

29 APRIL 2014

**REQUEST TO CHANGE DEVELOPMENT APPROVAL AND REQUEST TO
EXTEND THE RELEVANT PERIOD - OCEAN BREEZE ESTATE - STAGE 3 -
905L COOYA BEACH ROAD BONNIE DOON**

Neil Beck : (419382)

<u>PROPOSAL:</u>	REQUEST TO CHANGE DEVELOPMENT APPROVAL & REQUEST TO EXTEND RELEVANT PERIOD - OCEAN BREEZE ESTATE - STAGE 3
<u>APPLICANT:</u>	JIM PAPAS DRAFTING PTY LTD PO BOX 2347 MAREEBA QLD 4880
<u>LOCATION OF SITE:</u>	905L COOYA BEACH ROAD BONNIE DOON
<u>PROPERTY:</u>	LOT 905 ON SP253578
<u>LOCALITY:</u>	COASTAL SUBURBS
<u>PLANNING AREA:</u>	RESIDENTIAL 1 / PART RESIDENTIAL 2
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	DEPARTMENT OF NATURAL RESOURCES & MINES
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	EXPIRED
<u>APPLICATION DATE:</u>	17/01/2014
<u>APPENDIX:</u>	1. APPROVED PLAN(S) & DOCUMENT(S) 2. PROPOSED SUB-STAGING FOR STAGE 3 3. APPROXIMATE EXTERNAL CATCHMENT

LOCALITY PLAN



RECOMMENDATION:

- A. That Council approves the Request to Change a Development Approval over land described as Lot 905 on SP253578 located at Bonnie Doon Road, Cooya Beach to facilitate the sub-staging of Stage 3 of Ocean Breeze Estate as detailed on Drawing No. 1187 – C01 Revision E dated 17 January 2014 prepared by Jim Papas Drafting Pty Ltd, subject to the following:
1. Condition 1a be amended to read as follows:-

In accordance with the FNQROC Development Manual – Design Guideline D4.04(9) – 01/11 09 – The designer shall be responsible for assessing the existing and future developed flow regime entering the development site from upstream catchments. and shall provide Detailed calculations for each scenario investigated to determine the peak discharge for minor and major events (both internal and external catchment areas) for the drainage investigation of Stage 3 must accompany with the design submission. This hydraulic model is to be carried out by a recognised organisation, and certified by a suitable experienced RPEQ, and submitted and approved by the Chief Executive Officer prior to the Pre-Start Meeting for Stage 3A2.

The certifying RPEQ must demonstrate and be satisfied that all necessary investigations have been completed to ensure the drainage conditions and operation of the drainage system is understood. Input parameters including but not limited to the initial and continuing losses in any runoff routing model or the runoff co-efficient for the rational method calculation must be substantiated.

The hydraulic model must investigate the scenarios of the initial and continuing infiltration losses set to zero or a runoff coefficient set at 0.7 for

the 5 year event and coefficient of 0.88 for the 100 year event for an external catchment are of 10Ha to determine the peak minor and major events.

2. Condition 1l be added to read as follows:-

All Operational Works Drawings including the latest revisions must be certified by an RPEQ in accordance with the requirements of the FNQROC Development Manual prior to the Pre-Start Meeting.

All Operational Works drawings must certified by an RPEQ including initialling the latest revisions of those drawings by the RPEQ in accordance with the requirements of the FNQROC Development Manual prior to the Pre-Start Meeting.

3. Condition 1m be added to read as follows:-

All drainage infrastructure works conveying stormwater through Stage 3A2 & 3B must be completed in accordance with the approved drainage investigations and detailed design to the satisfaction of the Chief Executive Officer. Such works must be completed prior to the endorsement of the Survey Plan for Stage 3A2.

4. That an Advice Statement 4 be added to read as follows:-

Similar to the requirements for Stage 3, a drainage investigation will be required for the operational works application for the balance of Stage 5 and must be certified by an RPEQ. It is recommended that such an investigation be submitted as supporting information when making the application.

- B. That Council approve the request to extend the Relevant Period for the Operational Works approval issued on 17 February 2012 for Stage 3 and as amended as a consequence of determining the within Request to Change a Development Approval to facilitate the sub-staging of Stage 3 up to and including 17 February 2016.

EXECUTIVE SUMMARY:

Council is in receipt of correspondence requesting a Change to a Development Approval and to extend the Relevant Period.

The request relates to the Operational Works approval issued for Stage 3 of Ocean Breeze Estate located adjacent the intersection of Bonnie Doon Road and Melaleuca Drive, Cooya Beach.

The request to change seeks to amend the staging of the development to enable Stage 3 to be developed in three sub-stages, while the request to extend the approval seeks

an additional two years to undertake the works and have a survey plan lodged with Council for endorsement.

