

RAY STEVENS
COUNCIL CHAMBERS
RECEIVES CONFIDENTIALS

CRIME & MISCONDUCT COMMISSION
No. 2005-5 Date: 17 NOV 05
IN THE MATTER OF:

Attn: D Montgomery
07.3360.6008

OP GRAND

328

EXHIBIT No. 250
.....CLERK



Gold Coast City Council

MINUTES

of the

CITY PLANNING COMMITTEE MEETING

held on

Tuesday 3 August 2004

9.00 am

Room 5
Nerang Bicentennial Community Centre
Nerang Southport Road, Nerang

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3 AUGUST 2004

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ITEM 1 IMPLEMENTATION & ASSESSMENT
MATERIAL CHANGE OF USE FOR RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH THE TABLES OF DEVELOPMENT OF THE RURAL, PARK RESIDENTIAL, RESIDENTIAL A & OPEN SPACE ZONES OF THE ALBERT SHIRE PLANNING SCHEME - YARRAYNE PTY LTD - LOTS 2, 102 & 103 ON WD4335 - 570 & 622 TAMBORINE OXFENFORD ROAD, UPPER COOMERA - DIVISION 2 - FILE PN169779/01/DA1(P3)

During the Committee meeting a typographical error in the report on this item was corrected. Condition 40(d) on Agenda page 35 should read:

"(d) In order to accommodate stormwater quality improvement devices outside of waterway buffers the applicant shall delete Lots 24-30 and use this area of the site for stormwater management purposes (both quality and quantity)."

MOTION

moved Cr Power seconded Cr Hackwood

That the officer's recommendation be adopted with the following amendments:

- Condition 1(a) to read as follows:

1 (a) The "Residential A" Designation (ie. Lots 86 and 87 as identified on the Indicative Subdivision Plan of Development No. DL3058-00-047: G drawn by Keilar Fox & McGhie & dated 12 July 2004) shall be deleted and incorporated into the Open Space Land Use category.

- Condition 40(d) to read as follows:

40 (d) In order to accommodate stormwater quality improvement devices outside of waterway buffers the applicant shall delete Lots 24-30 and use this area of the site for stormwater management purposes (both quality and quantity).

- New condition:

Payment of contributions shall be made towards down stream stormwater treatment.

AMENDMENT

moved Cr Robbins seconded Cr Douglas

That the item be deferred for one week for discussion in relation to Lots 24-30.

The AMENDMENT was LOST on the casting vote of the Chairperson
The MOTION was CARRIED on the casting vote of the Chairperson

The recommendations have been amended in compliance with Committee's resolution above, which have resulted in the amendment to Condition 1(a), the deletion of Condition 40(d) as it contradicts new Condition 1(a) and the insertion of a new Condition 40(d) to provide for stormwater treatment within the development site external to the gully lines. A new Condition 46 has been included for the payment of a contribution of \$150,000 towards the embellishment of the existing wetland system within Bakers Creek, upstream of the confluence with the Coomera River.

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Changed Recommendation

COMMITTEE RECOMMENDATION CP04.0803.001
 moved Cr Power seconded Cr Hackwood

That in respect to the following property:

| | |
|---------------------------|---|
| Real Property Description | Lots 2, 102 & 103 WD4335 |
| Address of Property | 570 and 622 Tamborine Oxenford Road, Coomera |
| Area of Property | 104.669 hectares |
| Proposed Use | Development Permit for Material Change of Use for residential development in accordance with the Table of Development for the Residential A Zone, Park Residential Zone, Rural Zone and Public Open Space Zones of the Albert Shire Planning Scheme |

The applicant be notified as required under the provisions of the Integrated Planning Act that Council approves the issue of a Development Permit for Material Change of Use for development in accordance with the Tables of Development applicable to the Rural, Park Residential, Residential A & Public Open Space Zones of the Albert Shire Planning Scheme, subject to the following conditions:

DEVELOPMENT IN ACCORDANCE WITH PLANS

- 1 An amended plan/s and details shall be submitted generally in accordance with the Plan No. G3910-PP05:G, drawn by The Heilbronn Group and dated 14 May 2004, showing the following modifications:
 - (a) The "Residential A" Designation (ie. Lots 86 and 87 as identified on the Indicative Subdivision Plan of Development No. DL3058-00-047: G drawn by Keilar Fox & McGhie & dated 12 July 2004) shall be deleted and incorporated into the Open Space Land Use category.
 - (b) The "Residential A" Designation (identified as Lot 178 as identified on the Indicative Subdivision Plan of Development No. DL3058-00-047: G drawn by Keilar Fox & McGhie & dated 12 July 2004) shall be amended to be a Residential A lot size (ie. 600-900m²) and shall comply with depth to width ratios as outlined in section 16 of the Albert Shire Planning Scheme.
 - (c) A ten (10) metre buffer of public open space shall be provided along Tamborine Oxenford Road.

