reference from Council's Traffic Engineer.)

4. Refer Point 2.

5. The Department of Family Services has advised that a shortage of qualified staff does exist.

However, the matter of the level of staff qualifications comes under the jurisdiction of the Department of Family Services and Aboriginal and Islander Affairs.

In this instance the applicant has advised that staffing will not be a problem as they currently have three fully qualified Child Care Directors and several qualified teachers who will be assisting.

6. Should Council resolve to approve this application, adequate conditions will be imposed to allay the neighbours' fears relating to noise and pollution, and the construction of adequate drainage.

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 RIDGE ROAD COOMBABAH - TEAM 2

*** REFERENCE TRAFFIC ENGINEER (IM) (17/11/94)

The proposed development site is located on the western side of Pine Ridge Road about 80 metres to the north of Coombabah Road. At this location Pine Ridge Road has a carriageway width of 12 metres and is marked for two 3.5 metre traffic lanes and two on-road bikeways.

The site has a 50 metre frontage to Pine Ridge Road and it is proposed the existing driveways at the boundaries of the site be retained. Sight distance to and from the driveways is restricted to the north by a crest and to the south by the bend in Pine Ridge Road. However, in both cases the sight distance is greater than the stopping sight distance appropriate for 70 km/hour.

I understand the Child Care Centre will cater for 44 children, in three groups. Assuming the majority come to the site by car over a 2 hour period in the morning and are collected over an extended period in the afternoon, the traffic generated by the site would be of the order 80 one-way trips per two hour period, peaking at say 50 vehicles per hour in the morning peak.

The church will have seating for 250 persons. Traffic generated by this use depends upon car occupancy and the size of the catchment. Assuming the worst case of all trips by car and an occupancy rate of 2.5 persons per car the church might generate 100 vehicles for a service if occupied to the seating capacity.

The development will provide 59 parking spaces on site, which is well in excess of the scheme requirements. However, with a predominance of car trips some on-street parking is likely to occur in Pine Ridge Road at times of services when the church is fully occupied.

Pine Ridge Road currently carries 8,000 vehicles per day on a typical weekday. However, this figure reduces to slightly over 5,000 vehicles per day on a Sunday and the impact of the church traffic would be accommodated with the existing and projected volumes.

The main issues with the development will therefore be the impact on the on-road bikeways during school traffic times and the Sunday parking on the street.

It is proposed that the on-road bikeways be replaced in time with shared bicycle/pedestrian paths. In this regard it would be desirable to have the developer construct a 2 metre wide path on the full frontage of the site to connect with future works by Council.

With regards to the parking issues it will be necessary to assess the situation after the commencement of the church services. In any event it will be necessary to restrict parking adjacent to the site driveways to facilitate sight lines. The developer is to be responsible for the costs associated with changes to parking signage on the frontage of the site. Given the nature of the development it will also be necessary to consider public transport access and this may mean relocation of an existing stop or an additional bus stop at the site.

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One other issue is that of the street trees on the subject frontage. Some of the existing trees may need to be removed where there they restrict sight lines to the south. This work is to be carried out at the developer's cost.

*** REFERENCE TECHNICAL OFFICER (PKM) (29/11/94)

*** OFFICER RECOMMENDATION

It is recommended

- (A) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application and the submissions made by the objectors.
- (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 as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

REAL PROPERTY DESCRIPTION:	LOT 3 ON REGISTERED PLAN 118943 PARISH OF BARROW COUNTY OF WARD
LOCATION OF SITE:	456 PINE RIDGE ROAD COOMBABAH
AREA OF LAND:	3615 M ²
ZONE(S) IN WHICH THE LAND IS SITUATED AT THE DATE OF APPLICATION:	FUTURE URBAN ZONE
ZONE(S) IN WHICH THE LAND IS PROPOSED TO BE INCLUDED:	SPECIAL FACILITY (PLACE OF WORSHIP AND CHILD CARE CENTRE)
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	DWELLING HOUSE
APPROVED USE/S AS GRANTED IN THIS APPROVAL:	PLACE OF WORSHIP AND CHILD CARE CENTRE

APPROVED PLANS

- (1) The development shall be in accordance with the plans (and elevations) submitted by the applicant (Plan Nos. SP1, SP2 and SP3 submitted by Anthony Davies Architects.

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 - 2

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- (c) Approved Uses - Place of Worship and Child Care Centre

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 Food and Health Acts and all Regulations made thereunder.
- (5) 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.
- (6) Compliance with Paragraph 1 of Council's Policy on the reflectivity of glass in buildings.
- (7) The provisions of the Rezoning Approval / Consent Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.
- (8) 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 to the satisfaction of the Director Development & Environment Planning -
- (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 Director Development & Environment Planning 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 Director Development & Environment Planning 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 Director Development & Environment Planning and shall discharge stormwater by means of an underground drainage system to an outlet approved by the Director Development & Environment Planning; and

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- (i) 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 Director Development & Environment Planning in accordance with Provision 14.3.1.1 of the Planning Scheme.

NOISE & AMENITY CONTROL

- (9) 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.
- (10) Prior to the issue of a Building Approval or use of the site, if no Building Application is required, the applicant is to submit an Acoustic Engineer's report upon noise emissions and sound attenuation measures, for approval by the Director Development & Environment Planning. Any measures suggested in the report to overcome potential noise problems are to be implemented to the satisfaction of the Director Development & Environment Planning. The Noise Impact Statement is to generally address the requirements of Provision 13.13.1.4 of the Planning Scheme.
- (11) 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 Director Development & Environment Planning.
- (12) 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.
- (13) 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 Director Development & Environment Planning.
- (14) 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.
- (15) A screen fence 1.8 metres high shall be erected on all side and rear boundaries to the satisfaction of the Director Development & Environment Planning.

HOURS OF OPERATION

- (16) The Child Care Centre shall not operate between the hours of 6:00pm and 7:00am.

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.

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- (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 landscaping is to be established and maintained to the reasonable satisfaction of the Director Development & Environment Planning at all times.
- (19) 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 Director Development & Environment Planning 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 Director Development & Environment Planning. 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.
- (20) The particular flora species to be utilised are to be native species endemic to the area and are to be in accordance with Council's adopted Policies.
- (21) The required landscaped open space shall be distributed about the premises and developed as follows -
- (a) a landscaped open space area at least 6.0 metres in width shall be provided adjoining any frontage and shall be landscaped in the following manner to the satisfaction of the Director Development & Environment Planning:
- (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
- (iii) there shall be no fences within the area or between the area and the footway; and
- (iv) the area shall be paved and landscaped in a manner to integrate with the footway.
- (b) An area at least 6.0 metres in width adjoining all frontages of the site shall be landscaped and maintained to the satisfaction of the Director Development & Environment Planning.

REFUSE / RECYCLING FACILITIES

- (22) Provision shall be made for the storage and suitable access for the removal of refuse in accordance with the Refuse Management Regulations, Council's policy for recycling and the Council's By-laws, to the satisfaction of the Director, Community Services.

If the refuse storage / recycling area is to be located within the six (6) metre setback to the frontage the following provisions are met to the satisfaction of the Director Development & Environment Planning -

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- (a) the refuse storage / recycling 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 / recycling 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 / recycling area shall be screened by dense planting and mounding.
- (23) Provision shall be made for the storage, removal and screening of refuse and recycling facilities in accordance with the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

ADVICE TO DEPARTMENT OF FAMILY SERVICES WITH RESPECT TO CHILD CARE CENTRES

- (24) The Department of Family Services be advised of Council's decision to approve the subject application including details on staff and children numbers applied for and required on-site car parking (copy of conditions to be attached).

ADVERTISING DEVICES

- (25) Any advertising device is to comply with Chapter 13 of Council's By-laws.
 (26) 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

- (27) 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 Director Development & Environment Planning. Where required by the Director Development & Environment Planning, 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.
- (28) Soil exposure during the construction phase shall be minimised and restoration of exposed areas shall be carried out to the satisfaction of the Director Development & Environment Planning 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.

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- (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 Director Roads & Transport 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 Director Roads & Transport.
- (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) 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 Director Development & Environment Planning.
- (33) 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.
- (34) **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 Director Development & Environment Planning. 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.
- (35) The frontage footpath is to be upgraded in a manner satisfactory to the Director Development & Environment Planning. 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).
- (36) A formed footway shall be provided for the full length of all frontages of the site, to the satisfaction of the Director Development & Environment Planning.
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.

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- (37) Any drainage works, 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 Director Roads & Transport.
- (38) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Director Roads & Transport.
- (39) Vehicular access is to be provided in a manner satisfactory to the Director Development & Environment Planning. The minimum requirement will consist of construction using reinforced concrete in accordance with Council's standard drawing No. 52790B.

FILLING AND FLOOD LEVEL

- (40) Any filling of the site shall not cause ponding on adjoining sites.
- (41) The site is to be filled above the highest recorded flood level or design flood level to the reasonable satisfaction of the Director Development & Environment Planning. All filling is to be carried out in accordance with Local Planning Policy 'Foundation and Geotechnical Assessment'.
- (42) 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 Director Development & Environment Planning. 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. Such certificate shall be in a form prescribed by the Director Development & Environment Planning 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

(43) **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.

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In relation to paving materials and floor surfaces within private property, the Principal 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 Principal 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

- (44) 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 Director Development & Environment Planning. Should such alterations be considered necessary, the applicant shall modify all design plans accordingly prior to submission for building approval.
- (45) 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.
- (46) 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.

CONSTRUCTION ACCESS AND PROVISION FOR TRAFFIC

- (47) Access to site during construction shall be in accordance with the Local Planning Policy 'Requirements for Construction for Development Sites'.
- (48) Unloading, storage or movement of construction material or equipment shall take place within the site unless otherwise approved by the Director Development & Environment Planning.

CAR PARKING AND LOADING FACILITIES

- (49) 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 Director Development & Environment Planning. 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 Director Development & Environment Planning, be amended accordingly.

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- (50) Provision of at least fifty-nine (59) 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 Director Development & Environment Planning. 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 Director Development & Environment Planning, be amended accordingly.
- (51) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (52) 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 Director Development & Environment Planning.
- (53) 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.
- (54) The porte-cochere shall have a minimum vertical clearance of 4.5 metres.
- (55) The capacity of the porte-cochere and associated access driveways shall be sufficient to accommodate vehicles within the site, including the queuing of vehicles, to the satisfaction of the Director Development & Environment Planning.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (56) Provision of water supply and sewerage to the reasonable satisfaction of the Director Water & Wastewater 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.

- (57) The owner of the land shall bear the cost of extending the sewer main to the site prior to the issue of a Certificate of Classification. Any alteration to this extension shall be to the reasonable satisfaction of the Director Water & Wastewater.
- (58) The development shall be provided with Fire Hydrant installation conforming with the provisions of the Australian Standard AS2419 (as amended from time to time).
- (59) 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.

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- (60) 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.

HEADWORKS CONTRIBUTIONS

(61) 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. 074648(HW1WATER) 5.7 e.p.	\$2,069.00
Sewerage Account No. 074648(HW1SEWER) 10.8 e.p.	\$3,658.00
Total Component 1 Headworks Contribution	\$5,727.00

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 112.5 for the October 94/December 94 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 referral 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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(62) **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).

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 \$283-00 per Equivalent Population/Person
 Sewerage \$416-00 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 112.5 for the October 94/December 94 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.

(63) **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. Or within 14 days of receipt by the Council of notification by the owner of the land 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 Director Development & Environment Planning.

ALTERATION TO UTILITY MAINS

(64) 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 Water & Wastewater.

GEOTECHNICAL CONSIDERATIONS

(65) Where, in the opinion of the Director Development & Environment Planning and in accordance with Clause 13.4.5 of the Planning Scheme, the

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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 Director Development & Environment Planning.

- (66) All development shall comply with the Local Planning Policy "Foundation and Geotechnical Assessment".
- (67) 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.

ENGINEERING DESIGN AND CONSTRUCTION

- (68) (a) Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Director Development & Environment Planning prior to construction commencing. Approval by the Director Development & Environment Planning 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 Director Development & Environment Planning 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 Director Development & Environment Planning and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and / or Policies. The Director Development & Environment Planning 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.

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

NUISANCE

- (70) 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 Director Development & Environment Planning.

DEFERMENT OF CONSTRUCTION

- (71) . Where construction conditions applying to a rezoning approval would, in the opinion of the Director Development & Environment Planning, be more appropriately carried out at the time of development of the land than at time of rezoning, the Director Development & Environment Planning may approve the deferment of construction until the development stage, provided the owner enters into an agreement satisfactory to the Chief Executive Officer and lodges the specified performance bond. The agreement shall provide for the construction conditions to be transferred on with change of ownership of the land and also allow for re-evaluation of specific Roadworks, Water Supply and Sewerage conditions at lodgement of Building Application.

TREE PRESERVATION

- (72) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Director Parks & Recreation. 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.

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**APPLICATION TO AMEND A PLANNING SCHEME BY REZONE OF LAND - 456 PINE
 RIDGE ROAD COOMBABAH - TEAM 2**

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

(73) 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 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**

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

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CM16/12/94(PD0)

**APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS - MYOLA COURT
COOMBABAH - TEAM 2**

FILE REFERENCE(S)	665/094/008 PT 2 663/091/074 PT 5 225/001/011 PT 2
PREVIOUS DECISION(S)	CM11/03/94(PD084) CM15/07/94(PD014) CM04/11/94(PD012)
VIDE ITEM(S)	PLAN(S)
PROJECT NAME	: EDGEWATER LANDING
LOCATION OF SITE	: MYOLA COURT COOMBABAH
RPD	: LOT 204 ON REGISTERED PLAN 867592 COUNTY OF WARD PARISH OF BARROW
OWNER	: CITIE CENTRE CONSTRUCTIONS PTY LTD
APPLICANT	: CITIE CENTRE CONSTRUCTIONS PTY LTD
SITE AREA	: 2.402 HA
EXISTING ZONE	: SPECIAL RESIDENTIAL
APPROVED PLAN OF SUBDIVISION	: 5813-61
PROPOSED DEVELOPMENT	: SUBDIVISION OF 38 ALLOTMENTS
RESIDENTIAL DENSITY	: 20.7 UNITS PER HECTARE
BUILDING HEIGHT	: TWO STOREYS
DATE RECEIVED	: 18 NOVEMBER 1994

*** CURRENT AGENDA MATERIAL*** REFERENCE DEVELOPMENT APPLICATION MANAGER (KH)(05/12/94)

The proposed subdivision is a further stage of the Edgewater Landing development which is located on the western side of Myola Court at the western end of Hansford Road and The Esplanade Coombabah.

Council approved an extension of Hansford Road to service this development at its meeting on 4 November 1994 (PD012). It would appear reasonable that the construction of the extension of Hansford Road be required to be completed as part of this application to minimise the impact of the traffic generated from this expanding development on The Esplanade, Tarni Street, Iando Street and Allinga Street.

The applicant is proposing to develop Lot 94 within this subdivision, being an area of 1784 m² as a variation on the existing zoning of Special Residential. This proposal will be subject to a separate application at a later date.

The proposed density of this development is less than that required under the previous rezoning approval and is generally in accordance with the plan of development previously approved.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS - MYOLA COURT
 COOMBABAH - TEAM 2

*** OFFICER RECOMMENDATION

It is recommended that approval be granted to subdivide these allotments generally as shown on Drawing No. 5813-61 subject to the following conditions:-

- (A) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application.
- (B) The proposed subdivision of the land described herein be approved subject to the conditions of rezoning approval for the site and the conditions listed below:

DETAILS OF LAND AND APPROVED PLAN OF SUBDIVISION

REAL PROPERTY DESCRIPTION:	LOT 204 ON REGISTERED PLAN 867592 COUNTY OF WARD PARISH OF BARROW
LOCATION OF SITE:	MYOLA COURT COOMBABAH
AREA OF LAND:	2.402 HA
APPROVED PLAN OF SUBDIVISION:	5813-61
APPROVED NUMBER OF ALLOTMENTS:	THIRTY-EIGHT (38)

APPROVAL PERIOD

- (1) Within two (2) years of the date of the subdivision approval the owner of the land is to comply with the conditions of approval contained herein and complete all necessary works as required by the conditions contained herein and in accordance with the provisions of the Local Government (Planning & Environment) Act 1990 and the Planning Scheme, lodge with Council the plan of survey for the proposed subdivision.

The plan of survey is to be prepared in a form that is suitable for lodgement in the office of the relevant registering authority and shall also comply with the provisions of the Local Government (Planning & Environment) Act 1990 and the provisions contained in Clause 17.14.14 of the Planning Scheme.

Only after satisfying itself that the requirements of the conditions of subdivision approval and the relevant provisions of the Local Government (Planning & Environment) Act 1990 and the relevant provisions of the Planning Scheme have been complied with shall Council note its approval under seal on the plan of survey.

ALLOTMENT SIZE, DIMENSIONS

- (2) The minimum area and dimensions for any proposed allotment shall be in accordance with the relevant requirements of Clause 16.4.1 of the Planning Scheme.

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**APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS - MYOLA COURT
COOMBABAH - TEAM 2**

**GEOTECHNICAL ASSESSMENT, CONTAMINATED SITES AND RELATED
WORKS INCLUDING THE FILLING OR EXCAVATION OF LAND**

- (3) To ensure that land proposed to be subdivided is suitable for its intended development in terms of foundation characteristics, slope stability or other geotechnical considerations and is free of toxic contamination compliance is required with the provisions of Clause 16.13 of the Planning Scheme.
- (4) 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 Director Development and Environment Planning. 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. Such certificate shall be in a form prescribed by the Director Development and Environment Planning 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.

- (5) The proposed subdivision of land upon which stormwater runoff concentrates, or upon or over which stormwater runoff flows in concentration either intermittently or occasionally shall be drained in accordance with the provisions of the local planning policy for "Stormwater Drainage Design", provided that the land, if required by the Council, shall be filled to the Council's satisfaction so that:
- (a) the allotments are suitable for the erection thereon of a building; and
 - (b) the whole of the land comprising the subdivision, including new roads, is above flood level and is drained to the satisfaction of the Director Development and Environment Planning; and
 - (c) where land is required for park, such land is adequately drained and filled to a level which may be below the highest recorded flood level, such that there is not a drainage nuisance or problem to any adjoining allotments or road, whether existing or proposed.
 - (d) the filling work does not cause water to pond on adjoining properties or direct water onto adjoining properties.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS - MYOLA COURT
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- (6) All works within a subdivision shall comply with the requirements of any Statutory Authority in respect of soil conservation and sediment control. Any proposed means of controlling erosion and sediment shall be incorporated within the engineering plans and constructed in accordance with such plans to the satisfaction of the Director Development and Environment Planning.

STORMWATER DRAINAGE NETWORK

- (7) To ensure that stormwater runoff within land to be subdivided and on adjacent properties is adequately contained and controlled so as not to adversely affect the built or natural environment either upstream or downstream of the land.
- (8) The design of stormwater drainage works shall be certified by a suitably qualified professional engineer. The designs shall be in accordance with the relevant Australian Standards and the local planning policy "Stormwater Drainage Design" as adopted and amended from time to time. The final design shall be to the reasonable satisfaction of the Director Development and Environment Planning. The stormwater drainage works shall provide for the following minimum performance criteria -
- (a) the minor drainage system shall be designed to provide a fail safe mechanism thus ensuring that blockages or failure of the system will not cause damage to any premises nor affect the safety of any person;
 - (b) the minor drainage system shall be designed to ensure that existing downstream systems are not adversely affected;
 - (c) the minor drainage system shall enable the safe passage of vehicles at reduced operating speeds on roadways which have been affected by runoff;
 - (d) the drainage network shall be accessible and capable of being readily maintained;
 - (e) all allotment and house drainage shall be directed to the front of the allotment and discharged into the road gutter, unless the topography of the allotment requires otherwise;
 - (f) where the topography of the allotment requires allotment and house drainage to discharge to the rear of the allotment, inter-allotment drainage which is designed to accept the runoff from impervious areas shall be provided; and
 - (g) floodways shall be restricted to areas where there will be no damage to premises;
 - (h) roads may be used as floodways provided the flow depths and velocities do not create hazards for motorists.
 - (i) Outlets into reserve areas are to be designed and constructed to minimise impact of flows and water borne debris and rubbish on the reserve area.
 - (j) Nutrient stripping areas are to be provided at locations throughout the development in accordance with the recommendations of the Environmental Impact Study prepared by Soil and Water Control, for this site.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS - MYOLA COURT
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ROAD HIERARCHY AND ROAD DESIGN CRITERIA

- (9) To ensure the safe and efficient movement of vehicles and pedestrians within a hierarchical network of roads together with adequate provision for infrastructure public transport, fire and garbage services within the land reservation of the road system.
- (10) The proposed subdivision shall provide roads that are compatible with and in accordance with the Road Hierarchy Maps.
- (11) The maximum traffic volume, minimum carriageway width between kerbs, minimum footway width between kerb and allotment boundary, minimum road reserve width and the central median for any road classified under the road hierarchy schedule shall be in accordance with Table 16.3 of the Planning Scheme.
- (12) Any cul-de-sac shall incorporate an adequate turning area for motor vehicles as provided for in any relevant local planning policy.
- (13) All road intersections shall be located and designed to the satisfaction of the Planning and Development Manager.
- (14) Provision shall be made in accordance with the purpose of Clause 16.1.5 of the Planning Scheme for the following at no cost to the Council -
 - (a) construct all roads including kerb and channel and footways in accordance with the provisions of this Clause and to the satisfaction of the Director Development and Environment Planning; and
 - (b) install, as directed by the Director Development and Environment Planning, any conduits of a public utility undertaking including water reticulation conduits for which the Council is responsible in new road. All such installations shall be to the requirements and satisfaction of the Director Development and Environment Planning; and
 - (c) construct turnouts (including all associated works) from any proposed road to an external road abutting the subdivision to the same standards as prescribed for the internal road; and
 - (d) construct traffic islands as required by the Director Development and Environment Planning in new road to the requirements and satisfaction of the Director Development and Environment Planning.
- (15) All footways and bikeways shall be formed and paved with concrete or other surface treatment as approved by the Council to the satisfaction of the Director Development and Environment Planning and designed in accordance with the relevant requirements of Austroads.
- (16) The design of carriageway pavement thickness shall be determined according to the methods laid down in the Road Pavement Design approved by the Council.

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**APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS - MYOLA COURT
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ACCESS CONSTRUCTION

- (17) The design of all roads and associated works shall be to the satisfaction of the Director Development and Environment Planning and in accordance with the relevant provisions of the following -
- (a) in accordance with local planning policy "Design Standards for Engineering Works"; and
 - (b) the road design manual of Queensland Transport; and
 - (c) the manuals of the National Association of Australian State Road Authorities; and
 - (d) Road access shall be provided for adjacent lots into this development to minimise the amount of future access points onto Pine Ridge Road. The access points shall be at locations to the satisfaction of the Director Development and Environment Planning.

ROADWORKS

- (18) All new roads shall be fully constructed with kerb and channelling and full-width bituminous concrete surfacing throughout to the reasonable satisfaction of the Director Development and Environment Planning.
- (19) Where the proposed subdivision involves corner allotments whether it includes the opening of a road or a corner allotment on an existing road, provision shall be made for the corner truncation of allotments abutting the road.
- (20) Corner truncations shall be six (6) metres by three (3) equal chords.
- (21) The area truncated shall be dedicated to the Crown free of cost as a road.
- (22) All fences, trees and other obstructions within the area of a corner truncation shall be removed prior to the endorsement by the Council of its approval to the relevant plan of survey or otherwise the release of any security given for the due performance of the subdivision to construct the road, drainage or other works.

An authorised surveyor shall sign and furnish to the Council a certificate addressed to the Council and stating that such obstructions have been removed.

ROAD NAMES

- (23) To identify roads within the City with names that do not conflict with existing road names or names within adjoining Council areas compliance is required in accordance with Clause 16.1.6.1 and 16.1.6.2 of the Planning Scheme.

LANDSCAPING

- (24) The landscaping is to be established and maintained to the reasonable satisfaction of the Director Development & Environment Planning at all times.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS - MYOLA COURT
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- (25) 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 Director Development & Environment Planning prior to the issue of a building approval. 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 Director Development & Environment Planning. 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.
- (26) 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.
- (27) The applicant shall be responsible for planting appropriate koala food trees in that area between Myola Court and the flood mitigation channel to the satisfaction of the Director Development & Environment Planning.

UTILITY SERVICES

- (28) The supply of electricity and other energy sources and telecommunication services will be connected to each and every allotment within the proposed subdivision within the time period specified by the Act.

TELECOMMUNICATIONS SERVICES

- (29) The owner of the land shall demonstrate, to the Council's satisfaction, that the supply of Telecommunication services will be connected to each and every allotment within the proposed subdivision within the time period specified by the Council approval.

The owner of the land shall negotiate with the Communication Agency for the provision of telephone services to all proposed allotments within the subdivision and any conditions or requirements imposed by the Communication Agency shall form part of this approval.

The owner of the land is to indicate on the telecommunication facilities drawings the preferred location as suggested by the Communication Agency future public telephone locations.

Prior to Council sealing a Plan of Survey for the subdivision, the owner of the land is to produce documentary evidence that satisfactory arrangements have been reached with the Communication Agency for the provision of telecommunication services.

COMMUNICATION AGENCY

- (30) Submission of a copy of the approved proposal plan to the Chief Draftsman of the Communication Agency, Brisbane - for information only.
- (31) The Council requires, by arrangement with the electrical supply authority, the undergrounding of the supply of electricity within any subdivision.
- (32) Public utility conduits and markers for such conduits shall be installed in all subdivisions to the requirements of the Director Development and

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Environment Planning and in accordance with the requirements of the relevant authority.

- (33) Provision shall be made for sub-station sites, as required by the South East Queensland Electricity Board.

WATER SUPPLY AND SEWERAGE

- (34) Water reticulation shall be provided to each and every allotment in a subdivision and provision made for connection to adjoining land to the satisfaction of the Director Water and Waste Water and in accordance with the Sewerage and Water Supply Act, the Department of Housing and Local Government's guidelines and specifications and the local planning policy "Water Supply Design".

The owner of the land to which a proposal plan relates shall be responsible for all costs involved with connection to the existing Council water supply mains and the sterilisation of any new water supply mains. All connection and sterilisation works shall be carried out by the Council.

- (35) Provision shall be made for fire hydrant installation conforming with the provisions of Australian Standard AS 2419, to the satisfaction of the Director Water and Waste Water.
- (36) Water service conduits shall be provided under roadways, to the reasonable satisfaction of the Director Water and Waste Water.

WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS -
COMPONENT 1

- (37) The owner of the land shall contribute towards the cost of the provision of a water supply and sewerage in accordance with the local planning policy "Water Supply and Sewerage Headworks Contributions" and the Act.

WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS -
COMPONENT 1

- (38) As approved in the conditions of rezoning of the land and in accordance with Council's policy 'Development Charges for Water Supply and Sewerage Services' contributions are required towards Water Supply and Sewerage Headworks (Component 1).

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	
(Account No. 74648 HW1 Water) 124.8 e.p.\$363	= \$45,302.00
Sewerage	
(Account No. 74648 HW1 Sewer) 124.8 e.p.\$336	= \$41,933.00
Total Component 1 Headworks Contribution	= \$87,235.00

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The above amounts were those valid at the time of approval and are subject to increase until the time of payment, in accordance with changes in the Consumer Price Index (All Groups) Brisbane which was 112.5 for the October/December quarter of 1994. (Note the C.P.I. figure quoted has a 1989/90 base of 100).

WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS -
COMPONENT 2

- (39) In accordance with Council's policy 'Development Charges for Water Supply and Sewerage Services' contributions are required towards Water Supply and Sewerage Headworks (Component 2).

The contributions are as follows:

Water Supply (Account No. 74648 HW2 Water) : \$13,301.00 per ha
 Sewerage (Account No. 74648 HW2 Sewer) : \$25,792.00 per ha

The above rates have been derived from rates fixed in Council's Budget and densities specified in the above policy and are to be adjusted in accordance with changes in the Consumer Price Index (C.P.I.) up until the time of payment.

The rates of contributions stated relate to a C.P.I. value of Contributions on a rate per hectare shall apply to the total area of the land the subject of the application with the exception of proposed balance allotments subject to future development.

- (40) Adequate sewerage reticulation shall be provided to each and every allotment in a subdivision and provision made for connection to adjoining land to the satisfaction of the Director Water and Waste Water and in accordance with Sewerage and Water Supply Act and the local planning policy "Sewerage Supply Design". The owner of the land to which a proposal plan relates shall be responsible for all costs involved in the connection to the existing Council sewer main.
- (41) Easements in favour of Council shall be provided over all sewers located within private property.
- (42) An all weather access, to the reasonable satisfaction of the Director Development and Environment Planning, shall be provided to the existing sewerage pump station constructed to service the catchment of which this subdivision forms part.

PARK PROVISION

- (43) The land proposed to be provided for park in accordance with provision 16.1.9.1 of the Planning Scheme, and in accordance with the rezoning requirements for the overall development, such land shall -

- (a) in any other case, shall comprise a minimum 10.0 per centum of the area of the land to be subdivided; and

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- (b) be transferred to Council in fee simple; and
- (c) comprise land that is a fair average of the type of land to be subdivided; and
- (d) not comprise land used to drain the subject land or carry flood waters across the subject land unless provision is made for an underground drainage system to the satisfaction of the Director Development and Environment Planning; and
- (e) a plan of development for all required improvements within the park areas is to be submitted for approval prior to works commencing within the areas; and
- (f) be provided with lighting to the requirements of the Director Development and Environment Planning in accordance with the relevant Australian Standards for lighting of park and open space; and
- (g) be provided with water supply connection point or points to enable future supply of water to the park. These works shall be to the satisfaction of the Director Development and Environment Planning.
- (h) Council requires additional planting or other works to be undertaken so as to enhance the environmental value of the land, the public's enjoyment of the land, and the nutrient stripping requirements for the land.