While the request in itself as it relates to the orderly development of the land is relatively straight forward, some questions remain over the drainage solution being proposed and the drainage calculations which underpin the design.

Approval of both requests are recommended subject to modifications of the existing conditions which seek to further identify and define the local drainage catchment and how this is accommodated within the design, in addition to nominating when the drainage infrastructure must be provided.

While the statutory period to determine the request has expired, the approval remains current until such time as Council decides the request.

Background

Ocean Breeze Estate was approved in September 2007 and provides for the construction of 288 residential lots, park and new road to be undertaken in 6 stages (with multiple sub-stages). A copy of the approved plan is attached at Appendix 1.

To date approximately 130 lots have been constructed being Stages 1A, 1B, 2A, 2B, 2C, 4A & 5A. The development also includes a park which has been constructed and transferred to Council.

The Operational Works approval for Stage 3 was issued in November 2011 with a Negotiated Decision issued on 17 February 2012. From a review of the file and conditions of the Negotiated Decision Notice for Stage 3, there appears to have been considerable discussions regarding the drainage of the land, in particular the external catchment and how this will be accommodated within the development.

An Operational Work application is anticipated to be lodged with Council in the near future for the balance of Stage 5.

Proposal

The request relates to two separate actions under the Sustainable Planning Act being:-

1. Request to change the Development Approval i.e a Permissible Change under Section 367; and
2. Request to extend the Relevant Period under Section 383.

The request to change the development approval seeks to amend the staging and provide for three sub-stages within Stage 3 while the request to extend seeks a further two year extension to the operational works approval.

The proposed sub-stage for Stage 3 is attached at Appendix 2.

TOWN PLANNING CONSIDERATIONS:

Approval to Reconfigure the Land

The request to amend Stage 3 is consistent with the overarching planning approval for the land and does not necessitate this approval being revisited. The number of lots contained in Stage 3 remains the same as well as the development footprint and road layout. No conditions of this approval require amending as a consequence of the request.

The request to amend the staging will necessitate a review of the Operational Works approval and will require conditions to be amended to reflect the proposed staging in addition to nominating the timing for drainage infrastructure to be completed.

Stormwater Drainage

From a review of the file, supporting engineering documentation lodged to date in conjunction with the Negotiated Decision Notice dated 17 February 2012, there are some elements of the drainage design and supporting calculations which require further investigation and clarification.

It must be noted that Condition 1a of the Negotiated Decision Notice currently states:-

*“In accordance with the FNQROC Development Manual – Design Guideline D4.04(9) – 01/09 – The designer shall be responsible for assessing the existing and future developed flow regime entering the development site from **upstream catchments** and shall provide detailed calculations with the design submission. This hydraulic model is to be carried out by a recognised organisation, and certified by a suitable experienced RPEQ, and submitted prior to the Pre-Start Meeting.”*

This existing condition provides Council with a degree of comfort that the external catchments are adequately provided for in the design of Stage 3.

In light of the proposed staging, the drainage infrastructure will be contained in Stage 3A2 and 3B and will take the form of an underground piped system combined with an overland flow path to deliver the water to the culverts on Cooya Beach Road being the lawful point of discharge for the development. The existing drainage culverts under Cooya Beach Road will be upgraded as part of the drainage works for Stage 3.

Council Officers have three principle concerns over the stormwater calculations and subsequent design submitted to Council being:-

1. The drainage investigations, assumptions and design have not been certified by an RPEQ as required by the condition.

The balance of the operational works drawings submitted as part of the request to extend the approval have not been certified by an RPEQ.

2. There are variances with respect to the size of the external contributing catchment from when the application was first lodged with Council in May 2011 which indicated an external catchment of 0.8 hectares with run off coefficients for the Q5 and Q100 being 0.66 and 0.84 respectively. This has now been adjusted by the applicant to be approximately 8.24 hectares with the run off co-efficient of 0.33 and 0.42 for the respective events. Council Officers estimate the external catchment to be in the vicinity of 10 – 12 hectares using Council GIS and contour data.

With respect to the runoff coefficient, the lower the co-efficient, the assumption is the more permeable the soil. When asked what information was relied upon to qualify these assumptions in the most recent plans submitted, the applicant made reference to bore logs which made reference to sandy loams and sandy clays and not just pure sand. However, Table 4.9.2 of the Queensland Urban Drainage Manual (QUDM) discusses sand versus sandy loam, sandy clay etc. It is the role of the RPEQ to determine what the appropriate values are based on experience and engineering judgement. Where there is possible uncertainty, it is the RPEQ who has to satisfy themselves that all appropriate investigations have been undertaken.

3. Current observations, local knowledge and recent events (prior to Cyclone ITA) would indicate that the catchment does not enjoy high permeable soils given the presence of casual water present on the site and surface water present in the adjacent cane paddock. Council also has water table readings in the immediate vicinity whereby the water table peaks within 200mm from the natural ground level.