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2. Any future development permit for Material Change of Use or Reconfiguring a Lot on Lots 2, 102 & 103 WD4335, shall be subject to, but not necessarily limited to, compliance with the following:

Development in the:

- (a) Rural Zone shall be subject to the minimum allotment size outlined in Section 16.1.9(2) of the Albert Shire Planning Scheme, ie. one allotment per twenty (20) hectares.
 - (b) Park Residential Zone shall be subject to the minimum allotment size outlined in Section 16.1.8 of the Albert Shire Planning Scheme as four thousand (4,000) square metres provided that the yield of allotments applicable to the Park Residential Designation, does not exceed one allotment per eight thousand (8,000) square metres.
 - (c) Development in the Residential A Zone shall be subject to a minimum allotment size of six hundred (600) square metres.
 - (d) Public Open Space Zone Precinct shall be subject to the Table of Development for the Public Open Space Zone of the Albert Shire Planning Scheme.
3. Any future development application for Material Change of Use for development in accordance with the amended Plan outlined in Condition 1 of this Decision Notice, shall be subject to the levels of assessment outlined in the Rural, Park Residential, Residential A and Public Open Space Zones of the Albert Shire Planning Scheme set down in Sections 4.2, 4.3, 6.0 and 10.0 of the Albert Shire Planning Scheme.
4. A Building Envelope Plan, prepared by a licensed surveyor, shall be submitted for approval for all Park Residential and Rural allotments. Building Envelopes to the aforementioned allotments shall be surveyed and pegged out for approval by Council's Subdivisions & Environmental Assessment Branch prior to the approval of any Reconfiguring a Lot development application. The applicant is also required to overlay the slope analysis plan (as outlined in Condition 34 of this Decision Notice) onto the Building Envelope Plan to ensure dwellings are not located on slopes exceeding 20%.

INFRASTRUCTURE CHARGES

5. With any future development application for Operational Works, the applicant shall include the provision of a hybrid "smart" sewerage system. This system is to be designed in consultation with Gold Coast Water and installed as part of the civil works associated with the development.

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- 6 The point of connection for sewerage from the development shall be to existing pump station UC1 on Tamborine Oxenford Road at Upper Coomera. A gravity sewer line shall be constructed by the Developer from the development site to a proposed regional pump station in the park reserve near the southern end of Glenview Road (lot 123 Glenview Road). The pump station shall discharge via rising main along the creek and up Shelly Place to discharge into Council's UC1 pump station. The Developer shall liaise with Gold Coast Water to determine appropriate loadings for this pump station. A local area scheme will be developed by Council so that the cost of the pump station and rising main to UC1 is apportioned to the contributing catchments (specifically this development and potential development of L10 RP811067 and L27 SP117484 - 127 Otmoor Road, Upper Coomera). The Developer shall be required to initially fund the pump station and rising main to UC1 until such time as other funds become available from other Developers in the catchment. Council will not support any new sewerage pump stations within the development. The Developer shall assess the capacity of the existing system from and including UC1 (recognising other existing approvals) and on the basis of the proposed staging of the development, ensure that any necessary system upgrades are completed before projected loadings reach the capacity of the existing system. Any augmentations of the existing system shall be constructed and funded by the Developer. Augmentation works will not be eligible for component 2 sewerage headworks credits unless the improvements are considered trunk infrastructure and are approved by the Director of GCW.
- 7 Plans of subdivision will not be sealed until the external sewerage works pursuant to condition 6 are completed.
- 8 The Upper Coomera Water Supply - Planning Study (Cardno MBK 2004) has identified that this development falls within the bounds of a high level zone to be supplied from a proposed 3.5 ML reservoir that will be sited on Lot 161 W311184. Gold Coast Water is currently in negotiations with the property owner to identify a suitable reservoir site (with ground level of 97m AHD). It is anticipated this reservoir will be completed in 2006. The Developer shall be responsible for the construction of a 375/300mm link main from the proposed trunk system in lot 161 W311184 to the existing 150mm main in Glenview Rd. This link main is considered part of the trunk network and the works will be eligible for component 2 water headworks credits. Plans of subdivision for this estate will not be sealed by Council until the completion of the proposed reservoir and associated trunk mains.
- 9 With any future development application for Operational Works, the applicant will be required to undertake a water reticulation analysis of the site. The water reticulation analysis shall also include external demands in the analysis as outlined in The Upper Coomera Water Supply - Planning Study.

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- 10 Any alteration to public utility mains, Council infrastructure, services or installations necessitated by the development shall be undertaken at no cost to Council and to the satisfaction of the Chief Executive Officer or the relevant utility agency, as the case may be. Such shall occur prior to the commencement of the use the subject of this approval.
- 11 Easements shall be provided in favour of and at no cost to Council over relevant Council infrastructure located in private land. The terms of such easements shall be to the satisfaction of the Chief Executive Officer, and shall be executed prior to the commencement of the use the subject of this approval.
- 12 All proposed structures shall be located a minimum distance of 2.0 metres from Council infrastructure (i.e. sewer, stormwater and water).