PEDESTRIAN AND CYCLIST FACILITIES

- (44) Any road network within a proposed subdivision shall incorporate footpaths and bikeways to the satisfaction of the Director Development and Environment Planning. Where shared use of a road pavement for an on-road bikeway is not considered appropriate by the Director Development and Environment Planning, a non-skid, durable path of sufficient width shall be constructed for use by cyclists and, where necessary, use by pedestrians.

COMMUNITY SAFETY

- (45) The location of community facilities, including telephone boxes, street lights and bus stops, shall be designed to maximise the safety of the community, to the reasonable satisfaction of the Director Development & Environment Planning.

RETENTION OF TREES

- (46) The removal or altering of trees within a proposed subdivision shall be subject to the provisions of the Council's Tree Preservation By-law and the provisions of clause 16.1.11 of the Planning Scheme.

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DESIGN, CONSTRUCTION AND SUPERVISION OF WORKS

- (47) No works associated with a subdivision shall be undertaken except in accordance with Clause 17.14.11. of the Planning Scheme.
- (48) The designs, drawings, schedules and specifications for the construction of all canal, road, drainage, water supply, sewerage and fill works shall be prepared by, and the construction shall be carried out under the supervision of a Registered Engineer.
- (49) Prior to submission of engineering drawings and specifications for the subdivision works, allotment calculation plans shall be submitted to and approved by the Director Development and Environment Planning.
- (50) Approval by the Director Development and Environment Planning of engineering drawings and specifications for a subdivision does not waive any responsibilities of the owner of the land in respect of any relevant provisions of this Planning Scheme, the Act or any other Act or regulations thereto or any condition of any approval granted.

Neither the Council nor the Director Development and Environment Planning accepts any responsibility for the accuracy of such plans and specifications as approved.

- (51) The Consulting Engineer appointed by the person subdividing the land must bear full responsibility for all aspects of the design and construction of all subdivisional works.
- (52) Prior to the commencement of construction for any subdivision where construction involves earthworks, sewerage, water supply, drainage or structural construction, at least one (1) identifying notice shall be erected in accordance with the following provisions -
- (a) the notice shall display the following information to the satisfaction of the Director Development and Environment Planning -
 - (i) the name or description of the subdivision as shown on the Council's records; and
 - (ii) name, address and telephone number of the owner of the land; and
 - (iii) name, address and telephone number of the consulting engineers for the subdivision; and
 - (iv) name, address and telephone number of the contactors for the subdivision; and
 - (v) name and telephone number of the person to be contacted in regard to any matter arising from the construction of the subdivision; and
 - (b) the notice shall be not less than 1.200 x 900 mm and not more than 2.2 square metres in area; and
 - (c) the notice shall not contain any advertising which in the opinion of the Director Development and Environment Planning, detracts from

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- the intention to identify to the public those who are responsible for the construction of the subdivision. Any sign which, in the opinion of the Director Development and Environment Planning, is in breach of this provision shall be subject to the Council's licensing requirements for advertising signs and any applicable fees; and
- (d) the notice shall be erected on the subdivision, adjacent to and facing the major road frontage unless, in the opinion of the Director Development and Environment Planning, another location would better serve the public interest; and
 - (e) if the notice is removed at any time to make way for construction activities, it shall be re-erected within 24 hours; and
 - (f) the notice shall be maintained in good condition until the subdivision is accepted on maintenance by the Council.
- (53) The Council holds the owner of the land to which a proposal plan relates responsible for the adequate control of dust, therefore, the owner and the person wishing to subdivide the land shall ensure all subdivisions involving works shall:
- (a) provide and maintain at all times adequate dust control measures to the satisfaction of the Director Development and Environment Planning.
 - (b) provide a specification for works which shall incorporate a schedule of works which minimises the area of cleared land or open excavation at any one time; and
 - (c) ensure that all waste material including vegetation is transported from the site and disposed of in a location approved by the Director Development and Environment Planning; and
 - (d) limit construction activity to the hours of 7.00 am to 6.00 pm Monday to Saturday inclusive unless otherwise approved by the Director Development and Environment Planning.
 - (e) Prior to the sealing of a survey plan all areas affected by construction including all formed drainage flow paths shall be topsoiled with a minimum of 100 millimetres of loam or other approved topdressing and a grass cover established to the reasonable satisfaction of the Director Development and Environment Planning.
- (54) Public roads and services shall be protected against damage during any filling or excavation operation. Any damage caused to these roads and services shall be repaired by the person wishing to subdivide the land at his expense and to the satisfaction of the Director Development and Environment Planning.
- (55) Where fill material, construction material or excavated material are to be transported into the subdivision or from the subdivision, the following shall apply -

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- (a) all trucks hauling such material shall have their loads covered unless otherwise approved by the Director Development and Environment Planning; and
 - (b) a daily clean-up of roads used by haulage vehicles shall be undertaken to remove any spillage; and
 - (c) the provisions of the Council By-laws in regard to extraordinary traffic shall apply to the subdivision and the necessary permits shall be obtained from the Council.
- (56) The owner of the land is to ensure that a "smoke nuisance" is not created in the developing of this proposal. Attention is drawn to Chapter 8 of Council's By-Laws in regard to this matter.
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 owner of the land is to apply to Council and receive in writing from Council an approved site to dispose of this waste material.
- (57) That access to the development be provided from the western end of Hansford Road. The access is to be constructed with kerb and channel both sides, full width bitumen concrete surfacing with a suitable intersection design at the intersection of Hansford Road and Tarni Street to the satisfaction of the Director, Development and Environment Planning.

SUBDIVISION FOR INTEGRATED HOUSING

GENERAL PROVISIONS

- (58) The subdivision of land shall be in accordance with the approved plan pursuant to provision 4.13.3.2 of the Planning Scheme.
- (59) Prior to Council sealing survey plans for this site a list of development controls be provided and approved for Integrated Housing.

*** RECOMMENDATION

That the recommendation of the Development Application Manager be adopted.

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*** ITEM 31

CM16/12/94(PD031)

APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD - MYOLA COURT COOMBABAH - TEAM 2

FILE REFERENCE(S)	665/094/008 PT 2 663/091/074 PT 5 225/001/011 PT 2
PREVIOUS DECISION(S)	CM11/03/94(PD084) CM15/07/94(PD014) CM04/11/94(PD012)
VIDE ITEM(S)	PLAN(S)
PROJECT NAME	: SANCTUARY LANDING
LOCATION OF SITE	: MYOLA COURT COOMBABAH
RPD	: LOT 7 ON REGISTERED PLAN 228364 COUNTY OF WARD PARISH OF BARROW
OWNER	: CITIE CENTRE CONSTRUCTIONS PTY LTD
APPLICANT	: CITIE CENTRE CONSTRUCTIONS PTY LTD
SITE AREA	: 4.79 HA
EXISTING ZONE	: SPECIAL RESIDENTIAL
APPROVED PLAN OF SUBDIVISION	: 6452
PROPOSED DEVELOPMENT	: SUBDIVISION OF 69 ALLOTMENTS
RESIDENTIAL DENSITY	: 20.7 UNITS PER HECTARE
BUILDING HEIGHT	: TWO STOREYS
DATE RECEIVED	: 6 DECEMBER 1994

*** CURRENT AGENDA MATERIAL*** REFERENCE DEVELOPMENT APPLICATIONS MANAGER (KH) (TEAM 2)
(06/12/94)

The proposed subdivision is the most westerly portion of the overall development known as Edgewater Landing with access provided at the cul-de-sac end of Myola Court.

It is proposed that the allotment be subdivided into 69 individual allotments and developed as integrated housing. This results in a lower density than required under the existing Special Residential Town Planning zoning and is considered generally in accordance with the plan of development previously approved.

As this portion of the development is submitted in conjunction with a proposed subdivision of 38 allotments further to the east within the overall development it is considered reasonable that the construction of the extension of Hansford Road be required to be completed as part of this portion of the development to ensure that the extension of Hansford Road is completed as part of the next stage of development within the project.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD -
MYOLA COURT COOMBABAH - TEAM 2

*** OFFICER RECOMMENDATION

It is recommended

- (A) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application.
- (B) The proposed subdivision of the land described herein and as shown on Drawing No. 6452, be approved subject to the conditions of rezoning approval for the site and the conditions listed below:

DETAILS OF LAND AND APPROVED PLAN OF SUBDIVISION

REAL PROPERTY DESCRIPTION:	LOT 7 ON REGISTERED PLAN 228364 COUNTY OF WARD PARISH OF BARROW
LOCATION OF SITE:	MYOLA COURT COOMBABAH
AREA OF LAND:	4.79 HA
APPROVED PLAN OF SUBDIVISION:	6452
APPROVED NUMBER OF ALLOTMENTS:	SIXTY-NINE (69)

APPROVAL PERIOD

- (1) Within two (2) years of the date of the subdivision approval the owner of the land is to comply with the conditions of approval contained herein and complete all necessary works as required by the conditions contained herein and in accordance with the provisions of the Local Government (Planning & Environment) Act 1990 and the Planning Scheme, lodge with Council the plan of survey for the proposed subdivision.

The plan of survey is to be prepared in a form that is suitable for lodgement in the office of the relevant registering authority and shall also comply with the provisions of the Local Government (Planning & Environment) Act 1990 and the provisions contained in Clause 17.14.14 of the Planning Scheme.

Only after satisfying itself that the requirements of the conditions of subdivision approval and the relevant provisions of the Local Government (Planning & Environment) Act 1990 and the relevant provisions of the Planning Scheme have been complied with shall Council note its approval under seal on the plan of survey.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD -
MYOLA COURT COOMBABAH - TEAM 2

ALLOTMENT SIZE, DIMENSIONS

- (2) The minimum area and dimensions for any proposed allotment shall be in accordance with the relevant requirements of Clause 16.4.1 of the Planning Scheme.

GEOTECHNICAL ASSESSMENT, CONTAMINATED SITES AND RELATED WORKS INCLUDING THE FILLING OR EXCAVATION OF LAND

- (3) To ensure that land proposed to be subdivided is suitable for its intended development in terms of foundation characteristics, slope stability or other geotechnical considerations and is free of toxic contamination compliance is required with the provisions of Clause 16.13 of the Planning Scheme.
- (4) 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 Director Development and Environment Planning. 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. Such certificate shall be in a form prescribed by the Director Development and Environment Planning 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.

- (5) The proposed subdivision of land upon which stormwater runoff concentrates, or upon or over which stormwater runoff flows in concentration either intermittently or occasionally shall be drained in accordance with the provisions of the local planning policy for "Stormwater Drainage Design", provided that the land, if required by the Council, shall be filled to the Council's satisfaction so that:
- (a) the allotments are suitable for the erection thereon of a building; and
 - (b) the whole of the land comprising the subdivision, including new roads, is above flood level and is drained to the satisfaction of the Director Development and Environment Planning; and
 - (c) where land is required for park, such land is adequately drained and filled to a level which may be below the highest recorded flood level, such that there is not a drainage nuisance or problem to any adjoining allotments or road, whether existing or proposed.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD - MYOLA COURT COOMBABAH - TEAM 2

- (d) the filling work does not cause water to pond on adjoining properties or direct water onto adjoining properties.
- (6) All works within a subdivision shall comply with the requirements of any Statutory Authority in respect of soil conservation and sediment control. Any proposed means of controlling erosion and sediment shall be incorporated within the engineering plans and constructed in accordance with such plans to the satisfaction of the Director Development and Environment Planning.

STORMWATER DRAINAGE NETWORK

- (7) To ensure that stormwater runoff within land to be subdivided and on adjacent properties is adequately contained and controlled so as not to adversely affect the built or natural environment either upstream or downstream of the land.
- (8) The design of stormwater drainage works shall be certified by a suitably qualified professional engineer. The designs shall be in accordance with the relevant Australian Standards and the local planning policy "Stormwater Drainage Design" as adopted and amended from time to time. The final design shall be to the reasonable satisfaction of the Director Development and Environment Planning. The stormwater drainage works shall provide for the following minimum performance criteria -
 - (a) the minor drainage system shall be designed to provide a fail safe mechanism thus ensuring that blockages or failure of the system will not cause damage to any premises nor affect the safety of any person;
 - (b) the minor drainage system shall be designed to ensure that existing downstream systems are not adversely affected;
 - (c) the minor drainage system shall enable the safe passage of vehicles at reduced operating speeds on roadways which have been affected by runoff;
 - (d) the drainage network shall be accessible and capable of being readily maintained;
 - (e) all allotment and house drainage shall be directed to the front of the allotment and discharged into the road gutter, unless the topography of the allotment requires otherwise;
 - (f) where the topography of the allotment requires allotment and house drainage to discharge to the rear of the allotment, inter-allotment drainage which is designed to accept the runoff from impervious areas shall be provided; and
 - (g) floodways shall be restricted to areas where there will be no damage to premises;
 - (h) roads may be used as floodways provided the flow depths and velocities do not create hazards for motorists.
 - (i) Outlets into reserve areas are to be designed and constructed to minimise impact of flows and water borne debris and rubbish on the reserve area.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD -
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- (j) Nutrient stripping areas are to be provided at locations throughout the development in accordance with the recommendations of the Environmental Impact Study prepared by Soil and Water Control, for this site.

ROAD HIERARCHY AND ROAD DESIGN CRITERIA

- (9) To ensure the safe and efficient movement of vehicles and pedestrians within a hierarchical network of roads together with adequate provision for infrastructure public transport, fire and garbage services within the land reservation of the road system.
- (10) The proposed subdivision shall provide roads that are compatible with and in accordance with the Road Hierarchy Maps.
- (11) The maximum traffic volume, minimum carriageway width between kerbs, minimum footway width between kerb and allotment boundary, minimum road reserve width and the central median for any road classified under the road hierarchy schedule shall be in accordance with Table 16.3 of the Planning Scheme.
- (12) Any cul-de-sac shall incorporate an adequate turning area for motor vehicles as provided for in any relevant local planning policy.
- (13) All road intersections shall be located and designed to the satisfaction of the Planning and Development Manager.
- (14) Provision shall be made in accordance with the purpose of Clause 16.1.5 of the Planning Scheme for the following at no cost to the Council -
 - (a) construct all roads including kerb and channel and footways in accordance with the provisions of this Clause and to the satisfaction of the Director Development and Environment Planning; and
 - (b) install, as directed by the Director Development and Environment Planning, any conduits of a public utility undertaking including water reticulation conduits for which the Council is responsible in new road. All such installations shall be to the requirements and satisfaction of the Director Development and Environment Planning; and
 - (c) construct turnouts (including all associated works) from any proposed road to an external road abutting the subdivision to the same standards as prescribed for the internal road; and
 - (d) construct traffic islands as required by the Director Development and Environment Planning in new road to the requirements and satisfaction of the Director Development and Environment Planning.
- (15) All footways and bikeways shall be formed and paved with concrete or other surface treatment as approved by the Council to the satisfaction of the Director Development and Environment Planning and designed in accordance with the relevant requirements of Austroads.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD - MYOLA COURT COOMBABAH - TEAM 2

- (16) The design of carriageway pavement thickness shall be determined according to the methods laid down in the Road Pavement Design approved by the Council.

ACCESS CONSTRUCTION

- (17) The design of all roads and associated works shall be to the satisfaction of the Director Development and Environment Planning and in accordance with the relevant provisions of the following -
- (a) in accordance with local planning policy "Design Standards for Engineering Works"; and
 - (b) the road design manual of Queensland Transport; and
 - (c) the manuals of the National Association of Australian State Road Authorities; and
 - (d) Road access shall be provided for adjacent lots into this development to minimise the amount of future access points onto Pine Ridge Road. The access points shall be at locations to the satisfaction of the Director Development and Environment Planning.

ROADWORKS

- (18) All new roads shall be fully constructed with kerb and channelling and full-width bituminous concrete surfacing throughout to the reasonable satisfaction of the Director Development and Environment Planning.
- (19) Where the proposed subdivision involves corner allotments whether it includes the opening of a road or a corner allotment on an existing road, provision shall be made for the corner truncation of allotments abutting the road.
- (20) Corner truncations shall be six (6) metres by three (3) equal chords.
- (21) The area truncated shall be dedicated to the Crown free of cost as a road.
- (22) All fences, trees and other obstructions within the area of a corner truncation shall be removed prior to the endorsement by the Council of its approval to the relevant plan of survey or otherwise the release of any security given for the due performance of the subdivision to construct the road, drainage or other works.

An authorised surveyor shall sign and furnish to the Council a certificate addressed to the Council and stating that such obstructions have been removed.

ROAD NAMES

- (23) To identify roads within the City with names that do not conflict with existing road names or names within adjoining Council areas compliance is required in accordance with Clause 16.1.6.1 and 16.1.6.2 of the Planning Scheme.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD -
MYOLA COURT COOMBABAH - TEAM 2LANDSCAPING

- (24) The landscaping is to be established and maintained to the reasonable satisfaction of the Director Development & Environment Planning at all times.
- (25) 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 Director Development & Environment Planning prior to the issue of a building approval. 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 Director Development & Environment Planning. 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.
- (26) 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.
- (27) The applicant shall be responsible for planting appropriate koala food trees in that area between Myola Court and the flood mitigation channel to the satisfaction of the Director Development & Environment Planning.

UTILITY SERVICES

- (28) The supply of electricity and other energy sources and telecommunication services will be connected to each and every allotment within the proposed subdivision within the time period specified by the Act.

TELECOMMUNICATIONS SERVICES

- (29) The owner of the land shall demonstrate, to the Council's satisfaction, that the supply of Telecommunication services will be connected to each and every allotment within the proposed subdivision within the time period specified by the Council approval.

The owner of the land shall negotiate with the Communication Agency for the provision of telephone services to all proposed allotments within the subdivision and any conditions or requirements imposed by the Communication Agency shall form part of this approval.

The owner of the land is to indicate on the telecommunication facilities drawings the preferred location as suggested by the Communication Agency future public telephone locations.

Prior to Council sealing a Plan of Survey for the subdivision, the owner of the land is to produce documentary evidence that satisfactory arrangements have been reached with the Communication Agency for the provision of telecommunication services.

COMMUNICATION AGENCY

- (30) Submission of a copy of the approved proposal plan to the Chief Draftsman of the Communication Agency, Brisbane - for information only.

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APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD -
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- (31) The Council requires, by arrangement with the electrical supply authority, the undergrounding of the supply of electricity within any subdivision.
- (32) Public utility conduits and markers for such conduits shall be installed in all subdivisions to the requirements of the Director Development and Environment Planning and in accordance with the requirements of the relevant authority.
- (33) Provision shall be made for sub-station sites, as required by the South East Queensland Electricity Board.

WATER SUPPLY AND SEWERAGE

- (34) Water reticulation shall be provided to each and every allotment in a subdivision and provision made for connection to adjoining land to the satisfaction of the Director Water and Waste Water and in accordance with the Sewerage and Water Supply Act, the Department of Housing and Local Government's guidelines and specifications and the local planning policy "Water Supply Design".

The owner of the land to which a proposal plan relates shall be responsible for all costs involved with connection to the existing Council water supply mains and the sterilisation of any new water supply mains. All connection and sterilisation works shall be carried out by the Council.

- (35) Provision shall be made for fire hydrant installation conforming with the provisions of Australian Standard AS 2419, to the satisfaction of the Director Water and Waste Water.
- (36) Water service conduits shall be provided under roadways, to the reasonable satisfaction of the Director Water and Waste Water.

WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS -
 COMPONENT 1

- (37) The owner of the land shall contribute towards the cost of the provision of a water supply and sewerage in accordance with the local planning policy "Water Supply and Sewerage Headworks Contributions" and the Act.

WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS -
 COMPONENT 1

- (38) As approved in the conditions of rezoning of the land and in accordance with Council's policy 'Development Charges for Water Supply and Sewerage Services' contributions are required towards Water Supply and Sewerage Headworks (Component 1).

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:

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Water Supply

(Account No. 74648 HW1 Water) 220.8 e.p.\$363 = \$80,150.00

Sewerage

(Account No. 74648 HW1 Sewer) 220.8 e.p.\$336 = \$74,189.00

Total Component 1 Headworks Contribution = \$154,339.00

The above amounts were those valid at the time of approval and are subject to increase until the time of payment, in accordance with changes in the Consumer Price Index (All Groups) Brisbane which was 112.5 for the October/December quarter of 1994. (Note the C.P.I. figure quoted has a 1989/90 base of 100).

WATER SUPPLY AND SEWERAGE HEADWORKS CONTRIBUTIONS -
 COMPONENT 2

- (39) In accordance with Council's policy 'Development Charges for Water Supply and Sewerage Services' contributions are required towards Water Supply and Sewerage Headworks (Component 2).

The contributions are as follows:

Water Supply (Account No. 74648 HW2 Water) : \$13,301.00 per ha
 Sewerage (Account No. 74648 HW2 Sewer) : \$25,792.00 per ha

The above rates have been derived from rates fixed in Council's Budget and densities specified in the above policy and are to be adjusted in accordance with changes in the Consumer Price Index (C.P.I.) up until the time of payment.

The rates of contributions stated relate to a C.P.I. value of Contributions on a rate per hectare shall apply to the total area of the land the subject of the application with the exception of proposed balance allotments subject to future development.

- (40) Adequate sewerage reticulation shall be provided to each and every allotment in a subdivision and provision made for connection to adjoining land to the satisfaction of the Director Water and Waste Water and in accordance with Sewerage and Water Supply Act and the local planning policy "Sewerage Supply Design". The owner of the land to which a proposal plan relates shall be responsible for all costs involved in the connection to the existing Council sewer main.
- (41) Easements in favour of Council shall be provided over all sewers located within private property.
- (42) An all weather access, to the reasonable satisfaction of the Director Development and Environment Planning, shall be provided to the existing sewerage pump station constructed to service the catchment of which this subdivision forms part.

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**APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD -
MYOLA COURT COOMBABAH - TEAM 2**

PARK PROVISION

- (43) The land proposed to be provided for park in accordance with provision 16.1.9.1 of the Planning Scheme, and in accordance with the rezoning requirements for the overall development, such land shall -
- (a) in any other case, shall comprise a minimum 10.0 per centum of the area of the land to be subdivided; and
 - (b) be transferred to Council in fee simple; and
 - (c) comprise land that is a fair average of the type of land to be subdivided; and
 - (d) not comprise land used to drain the subject land or carry flood waters across the subject land unless provision is made for an underground drainage system to the satisfaction of the Director Development and Environment Planning; and
 - (e) a plan of development for all required improvements within the park areas is to be submitted for approval prior to works commencing within the areas; and
 - (f) be provided with lighting to the requirements of the Director Development and Environment Planning in accordance with the relevant Australian Standards for lighting of park and open space; and
 - (g) be provided with water supply connection point or points to enable future supply of water to the park. These works shall be to the satisfaction of the Director Development and Environment Planning.
 - (h) Council requires additional planting or other works to be undertaken so as to enhance the environmental value of the land, the public's enjoyment of the land, and the nutrient stripping requirements for the land.

PEDESTRIAN AND CYCLIST FACILITIES

- (44) Any road network within a proposed subdivision shall incorporate footpaths and bikeways to the satisfaction of the Director Development and Environment Planning. Where shared use of a road pavement for an on-road bikeway is not considered appropriate by the Director Development and Environment Planning, a non-skid, durable path of sufficient width shall be constructed for use by cyclists and, where necessary, use by pedestrians.

COMMUNITY SAFETY

- (45) The location of community facilities, including telephone boxes, street lights and bus stops, shall be designed to maximise the safety of the community, to the reasonable satisfaction of the Director Development & Environment Planning.

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**APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD -
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RETENTION OF TREES

- (46) The removal or altering of trees within a proposed subdivision shall be subject to the provisions of the Council's Tree Preservation By-law and the provisions of clause 16.1.11 of the Planning Scheme.

DESIGN, CONSTRUCTION AND SUPERVISION OF WORKS

- (47) No works associated with a subdivision shall be undertaken except in accordance with Clause 17.14.11 of the Planning Scheme.
- (48) The designs, drawings, schedules and specifications for the construction of all canal, road, drainage, water supply, sewerage and fill works shall be prepared by, and the construction shall be carried out under the supervision of a Registered Engineer.
- (49) Prior to submission of engineering drawings and specifications for the subdivision works, allotment calculation plans shall be submitted to and approved by the Director Development and Environment Planning.
- (50) Approval by the Director Development and Environment Planning of engineering drawings and specifications for a subdivision does not waive any responsibilities of the owner of the land in respect of any relevant provisions of this Planning Scheme, the Act or any other Act or regulations thereto or any condition of any approval granted.

Neither the Council nor the Director Development and Environment Planning accepts any responsibility for the accuracy of such plans and specifications as approved.

- (51) The Consulting Engineer appointed by the person subdividing the land must bear full responsibility for all aspects of the design and construction of all subdivisional works.
- (52) Prior to the commencement of construction for any subdivision where construction involves earthworks, sewerage, water supply, drainage or structural construction, at least one (1) identifying notice shall be erected in accordance with the following provisions -
- (a) the notice shall display the following information to the satisfaction of the Director Development and Environment Planning -
- (i) the name or description of the subdivision as shown on the Council's records; and
 - (ii) name, address and telephone number of the owner of the land; and
 - (iii) name, address and telephone number of the consulting engineers for the subdivision; and
 - (iv) name, address and telephone number of the contactors for the subdivision; and

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- (v) name and telephone number of the person to be contacted in regard to any matter arising from the construction of the subdivision; and
 - (b) the notice shall be not less than 1.200 x 900 mm and not more than 2.2 square metres in area; and
 - (c) the notice shall not contain any advertising which in the opinion of the Director Development and Environment Planning, detracts from the intention to identify to the public those who are responsible for the construction of the subdivision. Any sign which, in the opinion of the Director Development and Environment Planning, is in breach of this provision shall be subject to the Council's licensing requirements for advertising signs and any applicable fees; and
 - (d) the notice shall be erected on the subdivision, adjacent to and facing the major road frontage unless, in the opinion of the Director Development and Environment Planning, another location would better serve the public interest; and
 - (e) if the notice is removed at any time to make way for construction activities, it shall be re-erected within 24 hours; and
 - (f) the notice shall be maintained in good condition until the subdivision is accepted on maintenance by the Council.
- (53) The Council holds the owner of the land to which a proposal plan relates responsible for the adequate control of dust, therefore, the owner and the person wishing to subdivide the land shall ensure all subdivisions involving works shall:
- (a) provide and maintain at all times adequate dust control measures to the satisfaction of the Director Development and Environment Planning.
 - (b) provide a specification for works which shall incorporate a schedule of works which minimises the area of cleared land or open excavation at any one time; and
 - (c) ensure that all waste material including vegetation is transported from the site and disposed of in a location approved by the Director Development and Environment Planning; and
 - (d) limit construction activity to the hours of 7.00 am to 6.00 pm Monday to Saturday inclusive unless otherwise approved by the Director Development and Environment Planning.
 - (e) Prior to the sealing of a survey plan all areas affected by construction including all formed drainage flow paths shall be topsoiled with a minimum of 100 millimetres of loam or other approved topdressing and a grass cover established to the reasonable satisfaction of the Director Development and Environment Planning.
- (54) Public roads and services shall be protected against damage during any filling or excavation operation. Any damage caused to these roads and services shall be repaired by the person wishing to subdivide the land at

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**APPLICATION TO SUBDIVIDE LAND INTO ALLOTMENTS AND TO OPEN ROAD -
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his expense and to the satisfaction of the Director Development and Environment Planning.

- (55) Where fill material, construction material or excavated material are to be transported into the subdivision or from the subdivision, the following shall apply -
- (a) all trucks hauling such material shall have their loads covered unless otherwise approved by the Director Development and Environment Planning; and
 - (b) a daily clean-up of roads used by haulage vehicles shall be undertaken to remove any spillage; and
 - (c) the provisions of the Council By-laws in regard to extraordinary traffic shall apply to the subdivision and the necessary permits shall be obtained from the Council.
- (56) The owner of the land is to ensure that a "smoke nuisance" is not created in the developing of this proposal. Attention is drawn to Chapter 8 of Council's By-Laws in regard to this matter.
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 owner of the land is to apply to Council and receive in writing from Council an approved site to dispose of this waste material.
- (57) That access to the development be provided from the western end of Hansford Road. The access is to be constructed with kerb and channel both sides, full width bitumen concrete surfacing with a suitable intersection design at the intersection of Hansford Road and Tarni Street to the satisfaction of the Director, Development and Environment Planning.

**SUBDIVISION FOR INTEGRATED HOUSING
GENERAL PROVISIONS**

- (58) The subdivision of land shall be in accordance with the approved plan pursuant to provision 4.13.3.2 of the Planning Scheme.
- (59) Prior to Council sealing survey plans for this site a list of development controls be provided and approved for Integrated Housing.

*** **RECOMMENDATION**

That the recommendation of the Development Application Manager be adopted.

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*** ITEM 32

CM16/12/94(PD032)

BOUNDARY REALIGNMENT - 378 PINE RIDGE ROAD COOMBABAH - TEAM 2

FILE REFERENCE(S)	665/094/034 663/093/027
VIDE ITEM(S)	PLAN(S)
LOCATION OF SITE	: 378 PINE RIDGE ROAD COOMBABAH
REAL PROPERTY DESCRIPTION	: LOT 4 ON REGISTERED PLAN 96471 AND LOT 6 ON REGISTERED PLAN 86211 COUNTY OF WARD PARISH OF BARROW
OWNER	: NEVILLE BRUCE RAYWARD AND PINE RIDGE HOLDINGS PTY LTD
APPLICANT	: LIFESTYLE INVESTMENTS PTY LTD
PROPOSED DEVELOPMENT	: BOUNDARY REALIGNMENT
SITE AREA	: 1042 M ²
ZONING OF THE LAND	: DUPLEX DWELLING HOUSE
APPROVED PLAN OF SUBDIVISION	: AF0498-00/22

*** CURRENT AGENDA MATERIAL*** REFERENCE DEVELOPMENT APPLICATIONS MANAGER (KH) (TEAM 2)
(06/12/94)

The proposed subdivision is a boundary realignment along the northern boundary of Lot 6 on Registered Plan 86211 which is part of a development being undertaken by Lifestyle Investments Pty Ltd on the western side of Pine Ridge Road south of the intersection with Lae Drive.