In addition, there are existing drainage issues in the subdivision with stormwater not being able to exit the development via a lawful point of discharge and backing up Bayil Drive. To date only the carriageway of the road has been impacted upon by this stormwater and has not threatened to inundate any properties or houses. The lawful point of discharge remains a concern as the existing drainage line extends through the adjacent property being Lot 902 on SP199682 fronting Cooya Beach Road (adjacent proposed Lots 6 and 7) which is held in separate ownership. This can be seen in the aerial imagery in the Locality Plan as part of this report.

It is certainly acknowledged that the existing drainage situation will be improved once the drainage infrastructure has been constructed and the culverts upgraded. However it is imperative that the stormwater design and the assumptions made are undertaken by an appropriately qualified professional to ensure that the drainage infrastructure constructed as part of Stage 3 is fit for purpose and properties adjacent Melaleuca Drive are not adversely impact upon.

The applicant is seeking approval to allow 3A1 to proceed and to defer the drainage infrastructure works to form part of 3A2 and 3B in a staged format.

Putting aside the lawful point of discharge, the existing drainage regime in this immediate area is underperforming and the construction of an additional 8 residential lots in an area with an existing drainage problem is not ideal. In saying that, to require the drainage solution for all of Stage 3 to be brought forward to facilitate Stage 3A1 maybe considered unreasonable. While the 8 additional lots will be contributing to the existing drainage problem, the additional lots will not be exacerbating the existing situation to an extent to warrant the drainage works being brought forward. However, it

is reasonable that the entire drainage infrastructure for Stage 3 including upgrading the culverts under Cooya Beach Road be undertaken as part of the works for Stage 3A2 and 3B and that all works are completed prior to sealing the survey plan for Stage 3A2.

The applicants request to proceed with Stage 3A1 is therefore supported.

As a consequence of the request to change the development approval, Council has the ability to amend conditions of the development approval. The conditions must be relevant to the proposed change. In this regard conditions of the Operational Works approval are required to be amended to address the following:-

1. Expand on the existing condition regarding drainage investigations to be undertaken in order to close out some concerns Council has over the findings and assumptions of the drainage investigations submitted to date.
2. Nominate the timing of the drainage infrastructure to be constructed which is prior to the endorsement of the survey plan for Stage 3A2.
3. Require that all operational work drawings and latest revisions of those drawings must be certified by an RPEQ prior to the Pre-Start meeting which enables works to commence.

While not part of this particular application, it is considered timely that the applicant be made aware that a drainage investigation will be required for the operational works application for Stage 5 and be certified by an RPEQ. Such investigations should be submitted as supporting information when making the application. It is recommended that this advice take the form of an Advice Statement to attach to the Operational Works approval for Stage 3.

The Recommendation detailing the proposed changes to the Operational Works in addition to the proposed Advice Statement has been worded accordingly.

Request to Extend

Subject to the proposed changes being made to the Operational Works approval to reflect the proposed sub-staging, no concern is raised with extending the approval (as amended) for a further two years up to and including 17 February 2016.

Neil Beck
Action Officer

Donna Graham
Manager Development & Environment

APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)



APPENDIX 2: AMENDED STAGING PLAN

NOTES:

SURVEY CONTROL
 ORIGIN OF LEVELS:
 P.M. 76209 RL 3.363 AND A.C.
 ORIGIN OF COORDINATES:
 P.M. 76209 400.342E, 40445.34N
 MERIDIAN: MGA ZONE 55
 CONTOUR INTERVAL: EXISTING SURFACE
 0.20m INDICED AT 1.0m INTERVALS

NOTES:
 THE CONTRACTOR TO CONTROL SURVEY DATUM WITH SUPERVISOR PRIOR TO COMMENCEMENT OF WORK.
 THE PRINCIPAL'S SUPERVISOR SHALL PROVIDE INITIAL SURVEY DATA AND FINAL CADASTRAL SURVEY INFORMATION ONLY. THE CONTRACTOR IS RESPONSIBLE FOR ALL OTHER SURVEY DATA NECESSARY TO CONSTRUCT THE WORKS INCLUDING AS CONSTRUCTED INFORMATION. THE COST OF PROVIDING THIS SURVEY SHALL FORM PART OF THE CONTRACT SUM.