EARTHWORKS

- 13 In order to preserve the environmental integrity of the site, any future development application for Reconfiguring a Lot or Operational Works, shall limit the extent of earthworks required to create the proposed subdivision. No cut and fill on the site shall exceed 1.0 metre.
- 14 The applicant shall, with any future application for Material Change of Use or Reconfiguring a Lot, design and construct all earthworks (including filling within lots, revetment walling and rock protection works to batters) as required in order to achieve the proposed subdivision. The extent of earthworks on the subject site Surface levels are to be finished such that on completion of both primary and secondary settlement, not less than the design finished surface levels are achieved. In addition to the above requirements, all batters (regardless of whether they are retained or freestanding) must achieve a factor of safety of not less than 1.5 against failure in the long term condition.
- 15 Any future application for Material Change of Use or Reconfiguring a Lot shall ensure retaining structures (including Boulder Walls) are to comply with the following requirements:
 - (a) Retaining structures a maximum of 1.0 metre in height.
 - (b) Proposed retaining structures are not to encroach within the proposed dedicated road reserve, or public open space. The structures are to be within the proposed residential property boundaries.
 - (c) Proposed retaining structure footings must be constructed clear of underground services such as sewer pipes, stormwater drainage pipes and water reticulation pipes (minimum two metres clearance).

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- (d) Retaining structures should generally be located on the "low side" property and positioned such that the property boundary is setback a minimum distance of 0.6 metres from the top of the rear of the retaining structure. Where property boundaries are located at the bottom of retaining structures, they shall be so located to provide a minimum setback distance of 0.6 metres to the "toe" of the face of the retaining structure.
 - (e) The detailed drawings must indicate the point of discharge for surface and subsoil drainage behind the structure.
- 16 With any future development application for Reconfiguring a Lot, the applicant shall submit a final profile plan of the site detailing the benching that is proposed, the height of all proposed retaining walls and the reduced levels (RL) of all building pads (where benching is proposed). The applicant is also to submit cross sections indicating the finished levels of the proposed development and the relationship with the adjoining residential properties.

DEPARTMENT OF MAIN ROADS

- 17 **Access:** The proposed access as shown on drawing No.C3106:00:01 is approved. The applicant shall apply to Main Roads for construction approval under 's. 33' of the Transport Infrastructure Act 1994 before commencing any work. The application must include detailed engineering drawings of the proposed works. The drawings shall be prepared in accordance with the Main Roads, Road Planning and Design Manual, Chapter 13 and the department's requirements.
- 18 **Stormwater Drainage:** The applicant shall submit to the department for approval, the final detention basin sizing calculations. These calculations are to be in accordance with Main Roads' Road Drainage Design Manual.
- 19 **Setback:** Main Roads' plan No. 206/TP03054 shows the proposed state controlled road boundary. The development shall incorporate the appropriate Local Government building setback from this boundary. Main Roads will not accept any permanent structure in the land shown as required on the sketch.
- 20 **Road Traffic Noise:** The applicant is to Construct a noise barrier or earthmound (or combination) of various heights on the property boundaries where shown on Figure 2.2 of the acoustical report. The height of the fence component shall not be lower than 1.8 metres. The top of the noise barrier/earthmound is provided in AHD datum in Table 2.8. The heights provided in Figure 2.2 are relative to the nearby road elevation.

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- 21 Place a registrable covenant on the title of Lots 5, 8, 9, 13, 14, 15, 23 and 27 (now allotments 1 to 9 as identified on DL3058-00-47 drawn by Keilar Fox & McGhie and 7 July 2004) in order to restrict the construction of any dwelling on these lots to low set only ("single storey" covenant). (This will not restrict the construction of a high set dwelling on these lots if the owner/developer can reach agreement with Main Roads that the upper storeys will be designed and constructed in accordance with the requirements of AS3671 to achieve the internal noise criteria stated in AS2107. This will require the owner/developer to engage the services of an engineer skilled in acoustical design to certify (RPEQ) that the design and construction of the upper storeys of these dwellings have been undertaken in accordance with AS3671 and AS2107. Where the requirements of AS2107 need to be achieved, it will be necessary for all windows and external doors to be closed at all times. Tightly fitting architectural elements with suitable acoustical seals shall be used. Therefore an air-conditioning/mechanical ventilation system shall be installed in noise impacted rooms. Due consideration shall be given to the type of system in order that the internal noise criteria can be achieved).
- 22 Architecturally treat the building envelope of the community centre proposed for Lot 234 (Proposed Lot 206 as identified on DL3058-00-47 drawn by Keilar Fox & McGhie and 7 July 2004) in order to achieve the indoor criterion level of 48 dB(A) L_{A10} (1hour) for a 10 year traffic planning horizon. An acoustical report shall be provided for review once building plans are being finalised. As all windows and external doors will need to be closed in order to achieve the indoor noise criterion level, an air-conditioning/mechanical ventilation system shall be installed in all noise impacted rooms. Due consideration shall be given to the type of system in order for the internal noise criterion level to be achieved. It will also be necessary for the owner/developer to engage the acoustical engineer to demonstrate that a suitable outdoor recreational space will be available.
- 23 It is essential that the acoustical treatments (architectural measures) proposed in the acoustical consultant's report be implemented by the developer. Thus the developer shall engage the services of an acoustical engineer to certify (RPEQ) that the architectural measures (including air-conditioning) have been incorporated into the building envelope. This will require the acoustical engineer to undertake inspections both during and at the end of construction. It is the developers' responsibility to forward certification to Main Roads prior to final approval being given.
- 24 Road Traffic Noise: All noise barriers shall be designed and constructed in accordance with the requirements of Main Roads Standard Specification MRS 11.15 (12/99). Certified (RPEQ) structural drawings shall be submitted to Main Roads for acceptance. The "as constructed" noise barrier will be inspected by a Main Roads officer(s) prior to final acceptance being given.