This boundary realignment is by mutual agreement between the two owners to allow the extinguishment of a 10 metre wide access easement on Lot 6 on Registered Plan 86211.

*** 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 proposed subdivision be approved subject to the conditions listed below:

APPROVAL PERIOD

- (1) Within two (2) years of the date of the subdivision approval the owner of the land is to comply with the conditions of approval contained herein and complete all necessary works as required by the conditions contained herein and in accordance with the provisions of the Local Government (Planning & Environment) Act 1990, lodge with Council the plan of survey for the proposed subdivision.

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BOUNDARY REALIGNMENT - 378 PINE RIDGE ROAD COOMBABAH - TEAM 2

The plan of survey is to be prepared in a form that is suitable for lodgement in the office of the relevant registering authority and shall also comply with the provisions of the Local Government (Planning & Environment) Act 1990.

Only after satisfying itself that the requirements of the conditions of subdivision approval and the relevant provisions of the Local Government (Planning & Environment) Act 1990 have been complied with shall Council note its approval under seal on the plan of survey.

STORMWATER DRAINAGE NETWORK

- (2) That adequate stormwater drainage facilities are provided within Lot 6 on Registered Plan 86211 to ensure that stormwater runoff from the upstream properties is transferred to a legal point of discharge in accordance with Council's requirements.

*** **RECOMMENDATION**

That the recommendation of the Development Application Manager be adopted.

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*** ITEM 33

CM16/12/94(PD033)

UNLAWFUL BUILDING WORK AT 3 ORCHID AVE, SURFERS PARADISE - TEAM 4

FILE REFERENCE(S)	06-01751-0000-X PT5
PREVIOUS DECISION(S)	CM22/04/94(PD009)
LOCATION OF SITE	: 'TOP OF THE MARK' 3 ORCHID AVENUE, SURFERS PARADISE
REAL PROPERTY DESCRIPTION	: LOT 86 TO 91 ON BUP 3410, PARISH OF GILSTON, COUNTY OF WARD
OWNER	: HACHMA INTERNATIONAL (AUST) P/L

*** PREVIOUS AGENDA MATERIAL

*** CORRESPONDENCE RAPCIVIC CONSTRUCTIONS (FOLIO 9412737) (29/03/94)

We act for Hachma International (Australia) Pty Ltd.

We refer to your letter of 24 February 1994 enclosing a notice pursuant to Section 54 that we are to appear before Council's Planning and Development Committee regarding certain matters relating to a lift shaft contained within "The Mark".

Please be advised that new flooring within the shaft at each storey has been constructed and will be certified by a Consulting Engineer accompanying a Building Application. The Building Application will be lodged by 8 April 1994.

No access will be available to the subject areas until the issue of a Building Permit. We regret the circumstances surrounding this matter and trust that the issue is now satisfactorily resolved.

*** REFERENCE ASSISTANT TO PRINCIPAL BUILDING SURVEYOR (BG) (31/03/94)

An inspection resulting from a report in the local daily newspaper revealed some unlawful building work at the abovementioned premises.

The unlawful building work comprised the removal of the lift doors and construction of a timber floor to the southern lift shaft.

Section 30A of the Building Act states inter alia: "A person shall not carry out or cause to be carried out building work in respect of which the Standard Building Bylaws require the approval of the Local Government unless such approval has first been obtained."

A search of Council records failed to produce a building approval for the subject work.

Pursuant to Section 64 C.(1) which states inter alia - "A person who contravenes or fails to comply with any provisions of this Act commits an offence against this Act."

The maximum penalty is \$12,000 and if the offence is a continuing offence, a maximum daily penalty of \$1200.

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UNLAWFUL BUILDING WORK AT 3 ORCHID AVE, SURFERS PARADISE - TEAM 4

It is appropriate for Council to consider prosecution of offenders in such situations. It is understood that certain injuries were sustained by a person falling through the timber flooring in the lift shaft.

A 'Show Cause' Notice issued pursuant to Section 54 of the Building Act was sent to the owners to appear before or make a written submission to Council's Planning and Development Committee meeting of 12 April 1994. A response has been received (refer Folio 9412737) from Rapticiv Constructions Pty Ltd, acting for the owners, which is a reputable company and there is no reason to believe that the building will not be brought into conformity with the Standard Building Bylaws.

*** OFFICER RECOMMENDATION

It is recommended that -

- (A) Council confirm the 'Show Cause' action taken with respect to this item.
- (B) Council consider the report of the Assistant to Principal Building Surveyor of 31 March 1994, together with any submissions made by or on behalf of the owners.
- (C) Council determine whether to prosecute the owners for failing to comply with the requirements of the Building Act by carrying out building work without approval.
- (D) Council acknowledges that the building work comprising the removal of the lift doors and the construction of a timber floor to the southern lift shaft has been carried out without an approval required by the Standard Building Bylaws having been obtained in respect thereof.
- (E) Council resolves to serve Notice pursuant to Section 52(1)(a) of the Building Act, requiring the owners to perform such work on the building as is necessary to bring the same into conformity with the Standard Building Bylaws or, if Council is of the opinion that it is practically impossible to bring it into conformity, then to demolish the unlawful building work, within one (1) month of the date of service of the notice.

COUNCIL DECISION CM22/04/94(PD009)

- (A) Council note that a written submission was made by Rapticiv Constructions Pty Ltd on behalf of the owners advising that a building application would be submitted on 13 April 1994.
- (B) Council confirm the 'Show Cause' action taken with respect to this item.
- (C) Council consider the report of the Assistant to Principal Building Surveyor of 31 March 1994, together with the submission made on behalf of the owners.
- (D) Council acknowledges that the building work comprising the removal of the lift doors and the construction of a timber floor to the southern lift shaft has been carried out without an approval required by the Standard Building Bylaws having been obtained in respect thereof.

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UNLAWFUL BUILDING WORK AT 3 ORCHID AVE, SURFERS PARADISE - TEAM 4

- (E) Council resolves to serve Notice pursuant to Section 52(1)(a) of the Building Act, requiring the owners to perform such work on the building as is necessary to bring the same into conformity with the Standard Building Bylaws within seven (7) days of the date of service of the notice.
- (F) Council instruct the Chief Executive Officer to institute legal proceedings against the owners for carrying out building work without Building Approval.

*** CURRENT AGENDA MATERIAL

*** CORRESPONDENCE THE PROPRIETORS "TOP OF THE MARK" (FOLIO 9434909) (02/09/94)

Reference is made to the complaint by Robert Henry Brown against the abovenamed body corporate, a copy of which is enclosed for your reference.

Upon receipt of the complaint, the body corporate had its solicitors request particulars from Council's solicitors of the "building work" referred to in the complaint. The particulars provided by Council's solicitors disclosed that the building work comprised the removal of lift doors and construction of a timber floor to the southern lift shaft of the Top of the Mark building.

Enquiries reveal that this work was in fact carried out some 15 years ago when the commercial units in the building on the floors where the southern lift shaft is located were still in the ownership of their original proprietor, Swift Properties (Gold Coast) Pty Ltd. The commercial units in the building have changed hands twice since then.

A search of the minutes of meetings of the body corporate and its committee disclose that the body corporate did not cause the work to be carried out.

In these circumstances, it appears that another person or entity caused the work to be carried out. The body corporate therefore considers that it has not committed the offence for which it is being prosecuted.

Council will also note that upon being made aware that the work did not conform with Council requirements (upon receipt of Council's section 54 notice dated 24 February 1994), the body corporate promptly arranged for the work to be brought into conformity with Council requirements. The body corporate's contractor wrote to Council on 29 March 1994 advising that the required rectification work had been completed. It is understood that this work received Council approval in late April 1994.

The body corporate therefore requests that Council give consideration to withdrawing the complaint. As the complaint is to come before the court on 8 September 1994, the body corporate requests that Council give its urgent consideration to the matter.

*** REFERENCE DEVELOPMENT MANAGER (BG) (25/11/94)

Council at its meeting of the 22 April 1994 (PD009) resolved to begin legal proceedings against the owners of the subject property for carrying out building work without Building Approval. Section 30A of the Building Act states that a person shall not carry out or cause to be carried out building work in respect of which the Standard Building Law

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UNLAWFUL BUILDING WORK AT 3 ORCHID AVE, SURFERS PARADISE - TEAM 4

requires the approval of the Local Government unless such approval has first been obtained. Section 64C(1) of the Building Act states that a person who contravenes or fails to comply with any provision of the Building Act commits an offence against the Act and if convicted of an offence against the Act is liable to a maximum penalty of \$12,000 or, if the offence is a continuing offence, a maximum daily penalty of \$1,200.

Legal proceedings were initiated and a Complaint and Summons duly executed upon the owners. The owners of the property have responded (Folio 9434909) claiming that the unlawful building work was carried out approximately 15 years ago when the commercial units in the building were still in the ownership of the original proprietor, Swift Properties (Gold Coast) Pty Ltd. The commercial units in the building have changed hands twice since then, consequently it did not cause the said building work to be carried out.

The current Body Corporate upon being made aware of the unlawful building work arranged for the work to be brought into conformity with the Standard Building Law. The building work now complies with Council requirements.

Council's decision to prosecute relates to a report that injuries were sustained by a person falling through the timber flooring in the lift shaft, and upon further investigation discovered that no building approval had been given for the building work in the lift shaft. After being advised that building approval was required for the subject unlawful building work, the Body Corporate immediately sought Council approval. The subject building work has been brought into conformity with the Standard Building Law.

The matter of prosecution is set down for hearing in the Southport Magistrates Court on the 9 February 1995.

*** OFFICER RECOMMENDATION

It is recommended that Council resolve to withdraw the Complaint and Summons and discontinue the legal proceedings in this matter. The owners be advised accordingly.

*** RECOMMENDATION

That the recommendation of the Development Application Manager be adopted.

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*** ITEM 34

CM16/12/94(PD034)

TOWN PLANNING SCHEME - REVOCATION OF TOWN PLANNING PERMIT NO. 818/092/092 SITUATED AT CORNER CRONIN AVENUE AND 9-11 TEDDER AVENUE, MAIN BEACH - TEAM 4

FILE REFERENCE(S) PREVIOUS DECISION(S)	818/092/092 CM11/09/92(PD011)
LOCATION OF SITE	: CORNER CRONIN AVENUE & 9-11 TEDDER AVENUE, MAIN BEACH
REAL PROPERTY DESCRIPTION	: LOTS 1 & 2 ON REGISTERED PLAN M73841, PARISH OF GILSTON, COUNTY OF WARD
OWNER	: CALIE MALOUF INVESTMENTS PTY LTD
APPLICANT	: DR. PAUL ROBINSON C/- DREDGE AND BELL PLANNING PTY LTD PROPOSED DEVELOPMENT
SITE AREA	: MEDICAL CENTRE
ZONING OF THE LAND	: 1113 SQUARE METRES : RESIDENTIAL MULTI UNIT ZONE

*** PREVIOUS AGENDA MATERIAL

*** REFERENCE PLANNING OFFICER (ST)(11/08/92)

PROPOSAL

The applicant's proposal is to convert an existing dwelling on the land for his specialist consulting practice and make provision within the building for a second specialist to join the practice in the future.

The gross floor area/total use area will amount to 126 square metres and car parking provision on site has been made for seven (7) vehicles together with an ambulance bay which is desirable for the specialist or orthopaedic practice.

STATUTORY ADVERTISING

The Statutory Advertising of the proposal has been carried out in accordance with Section 4 of the Local Government (Planning & Environment) Act 1990.

OBJECTIONS

Three (3) objections were received from the statutory advertising of the proposal and the grounds for objection are summarised below:

- (1) The area is residential - the proposal will influence the character of the locality.

Comment:

Within the Residential zone the proposed development is permissible with consent of Council subject to satisfactory protection of existing residential amenity. It is considered that the proposed development will not be of detriment, furthermore

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TOWN PLANNING SCHEME - REVOCATION OF TOWN PLANNING PERMIT NO. 818/092/092 SITUATED AT CORNER CRONIN AVENUE AND 9-11 TEDDER AVENUE, MAIN BEACH - TEAM 4

it is the applicant's intention to utilise the existing residence on the land, therefore retaining residential character.

- (2) Use of area for car parking adjoins recreation area of unit.

Comment:

Considerable landscaping is to be provided to the south western boundary which is considered to adequately buffer adjoining residential development and thereby protect existing amenity.

- (3) Noise and car fumes pose a serious threat to health and well being of residents.

Comment:

It is considered that the proposed landscaping and the imposition of screen fences to adjoining residential properties would mitigate any concerns.

- (4) Public use - increase security risk for neighbours and deprives residences of privacy.

Comment:

To say that the proposed development would create a security risk is subjective and not considered a relevant town planning consideration. The comments of objection (2) are valid regarding privacy.

- (5) Increase in Traffic:

Comment:

The proposed development meets Council's requirements with regard to access and off street car parking provision.

- (6) Doesn't appear to be a demand to include a medical centre on this site.

Comment:

Not a town planning consideration.

CAR PARKING/ACCESS

In accordance with Scheme requirements car parking is calculated at the rate of one (1) space per 20 square metres of total or part thereof of use area.

Therefore car parking required is: $126 \text{ m}^2 \div 20 = 6.3 \text{ spaces}$

Parking has been provided for seven (7) spaces and an ambulance bay which meet Council's layout and design criteria.

Access to the site is considered satisfactory for the proposed development.

Under the provisions of the Draft Scheme the same car parking is required.

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SETBACKS

The proposed building is existing and meets the setback requirement of Clause (51) of the Town Planning Scheme further these areas have been identified for landscape purposes.

DRAFT SCHEME

The proposed development is contained within the Residential - Multi Unit Zone under the provisions of the Draft Scheme and a medical centre within that zone is permissible with consent of Council.

GENERAL COMMENT

The proposed development meets the specified development parameters for this form of development and it is considered that the scale of development proposed and landscape provision identified on the submitted plans would not adversely affect the existing amenity or the likely future amenity of the neighbourhood and as the intention is to retain the existing dwelling, the development would be in keeping with the character of the locality. In view of the above the application should be given favourable consideration.

*** OFFICER RECOMMENDATION

It is recommended the applicant and the objectors be notified, as required under the provisions of "The Local Government (Planning & Environment) Act 1990 (as amended from time to time), 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:	LOTS 1 & 2 ON REGISTERED PLAN M73841 PARISH OF GILSTON COUNTY OF WARD
POSTAL ADDRESS:	CORNER CRONIN AVENUE & 9-11 TEDDER AVENUE, MAIN BEACH
AREA OF LAND:	1113 SQUARE METRES
USE OF PREMISES AT THE TIME OF THE APPLICATION:	DWELLING & VACANT ALLOTMENT
APPROVED USE/S AS GRANTED IN THIS CONSENT:	MEDICAL CENTRE

CONDITIONS ATTACHED TO THE COUNCIL CONSENTAPPROVED PLANS

- (1) The development is to be generally in accordance with the plans (and elevations) submitted by the applicant (Drawing No. 9821 prepared by Dredge & Bell Planning received 3 July, 1992). This approval is for two (2) medical practitioners only and any increase in medical practitioners from this site would require a further Town Planning application.

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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 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.
- (3) Provision of fire services in accordance with the Fire Safety Act.
- (4) Compliance with the Health Acts and all Regulations made thereunder.
- (5) Compliance with the requirements imposed by the Inspector of Shops and Factories.
- (6) The provisions of the Town Planning approval are to be effected prior to the commencement of the specific use as granted by the said permit.

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.

LIGHTING DEVICES

- (9) 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

- (10) The landscaping is to be established and maintained to the reasonable satisfaction of the Planning and Development Manager at all times.
- (11) 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.

SETBACK AND OPEN SPACE AREAS

- (12) Provision of screen fences to side and rear boundaries to the satisfaction of the Planning and Development Manager.

ADVERTISING DEVICES

- (13) Any advertising device is to comply with Chapter 13 of Council's By-laws.
- (14) 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

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assessing such applications, particular regard will be given to preserving the amenity of the area.

STORMWATER DRAINAGE

- (15) 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.
- (16) In accordance with Council policy "Stormwater Headworks Charges for Building Approval" a contribution is applicable towards the cost of 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 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.

ROADWORKS AND FOOTPATH AREAS

- (17) 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.
- (18) 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.

PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (19) Access to site, vehicular parking and loading bay requirements are to be in accordance with Council's parking policy and any relevant standard drawings.

CAR PARKING

- (20) Provision of at least seven (7) off-street car parking spaces and access thereto to be constructed in accordance with Paragraphs 17 to 20, Division II, Part VIII of the Town Planning Scheme and Council's Car Parking Policy 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.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (21) 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.
- (22) **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).

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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 for the site the subject of this application.

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

Water Supply \$269.00 per Equivalent Population / Person
 Sewerage \$396.00 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 107.0 for the June quarter of 1992 (Note the C.P.I. figure quoted has a 1989/90 base of 100).

(23) **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.

SUBDIVISION OF LAND

- (24) 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.

COUNCIL DECISION CM11/09/92(PD011)

That the recommendation of the Planning Officer be adopted.

*** **CURRENT AGENDA MATERIAL**

*** **REFERENCE ADMINISTRATION OFFICER (DW) (25/11/94)**

Town Planning Permit No. 818/92/92 has not been acted upon. Notice was served upon the current land owner and the occupiers on 1 November, 1994, of Council's intention to revoke the permit in accordance with the provisions of the Local Government Act, 1990. The owner has verbally advised that the use of the land has changed since Town Planning No. 818/092/092 was issued and has asked that the above permit be revoked and no written objections have been received.

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*** OFFICER RECOMMENDATION

It is recommended that Town Planning Permit No. 818/092/092 be revoked.

*** RECOMMENDATION

That the recommendation of the Administration Officer be adopted.

*** ITEM 35

CM16/12/94(PD035)

APPLICATION FOR TOWN PLANNING CONSENT FOR DEVELOPMENT OF A ROWING CLUBHOUSE - 159 BUNDALL ROAD, BUNDALL - TEAM 4

FILE REFERENCE(S)	818/094/115
APPLICATION NUMBER	940115
PREVIOUS DECISION(S)	CM28/01/94(PD044)
VIDE ITEM(S)	OBJECTOR(S) MAP(S)

PROJECT NAME	:	SURFERS PARADISE ROWING CLUB
LOCATION OF SITE	:	159 BUNDALL ROAD, BUNDALL
REAL PROPERTY DESCRIPTION	:	LOT 1 ON RP192651
OWNER	:	GOLD COAST CITY COUNCIL
APPLICANT	:	DREDGE & BELL PLANNING PTY LTD
SITE AREA	:	1485 SQUARE METRES
ZONING OF THE LAND	:	PUBLIC OPEN SPACE - GENERAL
PROPOSED DEVELOPMENT	:	ERECTION OF A BUILDING FOR ROWING CLUB & STORAGE FACILITIES - MODIFICATION OF APPROVED PLAN
DEFINED USE	:	INDOOR & OUTDOOR RECREATION - ROWING CLUB
DATE RECEIVED	:	01/08/94
DATE ADVERTISED	:	13/08/94
OBJECTIONS	:	12 LETTERS WERE RECEIVED
OBJECTORS	:	SEE LIST IN VIDE ITEM

*** CURRENT AGENDA MATERIAL

*** REFERENCE PLANNING OFFICER (TJ) (21/11/94)

SUBJECT SITE & SURROUNDING AREA The site is located on the east side of Bundall Road immediately north of the Evandale Canal. It is part of land which supports the Civic Centre complex and is owned by Council. The land is presently undeveloped but is used as a launching place for barges for maintenance and construction along canal and river

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**APPLICATION FOR TOWN PLANNING CONSENT FOR DEVELOPMENT OF A
 ROWING CLUBHOUSE - 159 BUNDALL ROAD, BUNDALL - TEAM 4**

banks. The site is isolated by the river and Bundall Road. The nearest neighbours are Chevron Island residents which face the site from the opposite side of the Nerang River.

PLANNING HISTORY Consent Application 818/93/175 was approved by Council and issued on 15 March 1994. The permit allows construction of a single-storey building for the purpose of a clubhouse and storage facility for the Surfers Paradise Rowing Club. Council has also previously indicated that it would grant a lease to cover the area covered by the rowing clubhouse and storage facilities.

PROPOSAL In effect, this application proposes construction of a second storey. The applicant submitted that the rowing club has found that for a viable operation, additional facilities will need to be provided. Given the size of the site, this can only be provided by inclusion of a second storey. The proposed building essentially maintains the ground level already approved. The profile of the building with the second storey is to be kept as low as practicable and, by taking advantage of the level differences, the building will appear as a single-storey structure when viewed from Bundall Road. From the residential properties across the river, given the separation distance, and equivalent building envelope, this current proposal will appear similar to the proposal already approved.

Among other activities generally associated with sporting clubs it is envisaged that the additional floor area will enable the club to conduct social functions on-site.

No pontoons are proposed. It is intended to use the existing beach to launch craft.

The applicant submitted that the rowing club's hydraulic engineering consultants have confirmed that it is technically possible to connect the existing rising main adjacent to the site and the club accepts responsibility for these works.

ADVERTISING The application has been advertised in accordance with the provisions of the Local Government (Planning & Environment) Act.

OBJECTIONS Twelve objections have been received from residents across the river on Chevron Island. The basis of the objections is summarised as follows:

Noise from the rowing club would carry clearly across the river and disturb residents on the opposite side. With an increase in patronage, and the likelihood of the club seeking a liquor licence for social activities, and doors opening to a verandah which extends the width of the upper level, noise would disturb the peaceful residential amenity presently enjoyed.

One letter also raised objection to the building of boat ramps and oil pollution spreading on the river.

One letter says that a double storey building will be too prominent in the landscape.

The applicant responded to the objections as follows:

"The applicant appreciates the perceived concerns of the objectors and is proposing that all of the external walls of that part of the building which may be used for social functions,

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APPLICATION FOR TOWN PLANNING CONSENT FOR DEVELOPMENT OF A ROWING CLUBHOUSE - 159 BUNDALL ROAD, BUNDALL - TEAM 4

will be constructed of impervious materials and windows will be double-glazed. This will keep noise transmission from the premises to a minimum and certainly below ambient noise levels associated with heavy traffic on Bundall Road and the Chevron Island Bridge.

The applicant accepts that this form of construction will also require appropriate air-conditioning to be installed and that any doors or opening windows will have to be secured when the club is operating. The applicant is prepared to accept conditions to be imposed upon the approval to this effect, such that the premises will be sound-proofed to effectively prevent external noise disturbance. With these controlling measures it is considered that the grounds of objection have been satisfactorily addressed and that the concerns of residents can be overcome by the imposition of appropriate conditions. It is therefore considered that the objections do not warrant refusal of the application provided that approval is conditional on the noise mitigation controls being insisted upon."

ADVICE FROM QUEENSLAND TRANSPORT

Main Roads do not object to the proposal in principle providing car parking is available at the civic centre site to accommodate additional cars at times when social functions operate. They request that Council impose a standard-type permit condition which requires observance of the requirements of Queensland Transport at full cost to the applicant. Telephone discussions indicate that any requirements would be a minor financial outlay, probably relating to restriction of car parking on Bundall Road south of the driveway.

*** REFERENCE PROPERTY MANAGER (JH) (22/11/94)

Subject to all Town Planning requirements being approved by Council it is recommended that the Surfers Paradise Rowing Club be granted a lease of part of Council freehold land described as Lot 1 on RP 192651. The lease of the land is to cover the area occupied by the rowing clubhouse and storage facilities.

The term of the lease to be for a period of five (5) years at a rental of \$20.00 per annum. Should the club obtain a liquor licence, then the rental shall be \$150.00 per annum for a restricted club licence or \$1000.00 or 20% of the licence fee if the club obtains a club liquor licence. All licences require Council approval.

Costs of preparation of documents, survey, registration etc to be at the club's expense.

Conditions of the lease must be in accordance with Council's Leasing Policy.

*** REFERENCE MANAGER WATERWAYS (DO) (8/11/94)

The proposed location of the new clubhouse and associated facilities appears an appropriate use for this area. However, at present it is one of the few access areas to the Nerang River used by commercial operators for maintenance and construction of foreshore structures. If this area was not available for this purpose, it would be irresponsible for us not to make an alternative location accessible.

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BUILDING SETBACK FROM CANAL The site fronts a Flood Mitigation Canal. Part 13.17 of the Planning Scheme says that development must comply with local planning policy - "Building Development Control - Waterfront allotments". The policy says that all buildings should be setback 7.88 metres from this canal. This requirement can be relaxed if the building is in keeping with surrounding setbacks, will not affect the amenity of the area, and the Chief Engineer advises that the building will not be detrimental to the flood discharge capacity. In terms of amenity, site is isolated and there are no comparable setbacks, so there is no concern. In terms of flooding, the proposal was referred to the Beaches and Waterways Engineer.

*** REFERENCE ENGINEER BEACHES & WATERWAYS (JMcG) (17/11/94)

Advice is that the proposal is acceptable if conditions regarding the filling of the site, bank protection, floor levels, flood setback and possible flood impact applied to the previous approval for a single-storey building are duplicated for this proposal.

It can be concluded that it is appropriate to relax the required setback from the canal.

*** REFERENCE PLANNING OFFICER (TJ) (21/11/94)

PLANNING SCHEME PROVISIONS

Strategic Plan The Strategic Plan specifies the preferred predominant landuse as open space for either active or passive recreation. Other development permissible in open space areas depends on the zoning of the land, and may include formal indoor and outdoor recreational activities.

Planning Scheme The land is zoned Public Open Space - General. The basic intent is to provide for informal public recreation. Recreational, sporting and associated activities which are conducted indoors or organised on a formal basis so that wider public access may be restricted are included as permissible development. This application meets this criteria. Pursuant to Part 10.2.2 of the Planning Scheme, indoor and outdoor recreation - rowing club is development which may be undertaken only with the consent of Council.

Part 10.6 sets out general provisions which apply to development in open space zones. Assessment of the proposal against these provisions is shown in the following table:

Clause & Purpose	Provision	Proposal	Comment
10.6.1 Building Height Ensure that height does not conflict with surrounding development or detract from the open space character	Height not to exceed 2 storeys	2 storeys	complies
10.6.2 Building Setbacks Ensure creation of a pleasant streetscape	6.0 metre setback from frontage	4 m - 11 m	modification required - proposed design is acceptable

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Clause & Purpose	Provision	Proposal	Comment
10.6.3 Buffer Strips Minimise conflict with adjoining residential development	n/a	n/a	land does not adjoin a residential zone
10.6.4 Site Coverage Ensure development maintains a site coverage compatible with adjacent development	n/a	n/a	no adjacent development exists
10.6.5 Landscaped Open Space To complement development on site and assist in integrating the development into the area	20% of the site to be landscaped	more detail required	can be required as a permit condition

COMMENTS Car parking The Planning Scheme does not specify a rate for outdoor recreation. For indoor recreation the car parking requirement is one (1) space per 15 m² of total use area based on the floor area of approximately 448 square metres, the indoor recreation requires 37 spaces. The proposal shows 4 on-site car spaces. This area of Bundall Road has a full lane which does not carry traffic. Part of the lane is required as a deceleration lane, but south of the driveway it is available for parking. The site is also close to the large car park at the Civic Centre which can be directly accessed via a pedestrian walkway over the adjacent canal. Given these car parking opportunities surrounding the site, it is considered that the on-site parking provision is acceptable. The applicant should erect signage to encourage use of the carpark at Evandale.

Movement of Boat Trailers This matter was addressed in the previous application. It was put forward that the use of trailers would be infrequent as no regattas are proposed to be held from the site. An on-site manoeuvring place could be provided. Negotiations with Council and the Department of Transport would be necessary to achieve this.

Bicycle Path A bicycle path runs along the canal side of the Raptis development on the opposite (west) side of Bundall Road. It is noted that there is an opportunity to extend the path under the bridge and onto the subject site where it can link up to the bicycle path on the eastern side of Bundall Road. Any future lease of the land would only apply to the eaves of the rowing club building. Council's Bike Path Co-ordinator has viewed the plan for this proposal and indicated that the proposed building would not inhibit linking of the paths in the future.

Landscaping Detail of landscaping has not been provided. The permit should be conditional upon submission of a suitable landscape plan. Design of the landscape plan should endeavour to screen the building from Bundall Road but leave opportunity for extension of the bicycle path.

Noise Resident objection about noise does not really relate to the rowing activities. Concern relates more to social activities which would be associated with the proposed clubhouse.

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Due to its isolated location, coupled with background traffic noise of Bundall Road, and that wind does not prevail from the south-west, noise will not generally be a problem. Nevertheless, it is envisaged that noise from nighttime social activities could disturb residents. In response to the objections the applicant has suggested enclosure of the verandah with wall to ceiling opening windows and an external balustrade. The windows are to be double-glazed and fitted with locks. The first floor of the building is to be air-conditioned so that when social functions are operating, the windows can be closed to contain noise of the social activities.

Given the separation distance between the proposed clubhouse and the Chevron Island residences, these noise attenuation measures, along with a condition restricting hours of operation should be adequate to ensure that Chevron Island residents are not unreasonably disturbed. Noise from licensed premises is also controlled under the Liquor Act 1992. Should noise become a problem, it would not be difficult to police.

Technical Matters Technical matters such as construction close to the canal, driveways, the carparking layout and the need for a private pump station were resolved with the previous application and confirmed with permit conditions. Given that the only difference between this application and the former application is the addition of a second storey, the technical matters have not changed so it is appropriate to simply use the same permit conditions.

*** OFFICER RECOMMENDATION

It is recommended

- (A) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application and the submissions made by the objectors.
- (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 building for a rowing club and storage facilities on the land as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

REAL PROPERTY DESCRIPTION:	LOT 1 ON RP192651
LOCATION OF SITE:	159 BUNDALL ROAD, BUNDALL
AREA OF LAND:	1485 SQUARE METRES
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	VACANT LAND USED AS A BARGE LOADING PLATFORM
APPROVED USE AS GRANTED IN THIS CONSENT:	ROWING CLUB AND STORAGE FACILITIES

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(C) **APPROVED PLANS**

- (1) The development shall be in accordance with the plans (and elevations) submitted by the applicant (Plan/Drawing No. CP.02 submitted by Peter Devenport Architects dated June 93) (as amended by the conditions of the approval).

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.

LEASE OF THE LAND

- (3) The lease of the land is to cover the area occupied by the rowing clubhouse and storage facilities.

The term of the lease to be for a period of five (5) years at a rental of \$20.00 per annum. Should the club obtain a liquor licence, then the rental shall be \$150.00 per annum for a restricted club licence or \$1000.00 or 20% of the licence fee if the club obtains a club liquor licence. All licences require Council approval.

Costs of preparation of documents, survey, registration etc to be at the club's expense.

Conditions of the lease must be in accordance with Council's Leasing Policy.

- (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 Food and Health Acts and all Regulations made thereunder.
- (7) The provisions of the Consent Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.
- (8) 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 Director Development & Environment Planning.

NOISE & AMENITY CONTROL

- (9) 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.
- (10) To minimise noise disturbance to nearby residents, the proposed verandah must be an enclosed. Any windows must be double-glazed and fitted with locks and the first floor of the building is to be air-conditioned. When

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social functions are operating, the windows must be closed to contain noise of the social activities.

HOURS OF OPERATION

- (11) The development shall not operate between the hours of 12 midnight and 5.00 am.

LIGHTING DEVICES - GENERAL

- (12) 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. 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.

STREET LIGHTING

- (13) 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

- (14) The landscaping is to be established and maintained to the reasonable satisfaction of the Director Development & Environment Planning at all times.
- (15) 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 Director Development & Environment Planning prior to the issue of a building approval. 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. Design of the landscape plan shall aim to screen the building from Bundall Road, but leave opportunity for extension of the bicycle path to link, under the bridge, with the bicycle which exists along the north bank of the canal on the west side of the bridge.

REFUSE / RECYCLING FACILITIES

- (16) Provision shall be made for the storage, removal and screening of refuse and recycling facilities in accordance with the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

ADVERTISING DEVICES

- (17) Any advertising device is to comply with Chapter 13 of Council's By-laws.

INFRASTRUCTURE AND CONSTRUCTION PROVISIONS EXTERNAL TO DEVELOPMENT SITES

General Provision

- (18) Council approves the payment by the applicant to the Council before commencement of construction specifically referred to in this approval,

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such sum as is required by the Council for the provision of those external works. Where such payment is accepted, the Council shall carry out the works and account for all costs within such time as is agreed between the Council and the owner of the land.

Stormwater Drainage

- (19) Stormwater drainage from the site 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 Director Development & Environment Planning. Where required by the Director Development & Environment Planning, 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.
- (20) (a) 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 Director Development & Environment Planning -
- (b) construction of silt traps at the downstream end of the construction area; and
 - (c) stabilisation of earth batters using quick growing vegetation techniques or turfing; and
 - (d) re-aligned drainage channels shall be protected from scouring as construction proceeds; and
 - (e) drainage channels shall be wide based, if possible; and
 - (f) construction of temporary bunds throughout the site; and
 - (g) the contract documentation shall include Quality Assurance Provisions in accordance with Australian Standard AS2900-1987.
- (21) Soil exposure during the construction phase shall be minimised and restoration of exposed areas shall be carried out to the satisfaction of the Director Development & Environment Planning 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.

- (22) Proposed construction work in the Tidal Zone and discharge of stormwater into the Nerang River will require approval from the Department of Environment and Heritage.

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ROADWORKS AND FOOTPATH AREAS

- (23) Any existing kerb and channel which is damaged or is required by the Director Roads & Transport 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 Director Roads & Transport.
- (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) Any drainage works or alterations to public utilities, road signage or traffic control devices necessitated by the works required shall be undertaken by the applicant at no cost to the Council and to the satisfaction of the Director Roads & Transport.
- (26) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Director Roads & Transport.
- (27) Vehicular access is to be provided in a manner satisfactory to the Director Development & Environment Planning. The minimum requirement will consist of construction using reinforced concrete in accordance with Council's standard drawing No. 52790B.

FILLING AND FLOOD LEVEL

- (28) The site is to be filled above the highest recorded flood level or design flood level to the reasonable satisfaction of the Director Development & Environment Planning. All filling is to be carried out in accordance with Local Planning Policy 'Foundation and Geotechnical Assessment'.
- (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 Director Development & Environment Planning, 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).

PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (30) Access to site, vehicular parking and loading bay requirements are to be in accordance with Council's parking policy and any relevant standard drawings.
- (31) The driveway, carpark and boat launching area must be designed to; enable manoeuvring of vehicles with trailers, and; retain the site's use as a barge loading area for canal rehabilitation works and will require approval from the Department of Environment and Heritage.
- (32) Council reserves the right to utilise the site as a barge loading area.

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- (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.

CAR PARKING AND LOADING FACILITIES

- (34) Provision of at least four (4) 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 Director Development & Environment Planning.
- (35) A sign which indicates the availability of car parking at the civic centre must be erected in a prominent position near the front vehicle entrance.
- (36) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (37) The loading and unloading of vehicles that may be utilised in conjunction with the use of the site, is not to be carried out in adjacent road reserve areas.
- (38) 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.
- (39) 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 Director Development & Environment Planning.
- (40) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Director Development & Environment Planning.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (41) Provision of water supply and sewerage to the reasonable satisfaction of the Director Water & Wastewater and in accordance with the Sewerage and Water Supply Act and relevant Local Planning Policies.

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.

- (42) The applicant shall bear the cost of providing a private pump station and rising main injecting into the 375 mm diameter A78 rising main from Chevron Island. All works shall be designed and constructed to the satisfaction of Council's Chief Engineer.
- (43) Any existing or proposed drainage receiving the kitchen or cooking area discharge is to have a Grease Interceptor Trap provided.

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- (44) 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.

HEADWORKS CONTRIBUTIONS

(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 \$283.00 per Equivalent Population/Person
Sewerage \$416.00 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 112.5 for the October/December 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.

(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.

GEOTECHNICAL CONSIDERATIONS

- (47) Where, in the opinion of the Director Development & Environment Planning 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

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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 Director Development & Environment Planning.

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

ENGINEERING DESIGN AND CONSTRUCTION

- (50) Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Director Development & Environment Planning prior to construction commencing. Approval by the Director Development & Environment Planning 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 Director Development & Environment Planning accepts any responsibility for the accuracy of such plans and specifications as approved.
 - (a) All material supplied and all work performed by the Applicant pursuant to this approval shall be to the reasonable satisfaction of the Director Development & Environment Planning and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and / or Policies. The Director Development & Environment Planning 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.
 - (b) **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.
 - (c) **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.
 - (d) Prior to the commencement of any work arising out of conditions listed above, written advice of intention to proceed with the work is

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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

- (51) 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 Director Development & Environment Planning.

TREE PRESERVATION

- (52) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Director Parks & Recreation. 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 DEVELOPMENT ON SITES ADJACENT TO AN
 OCEAN BEACH, THE BROADWATER, A RIVER, STREAM, CANAL, LAKE OR
 OTHER BODY OF WATER

General Provisions

- (53) The applicant shall complete works within the site in accordance with the approved Benowa Flood Channel Design Plans. These works may include construction of a revetment wall.
- (54) The existing revetment wall is to be reconstructed at no cost to Council to the satisfaction of the Director Beaches Waterways & City Cleaning.

PROVISIONS FOR ALLOTMENTS WHICH ARE WHOLLY OR IN PART
 SEAWARD OF THE FORESHORE SEAWALL LINE OR BELOW HIGH WATER
 LEVEL

General Provisions

- (55) As the site has frontage to The Broadwater, a stream, river, or other body of water not including the Ocean:

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- (e) no development shall occur on any part of a site which is below high water level other than in accordance with Section 14.5 of the Planning Scheme; and
- (f) prior to development, any area of the site below high water level shall be dedicated free of cost to the Crown for public purposes as permanently inundated land with the net site area being regarded as the full site area for the purpose of compliance with the provisions of this Planning Scheme, except where it is proposed to construct an approved lake or canal as part of a development.

BEACH PROTECTION

- (56) Compliance with the requirements of the Beach Protection Authority and any additional requirements as specified by Director Beaches Waterways & City Cleaning.
- (D) Council investigate and make available an alternative site which would be easily accessible to council and commercial operators for barge loading for maintenance and construction of foreshore structures.

RECOMMENDATION

- (I) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application and the submissions made by the objectors .
- (II) 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 building for a rowing club and storage facilities on the land as described herein be refused for the reasons listed below:

DETAILS OF PREMISES

REAL PROPERTY DESCRIPTION:	LOT 1 ON RP192651
LOCATION OF SITE:	159 BUNDALL ROAD, BUNDALL
AREA OF LAND:	1485 SQUARE METRES
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	VACANT LAND USED AS A BARGE LOADING PLATFORM
PROPOSED USE/S:	ROWING CLUB AND STORAGE FACILITIES

REASONS FOR COUNCIL REFUSAL

- (i) The provision of off-street car parking is inadequate.
- (ii) The proposed use and development will adversely affect the amenity of residential properties across the river on Chevron Island.

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(iii) The proposal is contrary to the intent of the Public Open Space - General Zone in that:

- the land will not be available for use by the general public, and;
- with the proposed second storey to cater for social functions, the proposed use departs from the original concept which provided primarily for recreational pursuits conducted outdoors on an informal basis.

(iv) The proposed two-storey building will be prominent in the landscape, adversely changing the character of the public open space area, and intercepting vistas to the civic centre buildings and across the river to the Surfers Paradise skyline, both of which are important to the identity of the Civic Centre.

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*** ITEM 36 (CP)

CM16/12/94(PD036)

**PROPOSED AMENDMENTS TO DEVELOPMENT CONTROL PLAN NO. 7 -
 CURRUMBIN HILL - TEAM 7**

FILE REFERENCE(S)
 VIDE ITEM(S)
 CONFIDENTIAL

811/006/006 PT 2
 LETTER(S)

*** CURRENT AGENDA MATERIAL

*** REFERENCE PLANNING OFFICER (AS) (TEAM 7) (01/12/94)

The Friends of Currumbin Association (FOC) have submitted to Council for consideration a proposal to amend the existing Development Control Plan (DCP) for Currumbin Hill.

It is contested by the FOC that existing amenity controls within the DCP relating to the preservation of natural vegetation and the height limitation of future development are inadequate. The FOC seek two amendments to the DCP which they believe are necessary to limit the destruction of natural vegetation within the precinct and limit the height of future buildings so as to ensure the vegetation remains publicly visible.

Legal advice was sought to determine the adequacy of the DCP in satisfying the concerns expressed by the FOC. The Solicitors report has been included as a Confidential Vide within this item. Essentially the legal recommendations are as follows:

- (i) There is no need to amend the DCP as Council has the power to implement its aims and objectives. These aims and objectives seek to preserve and enhance the environmental and visual character of Currumbin Hill by;
- preventing damage to existing vegetation to ensure development maintains and contributes to a well vegetated appearance;
 - preventing buildings from visually detracting from the heavily vegetated nature of Currumbin Hill;
 - preventing buildings from visually intruding upon the ridgeline;
 - preventing development that is not sympathetic to the areas topography.
- (ii) The two amendments sought for by the FOC would cause claims for compensation for "injurious affectation" pursuant to Section 3.5 of the Planning and Environment Act.

*** OFFICER RECOMMENDATION

It is recommended that:

1. The legal advice be noted.
2. FOC be advised that Council is of the belief that the concerns expressed within their submission are adequately controlled by the existing DCP and subsequently, no amendments need to be made.

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ITEM 36 (CP) CONTINUED...
PROPOSED AMENDMENTS TO DEVELOPMENT CONTROL PLAN NO. 7 -
CURRUMBIN HILL - TEAM 7

*** RECOMMENDATION

- (I) The legal advice be noted.
- (II) The FOC be advised of the following legal advice:
- (i) There is no need to amend the DCP as Council has the power to implement its aims and objectives. These aims and objectives seek to preserve and enhance the environmental and visual character of Currumbin Hill by;
- preventing damage to existing vegetation to ensure development maintains and contributes to a well vegetated appearance;
 - preventing buildings from visually detracting from the heavily vegetated nature of Currumbin Hill;
 - preventing buildings from visually intruding upon the ridgeline;
 - preventing development that is not sympathetic to the areas topography.
- (ii) The two amendments sought for by the FOC would cause claims for compensation for "injurious affectation" pursuant to Section 3.5 of the Planning and Environment Act.

*** ITEM 37

CM16/12/94(PD037)

GOLD COAST EQUESTRIAN CENTRE - RANGE OF COMMERCIAL USES - TEAM 7

FILE REFERENCE(S)	663/093/071
PREVIOUS DECISION(S)	CM29/10/93(PD051) CM10/12/93(PD007) CM11/03/94(PD067) CM04/11/94(PD003)
VIDE ITEM(S)	LETTER(S)
PROJECT ADDRESS	: CORNER RACECOURSE DRIVE AND KEN RUSSELL COURT, BUNDALL
REAL PROPERTY DESCRIPTION	: LOTS 5 AND 6 ON REGISTERED PLAN 817782, PARISH OF NERANG, COUNTY OF WARD
OWNER	: GOLD COAST CITY COUNCIL
APPLICANT	: LAKE HARROW PTY LTD

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ITEM 37 CONTINUED...
GOLD COAST EQUESTRIAN CENTRE - RANGE OF COMMERCIAL USES - TEAM 7

*** PREVIOUS AGENDA MATERIAL

*** REFERENCE URBAN DESIGN MANAGER (AH) (TEAM 7) (19/10/94)

As part of the development of the Gold Coast Equine Centre, land owned by Council was rezoned to the Special Facility (Local Government Purposes, Public Open Space, Equestrian and Associated Commercial Facilities, Residential Development and Vehicular Access to Lot 30 on Registered Plan 164954) Zone. Plan No. STP 1172 (see vide pages) was adopted as the approved plan which pursuant to the Table of Development for the Special Facility Zone establishes which forms of development can be undertaken and whether the consent of Council is required.

Lake Harrow Pty Ltd is contracted to purchase Lots 5 and 6 on Registered Plan 817782 which form the major part of the core commercial area shown as part of Area 4 on the approved plan. In accordance with that plan, "as of right" development is limited to shops, retail showrooms, commercial premises, commercial services, veterinary surgeries, indoor recreation, takeaway food premises, service industry premises where these are servicing equestrian needs.

Lake Harrow now submits that it is having difficulties finding suitable tenants for its proposed building due to the restricted range of land uses and seeks discussions with the Planning and Development Committee regarding its options.

A planning consultant engaged by the applicant has suggested the following:

<u>Approved Uses</u>	<u>Unit</u>	<u>Area</u>
Veterinary Surgery and Residence (150+145 m ²)	3	295 m ²
Convenience Store - Takeaway and Residence (150+145 m ²) 295 m ²	4	
Saddlery (equestrian gear and clothes) (inc. toilets)	2	481 m ²
Club-Restaurant	1	299 m ²
Produce Store	5	<u>597 m²</u>
Total		<u>1967 m²</u>

Provided that:

1. The proposed development shall be constructed in accordance with the proposal plan 94/191 dated September 1994.
2. The Approved Uses (or any additional uses of a purely equine nature as determined by the Planning & Development Manager) shall occupy at least 50% of the gross floor area of the building at any one time. Any remaining balance area shall be used only for those uses specified for Area 4 on the approved plan for the equestrian centre.

Other alternatives would be to remove the term "...where these are servicing equestrian needs" or to attempt to produce an exhaustive list of land uses and associated parameters which Council considers accord with the Approved Plan.

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GOLD COAST EQUESTRIAN CENTRE - RANGE OF COMMERCIAL USES - TEAM 7

*** **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 25 October 1994.

COUNCIL DECISION CM04/11/94(PD003)

- (I) That Council note a meeting was held between the Planning & Development Committee and the applicant's representatives on Tuesday 25 October 1994.
- (II) The applicant be invited to submit a list of potential uses which are equine related, for consideration and acceptance by Council.

*** **CURRENT AGENDA MATERIAL**

*** **REFERENCE URBAN DESIGN MANAGER (AH) (TEAM 7) (02/12/94)**

Pursuant to part (II) of the above Council decision, the applicant has submitted a further letter and a list of possible uses. These are reproduced in the vide pages.

From the list of uses submitted, it is considered that the following are substantially in accordance with the zoning and approved plan and as such do not require the further consent of Council (i.e. permitted development):-

- produce and farm supplies
- caretakers residences
- veterinary supplies
- veterinary surgery
- takeaway food premises
- saddlery
- laundromat
- stock and station agent
- bloodstock or general insurance
- riding school
- stables
- TAB

A number of other uses may also comprise permitted development but would need to be examined in more detail to establish a nexus with the precinct's equestrian related needs. These are as follows:-

- indoor recreation
- commercial premises
- tourist facilities
- outdoor recreation
- licensed club
- clothing shops
- retail showroom
- licensed agents
- service industry premises

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CONTINUED...

GOLD COAST EQUESTRIAN CENTRE - RANGE OF COMMERCIAL USES - TEAM 7

animal husbandry
 commercial services
 tourist attraction
 shoe shop
 Australiana shop
 art and craft shop
 amusement centre
 bank
 billiard saloon
 retail shops
 gym, health and fitness
 massage, spa and turkish bath
 pet shop and supplies
 relaxation therapy
 sporting goods
 sporting centre

Other development which may be allied to and compatible with development in the precinct, depending upon the particular circumstances, should be subject to an application for town planning consent. These would include the following:-

neighbourhood store
 restaurant
 light industry
 medical centre
 reception rooms
 warehouse
 bottleshop
 video store

In addition to the list submitted, the applicant seeks Council's consideration of a tourist facility based upon equestrian and Australiana themes. The building proposed is to be in the style of the Stockman's Hall of Fame at Longreach. Central to the proposal is a "riding school" utilizing the adjacent bridle paths. In addition to the recreation components, the proposal would involve the sale of equestrian and Australiana goods, food items and other related merchandise.

The proposed tourist facility was not directly provided for in the approved plan, although components such as shops, indoor recreation and takeaway food premises were envisaged where they are servicing equestrian needs. In view of the equine/Australiana theme, the proposal is one which could complement the precinct generally and one which should be compatible with other uses in the area. Accordingly, the proposal is one which requires the consent approval of Council.

*** OFFICER RECOMMENDATION

It is recommended that:

- (A) Council advise the applicant that it accepts the Urban Design Manager's comments on the submitted list of possible land uses.

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CONTINUED...

GOLD COAST EQUESTRIAN CENTRE - RANGE OF COMMERCIAL USES - TEAM 7

- (B) The applicant be further advised that the equestrian/Australiana tourist facility will require the town planning consent of Council.

*** **RECOMMENDATION**

That the recommendation of the Urban Design Manager be adopted.

*** ITEM 38

CM16/12/94(PD038)

UNLAWFUL BUILDING WORK TO RESIDENCE AT 215 JEFFERSON LANE PALM BEACH - MACDONALD - TEAM 5

FILE REFERENCE(S)

10-00459-0000-(7)

*** **CURRENT AGENDA MATERIAL**

*** **CORRESPONDENCE BEACHSIDE DESIGN (FOLIO 9447655 (21/09/94))**

We apologise for our late submission ie (relevant documentations) in our haste to stabilise what was potentially a dangerous building.

We are now concerned that in its existing unsecured state it lays prey to vandals and thieves (ie, existing internal materials to be recycled). The unsecured balcony is also of concern (ie, public safety).

The provocative nature of your stop work stickers only heightens these fears. Whilst the property is already covered by relevant insurances we would ask for an immediate relaxation to secure these works in the interest of safeguarding property and public safety.

*** **REFERENCE BUILDING SURVEYOR (PDB) (04/11/94)**

An inspection carried out on 16 September 1994 at a property located at 215 Jefferson Lane Palm Beach revealed that building work was being carried out without approval (photographs on file).

A cease work notice was issued on the owner and builder which resulted in a "fast track" building application to be lodged (BA 94/4400).

The site is located on beachfront property with an existing highset residence situated thereon.

The building work consisted of the following:

- (A) Raising the height of the building by approximately 300mm.

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CONTINUED...

UNLAWFUL BUILDING WORK TO RESIDENCE AT 215 JEFFERSON LANE PALM BEACH - MACDONALD - TEAM 5

- (B) Removal of section of existing structure on beachfront side.
- (C) Erection of supporting columns and steel beams throughout the ground floor to support first floor joists over large openings in new ground floor layout.
- (D) Remove and erect walls as required in ground floor.
- (E) Provide new kitchen and bathroom to ground floor area.
- (F) Erect new ensuite to first floor area.
- (G) Erect new balcony to beach front side.
- (H) Enclose ground floor extension under balcony to beach front side incorporating new windows and sliding doors.
- (I) Waterproof new balcony over habitable ground floor area.
- (J) Erect large concrete outdoor patio including steps to beach front side.
- (K) Remove and replace windows and entrance doorway to ground floor and first floor as required.
- (L) Remove two single garage doors and install new double width garage door.

Council's Beach Protection Policy states "all buildings, additions or major structures to be erected within seven five (75) metres of the boulder wall line, shall be protected by an approved boulder wall (COG or BPA) or an alternate design to the Chief Engineer's satisfaction. For minor works, (\$25,000 or less) relaxation of this requirement may be granted by the Chief Engineer except that no exemption shall be granted by the Chief Engineer where either adjoining property has an existing approved boulder wall or the applicant's property has an existing approved boulder wall or the applicant's property adjoins a dedicated road reserve in which case the matter shall be referred to Council for determination.

An approved boulder wall does not exist at this or the adjoining properties.

The owner has lodged a copy of a building sub contract document with a contract sum of \$17,500.00 (seventeen thousand five hundred dollars) indicated. A statutory declaration by the owner to the effect that the total cost will not exceed twenty five thousand dollars has also been lodged.

It is estimated, based on the degree of work being undertaken, that the total cost would exceed \$25,000 (twenty five thousand dollars).

The owner has not applied for any relaxation of the requirement to provide a boulder wall other than lodge the sub contract form and statutory declaration.

The "builder" requested permission to install all windows and doors and security lighting as a means of protection against vandalism while the cease work notice was still valid.

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UNLAWFUL BUILDING WORK TO RESIDENCE AT 215 JEFFERSON LANE PALM BEACH - MACDONALD - TEAM 5

Permission to carry out the lock up stage as requested was granted provided no further work was carried out prior to building approval being issued.

A further inspection carried out on 31 October 1994 revealed that the rear balcony and extended ground floor living area fronting the beachfront has been substantially completed with balustrading installed.

Council's projected boulder wall "A" line requires a minimum clearance of 8.1 metres from any structures unless they are capable of being dismantled in the event of emergency.

The extended ground floor living area and balcony intrude into the 8.1 setback area by approximately 1.6 metres.

A letter by the owner indemnifying Council for damage to the property within 8.1 metres of the "A" line has been lodged.

The building approval has not been issued awaiting clarification of these matters together with the lodgement of the House Builders Insurance with the Registered Builders Gold Card imprinted on the contract.

The owner's representative advised that no contract with a builder exists preventing this condition being met.

Building work on this site has been estimated to be plus \$40,000 by one of Council's Building Surveyors. The owners agent advised that he did not consider the building work to exceed the \$3000 (minimum amount, after which a registered builder must be employed and HBI paid). Agent, Mr Michael Mallon has submitted a contract (on file) with the carpenter for an amount of \$17,500, assuming that to be the cost of the work (which it is not) HBI is still required to be paid.

A 'Show Cause' Notice was sent to the owner inviting her to meet with the Director, Development and Environment Planning on Wednesday 7 December 1994 or to make a written submission to the CEO prior to the 7 December 1994.

Mr Michael Mallon will meet with the Director on 7 December 1994.

A reinspection of the site on the 6 December 1994 revealed that notwithstanding that building approval has never been granted and a Cease Work Notice being current on the property, the owner's agent has continued with the building work regardless. The building surveyor was refused entry. Mr Michael Mallon advised that building work would be completed before the Christmas break and his client will take occupation then.

*** REFERENCE DEVELOPMENT COORDINATION MANAGER (JWL) (07/12/94)

Mr M Mallon, who is understood to be responsible for the building work, appeared at the opportunity to Show Cause, on behalf of the owner, before the Director Development & Environment Planning and the Development Coordination Manager.

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UNLAWFUL BUILDING WORK TO RESIDENCE AT 215 JEFFERSON LANE PALM BEACH - MACDONALD - TEAM 5

In relation to the proximity to the boulder wall line, he submitted that this was no worse than the existing building to the north and that it was required to obtain sufficient floor area for the renovated house.

Comment

The floor area of the renovated building is more than twice that of the original house.

The house to the north has existed for many years, probably prior to the adoption of the boulder wall Policy following the 1974 cyclone.

Mr Mallon acknowledged that work had proceeded without a Building Approval and indicated that he was prepared to pursue the matter through the Magistrates Court if necessary.

When the Building Application was lodged on 16 September, after the unlawful work had been discovered, Mr Mallon advised that the value of work was less than \$40,000, hence Portable Long Service Leave Levy (PLSLL) was not applicable. Council is prohibited from accepting a Building Application for work in excess of \$40,000, unless the applicant has paid the PLSLL. The work carried out is very extensive and considered to be well in excess of \$40,000. It is to be noted that Mrs McDonald has provided a Statutory Declaration that the value of alterations and additions would not exceed \$25,000.

Similarly, Mr Mallon has not paid the House Builders Insurance (HBI) premium, nor presented a contract for embossing (where the value exceeds \$3,000), nor lodged an Owner Builder Declaration (where the value exceeds \$6,000). Council is unable to release Building Approval unless this is done.

Subsequent to the meeting the Director D&EP arranged for an identification survey to be undertaken by Council. This revealed the building to be approximately one (1) metre further from the Boulder Wall line than shown on the applicant's plan. Therefore the extension encroaches into the 8.1 metre setback area approximately 600mm instead of the 1.6 metres originally indicated. The Acting Director WB&CC has advised that the 600mm encroachment could remain without severely impeding future access for emergency work.

*** **OFFICER RECOMMENDATION**

It is recommended that -

- (A) The matter be brought to the attention of the Portable Long Service Leave Board and the Queensland Building Services Authority.
- (B) Legal proceedings be initiated against the owner for carrying out building work without an approval.
- (C) Council raises no objection to the ground floor and balcony extension encroaching 600mm into the Boulder Wall maintenance setback area however a cognizance to the following effect is to be placed on the rate record.

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UNLAWFUL BUILDING WORK TO RESIDENCE AT 215 JEFFERSON LANE PALM BEACH - MACDONALD - TEAM 5

"The ground floor storey and first floor balcony encroach approximately 600mm into the 8.1 metre wide setback area from the Boulder Wall A-line. Although Council has no objection to the subject encroachment, the property owner shall be responsible for any damage to or attributable to such encroachment due to beach erosion or emergency maintenance work carried out by Council for the purpose of stabilising beach erosion."

- (D) As the value of the building work is estimated to exceed \$25,000, the owner be required to comply with Council's Beach Protection Policy by providing evidence that the existing boulder wall meets the required standards or by constructing an approved boulder wall across the property.

*** **RECOMMENDATION**

- (I) Recommendations (A), (C) & (D) of the Development Coordination Manager's Reference be adopted.
- (II) That no action be taken to institute legal proceedings, at this stage.

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*** ITEM 39

CM16/12/94(PD039)

**APPLICATION FOR RELAXATION OR MODIFICATION OF SCHEME PROVISIONS -
UNDER PART 17.5 - 3-7 BRIGHT STREET LABRADOR - TEAM 1**

FILE REFERENCE(S)

03-03250-0000-3

PROJECT NAME	:	HOUSING DEPARTMENT APARTMENTS
LOCATION OF SITE	:	3-7 BRIGHT STREET LABRADOR
REAL PROPERTY DESCRIPTION	:	LOT 59, 60, 61 ON REGISTERED PLAN 28582 PARISH OF BARROW COUNTY OF WARD
OWNER	:	QUEENSLAND DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND PLANNING
APPLICANT	:	NAIK ARCHITECTS
SITE AREA	:	1212 SQUARE METRES
ZONING OF THE LAND - EXISTING	:	RESIDENTIAL MULTI UNIT ZONE
PROPOSED DEVELOPMENT	:	13 X 1 BEDROOM UNITS
DEFINED USE	:	MULTI UNIT DEVELOPMENT
RESIDENTIAL DENSITY	:	D1
BUILDING HEIGHT	:	2 STOREYS
ROAD HIERARCHY	:	MINOR COLLECTOR
DATE RECEIVED	:	2 NOVEMBER 1994

*** CURRENT AGENDA MATERIAL*** REFERENCE TECHNICAL OFFICER (DR) (25/11/94)

Application has been received for a relaxation of the parking requirements for a proposed Multi Unit Development for the Queensland Department of Housing, Local Government and Planning.

CAR PARKING

Number of spaces required	1 space per unit + 3.25 visitor parking space
Therefore	17 car spaces required
Number of spaces proposed	1 space per unit
Therefore	13 car spaces proposed

The applicant (Naik Architects) and the owner (Queensland Department of Housing, Local Government and Planning) have requested the relaxation in order to provide additional landscaping and pedestrian areas within the subject site.

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CONTINUED...

**APPLICATION FOR RELAXATION OR MODIFICATION OF SCHEME PROVISIONS -
UNDER PART 17.5 - 3-7 BRIGHT STREET LABRADOR - TEAM 1****SUMMARY**

The Department of Housing, Local Government and Planning feel that the relaxation is justified in relation to "site specific analysis", "historical statistical information" and "local knowledge of transport and parking needs."

Council have previously granted relaxations to similar Departmental residential properties and it appears reasonable to grant a relaxation to the parking requirements in this instance.

Due to time constraints on the part of the Developer, the Planning Director has given approval for a relaxation to provide 1 carpark per unit for this development, on the condition that additional landscaping be provided in the area previously required for the additional carparking.