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- 25 If there are noise barrier returns proposed along the side boundaries of the development, demonstrated agreement shall be obtained from the adjacent property owners with respect to the location and height of these noise barrier returns prior to the erection of the noise barrier. These barrier returns shall be located on the common property boundary.
- 26 All earth mounds shall be designed and constructed in accordance with the requirements of Main Roads Standard Specification MRS 11.04(12/99). Earth mounds shall be landscaped in accordance with the Main Roads Landscape Manual. The design shall be submitted to Main Roads for acceptance. The landscape construction shall be undertaken in accordance with the requirements of Main Roads Standard Specification MRS 11.16(12/99). A six months maintenance period will be required with respect to the landscape construction. The developer shall provide a maintenance bond of \$20.00 per square meter to Main Roads for all landscape construction undertaken within the road reserve.
- 27 The developer shall engage the services of a civil engineer to provide a certified (RPEQ) design for any safety barrier requirements and drainage requirements associated with the location of the noise barrier and earth mounds if necessary.
- 28 **Building and Receiver Pad Levels:** It would appear that the acoustical assessment has assumed the building pad levels as being the existing ground levels. If these pad levels are increased by more than 200mm, a new acoustical assessment will be needed. The developer shall supply the building pad levels in AHD datum for each dwelling that the acoustical consultant has used in the calculations.
- 29 **Stormwater Flooding:** The applicant shall upgrade the existing Baker Creek culvert crossing of Tamborine-Oxenford Road to mitigate the impact that the proposed development has on the culvert crossing for a 50 year ARI flood event. In this regard, the impact after the completion of the development shall be no worse than before the development.

ROADWORKS

- 30 With any future development application for Reconfiguring a Lot, the applicant shall provide a "Road Hierarchy Plan" indicating the intended priority roads.
- 31 With any future development application for Reconfiguring a Lot, the applicant shall provide long sections of all proposed roads within the Estate.
- 32 Access for any rural allotment off Stephens Road contained within the development is prohibited.

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RECREATION INFRASTRUCTURE CHARGES

- 33 Payment of recreation infrastructure contributions shall be made in accordance with the charging mechanisms in operation at the time of reconfiguring a lot. The contributions are due for payment prior to the issue of a Certificate of Classification, Building Final for any building works, or prior to the endorsement of survey plans of subdivision, whichever occurs first.

URBAN DESIGN

- 34 With any future development application for Reconfiguring a Lot, the applicant shall provide Design & Siting Guidelines for all Residential A allotments within the subdivision. Such guidelines shall be submitted in conjunction with the subdivision plan for approval to Council's Subdivisions Branch. The design and siting guidelines are to promote the use of contemporary Australian Architecture which emphasises energy efficient design through the use of:

- (a) openings to ensure cross ventilation is maximised;
- (b) eaves and external shading devices to minimise heat gained in summer;
- (c) light colours on the roof and walls to reflect solar radiation.

The Guidelines shall also include provisions with respect to the utilisation of slope sensitive design housing (ie. split-level, suspended floors) in addition to general development criteria including site coverage, fencing, building setbacks and height to ensure a diversity of built form and an attractive streetscape.

PRESENTATION OF DEVELOPMENT TO TAMBORINE-OXFENFORD ROAD FRONTAGE

- 35 Building Envelopes established on those allotments having frontage to Tamborine-Oxenford Road and along the western boundary of the site shall be sited on the lower slopes (close to the internal road) having regard to existing vegetation, watercourses/ephemeral gullies, potential bushfire risk and steep slopes. Building envelopes shall provide adequate separation from adjoining allotments so as to ensure a semi-rural character is retained in accordance with Shire Image Objective 4.