***** OFFICER RECOMMENDATION**

It is recommended that the Planning and Development Committee ratify the decision of the Planning Director regarding a relaxation to carparking provision at the proposed Housing Department Development for Aged Pensioner units at 3-7 Bright Street Labrador.

***** RECOMMENDATION**

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

*** ITEM 40

CM16/12/94(PD040)

**APPLICATION TO AMEND A PLANNING SCHEME BY REZONING FROM
RESIDENTIAL DWELLING HOUSE ZONE TO RESIDENTIAL MULTI UNIT ZONE- 48-50
PROUD STREET LABRADOR - TEAM 1**

FILE REFERENCE(S)	663/094/081
APPLICATION NUMBER	94/0081
PROJECT NAME	: PROPOSED LAND REZONING TO RESIDENTIAL MULTI UNIT
LOCATION OF SITE	: 48-50 PROUD STREET LABRADOR
REAL PROPERTY DESCRIPTION	: LOT 1 ON REGISTERED PLAN 107642 AND LOT 1 ON REGISTERED PLAN 108398 COUNTY OF WARD PARISH OF NERANG
OWNER	: DENNIS JAMES IRWIN AND ELIZABETH IRWIN

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ITEM 40 CONTINUED...
**APPLICATION TO AMEND A PLANNING SCHEME BY REZONING FROM
 RESIDENTIAL DWELLING HOUSE ZONE TO RESIDENTIAL MULTI UNIT ZONE-48-50
 PROUD STREET LABRADOR - TEAM 1**

APPLICANT	:	KEILAR FOX & MCGHIE PTY LTD
SITE AREA	:	812 SQUARE METRES EACH, 1624 SQUARE METRES IN TOTAL
ZONING OF THE LAND - EXISTING	:	RESIDENTIAL DWELLING HOUSE
- PROPOSED	:	RESIDENTIAL MULTI UNIT ZONE
PROPOSED DEVELOPMENT	:	REZONING FROM RESIDENTIAL DWELLING HOUSE ZONE TO RESIDENTIAL MULTI UNIT ZONE
RESIDENTIAL DENSITY	:	D1 (D1)
BUILDING HEIGHT	:	H3 (H3)
ROAD HIERARCHY	:	LOCAL COLLECTOR ROAD
DATE RECEIVED	:	02/09/94
DATE ADVERTISED	:	27/09/94
OBJECTION(S)	:	2 LETTERS WERE RECEIVED
OBJECTOR(S)	:	GR & S & B BOIKE, JR GORRINGE

*** CURRENT AGENDA MATERIAL

*** REFERENCE TECHNICAL OFFICER (DR) (02/12/94)

PROPOSAL

The applicant, Keiler Fox and McGhie Pty Ltd, has applied for a rezoning of Lot 1 on RP 108398 and Lot 1 RP 107642 at 48-50 Proud Street, Labrador. The sites are currently zoned Residential Dwelling House and a change is sought to Multi Unit development zone. This proposal is in accordance with Council's Strategic Plan.

ADVERTISING

The application has been advertised in accordance with the provisions of the Local Government (Planning and Assessment) Act.

OBJECTIONS

Two (2) objections were received in regard to the proposal. The points raised by the objectors are as follows.

- 1.(a) Multi Unit Development is inappropriate for the area.
- (b) Car parking congestion will occur in nearby streets.
- (c) Increased levels in traffic.
- (d) Increased noise levels.
- (e) Privacy will be adversely affected.
- (f) Property Devaluation will occur.

COMMENT

In response to the objections raised by the objectors.

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING FROM RESIDENTIAL DWELLING HOUSE ZONE TO RESIDENTIAL MULTI UNIT ZONE-48-50 PROUD STREET LABRADOR - TEAM 1

- (a) The proposed rezoning from Residential Dwelling Zone to Multi Unit Development Zone is in accordance with the Councils Strategic Plan which places the entire block bounded by Proud Street, Whiting Street, Muir Street and Central Street Labrador within the Multi Unit Development Zone.

As Council has approved the zoning for this area within the Strategic Plan, it has been determined that Multi Unit Development is appropriate within the subject area.

In addition, a Multi Unit Development BUP 9934 at 145 Muir Street Labrador was approved by Council in March 1989 and gazetted in March 1990, thus a precedent has been set in this locality.

- (b) Parking congestion is unlikely to occur in Proud Street as a result of the proposed rezoning, as the applicant would have to comply with the appropriate parking requirements when submitting a building application. These parking conditions require the developer to provide adequate parking space for both residents and visitors, and therefore the incidence of on street parking will be infrequent.
- (c) Levels of traffic will increase as a result of the rezoning and the ultimate development of the site, however Proud Street is a local collector road with light levels of traffic, and the levels of traffic generated by the subject site and future rezoning sites will never exceed the capacity of this street, nor will they transform the street into a dangerous environment for residents and pedestrians.
- (d) Levels of noise are likely to increase due to a higher population density arising from the rezoning, however the type of noise generated is unlikely to have a significant adverse effect on the neighbouring properties.
- (e) A certain degree of privacy reduction is inevitable where a site is being rezoned to a higher population density, however at the building application stage, design considerations, setback requirements and landscaping conditions should ensure that any privacy invasion is minimised.
- (f) The issue of property devaluation only really applies to L1 RP 130134 as this property has an existing multi unit development on its western boundary (L1 RP 130134 at 145 Muir Street Labrador) and the subject rezoning site on its southern boundary. As the objectors site is a corner site which may be surrounded by land zoned multi unit zone, this block cannot be amalgamated with another site to allow a large scale multi unit rezoning to occur, however the area of the corner block (L1 RP 130134) is 607m² which is just above the minimum 600m² requirement for multi unit development.

Therefore the site on the corner of Whiting Street and proud Street (L1 RP 130134) has the potential to be rezoned for multi unit development in the future, which should have no adverse impact on the property value of this site.

In summary the objectors do not raise valid grounds for refusal of the application.

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APPLICATION TO AMEND A PLANNING SCHEME BY REZONING FROM
 RESIDENTIAL DWELLING HOUSE ZONE TO RESIDENTIAL MULTI UNIT ZONE-48-50
 PROUD STREET LABRADOR - TEAM 1

GENERAL COMMENTS

The proposed rezoning is compatible with the Council's Strategic Plan, which identifies the area as being suitable for Multi Unit Development.

A precedent has been set in this locality as a Multi Unit Development under BUP 9934 has been developed at 145 Muir Street Labrador.

*** OFFICER RECOMMENDATION

- (A) It be noted Council in determining this application has regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application and the submissions made by the objectors.
- (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 as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

REAL PROPERTY DESCRIPTION:	LOT 1 RP 107642 & LOT 1 RP 108398 PARISH OF NERANG COUNTY OF WARD
LOCATION OF SITE:	48-50 PROUD STREET LABRADOR
AREA OF LAND:	812 SQUARE METRES X TWO = 1624 SQUARE METRES TOTAL
ZONE(S) IN WHICH THE LAND IS SITUATED AT THE DATE OF APPLICATION:	RESIDENTIAL DWELLING HOUSE
ZONE(S) IN WHICH THE LAND IS PROPOSED TO BE INCLUDED:	RESIDENTIAL MULTI UNIT
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	RESIDENTIAL DWELLING HOUSES
APPROVED USE/S AS GRANTED IN THIS APPROVAL:	TO BE DETERMINED AT BUILDING APPLICATION STAGE

CONDITIONS ATTACHED TO THE COUNCIL APPROVAL

APPROVED PLANS

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

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**APPLICATION TO AMEND A PLANNING SCHEME BY REZONING FROM
RESIDENTIAL DWELLING HOUSE ZONE TO RESIDENTIAL MULTI UNIT ZONE- 48-50
PROUD STREET LABRADOR - TEAM 1**

- (a) Site Coverage shall not exceed 40%
- (b) Residential Density shall not exceed D1
- (c) Plot Ratio shall not exceed 4:1
- (d) Maximum Height of Building H3
- (e) Maximum Number of Storeys 3
- (f) All buildings shall be set back a minimum of 6 metres from all frontages.
- (g) The following building setbacks shall be provided to the side and rear site boundaries -
 - (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
 - (iii) 2.0 metres plus 0.5 metre for every 3 metres or part thereof to the outermost projection of that part of the building which is greater than 7.5 metres above ground level.

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.
- (2) Provision of fire services in accordance with the Building Act.
- (3) Registration of the premises under the Workplace Health and 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) Compliance with Paragraph 1 of Council's Policy on the reflectivity of glass in buildings.
- (6) The provisions of the Rezoning Approval / Consent Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.
- (7) 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 to the satisfaction of the Director Development & Environment Planning -
 - (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 Director Development & Environment Planning as comprising a large parcel shall be landscaped to

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- 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 Director Development & Environment Planning 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 Director Development & Environment Planning and shall discharge stormwater by means of an underground drainage system to an outlet approved by the Director Development & Environment Planning; and
 - (i) 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 Director Development & Environment Planning in accordance with Provision 14.3.1.1 of the Planning Scheme.

- (8) 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 Director Development & Environment Planning.

NOISE & AMENITY CONTROL

- (9) 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.
- (10) 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.
- (11) 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.
- (12) A screen fence 1.8 metres high shall be erected on all side and rear boundaries to the satisfaction of the Director Development & Environment Planning.

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.

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- (13) 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

- (14) The landscaping is to be established and maintained to the reasonable satisfaction of the Director Development & Environment Planning at all times.
- (15) 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 Director Development & Environment Planning 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 Director Development & Environment Planning. 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.
- (16) 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.
- (17) If 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 Director Development & Environment Planning.
- (18) 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 Director Development & Environment Planning.
- (19) 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) include an area being at least 10 percent of the total site area which shall be capable of deep planting and located to the reasonable satisfaction of the Director Development & Environment Planning.
 - (d) 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 frontages shall be landscaped in the following manner

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to the satisfaction of the Director Development & Environment Planning:

- (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
 - (iii) there shall be no fences within the area or between the area and the footway; and
 - (iv) the area shall be paved and landscaped in a manner to integrate with the footway.
- (e) An area at least 6 metres in width adjoining all frontages of the site shall be landscaped and maintained to the satisfaction of the Director Development & Environment Planning.

REFUSE / RECYCLING FACILITIES

- (20) Provision shall be made for the storage and suitable access for the removal of refuse in accordance with the Refuse Management Regulations, Council's policy for recycling and the Council's By-laws, to the satisfaction of the Director, Community Services.

If the refuse storage / recycling area is to be located within the six (6) metre setback to the frontage the following provisions are met to the satisfaction of the Director Development & Environment Planning:

- (a) the refuse storage / recycling 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 / recycling 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 / recycling area shall be screened by dense planting and mounding.
- (21) Provision shall be made for the storage, removal and screening of refuse and recycling facilities in accordance with the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

ROADWORKS AND FOOTPATH AREAS

- (22) Any existing kerb and channel which is damaged or is required by the Director Roads & Transport 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 Director Roads & Transport.
- (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.

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- (24) 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 Director Development & Environment Planning.
- (25) 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.

PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (26) 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 Director Development & Environment Planning. 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

- (27) Access to site during construction shall be in accordance with the Local Planning Policy 'Requirements for Construction for Development Sites'.
- (28) Unloading, storage or movement of construction material or equipment shall take place within the site unless otherwise approved by the Director Development & Environment Planning.

CAR PARKING AND LOADING FACILITIES

- (29) 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 Director Development & Environment Planning. 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 Director Development & Environment Planning, be amended accordingly.
- (30) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (31) 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".
- (32) Provision shall be made for bicycle parking to be provided in the following manner:
 - (a) Bicycle parking spaces to be located in the basement of the development shall be calculated at the rate of 5% of the total car parking requirement for all uses other than residential. The bicycle parking calculation shall be rounded to the nearest whole number

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- with a minimum of two (2) bicycle parking spaces being provided on site.
- (b) A contribution towards the construction of bicycle parking facilities in the vicinity of the site shall be paid to Council prior to the issue of a Certificate of Classification for any part of the proposed development. This contribution shall be to the value of \$2,300.00.
- (33) 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.
- (34) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Director Development & Environment Planning.

HEADWORKS CONTRIBUTIONS

(35) **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.)18e.p	\$6426
Sewerage (Account No.)40e.p	\$13642

Total Component 1 Headworks Contribution	\$20068
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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 112.5 for the October - December 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

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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 referral 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.

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	\$ 363	per Equivalent Person
Sewerage	\$ 336	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 112.5 for the October - December 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.

(36) **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

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construction of the building work and that no plumbing and drainage inspections will be undertaken until payment is received.

SUBDIVISION OF LAND

- (37) 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 use approved in this application commencing.

ENGINEERING DESIGN AND CONSTRUCTION

- (38) (a) Engineering plans and specifications for the work set out in conditions contained herein are to be approved by the Director Development & Environment Planning prior to construction commencing. Approval by the Director Development & Environment Planning 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 Director Development & Environment Planning 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 Director Development & Environment Planning and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, By-laws and / or Policies. The Director Development & Environment Planning 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.

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NUISANCE

- (39) 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 Director Development & Environment Planning.

TREE PRESERVATION

- (40) Any tree with a girth of 400 mm or more at waist height shall not be removed without first obtaining the consent of the Director Parks & Recreation. 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.

CASH IN LIEU OF PARK PROVISION

- (41) 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.

*** RECOMMENDATION

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

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*** ITEM 41

CM16/02/94(PD041)

GROUP TITLE SUBDIVISION - LOT 1 JENAYA PLACE LABRADOR - TEAM 1

FILE REFERENCE(S)

01-10336-0000-5

PROJECT NAME	:	"ADEL"
LOCATION OF SITE	:	LOT 1 JENAYA PLACE LABRADOR
REAL PROPERTY DESCRIPTION	:	LOT 1 ON REGISTERED PLAN 880394 PARISH OF BARROW COUNTY OF WARD
OWNER	:	WINNALEAH INVESTMENTS
APPLICANT	:	GEOFF MITCHELL & ASSOCIATES
PROPOSED DEVELOPMENT	:	DUPLEX - GROUP TITLE
SITE AREA	:	635 SQUARE METRES
ZONING OF THE LAND	:	DUPLEX DWELLING

*** CURRENT AGENDA MATERIAL

*** REFERENCE TECHNICAL OFFICER (DR) (TEAM 1) (07/12/94)

Application has been made to subdivide by Group Title Subdivisions an existing duplex dwelling.

The subject property is included in the Residential Duplex Dwelling Zone and subject to compliance with Scheme provisions of the Building Act. Furthermore a duplex dwelling is an 'as of right' development.

Prior to gazettal of the current Town Plan (11 February 1994) a proposal to group title a duplex dwelling was required to comply with the provisions of Policy 39 - Requirements for the Group Title of Duplex Dwellings. The proposal meets the requirements of Policy 39 in the following.

1(a) A setback of 6.6 metres is provided as common property.

COMMENT

This exceeds the 6 metre required setback.

(b) The area of the private open space courtyards, proposed for each dwelling exceeds the minimum area required in the Planning Scheme.

The proposal meets the requirements of 16.2.5.1 of the current Town Plan.

2. The subdivision of the site results in lot sizes of 265m² and 379m² respectively. It is considered that this meets Councils Intent for Approval of a Duplex by Group Title Subdivision.

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GROUP TITLE SUBDIVISION - LOT 1 JENAYA PLACE LABRADOR - TEAM 1***** OFFICER RECOMMENDATION**

It is recommended that the applicant be advised that approval is granted for group Title Subdivision.

***** RECOMMENDATION**

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

*** ITEM 42

CM16/02/94(PD042)

GROUP TITLE SUBDIVISION - LOT 2 JENAYA PLACE LABRADOR - TEAM 1

FILE REFERENCE(S)	01-10336-0000-5
PROJECT NAME	: "LORRAINE"
LOCATION OF SITE	: LOT 2 JENAYA PLACE LABRADOR
REAL PROPERTY DESCRIPTION	: LOT 2 ON REGISTERED PLAN 880394 PARISH OF BARROW COUNTY OF WARD
OWNER	: WINNALEAH INVESTMENTS
APPLICANT	: GEOFF MITCHELL & ASSOCIATES
PROPOSED DEVELOPMENT	: DUPLEX - GROUP TITLE
SITE AREA	: 619 SQUARE METRES
ZONING OF THE LAND	: DUPLEX DWELLING

***** CURRENT AGENDA MATERIAL******* REFERENCE TECHNICAL OFFICER (DR)(07/12/94)**

Application has been made to subdivide by Group Title Subdivisions an existing duplex dwelling.

The subject property is included in the Residential Duplex Dwelling Zone and subject to compliance with Scheme provisions of the Building Act. Furthermore a duplex dwelling is an 'as of right' development.

Prior to gazettal of the current Town Plan (11 February 1994) a proposal to group title a duplex dwelling was required to comply with the provisions of Policy 39 - Requirements for the Group Title of Duplex Dwellings. The proposal meets the requirements of Policy 39 in the following.

- 1(a) A setback of 6 metres is provided as common property.
COMMENT
 This satisfies the requirements of the Councils Planning Scheme.

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GROUP TITLE SUBDIVISION - LOT 2 JENAYA PLACE LABRADOR - TEAM 1

- (b) Private open space courtyards in excess of 90m² per dwelling unit have been provided.

COMMENT

This area exceeds Councils requirements.

The proposal meets the requirements of 16.2.5.1 of the current Town Plan.

2. The subdivision of the site results in individual lot sizes of 312m². It is considered that this meets Councils Intent for Approval of a Duplex by Group Title Subdivision.

***** OFFICER RECOMMENDATION**

It is recommended that the applicant be advised that approval is granted for group Title Subdivision.

***** RECOMMENDATION**

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

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*** ITEM 43

CM16/12/94(PD043)

APPLICATION FOR RELAXATION OF SITE COVERAGE AND FRONT SETBACK REQUIREMENTS WITHIN THE DUPLEX DWELLING ZONE - 200 CYPRESS TERRACE PALM BEACH - TEAM 5

FILE REFERENCE(S)	825/094/119
APPLICATION NUMBER	11-00089-0000-X 94/0119
PROJECT NAME	: RELAXATION OF SITE COVERAGE AND FRONT SETBACK REQUIREMENTS WITHIN THE DUPLEX DWELLING ZONE
LOCATION OF SITE	: 200 CYPRESS TERRACE PALM BEACH
REAL PROPERTY DESCRIPTION	: LOT 28 ON REGISTERED PLAN 73689, PARISH OF TALLEBUDGERA, COUNTY OF WARD
OWNER	: TREVOR STUART AND LYDIA WEBSTER
APPLICANT	: TREVOR STUART AND LYDIA WEBSTER
SITE AREA	: 506 SQUARE METRES
ZONING OF THE LAND - EXISTING	: RESIDENTIAL DWELLING HOUSE
- PROPOSED	: RESIDENTIAL DUPLEX DWELLING
PROPOSED DEVELOPMENT	: DUPLEX DWELLING
DEFINED USE	: DUPLEX DWELLING

*** CURRENT AGENDA MATERIAL*** REFERENCE PLANNING OFFICER (JMcG) (01/12/94)

INTRODUCTION

An application has been made to Council for the relaxation of both site coverage and front building setback requirements for a proposed duplex development situated on the corner of Cypress Terrace and 13th Avenue, Palm Beach. The subject site is 506 square metres in area and is currently improved by a single storey detached dwelling house and garage which are proposed to be removed in association with the proposed development.

HISTORY

A rezoning application has recently been submitted to Council for the subject site. The application involved rezoning the subject site from the Residential Dwelling House zone to the Residential Duplex zone. As the rezoning conformed with the Strategic Plan and no objections were received, a decision was made by Delegated Authority. On the 25 August 1994, the Chief Executive Officer approved the rezoning application.

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APPLICATION FOR RELAXATION OF SITE COVERAGE AND FRONT SETBACK
 REQUIREMENTS WITHIN THE DUPLEX DWELLING ZONE - 200 CYPRESS
 TERRACE PALM BEACH - TEAM 5

It should be noted that to date the application has not been forwarded to the Chief Executive of the Department of Housing, Local Government and Planning for approval. However, for the context of this report it shall be presumed that the subject site has a designation of Residential Duplex zone.

SITE COVERAGE

Section 4.11.2.2 allows Council to relax site coverage requirements for a duplex dwelling. Council may permit the site coverage to be increased to fifty percent (50%) where such an increase would not conflict with the purpose of Clause 4.11.2, which states;

"To facilitate a pleasant living environment by the provision of adequate open space around buildings."

The applicant has requested that relaxation be granted to allow a site coverage of up to fifty percent (50%) to be achieved. Following a detailed review of the submitted concept plan it has been ascertained that the site coverage of the proposed duplex dwelling exceeds the maximum allowable site coverage of fifty percent (50%) by an amount greater than two percent (2%).

Given the small size of the subject allotment (506 square metres) and the magnitude of the submitted design, it is considered that the provision of useable open space required to facilitate a pleasant living environment has not been adequately addressed.

FRONT BUILDING SETBACK

Section 4.11.3.2 (i) allows the Planning and Development Manager the authority to modify the provisions relating to frontage setbacks for allotments with two (2) or more street frontages.

The subject site is a corner allotment and is bound by both Cypress Terrace and 13th Avenue.

Section 4.11.3.2 (i) states that:

- "(i) In respect of allotments with more than one (1) frontage, the Planning and Development Manager may modify this provision on the secondary road frontage, in accordance with the provisions of the Building Act which apply to dwelling houses."

The applicant has requested that relaxation be granted to allow the external wall of the proposed duplex dwelling to be situated two (2) metres from the 13th Avenue frontage. Following a detailed review of the submitted concept plan it has been ascertained that the proposal does not comply with the provisions of the Building Act. Section 9.8 of the Building Act outlines the special requirements for corner allotments with two (2) or more street frontages. Figure 9.8 (2)A indicates that the proposed

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APPLICATION FOR RELAXATION OF SITE COVERAGE AND FRONT SETBACK REQUIREMENTS WITHIN THE DUPLEX DWELLING ZONE - 200 CYPRESS TERRACE PALM BEACH - TEAM 5

duplex dwelling would be required to locate a minimum of three (3) metres from the 13th Avenue street frontage.

Section 4.11.4.3 of the Gold Coast City Council's Town Planning Scheme requires the provision of two (2) car parking spaces for each dwelling unit within a duplex development. It is noted that the submitted concept plan only indicates the provision of one (1) covered car parking space for each dwelling unit. Given that the egress and ingress to the subject site is from 13th Avenue and given that the covered car parking spaces are located two (2) metres from the 13th Avenue boundary, it is considered not possible to achieve the additional two (2) car parking spaces required for the dwelling units within the duplex development.

Further, it is considered that the proposed design and siting of the 13th Avenue street frontage would not create a pleasant streetscape and would not aesthetically complement the surrounding established residential development.

*** 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 request for relaxation for a site coverage of up to fifty percent (50%) be refused. The main grounds of refusal are;
 - (i) The submitted concept plan indicates a site coverage greater than the maximum permissible fifty percent (50%).
 - (ii) The provision of useable open space required to facilitate a pleasant living environment has not been adequately addressed.
- (C) The request for relaxation to allow the external wall of the proposed duplex dwelling to be situated two (2) metres from the 13th Avenue frontage be refused. The main grounds of refusal are;
 - (i) The submitted concept plan does not comply with the provisions of the Building Act.
 - (ii) That the proposed design and siting of the 13th Avenue street frontage would not create a pleasant streetscape and would not aesthetically complement the surrounding established residential development,
- (D) The applicant be advised accordingly.

*** RECOMMENDATION

That the recommendation of the Planning Officer be adopted.

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*** ITEM 44

CM16/12/94(PD044)

**APPLICATION FOR RELAXATION OF BUILDING HEIGHT REQUIREMENTS
 WITHIN THE DUPLEX DWELLING ZONE - 8 SANTA MONICA ROAD MIAMI -
 TEAM 5**

FILE REFERENCE(S)	825/094/141
APPLICATION NUMBER	08-00132-0000-2 94/00141
PROJECT NAME	: RELAXATION OF BUILDING HEIGHT REQUIREMENTS WITHIN THE DUPLEX DWELLING ZONE
LOCATION OF SITE	: 8 SANTA MONICA ROAD MIAMI
REAL PROPERTY DESCRIPTION	: LOT 60 ON REGISTERED PLAN 44332, PARISH OF GILSTON, COUNTY OF WARD
OWNER	: GARRICK AND SHERPA INVESTMENTS PTY LTD
APPLICANT	: JUPITER HOMES PTY LTD
SITE AREA	: 433 SQUARE METRES
ZONING OF THE LAND - EXISTING	: RESIDENTIAL DUPLEX DWELLING
PROPOSED DEVELOPMENT	: THREE STOREY DUPLEX DWELLING
DEFINED USE	: DUPLEX DWELLING

*** CURRENT AGENDA MATERIAL

*** CORRESPONDENCE JUPITER HOMES (PART) (24/11/94)

The following is an extract of relevant information obtained from the report contained within the Jupiter Homes submission.

"6. **Adjoining sites consideration** is a key factor of the design intent, being basically a beach zone property the consideration of the morning sun on the existing residence for the present and future uses. The designs Ground level maximises the 40% site cover and reduces substantially to the upper level being under 15% of the building area. The reduction of the buildings visual impact has been designed to be three dimensional to enable minimum light screening to adjoining lot for the morning sun. This concept also allows for interesting building lines and features creating a modern fresh look whilst trying to avoid the "box" type development."

*** REFERENCE PLANNING OFFICER (JMcG) (02/12/94)

INTRODUCTION

An application has been made to Council for the relaxation of the two (2) storey height limit for a proposed three (3) storey duplex development situated at 8 Santa Monica Road, Miami. The subject site is 433 square metres in area and is currently improved by a single storey residential dwelling house which will be removed in association with the proposed development.

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**APPLICATION FOR RELAXATION OF BUILDING HEIGHT REQUIREMENTS
WITHIN THE DUPLEX DWELLING ZONE - 8 SANTA MONICA ROAD MIAMI -
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BUILDING HEIGHT

Section 4.11.5 of the Gold Coast City Council's Town Planning Scheme provides Council with the authority to relax the two (2) storey height limit for duplex dwellings within the Residential Duplex Dwelling zone. Council may permit an increase in height provided that the proposed development complies with the purpose of Clause 4.11.5, which states:

"To ensure that dwelling houses, dual occupancy dwelling houses and duplex dwellings maintain a minimal height in low density residential zones and a height which does not conflict with surrounding development in other residential zones..."

The applicant has requested that relaxation be granted for a proposed three (3) storey duplex development. An inspection of the balance of zones of the subject locality, revealed that the southern side of Santa Monica Road is designated Residential - Duplex Dwelling and the northern side of Santa Monica Road is designated Residential - Multi Unit.

A Registered Surveyors Plan was contained within the application submitted by the applicant. The plan reveals that of the five (5) adjoining residential properties situated along the southern side of Santa Monica Road, the average height of the existing residential properties is RL 13.07 with the maximum height being RL 15.850 and the minimum height being RL 10.400. The maximum height of the proposed three (3) storey duplex dwelling is RL 13.885. The northern side of Santa Monica Road has a permitted height designation of three (3) storeys and a maximum height designation of seven (7) storeys. The combination of the Residential - Multi Unit zone and a maximum seven (7) storey height limit has resulted in a number of three (3) to seven (7) storey multi unit developments situated directly opposite the subject site.

The concept plan indicates that the subject site has been specifically designed to minimise both the height and bulk of the proposed three (3) storey development through the utilisation of a parapet roof and by creating a building envelope of tight dimensions which adheres to the forty percent (40%) site coverage.

In having regard to the subject sites locality, the height and intensity of the existing development within the area and the specific design which minimises both the height and bulk of the proposed development, it is not considered that the proposal will unduly increase the bulk of the building or adversely impact on the existing amenity of the area.

SIDE BOUNDARY SETBACK

Whilst assessing the submitted concept plan it was noted that the third storey addition was situated 1.8 metres from the eastern side boundary. As a result the proposed third storey addition is situated within the side setback requirements outlined in Section 4.11.3.3 of the Town Planning Scheme. The above was referred to a Building Surveyor for comment.

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*** REFERENCE BUILDING SURVEYOR (PB) (02/12/94)

Council's Town Plan pursuant to Section 4.11.3.3 requires duplex dwellings to provide minimum side boundary setbacks of:

- "(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
- (iii) 2.0 metres plus 0.5 metre for every three (3) metres or part thereof to the outermost projection of that part of the building which is greater than 7.5 metres above ground level.

Notwithstanding

"Provided that:

- (a) Where an allotment is rectangular or near rectangular in shape and has a frontage to a road of 15.5 metres or less, the minimum side and rear boundary setbacks shall be in accordance with the provisions of the Building Act which apply to dwelling houses.
- (b) In respect of a car port, private garage or shed with a maximum length or width of nine (9) metres, maximum height of 4.5 metres and maximum mean height of 3.5 metres, the prescribed side and rear site boundary setbacks may be relaxed by the Health, Building and Bylaws Manager having regard to the provisions made for the discharge of rainwater and the purpose of Clause 4.11.3."

As this property has a street frontage of less than 15.5 metres subclause (a) applies and the proposed building shall be regarded as a dwelling house in terms of side boundary setbacks.

The Building Act Amendment Act 1991 pursuant to Part 9.1 provides for concessions to the side boundary setback up to a maximum height of 7.5 metres.

Part 9.1(5)(a) allows, for a street frontage of 11.04 metres, a side boundary setback of 900mm to a maximum height of 4.5 metres and 1200mm to a maximum height of 7.5 metres.

For any part of the building that exceeds 7.5 metres in height the setbacks are to be in accordance with the normal requirements for an allotment in excess of 15.5 metres wide.

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The proposed building indicates a setback of approximately 1800mm where it exceeds 7.5 metres in height in lieu of the minimum 2.5 metre setback required under the Council Town Plan.