GEOTECHNICAL MANAGEMENT

- 36 The applicant is required to submit a slope analysis plan with any subsequent application for Reconfiguring a Lot or Material Change of Use, whichever occurs first.

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- 37 No development shall be permitted in any area where the land has a general gradient exceeding 20% or 15% for Rural allotments as determined by a detailed survey and slope stability assessment carried out by suitably qualified professionals. The applicant shall provide, with a Reconfiguring a Lot application, a plan indicating all park residential and rural allotments contained building envelopes and access arrangements less than 25% for approval by the Chief Executive Officer.
- 38 With any future development application for Reconfiguring a Lot, the applicant shall submit a Geotechnical Assessment prepared by a suitably qualified professional which complies with the provisions of Council's Steep Slopes Code of the Gold Coast Planning Scheme and certifies all cut/fill achieves a long term safety factor of 1.5.

STORMWATER MANAGEMENT

- 39 A Stormwater Management Plan for the land, prepared by a suitably qualified professional, shall be submitted to Council and approved by the Chief Executive Officer prior to the issue of any future development permit for Reconfiguring a Lot. Such plan shall be prepared by a suitable qualified professional and shall:-
- (a) Delineate catchment boundaries and inundation lines for Q2, Q5, Q10, Q50 and Q100 storm events as well as provide supporting calculations to demonstrate that flows from the aforementioned storm events remain within the open space corridors designated on the approved plan referred to in Condition 1. Amendment of the width of the open space corridor shall be undertaken as required by the foregoing analysis.
 - (b) Provide detailed information about the management of MIKE11 Model branch B6 flow through the subject site.
 - (c) Provide depth of inundation for all internal roads running across the gullies and the product of depth and velocity factor for all gully crossings, which must be less than or equal to 0.6 during the Q100 storm event.
 - (d) Provide detailed dimensions and locations of detention basins on subdivision layout as indicated in the Stormwater Management report (Table 12) prepared by belleng Pty Ltd (Ref: Job No. 2003-053, 12 February 2004).
- 40 The Stormwater Management Plan as outlined above shall achieve the following:
- (a) All stormwater quality improvement devices are to be located outside of buffers to the site's waterways.
 - (b) No stormwater quality improvement devices or detention devices are to be located online.

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- 43 Detailed engineering design drawings and supporting information for all Stormwater Quality Improvement Devices (grassed swales, wetlands, GPT's, detention basins etc.) identified in an approved stormwater management plan, are required to be submitted and approved in conjunction with any future Operational Works application. The information provided is to be in accordance with the Council's Stormwater Treatment Design and Selection Guidelines (2002).
- 44 The applicant must provide certification from a qualified stormwater engineer/scientist that the submitted civil engineering drawings accurately reflect the stormwater management treatment train in an approved stormwater management plan. This certification is to be submitted in conjunction with any Operational Works (Civil Works) application.
- 45 The applicant must provide certification from a qualified stormwater engineer/scientist that the stormwater management treatment train in an approved stormwater management plan and associated design drawings has been installed on site in accordance with an approved stormwater management plan and is functioning as designed. This certification is to be provided to the Council prior to commencement of use of the site.
- 46 The developer shall provide payment in the amount of \$150,000 towards the embellishment of the existing wetland system in Bakers Creek, upstream of the confluence with the Coomera River, prior to the endorsement of the plan of subdivision for the first stage of development. (Account No. 74648 - "P&DCONT")

FLORA AND FAUNA MANAGEMENT

- 47 A Fauna Management Plan prepared in accordance with the Fauna Management Plan Preparation Guidelines in consultation with the Queensland National Parks and Wildlife Service (when required), shall be submitted and approved prior to any works commencing on site.
- 48 The applicant shall submit with any future application for Reconfiguring a Lot, plans and details demonstrating the provision of pathways and cycleways within the development which link the proposed residential areas to the open space network. These cycleways shall be located outside existing vegetation along each riparian corridor.

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- 49 An educational brochure shall be prepared and lodged in conjunction with any future application for Reconfiguring a Lot, to the satisfaction of the Chief Executive Officer, and distributed by the developer to all successors in title. The educational brochure shall include topics such as requirements of any environmental covenants (where applicable), responsible pet ownership, vegetation management, bushfire management, significant species on the subject property, maintenance and purpose of stormwater treatment features (e.g. swales), and the potential for water tank use for non-potable purposes. The brochure shall also include a list of indigenous species appropriate for landscaping purposes and weed species known to be a problem on the subject property.

CREEK CROSSING

- 50 In order to protect the floristic quality and to provide for unrestricted passage of wildlife, any roads proposed to traverse any of the open space corridors, shall be designed and constructed to ensure no interference to or obstruction of the channel within each corridor occurs. This includes the creek crossing on the Tamborine Oxenford Road. Council will require the use of bebo arches or bridge structures shall be used for the development.