Notwithstanding, Part 9.9 states that:

"A Local Authority may in respect of a particular allotment modify the requirements of this Part in so far as they apply to that allotment if the applicant for approval to the carrying out of building work on that allotment satisfies the Local Authority that -

- (a) because of the levels, depth, shape or conditions of the allotment or adjoining allotments;
- or
- (b) because of the nature of the proposed building or other structure or adjoining buildings;
- or
- (c) because the allotment has two road frontages;
- or
- (d) because the allotment has two road frontages;
- or
- (e) because of any other reason the Local Authority may consider relevant;

the proposed building or other structure will not do any of the following:

- (f) unduly obstruct the natural light and ventilation of adjoining allotments;
- (g) unduly interfere with the privacy of adjoining allotments;
- (h) unduly restruct the areas suitable for landscaping;
- (i) unduly obstruct the outlook from adjoining allotments;
- (j) unduly overcrowd the allotment;
- (k) unduly restruct off street car parking;
- (l) unduly obstruct access for normal building maintenance.

REFERENCE PLANNING OFFICER (JMCG) (3/12/94)

Following an assessment of the concept plan it was ascertained that the third storey is to be stepped back 6.0 metres from the northern (front) boundary, 8.2 metres from the southern (rear) boundary and 3.8 metres from the western (side) boundary. The above setbacks comply with the front and side setback requirements outlined in Section 4.11.3.3 of the Town Planning Scheme. However, third storey is situated only 1.8 metres from the eastern side boundary and does not comply with Section 4.11.3.3 of the Town Planning Scheme.

In this specific circumstance it is considered appropriate for Council to grant relaxation of the eastern (side) boundary setback requirement on the following grounds:

- 1) The subject allotment has a narrow frontage and has been specifically designed to minimise both the height and bulk of the building,

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- 2) The design of the third storey ensures that the privacy of the eastern residential occupants is not compromised as no window is situated adjacent to or within a direct view of the neighbouring eastern residential dwelling, and
- 3) The third storey is not substantial as it does not exceed fifteen percent (15%) of the gross floor area of the building and fifty (50%) of the area of the floor below. Further, the building has been designed to reduce any impact upon the natural light and ventilation of the adjoining eastern (side) allotment.

*** **OFFICER RECOMMENDATION**

It is recommended that:

- (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 advised that approval has been granted to relax Provision 4.11.5.1 to allow a three (3) storey duplex dwelling in accordance with plans and elevations lodged with this application by Jupiter Homes, dated 29 September 1994 and numbered 282 - Sheet No. 1 through to 7.
- (C) The applicant be advised that approval has been granted relaxing the side boundary setback requirements so that the third storey shall be situated a minimum of 1.8 metres from the eastern (side) boundary, in accordance with plans and elevations lodged with this application by Jupiter Homes, dated 29 September, 1994 and numbered 282 - Sheet No. 1 through to 7.

*** **RECOMMENDATION**

That the recommendation of the Planning Officer be adopted.

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CM16/12/94(PD045)

*** ITEM 45

**LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO 186
 OF 1994 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 - TEAM 5**

FILE REFERENCE(S)	663/93/76 PT 7
PREVIOUS DECISION(S)	CM03/06/94(PD038) CM29/07/94(PD018) CM12/08/94(PD002) CM02/12/94(PD020)
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 APPLICANT	: SANFAM PTY LTD ACN 002 880 : 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

*** PREVIOUS AGENDA MATERIAL

COUNCIL DECISION CM12/08/94 (PD002)

- (A) That Council note a meeting was held between the Planning & Development Committee and the applicant's representatives on Tuesday 2 August, 1994.
- (B) Council note that the Committee resolved to close the meeting at 11:06 am to decide an application made to it under the Local Government (Planning and Environment) Act 1990, and at 11:45 am moved to open the Committee.
- (C) Council note that an Appeal has been lodged against some of the conditions of approval to the proposed rezoning.
- (D) The Director Development and Environment Planning bring forward a report on the conditions in dispute for the Committee's consideration to ascertain if they can be mutually resolved.

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- (E) Council resolve to defend the Appeal and engage solicitors to act on Council's behalf.

*** REFERENCE PLANNING OFFICER (DG) (09/09/94)

In respect of Part (D) of Council's Decision of 12 August 1994 (PD002), a further report has been prepared for Council's consideration which provides detailed comment on conditions in dispute by Sanfam Pty Ltd. The appellant's concerns have been expressed in correspondence from Hill & Taylor Solicitors dated 19 July 1994 and referred to as folio 9428210. This correspondence has been included as a vide item.

The following comments are made:

- (1) Condition 1(a)

The condition of the approval reads as follows:

- "(a) Dwelling houses on lots with minimum site areas of 600 square metres shall comply with Section 4.11 of the Planning Scheme and all relevant sections of the Building Act and Building Code, unless otherwise approved."

The appellant suggests the following alternative condition:

- "1(a) Dwelling houses on lots with minimum site areas of 600 square metres shall comply with Section 4.11 of the Planning Scheme and all relevant Sections of the Building Act and Building Code, unless otherwise approved. It is intended that lots with minimum site areas of 600 square metres may be individually sold without the requirement for an approved Plan of Development or that construction of dwelling houses be substantially commenced. Council confirms a dwelling house is a development which does not require the consent of the Council, and shall in all respects be treated and dealt with by Council as if it were included in the Residential Dwelling House Zone."

The appellant is concerned that the inclusion of the whole site in the Special Residential Zone rather than including conventional dwelling house lots in the Residential "A" zone (now the Residential - Dwelling House Zone) could unduly restrict development of such lots as such would be included in a Plan of Development. They have suggested an alternative condition which is considered generally acceptable apart from being reworded in part to read as follows:

- "1(a) Dwelling houses on lots with minimum site areas of 600 square metres shall comply with section 4.11 of the Planning scheme and all relevant sections of the Building Act and Building Code, unless otherwise approved by the Council. Development of such lots is not required to be undertaken on an integrated basis and accordingly allotments may be individually sold and developed with

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Council sealing relevant subdivision plans prior to any construction of dwellings commencing. The properties will be subject to a normal subdivision application".

(2) Condition 1(d)

The condition of the approval reads as follows:

"(d) DESIGN AND SITING GUIDELINES FOR MULTI-UNIT DEVELOPMENT SITES

Density

One bed-sitting unit for every 140 square metres of site area one dwelling unit comprising one or more bedrooms for every 200 square metres of site area"

The appellant claims that the approval limiting the density of multi-unit sites to 50 units per hectare has no relevance to the Special Residential Zone and seek a density of 60 units per hectare for such sites.

The density has been restricted to 50 dwellings per hectare or one dwelling for every 200 square metres of site area, being the maximum density permitted for multi-unit development other than bed-sitting units in the Residential-Townhouse Zone. While it is acknowledged that the application was made essentially for Special Residential development the application has been assessed having regard for the Strategic Plan designation. The subject land is designated Mixed Low Density Residential in which development is required to accord with the provisions applicable to the Residential-Townhouse Zone. This will ensure that townhouse development is at a density and scale which is complementary and compatible with development over the balance site area. It is considered inappropriate to alter this condition.

(3) Conditions 13 and 14

These conditions read as follows:

"LANDSCAPING

- (13) The landscaping is to be established and maintained to the reasonable satisfaction of the Planning and Development Manager at all times.
- (14) 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

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include the location of any proposed advertising devices and certain information listed in provision 13.12.1.1 of the Planning Scheme."

Conditions (13) and (14) are Council's standard landscaping requirements relating to preparation of landscape plans and establishment and maintenance of landscaping. The appellant generally accepts these conditions but seeks confirmation that Landscaping Plan prepared by Greenspace Pty Ltd - Drawing No 02A dated 5 July 1993 is the approved Landscape Plan. This plan is a generalised landscape concept plan for the development site and should not be accepted as the approved Landscape Plan for the entire development. Detailed landscape plans will be required to be lodged with all building applications for townhouse and multi-unit developments. In addition detailed streetscape plans are required for streets developed with integrated housing.

The subject plan should be accepted as a general concept only and not as the approved landscape plan for the development as it will be subject to refinement and further details.

(4) Condition (18)

This condition of the approval reads as follows:

"General Provision

(18) Council approves the payment by the owner of the land the subject of the application to the Council before commencement of construction specifically referred to in this approval, such sum as is required by the Council for the provision of those external works. Where such payment is accepted, the Council shall carry out the works and account for all costs within such time as is agreed between the Council and the owner of the land.

Where the actual cost to the Council of the above works exceeds the sum approved, the Council may recover the difference from the owner of the land as a debt due and owing to the Council.

Where the actual cost to the Council of the above works is less than the sum approved, the Council shall refund the difference to the owner of the land."

The appellant has no real objection to this condition remaining provided Council does not purport to require works to be undertaken by it.

This conditions essentially covers contributions to Council for works required to be undertaken external to the development site in respect of connections to "live" services ie water supply and sewerage, and the provision of concrete footpaths and bikeways. It is considered inappropriate to amend or delete this standard condition having regard for the types of external works to which this condition relates.

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(5) Condition (19)

This condition of the approval reads as follows:

"Stormwater Drainage

- (19) 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."

This condition relates to standard stormwater drainage requirements. The appellant suggests as an alternative condition:

- "(19) Stormwater drainage that may discharge onto the site, from and traversing the site shall be collected on site and discharged into an approved stormwater drainage system. The approved drainage system shall be either an underground or overland or combined underground and overland system and shall be constructed to a lawful point of discharge. The lawful point of discharge for the stormwater drainage system shall be the proposed lake, and the Applicant shall provide such easements as may be required by the Chief Engineer to ensure that a drainage path to the ultimate outlet to the proposed lake is obtained."

This is a more specific condition which is considered acceptable subject to the provision of easements being at no expense to Council and works being undertaken to the satisfaction of the Director, Development and Environment Planning rather than the Chief Engineer.

(6) Condition (20)(f)

This condition of the approval reads as follows:

- "(20) 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 -

- (f) the contract documentation shall include Quality Assurance Provisions in accordance with Australian Standard AS2900-1987."

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The appellant claims that the Australian Standard No. AS2900-1987 neither relates to quality or assurance provisions, nor is it referable in any way to the proposed development and should be deleted.

This part of the condition relates to Quality Assurance Provisions and it is considered reasonable to delete this provision as it is covered elsewhere in conditions and need not be specified in this particular condition.

(7) Condition 21

This condition of the approval reads as follows:

- "(21) 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."

This condition relates to soil exposure and restoration. The appellant suggests an alternative condition which varies in respect to the time frame to undertake the works. They state "as soon as practicable" in lieu of "within 7 days".

It is considered inappropriate to alter this condition.

(8) Condition 22

In addition to Condition (22), the appellant makes reference to other traffic & roadworks conditions, (34), (35), (36), (37) and (68) stating that these conditions should be reviewed and refined into one comprehensive condition containing all the reasonable and relevant requirements.

Condition (22) of the approval reads as follows:

"Roadworks and Footway Areas

- (22) Prior to the issue of a Certificate of Classification or sealing a plan of subdivision, the following shall be required to the satisfaction of Chief Engineer and the Queensland Department of Transport-Main Roads:

- (a) an area of the site required for road widening purposes dedicated free of charge to the Crown; and
- (b) construction of road pavement, kerb and channel and pavement tapers; and
- (c) construction of medians or median breaks in the Road Reserve; and
- (d) provision of traffic control devices; and

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- (e) any other road works necessitated by the development."

Condition (22) should remain in place subject to amendment as it relates to roadworks internal to the site to allow the subdivision to occur. As the required works are internal works only, the condition should be modified to ensure work is undertaken to the satisfaction of the Director, Development and Environment Planning rather than including the Queensland Department of Transport. However part (a) should be modified as it currently relates to road widening dedication which is adequately addressed in Condition (34) and should relate to the dedication of internal road reserves. The revised part (a) should read as follows:

"Dedication of required areas as road reserve adequate to provide a road network to service the development".

Condition (34) of the approval reads as follows:

"PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (34) A portion of the site is to be dedicated as road reserve, free of cost to Council, for road widening purposes. The exact area and shape shall be to the reasonable satisfaction of the Chief Engineer and will be determined after discussions with Council's Traffic Engineering Section and/or The Queensland Department of Transport-Main Roads."

Condition (34) should remain unaltered as it makes reference to road widening required by the Queensland Department of Transport.

Condition (35) of the approval reads as follows:

- "(35) The applicant shall provide all works at his expense as required to upgrade the existing road network with the following minimum requirements to be satisfactorily completed:
- (a) The applicant shall contribute towards the cost of upgrading of the intersection of the Gold Coast Highway and West Burleigh Road. The contribution shall be to the satisfaction of the Queensland Department of Transport-Main Roads.
 - (b) The applicant shall upgrade that section of West Burleigh Road between Burleigh Street and James Street to the satisfaction of the Chief Engineer and the Queensland Department of Transport-Main Roads.
 - (c) The applicant shall upgrade the intersections of West Burleigh Road and Tallebudgera Creek Road; the intersection of West Burleigh Road and Tabilban Street; and the intersection of West Burleigh Road with Reedy Creek Road.
 - (d) The applicant shall provide for the upgrading of Reedy Creek Road to provide for four traffic lanes with a central median for the full frontage of the site with tapers external to the site.
 - (e) The applicant shall be responsible for all costs associated with the provision of traffic signals and the coordination of all

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associated traffic signals located on roadways or new signals to be located by the applicant within the vicinity of the site.

All works referred to above shall be designed and constructed to the satisfaction of the Chief Engineer and the Queensland Department of Transport-Main Roads, and are to be completed in conjunction with the buildings on the site and prior to the issues of a Certificate of Classification for the proposed structures on the site."

Condition (35) details a number of specific roadworks external to the site. Several discussions have taken place amongst interested parties and while it appears that such discussions are nearing completion, this condition should remain in place until an alternative suitable arrangement or agreement is in place.

Condition (36) of the approval reads as follows:

"(36) The applicant shall provide detailed drawings in accordance with preliminary layout No. 102 SK2 dated 16 May 1994 prepared by the Queensland Department of Transport and shall complete all works to the satisfaction of the Queensland Department of Transport-Main Roads and Council's Director of Roads and Transport. Detailed drawings shall be prepared prior to the sealing of the first residential subdivision stage and work shall be completed prior to any permanent access being obtained onto West Burleigh/Reedy Creek Roads."

Condition (36) requires detailed drawing and roadworks adjacent to the frontage of the site. As with Condition (35) such a requirement should remain in place until an alternative suitable arrangement or agreement is in place.

Condition (37) of the approval reads as follows:

"(37) A bond for the sum of \$30,000.00 is to be lodged with Council to cover future traffic management works in Tabilban Street, prior to the application being referred to the Minister. Such amount shall be released after two years from completion of the development if it has been determined by Council's Director of Roads and Transport, that additional traffic works are not necessary as a result of the development."

Condition (37) requires lodgement of a bond for the sum of \$30,000 to cover possible future traffic management works in Tabilban Street with such amount being released at a later date if it is determined that additional traffic works are not necessary. The appellant seeks to have this requirement deleted on the basis that Schwartz has a similar condition imposed on the Burleigh West Shopping Centre extension application which is also subject to Appeal. Council's Traffic Engineer has indicated that this Condition could be deleted having regard for recent negotiations in which Sanfam agreed to pay \$1.1 million in addition to frontage roadworks and the contribution already imposed upon Schwartz.

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Condition (68) of the approval reads as follows:

"CONTRIBUTION TO QUEENSLAND DEPARTMENT OF TRANSPORT-MAIN ROADS

- (68) A contribution of an amount of one million dollars (\$1,000,000.00) is to be made to the Queensland Department of Transport-Main Roads, towards the upgrading of West Burleigh Road between the subject land and the Gold Coast Highway."

Condition (68) requires a contribution of \$1 million to Queensland Department of Transport, towards the upgrading of part of West Burleigh Road. Correspondence was recently forwarded to Council's Solicitor from the appellant's solicitors Smits Newton and Partners detailing matters discussed on a "without prejudice" basis amongst Council officers and representatives, the appellant and their representatives and officers from Queensland Department of Transport. Essentially this correspondence indicates that the appellant agrees to contribute \$1.1 million as follows:

- (1) \$600,000.00 for external roadworks for land associated with this application.
- (2) \$400,000.00 for external roadworks for the balance "future development site"; and
- (3) \$100,000.00 for Lot 108 (the former retail plant nursery site), all being subject to certain conditions.

However, as with other roadworks requirements this condition should remain in place until an alternative suitable arrangement or agreement is in place.

(9) Condition (24)

Condition (24) reads as follows:

"ROADWORKS AND FOOTPATH AREAS

- (24) 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."

This condition should be deleted as it is a duplication of condition (23).

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(10) Conditions (29) and (30)

These conditions of the approval read as follows:

"(29) The site (excluding the lake) is to be fill above maximum recorded or design flood level to the reasonable satisfaction of the Director, Beaches and Foreshores. The required filling level will be determined in the light of tests being carried out on the Nerang River Mathematical Model for Albert Shire Council and Gold Coast City Council by the Department of Primary Industries Water Resources Unit. Any enquiries concerning these tests are to be directed to the Director, Beaches and Foreshores.

(30) 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)."

The appellant suggests one alternative condition in lieu of the above two conditions, namely:

"(29) The site (excluding the lake) is to be filled above maximum recorded or designed flood level to the reasonable satisfaction of the Director, Beaches and Foreshores. Where the determinations of the Nerang River Mathematical Model are to hand, and a minimum level fixed prior to detailed engineering design, the required level will be in accordance with that Model."

These conditions relate to the filling of the site and the effect of the runoff on downstream properties. The applicant seeks a combined condition ie replacement condition (29) which addresses the filling of the site. However, condition (30) should remain in place as the approval encompasses both rezoning and subdivision requirements.

(11) Condition (30)

Refer 10 above

(12) Condition (31)

Condition (31) reads as follows:

"(31) 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

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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. 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."

The appellant suggests the following alternative condition:

- (31) 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 the Policy to the reasonable satisfaction of the Chief Engineer and the Planning Development Manager. All fill placed on the lands shall be suitable for the purpose of providing a foundation for the proposed use of the land and shall be placed 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:

- (i) the Engineer has been responsible for the inspection of the filling and any roadworks, the installation of any pipework and drainage works and other development and civil engineering works for the subdivision;
- (ii) all stages of the construction were periodically inspected by an Engineer;
- (iii) and certifying that all materials, components and works have been constructed generally in accordance with the design and intent of the approved drawings, and sound engineering practice.

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The appellants suggested an alternative wording for this condition covers the essential issues and is considered acceptable.

(13) Condition (33)

Condition (33) reads as follows:

"(33) A design flood level is to be established for the development through modelling of the area on the Nerang River Computer Model."

This condition should be deleted as it is a duplication of requirements already covered in conditions (29) and (3).

(14) Condition (34), (35), (36) and (37)

Refer comments in 8. Condition (22).

(15) Conditions (40) and (41)

Conditions (40) and (41) read as follows:

"CAR PARKING AND LOADING FACILITIES

(40) 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.

(41) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986."

The appellant requests that these conditions be deleted as such provisions are already contained in condition (1).

Condition (40) relates to the provision of off street parking and is considered unnecessary as car parking requirements for each type of residential development are detailed in condition (1). However, condition (41) relates to actual car parking dimensions which is not detailed elsewhere and should therefore remain.

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(16) Condition (42)

This condition reads as follows:

"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 sewerage system is to be designed to cater for the external catchment presently served by pump station B22 adjacent to the Besser Plant.

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."

This condition relates to the provision of water supply and sewerage. The appellant opposes being responsible for meeting costs associated with the provision of such services to cater for the external catchment. For clarification purposes at the end of the first paragraph, the following should be added:

"Any works over and above that required to service the development alone, as required by Council, shall be carried out by the developer at Council's expense".

(17) Condition (45)

Headworks 1 was originally incorrectly calculated and condition (45) was accordingly modified by Council at its meeting of 29 July 1994 (PD018). No further action is necessary in relation to this item.

(18) Condition 52(a)

This condition reads as follows:

"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."

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The appellant objects to this condition and will not accept Council purportedly "contracting out" of any liability particularly when the final design may be amended by Council.

This requirement forms part of Council's standard condition relating to engineering design and construction. Contrary to claims made by the appellant, this condition does not make reference to Council amending the developer's plans. If Council were to amend such plans, they would accept responsibility for any changes made. This is a standard requirement imposed on all development and should remain unaltered.

(19) Condition 52 (d)

This condition reads as follows:

"(52)(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."

The appellant would accept an alternative condition on similar terms to that proposed in the amended condition (31), namely:

"(52)(d) All internal roadworks, sewerage, water supply and stormwater drainage is to be subject to periodic inspection by a qualified Engineer who is to certify that these works have been inspected and that they are generally in accordance with the design intent of the approved drawings."

This requirement relates to supervision of works and the appellant suggests an amendment which is similar to that proposed for condition (31). No objection is raised to the amended condition as the appellant accepts responsibility for works in accordance with revised condition (31) agreed to above.

(20) Condition 53

This condition reads as follows:

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

This condition should be deleted as it is a duplication of condition 62(c).

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(21) Condition 55

This condition reads as follows:

"PARK PROVISION

- (55) The applicant is to provide ten percent (10%) of the land as park provision. As part of this requirement Council shall acknowledge previous public park dedications made under subdivision approval 665/083/010. Buffer zones containing easements which are to be dominated by services shall be excluded from the overall public park calculations. The park area shall be transferred to Council in Fee Simple 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, under the direction of and to the reasonable requirements of the Chief Engineer."

This condition requires provision of ten (10) percent of the site as park provision acknowledging previous park dedications and excluding buffer zones containing easements which are dominated by services.

The appellant seeks acknowledgment that the areas proposed as park are sufficient to satisfy Council's requirements and that no additional park requirement will be imposed on the balance site area which is excluded from this application ie the area fronting Reedy Creek Road between Besser's site and Schwartz's Burleigh West Shopping Centre site and known as future development site.

The total site area is 26.1 hectare which includes the former retail plant nursery site, the future development site and the 1.7 hectare transferred to Schwartz. Ten (10) percent of this area is 2.61 hectare. Park provision is in the order of 3.3. hectare comprising the previous contribution of 2.4 hectare and the proposed new area of 0.9 hectare. This excludes buffer areas of 1.4 hectare which Council considered unsuitable due to the location of services etc. Hence park provision is in excess of minimum requirements.

The appellant requests the amendment of condition (55) to make reference to park provision generally in accordance with Figure 3 - Proposed Subdivision Layout - Drawing No BWP-011 dated July 1993. They also seek Council's acknowledgment in the condition that this will satisfy the park contribution for the whole of Lot 10 including balance areas not included in the subject rezoning application area. The appellant suggests the following condition:

- (55) The Applicant is to provide the land generally in accordance with Figure 3 - Proposed Subdivision Layout - Drawing No. BWP-011 dated July 1993 as park. Such park area shall be transferred to Council in fee simple 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. under the direction of and to the reasonable requirements of the Chief Engineer.

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Council acknowledges the transfer to Council of the land pursuant to this condition satisfies Council's requirements for park contribution for the whole of Lot 10 on Plan 854946, including the balance areas not included in the subject rezoning application area. Council further acknowledges development may be undertaken on the balance area of Lot 10 not the subject of this Application without any further requirement to make park contribution whether by way of the provision of land or monetary contributions.

The amended condition as proposed by the appellant is considered reasonable subject to the deletion of the last sentence in the second paragraph as this essentially repeats the first sentence of this paragraph.

(22) Condition (59)

This condition reads as follows:

"WATER QUALITY REQUIREMENTS

- (59) Prior to subdivision approval or building approval being granted for the site, the applicant is to provide satisfactory details of:
- (a) Gross pollutant/silt traps which can be readily maintained.
 - (b) Nutrient stripping basins.
 - (c) Calculations of the expected water quality parameters.
 - (d) 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.
 - (e) Calculations of the efficiency of (a) and (b) and likely resultant water quality."

This condition relates to water quality requirements. The appellant objects to certain matters being required to be satisfied prior to subdivision approval and consider it more appropriate that these matters be dealt with prior to sealing of the Plan of Subdivision.

This condition is considered fair and reasonable as details need to be provided prior to subdivision approval to enable Council officers to assess the relevance of these measures to ensure protection of the downstream lake and should not be altered.

(23) Condition (67)

This condition reads as follows:

"S.E.Q.E.B. PROVISIONS

- (67) 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

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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."

This condition should be deleted as it is a duplication of condition (65).

(24) Condition (68)

Refer comments contained in part (8) of this report in respect of traffic and roadworks issues.

(25) Conditions (70) and (71)

These conditions read as follows:

- "(70) Compliance with recommendations detailed in correspondence from the Queensland Department of Environment and Heritage dated 8 November 1993 in respect of the EIS prepared for the development.
- (71) The applicant/developer is responsible for forming a legal agreement/contract with Besser Masonry Queensland to ensure modified practices referred to in the Noise Impact Assessment Report prepared by Ron Rumble Pty Ltd, dated June 1993 are put into place. This agreement shall be to the satisfaction of the Chief Executive Officer and shall be submitted to Council prior to the application being forwarded to the Minister."

Condition (70) requires compliance with recommendations of the Department of Environment and Heritage in respect of the EIS prepared for the development. The appellant has not indicated the reasons why they oppose this requirement. It is not considered to be an unreasonable condition and should remain in place.

Condition (71) requires a legal agreement to be formed between the appellant/developer and Besser Masonry to ensure modified practices referred to in the Noise Impact Assessment Report are put into place.

The appellant states that Council is unable to require a legal agreement be entered into between themselves and a third party in respect of land not the subject of the Application, and located in another Local Authority Area. They further state that the Noise Impact Assessment Report referred to in this condition contains certain recommendations as to works and noise attenuation measures to be undertaken on the subject land and that they intend complying with those recommendations.

It is important to note that this condition was imposed as a result of recommendations of the Acoustic Report. The acoustic engineer indicated that the proposed development could be affected by noise emissions from the Besser Plant if appropriate measures are not taken and that such measures involve a combination of physical noise barriers constructed on the subdivision and negotiated solutions with the various adjoining owners. They recommend that "an understanding be reached

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with Besser to modify the forklifts to stop the tyres rattling and to take managerial action to control the manner of driving trucks and forklifts on the site at night."

The appellant now states that they agree only to the measures on the subject site which means that the full recommendations of the Acoustic Report will not be met. Condition (71) should remain in place until the appellant provides further details in respect of the impact of the Besser operations and the findings of the Acoustic Report are adequately addressed. The appellant's representatives have indicated that they are currently having discussions with Besser Masonry and Albert Shire Council and will advise of the outcome in due course.

(26) Condition (72)

This condition reads as follows:

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

(72) 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.
- (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.

This condition should be deleted as it is a duplication of condition (60).

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(27) Condition (73)

This condition reads as follows:

"(73) Appropriate fencing and/or barriers are to be erected in order to minimise the noise impact of the nearby Besser operations to the satisfaction of the Director of Community Services."

The appellant claims that this condition is both vague and uncertain and is unenforceable and request that the condition be amended to require the applicant to comply with the recommendations of the Noise Impact Assessment Report.

This condition requires the erection of fencing and/or barriers to minimise the noise impact of Besser's operations.

The Acoustic Report forming part of the EIS recommends a combination of physical noise barriers constructed on the subject site and negotiated solutions with the owner of Besser and the shopping centre. This condition should remain in place until the applicant provides further details as indicated in comments on condition (71) above. It is noted that Council agrees to the deletion of the fencing requirement of Schwartz's application to extend the Burleigh West Shopping Centre on the basis that it was most appropriate that it remain in place on Sanfam's approval.

*** **OFFICER RECOMMENDATION**

It is recommended that the following modifications of conditions of Council decision of 3 June 1994 (PD038) be accepted subject to agreement by all interested parties with the view to seeking Consent Orders of the Local Government (Planning & Environment) Court:

- (1) Council agrees to the deletion of conditions (20)(f), (24), (33), (37), (40), (53), (67) and (72).
- (2) Council does not agree to the deletion or alteration of conditions (1)(d), (13), (14), (18), (21), (30), (34), (41), (52)(a), (59) and (70) for the reasons outlined in this agenda item.
- (3) Council agrees to the modification of condition (1)(a) to read as follows:

"(1)(a) Dwelling houses on lots with minimum site areas of 600 square metres shall comply with Section 4.11 of the Planning Scheme and all relevant sections of the Building Act and Building Code, unless otherwise approved by the Council. Development of such lots is not required to be undertaken on an integrated basis and accordingly allotments may be individually sold and developed with Council sealing relevant subdivision plans prior to any construction of dwellings commencing. The properties will be subject to a normal subdivision application."

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(4) Council agrees to the amendment of condition (19) as suggested by the appellant subject to the provision of easements being at no expense to Council and works being to the satisfaction of the Director Development and Environment Planning.

(5) Council agrees to condition (22) relating to internal works being modified to ensure all works are to the satisfaction of the Director Development and Environment Planning only with part (a) of this condition being amended to read as follows:

"Dedication of required areas as road reserve adequate to provide a road network to service the development."

(6) Council agrees to the rewording of condition (29) as suggested by the appellant, namely:

"(29) The site (excluding the lake) is to be filled above maximum recorded or designed flood level to the reasonable satisfaction of the Director, Beaches and Foreshores. Where the determinations of the Nerang River Mathematical Model are to hand, and a minimum level fixed prior to detailed engineering design, the required filling level will be in accordance with that Model."

(7) Council agrees to the rewording of condition (31) as suggested by the appellant, namely:

"(31) 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 the Policy to the reasonable satisfaction of the Chief Engineer and the Planning Development Manager. All fill placed on the lands shall be suitable for the purpose of providing a foundation for the proposed use of the land and shall be placed 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:

- (i) the Engineer has been responsible for the inspection of the filling and any roadworks, the installation of any pipework and drainage works and other development and civil engineering works for the subdivision;
- (ii) all stages of the construction were periodically inspected by an Engineer;

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- (iii) and certifying that all materials, components and works have been constructed generally in accordance with the design and intent of the approved drawings, and sound engineering practice."
- (8) Council agrees to the amendment of condition (42) subject to the inclusion of an additional sentence at the end of the first paragraph, namely:
- "Any works over and above that required to service the development alone, as required by Council, shall be carried out by the developer at Council's expense."
- (9) Council agrees to the rewording of condition (52)(d) as suggested by the appellant, namely:
- "(52)(d) All internal roadworks, sewerage, water supply and stormwater drainage is to be subject to periodic inspection by a qualified Engineer who is to certify that these works have been inspected and that they are generally in accordance with the design intent of the approved drawings."
- (10) Council agrees to the modification of condition (55) as suggested by the appellant subject to the deletion of the last sentence in the second paragraph. The revised condition reads as follows:
- "(55) The Applicant is to provide the land generally in accordance with Figure 3 - Proposed Subdivision Layout - Drawing No. BWP-011 dated July 1993 as park. Such park area shall be transferred to Council in fee simple 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. under the direction of and to the reasonable requirements of the Chief Engineer.
- Council acknowledges the transfer to Council of the land pursuant to this condition satisfies Council's requirements for park contribution for the whole of Lot 10 on Plan 854946, including the balance areas not included in the subject rezoning application area."
- (11) The appellant be advised that the landscape plan by Greenspace Pty Ltd is accepted as a general concept only and would be subject to refinement and further details.
- (12) The appellant be advised that conditions (35), (36) and (68) are to remain in place until all discussions amongst interested parties are completed and an alternative agreement is in place.
- (13) The appellant be advised that Council does not agree to the deletion and/or modification of conditions (71) and (73) until further details are submitted by

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the appellant in respect of the impact of the Besser operations and the shopping centre on the proposed residential development and it can be satisfactorily demonstrated that all recommendations of the Acoustic Engineer's Report can be met.

COUNCIL DECISION 2 DECEMBER 1994 (PD020)

That the recommendation of the Planning Officer be adopted.

*** **CURRENT AGENDA MATERIAL**

*** **REFERENCE PLANNING OFFICER (DG) (05/12/94)**

Council at its previous meeting of 2 December 1994 (PD020) agreed to the modification of several conditions of the Sanfam Special Residential Rezoning Approval subject to agreement by all interested parties with the view to seeking Consent Orders of the Local Government (Planning and Environment) Court. It was noted that issues in respect of roadworks and noise impact from the Besser plant operations had not been resolved and would be subject to further detailed consideration. The appellant has now provided further details in anticipation that the appeal can soon be finalised.

ROADWORKS REQUIREMENTS

The remaining unresolved roadworks conditions are (34), (35), (36) and (68) which are contained in Council previous agenda item quoted above.

The appellant has suggested an alternative roadworks condition and state it has been endorsed by Queensland Department of Transport subject to minor amendment. The revised condition reads as follows:

**"ROADWORKS REQUIREMENTS AND CONTRIBUTION TO QUEENSLAND
DEPARTMENT OF TRANSPORT-MAIN ROADS**

68. (a) The applicant shall provide all works at its expense as required to upgrade the intersection of West Burleigh Road and Tabilban Street and the provision of the proposed northbound carriageway of West Burleigh Road along the site frontage in accordance with preliminary layout No. 102-SK2 dated 16 May, 1994 prepared by the Queensland Department of Transport, a copy of which is annexed hereto. These works shall be completed prior to Council accepting on maintenance the first stage of the residential subdivision.
- (b) A portion of the site is to be dedicated as road reserve, free of cost to Council, for road widening purposes and to facilitate the U-turn movement onto the northbound carriageway of West Burleigh Road opposite Timbertop Mead. The exact area and shape shall be to the reasonable satisfaction of the Queensland Department of Transport.

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LOCAL GOVERNMENT (PLANNING & ENVIRONMENT) COURT APPEAL NO 186 OF 1994 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 - TEAM 5

- (c) The applicant shall pay to the Queensland Department of Transport a contribution towards the cost of upgrading West Burleigh Road between the site and Gold Coast Highway. The contribution shall be in cash, in the sum of Six Hundred Thousand Dollars (\$600,000.00) which shall be paid upon gazettal of the Town Planning Scheme Amendment, in substitution for the One Million Dollar (\$1,000,000.00) Bond provided by National Westminster Finance Australia Limited dated 25 November 1986 in favour of and held by Queensland Department of Transport, and subject to signing of the Deeds in respect of proposed Lot 108 and proposed Lot 2 (the balance commercial land).
- (d) Any drainage works or alterations to public utilities, road signage or traffic control devices including traffic signal alterations and coordination, necessitated by the works required shall be undertaken by the applicant at its full cost.
- (e) Any existing kerb and channel which is damaged or is required by the Queensland Department of Transport 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 Queensland Department of Transport.
- (f) A formed footway shall be provided for the full length of the site frontage to West Burleigh Road as shown on Preliminary Layout SK2 dated 16 May 1994, prepared by Queensland Department of Transport. The paving material provided shall have a Polished Frictional Value of not less than 40, as established in Australian Standard AS 1141.42."

Written confirmation has been obtained from Queensland Transport indicating they agree to the revised condition (68) and the deletion of conditions (34), (35) and (36) subject to section (c) of condition (68) being amended to read as follows:

- (c) The applicant shall pay to the Queensland Department of Transport a contribution towards the cost of the upgrading West Burleigh Road between the site and Gold Coast Highway. The contribution shall be cash, in the sum of Six Hundred Thousand Dollars (\$600,000.00) which shall be paid upon gazettal of the Town Planning Scheme Amendment.

It is considered appropriate that conditions (34), (35) and (36) be deleted and condition (68) be modified to reflect the above.

NOISE IMPACT

Current conditions relating to noise impact are conditions (71) and (73). The appellant has submitted a supplementary Noise Report which is intended to replace the Report previously provided as part of the EIS. The additional information is

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provided by the same acoustical engineers, Ron Rumble Pty Ltd and is dated 15 November 1994. The appellant seeks a consolidated condition which reflects the recommendations of the revised report.

The report indicates that regardless of the hours of operation of Besser Masonry, that appropriate measures can be undertaken on Sanfam's land in the form of acoustical fencing, mounding and dense planting to reduce noise impact by 10dBA to an acceptable level subject to minor alterations to Besser's plant and equipment.

Council's Environmental Health Section has assessed the revised noise impact submission and considers it reasonable subject to adherence to the report's recommendations. In addition they have concluded that a minimum attenuation of 10dBA should be achieved and that this should be conditioned into the approval.

The revised noise report indicates that apart from physical barriers on Sanfam's land to reduce noise impact, additional measures will need to be undertaken on Besser's site to control the rattling of forklift tines. Should Besser not agree to undertake relatively minor modifications to the forklifts, Sanfam's representative has verbally indicated that they would be prepared to meet the cost of such works and could provide a letter of undertaking to this effect.

Additional safeguard measures are Clause (53) of Albert Shires's Planning Scheme which includes amongst other things, precluding operation between 6.00pm and 7.00am unless otherwise approved by Council, and the recent introduction of the Environmental Protection Act which will require the licensing of Besser's operations within twelve (12) months in order to comply with more stringent requirements.

It is noted that Albert Shire Council has agreed to draft consent orders having regard for amongst other things, the findings and recommendations of the supplementary noise report. Besser will need to agree to both draft court orders as they are respondents by election in both appeals.

Apart from the conclusions and recommendations of the supplementary noise report, the following additional conditions should be imposed:

- (a) Sanfam shall undertake measures including the provision of mounding, dense planting and acoustical screen fencing to achieve a minimum attenuation of 10dBA.
- (b) Modification of plant and equipment on the Besser site to achieve a further attenuation of 5dBA.
- (c) Compliance with Ron Rumble Pty Ltd's recommendation of June 1993 in respect of noise attenuation measures for the Burleigh West Shopping Development.

It is considered appropriate that conditions (71) and (73) be consolidated into one comprehensive condition to reflect the above.

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RESIDENTIAL UNIT DENSITY

Council at its previous meeting of 2 December 1994 (PD020) gave consideration to the amendment of condition 1(d) in respect of the density for multi unit sites. The following is the relevant extract from previous Council Minutes.

"The condition of the approval reads as follows:

"(d) DESIGN AND SITING GUIDELINES FOR MULTI UNIT DEVELOPMENT SITES

Density

One bed sitting unit for every 140 square metres of site area one dwelling unit comprising one or more bedrooms for every 200 square metres of site area"

The appellant claims that the approval limiting the density of multi unit sites to 50 units per hectare has no relevance to the Special Residential Zone and seek a density of 60 units per hectare for such sites.

The density has been restricted to 50 dwellings per hectare or one dwelling for every 200 square metres of site area, being the maximum density permitted for multi unit development other than bed sitting units in the Residential Townhouse Zone. While it is acknowledged that the application was made essentially for Special Residential development the application has been assessed having regard for the Strategic Plan designation. The subject land is designated Mixed Low Density Residential in which development is required to accord with the provisions applicable to the Residential Townhouse Zone. This will ensure that townhouse development is at a density and scale which is complementary and compatible with development over the balance site area. It is considered inappropriate to alter this condition."

The appellant is extremely concerned that Council is not prepared to modify this condition to enable one dwelling unit per 166 square metres of site area. They state that there is appropriate buffering to these sites and restricting density to one dwelling unit per 200 square metres will result in a reduction of some twenty (20) units to that which they have made provision for. They request that Council give further consideration to this matter.

*** REFERENCE DIRECTOR, DEVELOPMENT & ENVIRONMENT PLANNING (NH) (02/12/94)

From a town planning viewpoint, a reduction in site area from 200m² to 166m² is not considered desirable or warranted. The provision of adequate car parking, private open space, privacy provisions, is difficult to achieve at 200m² per unit.

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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, and has also relied on reports prepared in relation to this matter.
- (B) In addition to Council's decision of 2 December 1994 (PD020), that the following modifications of conditions of Council decision of 3 June 1994 (PD038) be accepted subject to agreement by all interested parties with the view to seeking consent orders of the Local Government (Planning and Environment) Court:
- (1) Council agrees to the deletion of conditions (34), (35) and (36) and the replacement of condition (68) with the following:

"ROADWORKS REQUIREMENTS AND CONTRIBUTION TO
QUEENSLAND DEPARTMENT OF TRANSPORT MAIN ROADS

- (a) The applicant shall provide all works at its expense as required to upgrade the intersection of West Burleigh Road and Tabilban Street and the provision of the proposed northbound carriageway of West Burleigh Road along the site frontage in accordance with preliminary layout No. 102-SK2 dated 16 May 1994 prepared by the Queensland Department of Transport, a copy of which is annexed hereto. These works shall be completed prior to Council accepting on maintenance the first stage of the residential subdivision.
- (b) A portion of the site is to be dedicated as road reserve, free of cost to Council, for road widening purposes and to facilitate the U-turn movement onto the northbound carriageway of West Burleigh Road opposite Timbertop Mead. The exact area and shape shall be to the reasonable satisfaction of the Queensland Department of Transport.
- (c) The applicant shall pay to the Queensland Department of Transport a contribution towards the cost of upgrading West Burleigh Road between the site and Gold Coast Highway. The contribution shall be in cash, in the sum of Six Hundred Thousand Dollars (\$600,000.00) which shall be paid upon gazettal of the Town Planning Scheme Amendment.
- (d) Any drainage works or alterations to public utilities, road signage or traffic control devices including traffic signal alterations and coordination, necessitated by the works required shall be undertaken by the applicant at its full cost.

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- (e) Any existing kerb and channel which is damaged or is required by the Queensland Department of Transport 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 Queensland Department of Transport.
 - (f) A formed footway shall be provided for the full length of the site frontage to West Burleigh Road as shown on Preliminary Layout SK2 dated 16 May 1994, prepared by Queensland Department of Transport. The paving material provided shall have a Polished Frictional Value of not less than 40, as established in Australian Standard AS 1141.42.
- (2) Council agrees to the deletion of condition (73) and the replacement of condition (71) with the following:
- "(71) Compliance with the supplementary Noise Impact Assessment Report prepared by Ron Rumble Pty Ltd dated November 1994 ("the Noise Report") and the following:
- (a) Sanfam shall undertake measures including the provision mounding, dense planting and acoustical screen fencing to achieve a minimum attenuation of 10dBA.
 - (b) Modification of plant and equipment on the Besser site to achieve a further attenuation of 5dBA.
 - (c) Compliance with Ron Rumble Pty Ltd's recommendation of June 1993 in respect of noise attenuation measures for the Burleigh West Shopping Development, to the satisfaction of the Director of Community Services."
- (C) The applicants' further request for a dwelling unit density of one (1) unit per 166m² be refused.

*** **RECOMMENDATION**

That the recommendation of the Director Development & Environment Planning be adopted.

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*** ITEM 46

CM16/12/94(PD046)

APPLICATION FOR SUBDIVISION - 60 AND 62 SKYLINE TERRACE BURLEIGH HEADS - TEAM 5

FILE REFERENCE(S)	665/094/037
APPLICATION NUMBER	09-03292-0000-0 940059
PROJECT NAME	: SUBDIVISION TO RELOCATE A BOUNDARY BETWEEN TWO EXISTING ALLOTMENTS
LOCATION OF SITE	: 60 AND 62 SKYLINE TERRACE BURLEIGH HEADS
REAL PROPERTY DESCRIPTION	: LOTS 25 AND 26 ON REGISTERED PLAN 87367, PARISH OF MUDGEERABA, COUNTY OF WARD
OWNER	: N E & B E THRUPP
APPLICANT	: N E & B E THRUPP
SITE AREA	: LOT 25 - 1004 SQUARE METRES LOT 26 - 999 SQUARE METRES TOTAL - 2003 SQUARE METRES
EXISTING ZONE	: RESIDENTIAL DWELLING HOUSE
APPROVED PLAN OF SUBDIVISION	: TWO ALLOTMENTS
PROPOSED SUBDIVISION	: TWO ALLOTMENTS
ROAD HIERARCHY	: MINOR COLLECTOR
DATE RECEIVED	: 22 NOVEMBER 1994

*** CURRENT AGENDA MATERIAL*** REFERENCE PLANNING OFFICER (JMcG) (06/12/94)**PROPOSAL**

The applicant proposes to relocate the boundary between Lot 25 and Lot 26 on Registered Plan 87367, Parish of Mudgeeraba, to increase the size of Lot 26 by an additional 121 square metres in area. The applicant currently owns both allotments which are improved by a single residential dwelling house.

Following a detailed Surveyor's report of the two allotments it was discovered that the existing residential dwelling located within Lot 26 encroaches approximately 800 millimetres into Lot 25.

The applicant desires to rectify the current situation by relocating the boundary so to ensure that the minimum 1.5 metre building setback requirement is satisfied. The proposal involves the creation of Lot 60 (previously Lot 26) with a proposed area of 1125 square metres which will contain the existing residential dwelling house and Lot 50 (previously Lot 15) with a proposed area of 879 square metres which will remain vacant to be sold in the future.

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**APPLICATION FOR SUBDIVISION - 60 AND 62 SKYLINE TERRACE BURLEIGH
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PROJECT ANALYSIS

CRITERIA	PROPOSAL	BYLAW REQUIREMENTS	COMMENT
Site Area	Lot 60 - 1125sqm	600sqm	Complies
	Lot 50 - 879sqm	600sqm	Complies
Frontage	Lot 60 - 22.6m	17m	Complies
	Lot 50 - 17.6m	17m	Complies
Ratio Depth:Frontage	Lot 60 - 2.1:1	2.5:1	Complies
	Lot 50 - 2.8:1	2.5:1	Requires Discussion

TOWN PLANNING CONSIDERATIONS

The following matters were considered in relation to this application:-

- * The applicant has advised that the realignment is necessitated by an encroachment of Lot 25 by an existing residential dwelling house erected on Lot 26. The proposed boundary would be realigned by 2.4 metres into Lot 25 providing the minimum 1.5 metre clearance to the outermost projection, therefore satisfying the setback requirements stated within the Town Planning Scheme.
- * As both allotments exist, no requirements for park contribution or other works are to be imposed.
- * Proposed Lot 50 does not comply with the, "maximum ratio of average depth of allotment to frontage of allotment" provision outlined within Table 16.1, Column 5 of the Town Planning Scheme.

It is considered that as both proposed allotments are of a regular shape, of a significant size and would be satisfactory for the uses permissible within the Residential - Dwelling House, that Council use its discretion to grant a variation to approve proposed Lot 50 in these specific circumstances.

- * The proposal generally satisfies the provisions outlined within Part 16 - Subdivision and Amalgamation of Land and therefore, there is no objection to the proposal boundary relocation.

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APPLICATION FOR SUBDIVISION - 60 AND 62 SKYLINE TERRACE BURLEIGH HEADS - TEAM 5

*** OFFICER RECOMMENDATION

It is recommended that:

- (A) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies and the details and information submitted with the application.
- (B) The proposed subdivision of the land described herein be approved subject to the conditions listed below:

DETAILS OF LAND AND APPROVED PLAN OF SUBDIVISION

REAL PROPERTY DESCRIPTION:	LOTS 25 AND 26 ON REGISTERED PLAN 87367, PARISH OF MUDGEERABA, COUNTY OF WARD N E & B E THRUPP
OWNER:	N E & B E THRUPP
APPLICANT:	N E & B E THRUPP
SITE AREA:	LOT 25 - 1004 SQUARE METRES LOT 26 - 999 SQUARE METRES TOTAL - 2003 SQUARE METRES
APPROVED PLAN OF SUBDIVISION:	6467-1
APPROVED NUMBER OF ALLOTMENTS:	2

APPROVAL PERIOD

1. Within two (2) years of the date of subdivision approval the owner of the land is to comply with the conditions of approval contained herein and complete all necessary works as required by the conditions contained herein and in accordance with the provisions of the Local Government (Planning and Environment) Act 1990, lodge with council the plan of survey for the proposed subdivision.

The plan of survey is to be prepared in a form that is suitable for lodgement in the office of the relevant registering authority and shall also comply with the provisions of the Local Government (Planning and Environment) Act 1990.

Only after satisfying itself that the requirements of the conditions of subdivision approval and the relevant provisions of the Local Government (Planning and Environment) Act 1990 have been complied with shall Council note its approval under seal on the plan of survey.

PROPERTY BOUNDARIES

2. Allotments shall comply with Council's Bylaws and policies except where otherwise approved by the Director Development and Environment Planning.

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APPLICATION FOR SUBDIVISION - 60 AND 62 SKYLINE TERRACE BURLEIGH HEADS - TEAM 5

The survey plan shall not be materially different from the approved proposal plan, undertaken by Michel Survey Group Pty Ltd, numbered 6467-1 and dated 15 November 1994.

ELECTRICITY

3. Relocation of electricity pillar boxes where necessary, to provide electricity services to both proposed allotments to the reasonable satisfaction of the Director, Development and Environment Planning Department.

TELECOMMUNICATIONS SERVICES

4. Adjustments may be necessary to provide telecommunication services to each of the proposed allotments to the satisfaction of the Director, Development and Environment Planning Department.

*** **RECOMMENDATION**

That the recommendation of the Planning Officer be adopted.

*** ITEM 47

CM16/12/94(PD047)

APPLICATION FOR TOWN PLANNING CONSENT FOR A RESTAURANT - 445 OXLEY DRIVE RUNAWAY BAY - TEAM 2

FILE REFERENCE(S)	818/094/153 01-16607-0000-7
APPLICATION NUMBER	940153
PREVIOUS DECISION(S)	CM17/11/89(PD048)
VIDE ITEM(S)	MAP(S) PLAN(S) LETTER(S)
LOCATION OF SITE	: 445 OXLEY DRIVE RUNAWAY BAY
REAL PROPERTY DESCRIPTION	: LOT 1 ON REGISTERED PLAN 213390 COUNTY OF WARD PARISH OF BARROW
OWNER	: OCTAVIUS PTY LTD AND COMMERCIAL HOLDINGS PTY LTD AND STEVEN COCOLAS AND MARIA COCOLAS
APPLICANT	: BBS PACIFIC PTY LTD
SITE AREA	: 4004 M ²

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APPLICATION FOR TOWN PLANNING CONSENT FOR A RESTAURANT - 445
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ZONING OF THE LAND - EXISTING	:	SPECIAL FACILITY (SHOPS, RESTAURANT, COMMERCIAL PREMISES AND COMMERCIAL SERVICES) ZONE
PROPOSED DEVELOPMENT	:	RESTAURANT - APPROVAL OF PARTICULAR DEVELOPMENT REQUIRING TOWN PLANNING CONSENT FOR MODIFICATION OF APPROVED PLAN OF DEVELOPMENT
DEFINED USE	:	RESTAURANT
BUILDING HEIGHT	:	6 METRES
DATE RECEIVED	:	4 OCTOBER 1994
DATE ADVERTISED	:	8 OCTOBER 1994
OBJECTION(S)	:	NIL LETTERS WERE RECEIVED

*** CURRENT AGENDA MATERIAL

*** CORRESPONDENCE QUEENSLAND TRANSPORT (FOLIO 9446701)
(30/11/94)

Reference is to your correspondence dated 4 November 1994.

Queensland Transport has no objection in principle to the proposal, subject to inclusion of the following condition :

"The observance of the requirements of Queensland Transport at full cost to the applicant."

This may include but is not necessarily limited to the following :

- Compliance with access requirements based on the assessed impact of the proposal. Direct access to Oxenford - Southport Road will not be permitted along the frontage of Lot 1 on RP213390.

A copy of Council's full set of conditions would be appreciated in due course if the application is approved.

*** REFERENCE TECHNICAL OFFICER - PLANNING (PKM) (07/12/94)

Application has been received to erect a restaurant on land described as Lot 1 Registered Plan 213390.

The subject land was included in a rezoning application which was considered by Council at its meeting of 14 July 1989. Subsequent to Council's decision to serve notice of intention to approve the application subject to conditions, a Notice of Appeal to the Local Government Court was lodged by the objector to the application against Council's decision.

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**APPLICATION FOR TOWN PLANNING CONSENT FOR A RESTAURANT - 445
OXLEY DRIVE RUNAWAY BAY - TEAM 2**

Appeal No. 40 of 1989 was resolved by way of a Consent Order made the 29th November 1989.

The application was subsequently forwarded to the Director of Local Government for approval.

The matter was published in the Government Gazette on 10 March 1990.

The approved uses applicable to the subject site are as follows:-

Restaurants	500 m ²
Shops	200 m ²
Commercial Premises/Services	300 m ²
Total Use Area	1000 m ²

A total of 52 car parking spaces have been approved for the site.

SCHEME PROVISIONS

The subject site is included within the Special Facility (Shops, Restaurants, Commercial Premises and Commercial Services) Zone. The proposal is a variation of the approved plan and is not considered to be a minor modification.

Clause 8.1.2 of the Planning Scheme (Table of Development - Special Facility Zone) defines the proposal as development which may be undertaken only with the consent of Council.

STRATEGIC PLAN

The subject site is designated as Special Development Area No. 1.

The preferred dominant land use is low-key commercial development comprising small-scale offices, local convenience facilities such as restaurants, fast food premises, service stations and retail developments which require large display areas.

ADVERTISING

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

OBJECTIONS

No objections to the application were received.

TRAFFIC

The applicant seeks to provide access to the site via an access easement situated on the adjoining allotment with a further egress being provided directly onto Oxley Drive.

This component of the application has been rejected by the Queensland Department of Transport (refer above correspondence Folio 9446701). The matter of limited access to Oxley Drive and access easements across Lots 1 to 4 on Registered Plan 213390 was assessed at the time of the subdivision of the subject sites which was approved by Council at its meeting of 22 August 1988.

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Condition No. 4 of the subdivision approval in this regard states:-

"600 mm strips shall be provided along the frontage to Oxley Drive for proposed Lots 1 to 4 inclusive to limit the access points to Oxley Drive in accordance with the 'Proposed Special Facilities Zone Plan - Revised Concept Plan by Wright and Partners' to the satisfaction of the Planning and Development Manager and shall be the subject of a Nomination of Trustees to Council in trust for town planning purposes."

The required easements were created on Registered Plans No. 213390 and 213391 (refer vide items).

To avoid any possible conflict point the applicant proposed a one-way accessway, entering and egressing over the easement on the adjoining allotment with a further exit being provided on the northern part of the site.

Without this further crossover it is acknowledged that the proposed car park layout has the potential for possible conflict with vehicles attempting to access and egress both the proposed restaurant and the existing commercial development situated on the adjoining allotment. Therefore, should Council resolve to approve the application appropriate conditions should be imposed to ensure that an amended car park plan is submitted demonstrating that any possible conflict has been minimised to the satisfaction of the Director, Development and Environment Planning.

LANDSCAPING AND SET BACK AREAS

The application as submitted indicates minimum landscaping along the southern boundary, with a 2 metre landscaped set back area along the other boundaries of the site. Further landscaping is proposed to be provided within the site constituting 15% of the site area. This does not accord with the plan of development approved by Council at the time of rezoning which indicated 32% of the site would be landscaped. For aesthetic and amenity purposes it is considered to be reasonable to require the set back areas be provided in accordance with the approved plan of development.

CAR PARKING

Car parking spaces are assessed as follows:-

1 space per 15 m² of total use area
 Total use area - 906 m² = 60.4 spaces
 say 61 spaces

Proposed car parking spaces - 72 spaces.

The applicant proposes to provide car parking spaces in excess of the Planning Scheme requirements.

As noted elsewhere in this report an amended car parking plan is required to be submitted.

The proposed use of the site as a restaurant complies with the provisions of the City of Gold Coast Strategic Plan and warrants favourable consideration by Council.

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APPLICATION FOR TOWN PLANNING CONSENT FOR A RESTAURANT - 445
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*** OFFICER RECOMMENDATION

It is recommended

- (A) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application.
- (B) The applicant be notified, as required under the provisions of "The Local Government (Planning & Environment) Act, that the application to erect a Restaurant on the land as described herein be approved subject to the conditions listed below:

DETAILS OF PREMISES

REAL PROPERTY DESCRIPTION:	LOT 1 ON REGISTERED PLAN 213390 PARISH OF BARROW COUNTY OF WARD
LOCATION OF SITE:	445 OXLEY DRIVE RUNAWAY BAY
AREA OF LAND:	4004 M ²
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	VACANT LAND
APPROVED USE/S AS GRANTED IN THIS CONSENT:	RESTAURANT

APPROVED PLANS

- (1) The development shall be in accordance with the plans (and elevations) submitted by Dredge and Bell Planning Pty Ltd dated 30 September 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) Approved Uses Restaurant
- (2) This approval is to be read in conjunction with the rezoning approval ordered before His Honour Judge Row on the 29th November 1989.

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.

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- (6) Compliance with the Food and Health Acts and all Regulations made thereunder.
- (7) Registration of the premises under the Workplace Health and Safety Act.
- (8) Compliance with Paragraph 1 of Council's Policy on the reflectivity of glass in buildings.
- (9) The provisions of the Consent Approval are to be effected prior to the commencement of the specific use as granted by the said Approval.
- (10) 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

- (11) 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.
- (12) 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 Director Development & Environment Planning.
- (13) The premises are to be fully air-conditioned and sound-proofed to the reasonable satisfaction of the Director Development & Environment Planning.
- (14) 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.
- (15) A screen fence 1.8 metres high shall be erected on all side and rear boundaries to the satisfaction of the Director Development & Environment Planning.

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.

- (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 Director Development & Environment Planning at all times.
- (18) The open space and setback areas are to be landscaped in accordance with a properly prepared planting plan to be submitted to

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and approved by the Director Development & Environment Planning 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 Director Development & Environment Planning. 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.

- (19) 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.
- (20) If 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 Director Development & Environment Planning.
- (21) 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 Director Development & Environment Planning.

REFUSE / RECYCLING FACILITIES

- (22) Provision shall be made for the storage and suitable access for the removal of refuse in accordance with the Refuse Management Regulations, Council's policy for recycling and the Council's By-laws, to the satisfaction of the Director, Community Services.

If the refuse storage / recycling area is to be located within the six (6) metre setback to the frontage the following provisions are met to the satisfaction of the Director Development & Environment Planning:

- (a) the refuse storage / recycling 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 / recycling 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 / recycling area shall be screened by dense planting and mounding.
- (23) Provision shall be made for the storage, removal and screening of refuse and recycling facilities in accordance with the Council's By-laws and to the satisfaction of the Chief Health Surveyor.

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ELECTRICITY FACILITIES

- (24) Where the electricity authority requires provision of a transformer, such provision shall be made to the satisfaction of the electricity authority and the Director Development & Environment Planning. The transformer shall not be located within any areas required for landscaping unless approved by the Director Development & Environment Planning having regard to constraints on the location of the transformer elsewhere on the site. Should the Director Development & Environment Planning 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 Director Development & Environment Planning.

SETBACK AND OPEN SPACE AREAS

- (25) The building is to be set back at least six (6) metres from the Oxley Drive frontage property boundary, with such setbacks to be to the outermost projection.

ADVERTISING DEVICES

- (26) Any advertising device is to comply with Chapter 13 of Council's By-laws.
- (27) 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

- (28) 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 Director Development & Environment Planning. Where required by the Director Development & Environment Planning, 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.
- (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

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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 Director Roads & Transport 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 Director Roads & Transport.
- (31) 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 Director Development & Environment Planning.
- (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 Director Development & Environment Planning.
- (34) **REPAIR TO EXISTING KERB AND CHANNEL AND REPLACEMENT OF EXISTING FOOTPATH WITH A PAVED FOOTPATH AREA**
The frontage footpath is to be upgraded in a manner satisfactory to the Director Development & Environment Planning. 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).
- (35) 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 Director Roads & Transport.
- (36) All works shall be carried out in accordance with the Council's design and specification and to the satisfaction of the Director Roads & Transport.

PERMANENT ACCESS AND PROVISION FOR TRAFFIC

- (37) 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 will be necessary and shall be determined following discussions with Council's Traffic Section and to the reasonable satisfaction of the Director Development & Environment Planning. The applicant shall modify all design plans accordingly prior to submission for building approval.
- (38) The observance of the requirements of Queensland Transport at full cost to the applicant.
This may include but is not necessarily limited to the following:-
- Compliance with access requirements based on the assessed impact of the proposal. Direct access to Oxenford - Southport

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Road (Oxley Drive) will not be permitted along the frontage of Lot 1 on RP213390.