CREEK CORRIDORS

- 51 With any future development application for Reconfiguring a Lot, the applicant shall ensure the following corridor widths are provided, to protect and buffer the creeks as identified on Vegetation Management Plan, being "Yarrayne Pty Ltd, Proposed Residential Development, dated 18 February 2004, by belleng Pty Ltd:
 - (a) A buffer of not less than 30 metres, when measured from the top of the high bank shall be provided to Creeks 1, 3, 3(e), 4 and 5;
 - (b) A buffer of not less than 20 metres, when measured from the top of the high bank, shall be provided to 3(a), 3(b), 3(c) and 3 (d); and
 - (c) A buffer of not less than 20 metres, when measured from the top of the high bank, shall be provided to Creek 2.

SEDIMENT AND EROSION

- 52 An Erosion and Sediment control plan in accordance with the Gold Coast Planning Scheme's Sediment and Erosion Control Constraint Code is to be submitted and approved in conjunction with any future Reconfiguring a Lot development application or Operational Works (Change to Ground Level) or (Vegetation Management) application, whichever occurs first.

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VEGETATION MANAGEMENT

53 An Operational Works Application (Vegetation Management) is required to be submitted and approved by Council prior to any works commencing on site if any protected vegetation as defined by the Planning Scheme is proposed to be removed from the site. The application is to be accompanied by (where applicable) copies of the following approved plans, and copies of the approval advice for the said plans (Decision Notice/Letters of Approval etc.):

- (a) plan of development;
- (b) vegetation management plan;
- (c) open space management plan;
- (d) environmental management plan; and
- (e) fauna management plan.

Note: If the fauna management plan requires the capture and release of any fauna, or the management of any Endangered, Vulnerable or Rare and Threatened fauna, the applicant must demonstrate that the QPWS has approved of the proposed Fauna Management Plan prior to its submission to the Council.

OPEN SPACE MANAGEMENT

54 An Open Space Management Plan for the land, prepared by a suitably qualified professional, shall be submitted to Council prior to any further development approval or site works commencing, or in conjunction with operational works 'change to ground level' or 'bulk earthworks'. The Open Space Management Plan is to be in accordance with Part 2 of the Landscape Strategy - Landscape Works Documentation Manual. The Open Space Management Plan is to be a graphically presented interpretation with appropriate notation and/or written report and is to include the following:

- (a) Identification of detailed management issues related to management of open space areas during the construction phase;
- (b) Duration of the establishment period and on maintenance phase of management/maintenance open space areas (operation phase)
- (c) Quality of Open Space Areas at "On" and "Off" maintenance;
- (d) Ongoing Management/Maintenance regimes for Open Space Areas (operation phase).
- (e) Itemised annual financial costs for maintenance of dedicated open space areas.
- (f) Details of how the following issues have been addressed - access to open space, useability, retention and enhancement of significant vegetation, retention of visual amenity, provision of linkages and wildlife corridors, preservation of ephemeral gullies and waterways on site, provision of services and facilities, public safety and meeting the needs of future residents.

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- (g) Details of the aims and objectives of the proposed open space areas, how these aims and objectives will be achieved and how the open space comply with Gold Coast Planning Scheme Policy 16 - Policy for Infrastructure Recreation Facilities Network Developer Contributions.
- (h) Provision of Educational and interpretive signage for future residents.

55 A detailed regeneration/re-vegetation plan shall be submitted with any future development application for Reconfiguring a Lot that increases the number of individuals, to levels typical of an undisturbed riparian plant community and moist eucalypt forest, of the significant plant species listed in Table 5.1 of the Vegetation Management Plan being "Yarrayne Pty Ltd Proposed Residential Development Lot 102 & 103 on WD4335 Tamborine-Oxenford Road, Upper Coomera, Vegetation Management Plan Issue No.1", dated 18 February 2004 by belleng Pty Ltd. All plants used in the revegetation programme must be selected from Table 5.1.

The re-vegetation programme must achieve local provenance and the maintenance of local genetic variation for all species planted on the site. Therefore the applicant shall engage local nurseries that source their plant stock from within the City. The applicant must collect seed/cuttings from individuals on site to propagate seedlings for the re-vegetation programme for the following species: smooth-shelled bush nut, *Macadamia integrifolia*, long-leaved tuckeroo, *Cupaniopsis newmanii* and toothed kamala, *Mallotus megadontus*. The programme must include a detailed plan of when seed/cuttings will be collected, propagated and grown with respect to the date of commencement of proposed works on the site. The applicant must start propagation well before the commencement of any works on site to ensure that there is enough time to complete a second round of propagation if the first round is unsuccessful or has limited success. The applicant shall include in the management plan a report from a qualified horticulturalist detailing each stage of the proposed propagation and relocation programme and how long the programme will take.

The revegetation programme shall take into account the ten (10) metre open space buffer along Tamborine Oxenford Road outlined in Condition 1.

56 The applicant shall submit a detailed Weed Management Plan to Council for approval in conjunction with any future Reconfiguring a Lot development Application. The submitted plan shall generally be in accordance with the current Vegetation Management Plan being "Yarrayne Pty Ltd Proposed Residential Development Lot 102 & 103 on WD4335 Tamborine-Oxenford Road, Upper Coomera, Vegetation Management Plan Issue No.1", dated 18 February 2004 by belleng Pty Ltd.

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- 57 With any future application for Reconfiguring a Lot an ecological assessment for Lot 2 WD4335 shall be submitted which ensures the protection of the site's highly significant biodiversity values. Should the ecological assessment determine the areas of highest ecological significance are contained outside the area shown as park, the aforementioned park area shall be increased to incorporate the upper catchment of the Bakers Creek.

BUSHFIRE MANAGEMENT

- 58 An amended Bushfire Management Plan for the land, generally in accordance with the Fire Management Plan submitted by Eldon Bottcher Architect Pty Ltd and dated 18 July 2004, shall be submitted to Council and approved by the Chief Executive Officer prior to the issue of any development permit for Reconfiguring a Lot. Such plans shall be prepared by a suitably qualified professional at the applicant's cost, for the benefit of future residents which demonstrates compliance with the requirements of Council's Bushfire Management Strategy and has regard to the following issues:

- (a) The value and intent of the Open Space Areas and the preservation of upper foothills of vegetation in accordance with Shire Image 4;
- (b) Bushfire Trails/Breaks should be located having regard to the existing vegetation on site and the need for its preservation on the upper slopes;
- (c) Need for connection of fire trails to the adjoining development on Lot 161 W311184.

- 59 Where any Bushfire Management recommendations, (ie. Fire Trails/Breaks) in the consideration of Council, detrimentally impact on the preservation of existing vegetation on the site as outlined in Shire Image Objective 4, inclusion of those allotments into the open space corridors shall occur, as required by the foregoing analysis.

EFFLUENT DISPOSAL

- 60 The applicant shall submit with any future application for Reconfiguring a Lot, an Effluent Disposal Report for any Park Residential allotment. The report shall be prepared by a suitably qualified professional and comply with the Department of Natural Resources Onsite Sewerage Code (2002) and the relevant sections of the *Plumbing and Drainage Act 2002*.

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LANDSCAPE WORKS:

- 61 A Statement of Landscape Intent shall be submitted in accordance with Council's Landscape Strategy Part 1: Landscape Character: Guiding the Image of the City and Part 2 - Landscape Works Documentation Manual. The Statement of Landscape Intent is to be a graphically presented interpretation with appropriate notation. The statement of landscape intent shall be submitted to Council for approval in conjunction with any future ROL applications.
- 62 The Statement of Landscape Intent must include the broad conceptual design intent for:
- All private landscaped areas including buffers and rehabilitation areas (the SLI should incorporate information from the revegetation and rehabilitation programme);
 - All road reserve areas including location of any desired entry statements and street planting;
 - All open space areas including buffers and rehabilitation areas;
 - (a) details on how the proposed rehabilitation measures enhance and support the area as a land and water based linkage;
 - (b) ensure the rehabilitation of the degraded vegetation or area is as near as practical to the pre-existing vegetation communities and provides plantings that will achieve the diversity and species composition of the pre-existing plant communities (selection of species shall be suitable for each habitat/location within the site and for distinct purposes such as providing resources for wildlife target species);
 - (c) species selection should ensure the preservation of local seed provenance, support and increase populations of rare and threatened plant species that occur on the site and consider the requirements of the fauna of the area (particularly Koalas and Glossy-black Cockatoos).
- 63 Detailed Landscape Plans (prepared by a qualified landscape architect or similar design professional) shall be submitted and approved prior to landscape works commencing on the site, and, such works being constructed prior to the commencement of use the subject of this approval.

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64 The Detailed Landscape Plans are to comply with Part 2 of the Landscape Strategy: Landscape Works Documentation Manual - September 2002 and include the following:

- All private landscaped areas including rehabilitation areas, buffers and entry statements;
 - (a) All built structures associated with an entry statement are to be located in private property. Planting associated with the entry statement is acceptable in the road reserve area but only where such achieves the requirements of the Landscape Works Documentation Manual and the Local Planning Policy 'Entry Statements'.
- Any public road reserve areas;
 - (a) Trees shall not be aligned with side boundaries or where underground services are located;
 - (b) Tree planting shall be set back a minimum of one (1) metre from the nominal kerb line and be a single trunked canopy shade species able to attain a clear trunk height of 1800mm on maturity;
 - (c) Trees shall be kept a minimum distance of two (2) metres laterally from inlet gullies;
 - (d) Provision of a turf strip, 1m wide, to be laid along the back of kerb with the inclusion of a two metre strip, laid at right angles to the kerb at ten metre intervals to minimise sediment runoff into the stormwater system;
 - (e) Irrigation systems are not to be located in public road reserve areas.