- (39) 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.
- (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.

CONSTRUCTION ACCESS AND PROVISION FOR TRAFFIC

- (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 unless otherwise approved by the Director Development & Environment Planning.

CAR PARKING AND LOADING FACILITIES

- (43) 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 Director Development & Environment Planning. 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 Director Development & Environment Planning, be amended accordingly.
- (44) Car parking bays and aisle widths to be in accordance with Class 3 of the Australian Standard Code 2890.1-1986.
- (45) 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".
- (46) 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 Director Development & Environment Planning.
- (47) 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.
- (48) Provision of a loading area, together with associated driveways, shall be developed in accordance with the Local Planning Policy "Off-Street

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Vehicle Parking Requirements" to the reasonable satisfaction of the Director Development & Environment Planning.

- (49) 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 Director Development & Environment Planning.
- (50) All car parking and loading areas shall be constructed, drained, sealed, marked and maintained to the satisfaction of the Director Development & Environment Planning.

WATER SUPPLY & SEWERAGE AND WASTE DISPOSAL

- (51) Provision of water supply and sewerage to the reasonable satisfaction of the Director Water & Wastewater 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.

- (52) The development shall be provided with Fire Hydrant installation conforming with the provisions of the Australian Standard AS2419 (as amended from time to time).
- (53) 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 Director Community Services. The interceptor trap shall be so positioned to be easily cleaned and accessible to the satisfaction of the Director Community Services.
- (54) 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.
- (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) The owner of the land 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 Director Development & Environment Planning.

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HEADWORKS CONTRIBUTIONS

(57) 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 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 \$363 per Equivalent Person
Sewerage \$336 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 112.5 for the October/December 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) 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

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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 \$283 per Equivalent Population/Person
 Sewerage \$416 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 112.5 for the October/December 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.

(59) **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.

NUISANCE

- (60) 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 7:00am to 6:00pm, Monday to Saturday unless otherwise approved by the Director Development & Environment Planning.

*** **RECOMMENDATION**

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

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*** ITEM 48

CM16/12/94(PD048)

APPLICATION FOR TOWN PLANNING CONSENT FOR CHANGE OF USE FROM RESTAURANT TO NEIGHBOURHOOD STORE, HOTEL (LIQUOR STORE) AND RESTAURANT - CORNER ROBERT STREET AND 18 FRANK STREET LABRADOR - TEAM 1

FILE REFERENCE(S)	818/094/152
APPLICATION NUMBER	94/0152
PREVIOUS DECISION(S)	CM23/08/91(PD024)
VIDE ITEM(S)	PETITION(S)
PROJECT NAME	: LOCAL & TOURIST CONVENIENCE CENTRE
LOCATION OF SITE	: CORNER ROBERT STREET & 18 FRANK STREET LABRADOR
REAL PROPERTY DESCRIPTION	: LOT 2 ON REGISTERED PLAN 178945 PARISH OF BARROW COUNTY OF WARD
OWNER	: GULLIVERS AUSTRALIA PTY LTD
APPLICANT	: CONSOLIDATED PROPERTIES (AUSTRALIA) PTY LTD
SITE AREA	: 1364 SQUARE METRES
ZONING OF THE LAND - EXISTING	: RESORT RESIDENTIAL 1
PROPOSED DEVELOPMENT	: CONVERSION OF EXISTING RESTAURANT TO NEIGHBOURHOODSTORE, HOTEL AND RESTAURANT
DEFINED USE	: COMMERCIAL
RESIDENTIAL DENSITY	: D1
BUILDING HEIGHT	: H7
ROAD HIERARCHY	: ARTERIAL ROAD AND MINOR COLLECTOR
DATE RECEIVED	: 3 OCTOBER 1994
DATE ADVERTISED	: 7 OCTOBER 1994
OBJECTION(S)	: 3 LETTERS WERE RECEIVED
OBJECTOR(S)	: S WARDEN, LEN DAWSON, ROBERT WASS
PETITION(S)	: 135 SIGNATURES RECEIVED

*** CURRENT AGENDA MATERIAL*** REFERENCE TECHNICAL OFFICER (DR) (01/12/94)**PROPOSAL**

The applicant, Consolidated Properties Australia propose to develop the existing restaurant located at 18 Frank Street (Corner of Robert Street) Labrador, to create three businesses within the existing building, those being a Neighbourhood Store, Hotel (Liquor Store) and restaurant. The applicant proposes to maintain the existing car parking arrangement comprising of 25 car parking spaces.

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BACKGROUND

An application for a fast food outlet and restaurant was approved for L2 RP178945 by Council on 11 July 1980, and Town Planning Permit No. 3/509 was issued.

Council resolved on 23 August 1991 to approve a consent application for a restaurant extension to the abovementioned restaurant and consent permit 818/091/086 was issued.

ADVERTISING

The application has been advertised in accordance with the provisions of the Local Government (Planning & Environment) Act

OBJECTIONS

Three individual objections and a 135 signature petition were received, and the main points raised by the objectors are as follows.

- A. The proposed development will affect the viability of other neighbourhood stores in the local area.
- B. Traffic Congestion will occur.
- C. No need for additional neighbourhood stores.
- D. The development is situated too close to existing neighbourhood stores.

It should be noted that the objections, were raised only to the 'Neighbourhood Store' component of the proposed development, not the Liquor Store or Restaurant components.

COMMENT

In response to the points raised by the objectors:-

- A. The 'Neighbourhood Store' component of the proposed development is likely to have some adverse effect on the other neighbourhood stores located in the area. There are existing neighbourhood stores at the junction of Stevens Street and Marine Parade (approximately 400m south of the subject site) and at the junction of Central Street and Frank Street (approximately 300m north of the subject site) In order for the existing neighbourhood stores to maintain their viability, they must have an adequate catchment area of potential customers. Part 12.2 of the Planning Scheme relating to neighbourhood Stores, states that its purpose is to 'control the establishment of neighbourhood stores consistent with meeting the local convenience shopping needs of residential neighbourhoods. It is considered that the local convenience shopping needs of this locality have been met by the existing neighbourhood stores listed earlier.

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- B. Traffic congestion is unlikely to occur as a result of the proposed development, as the traffic generating capacity of the proposed development would be similar to that of the existing restaurant which occupies the subject site. The parking and traffic aspects of the application are quite adequate.
- C. This objection has been addressed in Section A of the comments section.
- D. This is a valid objection to the proposed development as the proposed neighbourhood store is located within 400 metres of at least 2 existing neighbourhood stores which is contrary to Section 12.2.1.1. (Provisions relating to neighbourhood stores) which states:

"Neighbourhood stores shall not be permitted within any residential zone on sites within a radial distance of 400 metres of:-

- 1. Any existing neighbourhood store.
- 2. Any site which has received approval for the development of a neighbourhood store.
- 3. Any site contained within a zone in which shops are permitted or permissible development"

In conclusion, the objections raised by the objectors are valid and are grounds for refusal of the consent application.

SUMMARY

There are three components of the proposed development which are to be considered, these being the Hotel (Liquor Store) component, the Neighbourhood Store component and the Restaurant component.

Restaurant

The proposed restaurant is permissible in the Resort Residential 1 Zone and complies with the Councils Strategic Plan. As stated previously the existing restaurant and fast food outlet were approved by Council on 11 July 1980 and Town planning permit 3/509 was issued.

This restaurant was subsequently extended in 1991 with Council approval and consent permit no. 818/091/086 was issued. In summary, the restaurant aspect of the proposal is permissible according to the planning scheme and due to the existing conforming nature of the development.

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*** REFERENCE PLANNING OFFICER (LJ) (07/12/94)

Applications have been received for the establishment of detached bottleshops, as provided for by the Queensland Liquor Act, at the following locations:

- (i) 91 Frank Street/258 Marine Parade, Labrador
Application for a Hotel (Detached Bottleshop)
- (ii) 18 Frank Street & corner of Robert Street, Labrador (Old Taco Den site)
Application for Hotel (Liquor Store) and other uses.

Some uncertainty exists as to what definition this particular land use best fits. The two definitions are (i) Shop and (ii) Hotel, which are described in the 1994 Planning Scheme as follows:

Shop: - Any premises uses or intended for use for the sale or hire or displaying or offering for sale or hire, of goods to members of the public. The term includes the rendering of personal services by retail.

The term does not include a hotel, manufacture's shop, restaurant, retail plant nursery, retail showroom, service industry premises, service station, shopping centre development, take-away food premises, tourist shop, warehouse or waterfront shop as defined in this Scheme.

Hotel - Any such premises which are used for purposes to which any of the following licences under the Liquor Act are applicable:

- (i) general licence
- (ii) special facility licence

The term includes guest rooms or suites and the use of part of the premises as a Totalisator Administration Board agency.

The term does not include an international hotel or resort hotel as defined under this Scheme.

Queensland Liquor Act

Section 59(1)(c) of the Liquor Act 1992 allows the holder of a General Licence to apply to sell liquor from other premises **for consumption off those premises** (detached bottle shop). In general terms the opportunity is available for licensees of general licensed premises to apply for detached bottle shops in shopping centres. Guidelines for such shops are currently being reviewed, the location and establishment of such facilities by the responsible State authority - Department of Tourism, Sport and Racing.

When considering the proposed uses, regardless of the other planning implications related to the particular sites, one must consider the nature of the use of the detached bottle shop as applied for in each case. In both cases the facility is for the sale of goods,

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in this case liquor and other associated products, to be consumed off the premises. Such uses will function similarly to a shop and will have similar land use demands and impacts. The intent of detached bottle shops from the Licensing Commission is that the operations of detached bottle shops clearly align with a shop use.

As has been approved in the past, such facilities have established in various shopping centres throughout the City and clearly operate as shops, not Hotels. Hotels are establishments which sell and supply liquor for consumption on and off the premises and the provision of entertainment on the premises. As such, the business must provide meals and accommodation to the extent required by the Chief Executive of the Licensing Commission. Therefore the land use know as a Hotel clearly aligns with those guidelines as set out for a general Licence, under the Liquor Act.

The proposed uses do not provide entertainment, do not provide meals or accommodation as described above. Whilst such shops can only be operated by the holder of a General Licence, the uses do not operate in a similar nature to that of a Hotel, except for the sale of Liquor for consumption off the premises.

The matter is considered a "Grey Area" when it comes to considering which definition applied to the proposed use. This anomaly should be cleared up in order to rectify future discrepancies regarding 'detached bottle shops'. As stated previously the proposed uses applied for should be likened to that of a shop, when considering the nature of the use, the location of the facility, location of nearby residences, carparking and any other relevant town planning matters that may apply to each case. Further, the facility is provided to satisfy convenience shopping needs and as such is best located in a local shopping centres along with other convenience shops.

To clarify the existing discrepancy, it proposed that the definitions of "shop" and "hotel" be amended so as to exclude detached bottle shops from the term "hotel" and include them within the term "shop".

*** FURTHER REFERENCE TECHNICAL OFFICER (DR) (01/12/94)

Hotel (Liquor Store)

The term catchment area is currently a loosely defined term in the Liquor Act, however on December 2 1994 legislation was introduced to firmly define the term catchment area as a distance of 5km from the original licensed premises.

In this case the original licensed premises from which the proposed Hotel (Liquor Store) is licensed, is the Benowa Tavern located approximately 6.5 km away.

Although this development has been described by the applicant as a Hotel and it could be interpreted as such, for all intents and purposes the Liquor Store is a shop.

Shops represent prohibited development in the current zoning and as such are not considered desirable development in this area. This reflects the intent of the Strategic Plan which designated the site as Mixed Residential Tourist Accommodation and not as

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a Local Centre. As the proposed development would operate akin to a shop, it would represent incongruous development in the area and would comprise an unwarranted commercial intrusion.

If assessed as a hotel the proposal would be required to comply with Section 127 of the Scheme. Landscaped buffer requirements of a minimum 5 metres have not been met.

Neighbourhood Store

The neighbourhood store component of the development, as mentioned previously is contrary to the provisions relating to neighbourhood stores (Section 12.2.1.1 of the Planning Scheme) as the proposed neighbourhood store is located within 400m of two existing neighbourhood store developments. The purpose of this provision is to ensure that adequate economic catchment areas are preserved for neighbourhood stores which provide a convenient source of food products, groceries etc for local residents. As this component of the proposed development is contrary to the provisions of the Planning Scheme sufficient grounds for refusal of the application exist.

Conclusions

In conclusion, two of the three components proposed in the subject development are not acceptable as they are contrary to the provisions of the Planning Scheme, sufficient grounds for refusal of the application exist. The restaurant component is already approved and this use currently exists. The proposal generally is akin to a small local shopping centre, the development of which would be contrary to Council's planning intent for the area.

*** **OFFICER RECOMMENDATION**

It is recommended

- (A) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application and the submissions made by the objectors .
- (B) The applicant (and the objectors) be notified, as required under the provisions of "The Local Government (Planning & Environment) Act", that the application to develop a local and tourist convenience centre on the land as described herein be refused for the reasons listed below:

DETAILS OF PREMISES

REAL PROPERTY DESCRIPTION:	LOT 2 RP 178945 PARISH OF BARROW COUNTY OF WARD
LOCATION OF SITE:	18 FRANK STREET LABRADOR
AREA OF LAND:	1364 SQUARE METRES
USE OF THE PREMISES AT THE	

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TIME OF THE APPLICATION: RESTAURANT
 PROPOSED USE/S RESTAURANT, BOTTLE SHOP, AND
 NEIGHBOURHOOD STORE

REASONS FOR REFUSAL

1. The proposal is contrary to provision 12.2.1.1. of the Planning Scheme relating to the minimum 400m radial distance between neighbourhood store developments and Provision 12.7.7.5 relating to landscaped buffers.
2. The proposed 'hotel' component of the development is contrary to the Strategic Plan.
3. The proposal represents an unwarranted commercial intrusion.
4. The proposal conflicts with the planned nature and character of the area as stated in the Planning Scheme and as such is not in the public interest.

(C) Action be taken to amend the Planning Scheme in Section 2.2 (Development Definitions) by -

- (i) in the definition "hotel" deleting the last sentence and replacing it with the following:
 "The term does not include an international hotel or resort hotel as defined in this Scheme or a detached bottle shop pursuant to the Liquor Act;"
- (ii) in the definition "shop" deleting the second sentence and replacing it with the following:
 "The term includes the rendering of personal services by retail and a detached bottle shop pursuant to the Liquor Act.

*** RECOMMENDATION

That the recommendation of the Planning Officer be adopted.

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*** ITEM 49

CM16/12/94(PD049)

**APPLICATION FOR TOWN PLANNING CONSENT FOR BOTTLE SHOP AND
 CARPARK - 91 FRANK STREET, 258 MARINE PARADE LABRADOR - TEAM 1**

FILE REFERENCE(S)	818/094/159
APPLICATION NUMBER	94/0159
PREVIOUS DECISION(S)	CM17/11/89(PD030)
VIDE ITEM(S)	PLAN(S)
	OBJECTOR(S)
PROJECT NAME	: BOTTLE SHOP
LOCATION OF SITE	: 91 FRANK STREET, 258 MARINE PARADE LABRADOR
REAL PROPERTY DESCRIPTION	: LOT 5 ON REGISTERED PLAN 840720 AND LOT 6 ON REGISTERED PLAN 230545 PARISH OF BARROW COUNTY OF WARD
OWNER	: TN & GD WILKINSON
APPLICANT	: BURCHILL BATE PARKER AND PARTNERS
SITE AREA	: 2091 SQUARE METRES (CONSOLIDATED SITE)
ZONING OF THE LAND - EXISTING	: RESORT RESIDENTIAL 1
PROPOSED DEVELOPMENT	: BOTTLE SHOP AND CARPARK
DEFINED USE	: HOTEL
RESIDENTIAL DENSITY	: D2 (D2)
BUILDING HEIGHT	: H15
ROAD HIERARCHY	: ARTERIAL
DATE RECEIVED	: 10/10/94
DATE ADVERTISED	: 18/10/94
OBJECTION(S)	: 26 LETTERS WERE RECEIVED
OBJECTOR(S)	: SEE ATTACHED LIST

*** CURRENT AGENDA MATERIAL*** REFERENCE TECHNICAL OFFICER (DR) (02/12/94)**PROPOSAL**

The applicant Burchill Bate Parker and Partners acting on behalf of the owners TN & GD Wilkinson, propose to erect a free standing bottleshop and associated carpark on Lot 5 RP 840720 and Lot 6 RP 230545 at 91 Frank Street and 258 Marine Parade, Labrador. The proposal involves access off Marine Parade and carparking for 25 vehicles on site.

BACKGROUND

The existing seafood premises located on lot 5 RP 840720 has been a controversial local topic for many years. A seafood premises has operated on this site for many decades and the accessway linking it with Marine Parade was originally used for the movement of seafood products from the nearby wharf to the abovementioned premises.

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On 17 November 1989, Council resolved to approve an application to use part of the existing seafood premises as a takeaway shop which also involved the upgrading of carparking facilities. Many objections were received regarding this proposal which mainly concerned the issues of noise, traffic and vehicular access through the 'right of way' to Marine Parade. In 1990 the applicant appealed against the conditions specified in the Consent application, namely conditions -

- (10) relating to the siting of the carpark with regards to setbacks from the frontage and boundaries;

Condition 13 relating to landscaping requirements;

Condition 25 regarding road widening requirements of the then Main Roads Department;

and; Conditions 37 regarding the construction of a fence between the two accessways linking the respective subject lots with Marine Parade.

On 6 April 1990 Council examined the modification of the Town Planning Consent for the development and resolved to adhere to the original conditions of approval.

Following this, complaints regarding the non compliance with Councils conditions of consent were received from neighbouring residents. These complaints concerned the use of the accessway between Marine Parade and the carpark by customers vehicles, the erection of advertising signs without permission; the non compliance regarding the condition directing that the dividing fence between the two parallel rights of way be re-erected and general concerns over noise and privacy issues.

Following this, on 8 February 1991, Council resolved to take legal action against TN & GD Wilkinson regarding non compliance with the conditions of consent.

The Conditions of consent were complied with soon after and legal action was never proceeded with.

ADVERTISING

The application has been advertised in accordance with the provisions of the Local Government (Planning and Environment Act).

OBJECTIONS

Twenty Six (26) objections were received regarding the proposed development, the main points raised by the objectors being as follows.

- A. The rear laneway should be permanently closed to avoid traffic noise and nuisance in the neighbouring residential area and to avoid increased levels of traffic in Marine parade.
- B. The local area is already adequately serviced by the existing hotel and bottle shop premises in the area.

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- C. Potential for sign pollution on Marine Parade.
- D. Increased traffic congestion on Frank Street.
- E. The development will result in additional litter, noise and undesirable people in the area.
- F. A consent application is currently before Council for a bottle shop premises at Frank and Robert Streets, Labrador and residents would prefer this development proceed rather than the proposed development (At 91 Frank Street)

COMMENT

- A. The issue of access along the laneway between the proposed carpark and Marine Parade is by far the major concern of the objectors.

The applicant proposes to demolish the existing dwelling house on Lot 6 RP 230545 (258 Marine Parade) to extend the existing carpark for the existing seafood premises and the proposed bottle shop. According to the submitted plans the accessway which links the two subject lots with Marine Parade will be reserved for 'limited vehicle access' however no physical means have shown as to how vehicles would be prevented from entering the accessway from the carpark on a regular basis.

Without any physical measures to prevent customer access to and from Marine Parade, the existing laneway has the potential to become a public thoroughfare for through traffic between Frank Street and Marine Parade.

If this were to occur a considerable increase in vehicle noise, light and emissions will be experienced by residents of the multi unit developments which face onto the accessway.

As mentioned previously there is a long history of conflict between local residents and TN & GD Wilkinson regarding the use of this accessway by trucks and customer vehicles. the proposed development has the potential to exacerbate the existing problem.

The use of the laneway by service vehicles is logical, as refrigeration and storage facilities are located at the rear of the seafood premises, however customer vehicles should gain ingress and egress to the site from the Frank Street entrance only, and should not be permitted to use the accessway to Marine Parade.

The objections raised by the objectors with regard to the accessway are valid and are grounds for refusal of the consent application as they conflict with Conditions 17.2.2.2(iii) and (v). These conditions relate to the suitability of ingress, egress and parking facilities, and the detrimental effect of the development on the existing or future amenity of the locality.

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- B. The applicant has decided that sufficient demand exists for a bottle shop premises in this locality. The issue of need is not grounds for the refusal of consent
- C. The developer would have to submit an application to erect a sign on Marine Parade at the accessway. Any application would be assessed on its merits and as such is not grounds for refusal of consent.
- D. There is no evidence to suggest that the proposed development will create significant traffic congestion in Frank Street. The number of turning movements occurring at the Frank Street carpark entrance would increase, however the road is sufficiently wide enough and sight distances are adequate enough to allow these movements to be safely performed. Frank Street is planned to be widened in the future which would further assist turning movements at this site.

The potential for traffic congestion in Frank Street is minimal and is not grounds for refusal of consent.

- E. Noise from the site is likely to increase due to increases in vehicle movements. The solid fencing and buffer landscaping should minimise this problem within the carpark area, however the noise from vehicles using the accessway to Marine Parade will have an adverse effect on the Multi Unit developments which overlook this accessway.

Litter may possibly increase in the area as a result of the development however it would remain the owners responsibility to keep the area clean at all times.

There is no evidence to suggest that so called undesirable people would be attracted to the development. In summary, the noise component of the objection is valid and is grounds for refusal of the application under provision 17.2.2.2(v) regarding the detrimental effect on existing and future amenity of the locality as a result of the development.

- F. A consent application is currently before Council for another similar development at the corner of Frank Street and Robert Street. The issue of need is not grounds for refusal and each application will be assessed appropriately according to its individual merits.

*** REFERENCE PLANNING OFFICER (LJ) (07/12/94)

Applications have been received for the establishment of detached bottleshops, as provided for by the Queensland Liquor Act, at the following locations:

- (i) 91 Frank Street/258 Marine Parade, Labrador
 Application for a Hotel (Detached Bottleshop)
- (ii) 18 Frank Street & corner of Robert Street, Labrador (Old Taco Den site)
 Application for Hotel (Liquor Store) and other uses.

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Some uncertainty exists as to what definition this particular land use best fits. The two definitions are (i) Shop and (ii) Hotel, which are described in the 1994 Planning Scheme as follows:

Shop: - Any premises uses or intended for use for the sale or hire or displaying or offering for sale or hire, of goods to members of the public. The term includes the rendering of personal services by retail.

The term does not include a hotel, manufacture's shop, restaurant, retail plant nursery, retail showroom, service industry premises, service station, shopping centre development, take-away food premises, tourist shop, warehouse or waterfront shop as defined in this Scheme.

Hotel - Any such premises which are used for purposes to which any of the following licences under the Liquor Act are applicable:

- (i) general licence
- (ii) special facility licence

The term includes guest rooms or suites and the use of part of the premises as a Totalisator Administration Board agency.

The term does not include an international hotel or resort hotel as defined under this Scheme.

Queensland Liquor Act

Section 59(1)(c) of the Liquor Act 1992 allows the holder of a General Licence to apply to sell liquor from other premises **for consumption off those premises** (detached bottle shop). In general terms the opportunity is available for licensees of general licensed premises to apply for detached bottle shops in shopping centres. Guidelines for such shops are currently being reviewed, the location and establishment of such facilities by the responsible State authority - Department of Tourism, Sport and Racing.

When considering the proposed uses, regardless of the other planning implications related to the particular sites, one must consider the nature of the use of the detached bottle shop as applied for in each case. In both cases the facility is for the sale of goods, in this case liquor and other associated products, to be consumed off the premises. Such uses will function similarly to a shop and will have similar land use demands and impacts. The intent of detached bottle shops from the Licensing Commission is that the operations of detached bottle shops clearly align with a shop use.

As has been approved in the past, such facilities have established in various shopping centres throughout the City and clearly operate as shops, not Hotels. Hotels are establishments which sell and supply liquor for consumption on and off the premises and the provision of entertainment on the premises. As such, the business must provide meals and accommodation to the extent required by the Chief Executive of the Licensing Commission. Therefore the land use known as a Hotel clearly aligns with those guidelines as set out for a general Licence, under the Liquor Act.

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The proposed uses do not provide entertainment, do not provide meals or accommodation as described above. Whilst such shops can only be operated by the holder of a General Licence, the uses do not operate in a similar nature to that of a Hotel, except for the sale of Liquor for consumption off the premises.

The matter is considered a "Grey Area" when it comes to considering which definition applied to the proposed use. This anomaly should be cleared up in order to rectify future discrepancies regarding 'detached bottle shops'. As stated previously the proposed uses applied for should be likened to that of a shop, when considering the nature of the use, the location of the facility, location of nearby residences, carparking and any other relevant town planning matters that may apply to each case. Further, the facility is provided to satisfy convenience shopping needs and as such is best located in a local shopping centres along with other convenience shops.

To clarify the existing discrepancy, it proposed that the definitions of "shop" and "hotel" be amended so as to exclude detached bottle shops from the term "hotel" and include them within the term "shop".

*** FURTHER REFERENCE TECHNICAL OFFICER (DR) (01/12/94)

SUMMARY

EXISTING LEGAL NON-CONFORMING USE

The existing seafood premises represents an existing lawful non conforming use. As such it is contrary to the Planning intent for the area. The proposed bottle shop is at least akin to a shop which is also contrary to planning intent. In practical land use terms, the proposal is akin to a major extension to an existing non-conforming use.

Part 15.3.1 of the Planning Scheme states:

"The Council upon application being made to it for Town Planning consent in respect to an existing lawful use to which provision 15.1.1(ii) applies may consent to:

- (i) The change of the use to one which is, in the opinion of the Council, less injurious to the amenity of the area, notwithstanding that the changed use may also be prohibited developments; or
- (ii) The modification, alteration or repair of the building or structures to which the use applies where these works would not increase the gross floor area for that use by more than 10 percent above the gross floor area for that use as existing at the time that the provisions of this part commenced to apply to the use.

The proposed bottle shop could not be described as being beneficial to the amenity of the area and will be injurious to it, and contrary to Part 15.3.1(i).

The proposed bottle shop has a gross floor area which is greater than 10% of the gross floor area of the existing seafood premises which causes it to be contrary to Part

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15.3.1(ii) of the Planning Scheme. (The proposed bottle shop has a GFA of 128.9m² whilst the existing seafood premises have a GFA of approximately 288m²).

The aim of conditions relating to existing lawful non conforming uses is that they are to be phased out in the long term to enable development compatible with the Strategic Plan to be introduced. The proposal represents a development which would prolong the existing non conforming use and should therefore not be encouraged.

LAND USE

As mentioned, the proposal will function similarly to a shop and in assessing its suitability and impacts should be considered as if it were a shop.

Shops represent prohibited developments in the current zoning and as such are not considered desirable development in this area. This reflects the intent of the Strategic Plan which designates the site as Mixed Residential and Tourist Accommodation and not as a Local Centre. As the proposed development would operate akin to a shop, it would represent incongruous development in the area and would comprise an unwarranted commercial intrusion.

If the proposal were assessed as a hotel, it would not comply with parts of Section 12.7 of the Scheme and in particular those relating to setbacks and landscaped buffers (minimum 5 metres) and cannot be assessed adequately for building aesthetics.

TRAFFIC AND PARKING FACILITIES

The parking aspect of the application is quite adequate in that carparking is to be provided at the rate of 1 space per 15m², which results in a total of 9 parking spaces to be provided in addition to those already provided as part of the seafood premises development. A total of 13 spaces have been proposed which represents an additional 4 spaces above the minimum requirement.

As mentioned previously, the traffic facilities with regards to the accessway leading to Marine Parade as shown on Plan GC2260:00:2B are unacceptable, as no physical barrier has been shown to prevent vehicle access from the carpark to the accessway. The proposed entrance onto Frank Street is quite adequate and should be the only customer entrance/exit from the development.

LANDSCAPING

The landscaping shown on the plan does not satisfy the requirements of the Planning Scheme for a hotel, which requires a minimum 5 metre buffer to adjacent premises. There are two mature mango trees on the site within the proposed building envelope which are worthy of preservation. It would be desirable to preserve these trees if possible.

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SETBACK

A setback of 6m is required on the Frank Street frontage, the frontage being measured from the new western property boundary. This property boundary was relocated in 1991 to allow for future road widening on Frank Street.

The applicant has applied for a relaxation of the frontage setback from the required 6m to 3.0m on the basis that many structures along Frank Street are also likely to have a 3m setback when the road is ultimately widened.

Whilst this may be true, it would be desirable to have all new development setback the full 6m for aesthetic reasons and to attempt to minimise the effects of road traffic noise from the adjacent arterial road.

Therefore a setback relaxation should not be granted in this instance.

*** **OFFICER RECOMMENDATION**

It is recommended that

- (A) It be noted Council in determining this application had regard to a report which considered the relevant provisions of the State Planning Policies, Council's Planning Scheme, Local Planning Policies, the details and information submitted with the application and the submissions made by the objectors .
- (B) The applicant (and the objectors) be notified, as required under the provisions of "The Local Government (Planning & Environment) Act", that the application to construct a bottle shop and associated carpark on the land as described herein be refused for the reasons listed below:

DETAILS OF PREMISES

REAL PROPERTY DESCRIPTION:	LOT 5 ON REGISTERED PLAN 840720 AND LOT 6 ON REGISTERED PLAN 230545
LOCATION OF SITE:	91 FRANK STREET AND 258 MARINE PARADE LABRADOR
AREA OF LAND:	2091 SQUARE METRES
USE OF THE PREMISES AT THE TIME OF THE APPLICATION:	SEAFOOD PREMISES AND RESIDENTIAL DWELLING
PROPOSED USE/S	BOTTLE SHOP

REASON FOR COUNCIL REFUSAL

1. The proposal will have a detrimental effect on the existing and future amenity of the locality.
2. The proposal is contrary to provision 4.16.8.2 of the Planning Scheme regarding minimum frontage setbacks.