SURVEY

65 Easements shall be provided, in favour of and at no cost to Council, over relevant Council infrastructure located within both private land and Park Reserves to be dedicated to the State (Crown). The surveyor is to provide to Council a certification that the above has been carried out. Also when registering the above easements, the form 9 document shall refer to Council's standard registered document No. 701622417 for infrastructure located within private land, and to Council's standard registered document No. 707215278 for infrastructure located within Park Reserves (Public Use Land).

GENERAL ADVICE - Please note that this is not a condition

That the applicant be advised that nothing in this decision notice alleviates the need to observe all relevant legislation, Council's Planning Schemes and Local Laws.

The applicant be advised that an Operational Works application(s) shall be made pursuant to the Integrated Planning Act 1997 for all works required by the above Development Permit prior to any works commencing on site.

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The applicant be advised that payment of outstanding Council rates and charges will be required prior to the lodgement of survey plans.

Be advised additional sediment, erosion and dust control measures may be required as directed by Council officers' upon site inspection.

The applicant is to observe the requirements of all other relevant State Government Departments.

Environmental Harm

This approval does not remove the applicant's general environmental duty and does not authorise environmental harm as defined by the Environmental Protection Act 1994 to be caused by the activity/development. This approval does not warrant that such plans and specifications have been checked in detail, nor does it absolve the owner or proponent from complying with the conditions of this approval, relevant Council Policy and Local Law, relevant statues and/or statutory regulations in the execution and/or performance of the said works. Neither the Council nor the Chief Executive Officer accept any responsibility for the accuracy of such plans and specifications as approved. Please note that variations and/or additions to the approved plans may be required by the Chief Executive Officer as a result of insufficient details on the plans or incorrect information being provided, to ensure that Council Policies are complied with or environmental harm is not caused.

Discharge of Sediment

Under Section 32 of the Environmental Protection (Water) Policy 1997 it is an offence to allow the release of stormwater run off into a stormwater system or waters that results in the build-up of sediment in the system or waters; or to deposit sediment into a stormwater system or waters or in a place where it could reasonably be expected to discharge into the system or waters or result in a build-up in the same.

General environmental duty

Under Section 319 of the Environmental Protection Act 1994 it is an offence to carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. In deciding the measures required to be taken regard must be had to:

- (a) the nature of the harm or potential harm; and
- (b) the sensitivity of the receiving environment; and
- (c) the current state of technical knowledge for the activity; and
- (d) the likelihood of successful application of the different measures that might be taken; and
- (e) the financial implications of the different measures as they would relate to the type of activity.

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Duty to Notify Environmental Harm

Under Section 320 of the Environmental Protection Act 1994, if while carrying out an activity, a person becomes aware that serious or material environmental harm is caused or threatened to be caused the person must give written notice to the administering authority of the event, its nature and the circumstances in which it happened as soon as reasonably practicable after becoming aware of the event involving the harm.

Flora and Fauna

Under the Fisheries Act 1994, it is an offence to disturb, remove or damage *any marine plants* without approval from Department of Primary Industries. Marine Plants are any plants which usually grows on or adjacent to tidal lands (up to Highest Astronomical Tide), whether living or dead, standing or fallen, or material of such a plant. Marine plants include mangroves, salt marsh plants and succulents, salt couch, seagrass and algae. In certain areas, other species (such as Casuarina and Hibiscus) may also occur on tidal lands and, therefore would fall within the definitions.

Any proposed damage to street trees within the road reserve will require approval from Gold Coast City Council's Parks and Gardens Street Tree Section.

Be advised that under the provisions of the Local Law No. 6 (Vegetation Management) the maximum penalty for non-permitted damage to protected vegetation is \$63,750.00.

The Nature Conservation Act 1992 and the Nature Conservation Regulation 1994 requires that protected animals whose habitat has been destroyed by human activities or natural disasters are cared for and rehabilitated. Further advice should be sought from the Department of Environment (Burleigh Heads) on telephone 5520 9600.

Gold Coast City Council recommends that that where any works are undertaken on the land in areas below RL 5m AHD which require excavation (ie: operational works for on-site sewerage treatment systems) then the areas shall have specific testing carried out to ascertain the level of acid sulphate potential with the material to be disturbed and that any proposed structure or earthworks are designed and managed according to the insitu soil conditions.

The applicant is advised that there is an obligation under the Environmental Protection Act 1994 and subordinate legislation with respect to activities involving disturbance of acid sulphate soil to ensure that Environmental Harm does not result from such activities.

CARRIED

(Councillor Sarroff asked that his vote be recorded in the negative)