RP DESCRIPTION
 PART OF 305 ON SP210204
 PARCEL OF VICTORY
 COUNTY OF SOLARAR
 LOCAL AUTHORITY
 GANNES REGIONAL COUNCIL

EXISTING SERVICES

- EXISTING SERVICES ARE PLOTTED FROM THE BEST INFORMATION AVAILABLE. NO RESPONSIBILITY IS TAKEN BY THE SUPERINTENDENT FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION SHOWN.
- PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR IS TO ESTABLISH ON SITE THE EXACT LOCATION OF ALL UNDERGROUND SERVICES IN THE PROPOSED WORKS AREA. METHODS TO ACHIEVE THIS WILL INCLUDE (BUT NOT BE LIMITED TO):
 - CAREFUL EXAMINATION OF THE CONTRACT DRAWINGS & CONSULTATION WITH THE RELEVANT SERVICE & UTILITIES
 - COMPREHENSIVE SCANNING OF THE AFFECTED AREAS WITH A CABLE DETECTOR AND MARKING ON THE GROUND THE POSITION OF ALL SERVICES
 - HAND EXCAVATING TO EXPOSE ALL SERVICES WHICH MAY BE AFFECTED BY THE PROPOSED WORKS UNLESS THE DIRECTION OF THE RELEVANT SERVICE AUTHORITY
- THE CONTRACTOR SHALL BRING TO THE SUPERINTENDENT'S ATTENTION ANY DISCREPANCIES BETWEEN THE EXISTING SERVICES HAS IDENTIFIED AND THE DOCUMENTED SERVICES WHICH MUST AFFECT THE PROPOSED WORKS. APPROPRIATE MEASURES TO RESOLVE ANY CONFLICTS WILL BE INSTRUMENTED BY THE SUPERINTENDENT.

PPE-START MEETING (FOR ALL STAGES)

THE CONTRACTOR SHALL PRODUCE THE FOLLOWING DOCUMENTS AT THE PPE-START MEETING:

- EVIDENCE OF PAYMENT OF PORTABLE LONG SERVICE LEASE Levy
- EVIDENCE OF PAYMENT OF OCCUPATIONAL HEALTH AND SAFETY FEES
- EMERGENCY MANAGEMENT PLAN
- PRICED BILL OF QUANTITIES
- CONTRACTOR'S DESIGN AND SEDIMENT CONTROL PLAN. THE PLAN SHALL DEMONSTRATE A SUITABLE ESC STRATEGY FOR EACH PHASE OF THE WORKS AND SHALL INCLUDE STANDARD DRAWINGS AND SPECIFICATIONS FOR ALL ESC MEASURES INCLUDING DUST SUPPRESSION MEASURES
- EVIDENCES OF INSURANCES:
 - PUBLIC LIABILITY
 - LOSS OR DAMAGE TO THE WORKS
 - WORKERS COMPENSATION
- NOTICE OF APPROVEMENT OF PRINCIPAL CONTRACTOR AS REQUIRED BY WORKPLACE, HEALTH AND SAFETY ACT
- PROGRAMME OF WORKS
- SOURCE OF FILL
- CONTRACTOR CERTIFICATES FOR RETAINING WALL AND PE 11.2/20
- WORK METHOD STATEMENT FOR STORMWATER PIPE CROSSING OF COOYA BEACH ROADS
- WORK METHOD STATEMENT FOR STORMWATER PIPE CROSSING OF CAPTAIN COOK HIGHWAY



LEGEND

- EXISTING TOP OF BANK
- EXISTING TOE OF BANK
- EXISTING CHANGE OF GRADE
- EXISTING EDGE OF CURB
- EXISTING EDGE OF RETURN
- EXISTING KERB & CHANTEL
- EXISTING UNDERGROUND DRAINAGE
- EXISTING WATER MAINS
- EXISTING SEWERS
- EXISTING ELECTRICITY
- EXISTING TELECOM CABLES
- EXISTING OPEN DRAINS
- PROPOSED STAKE BOUNDARIES
- EXISTING CONTOURS
- (AT 0.5m, INDICED AT 1.0m)

SURVEY MARKS

Point #	Easting	Northing	Level	Description
1	1552.207	50419.077	2.778	10m 9055 NR
2	1554.615	50419.260	3.000	10m 9125 NR
3	1551.771	50408.954	3.000	10m 9127 NR
4	1461.070	50379.190	2.844	10m 9052 34m
5	1574.205	50363.112	3.000	10m 9055 50m Picket
6	1574.414	50354.323	3.143	10m 9144 NR
7	1535.917	50341.111	3.225	10m 9143 NR
8	1521.020	50322.145	3.444	10m 9141 NR
9	1551.968	50326.354	4.191	10m 9141 NR
10	1534.113	50294.324	3.319	10m 9028 NR
11	1531.871	50216.688	4.161	10m 9109 NR
12	1532.258	50209.313	3.000	10m 9000 OFW
13	1531.946	50202.269	3.624	10m 9111 NR
14	1535.432	50185.481	3.144	10m 9131 NR
15	1517.457	50245.414	3.000	10m 9013 NR
16	1511.816	50208.054	3.000	10m 9107 OFP

SCALE 1:2000

Revisions

NO.	DESCRIPTION	DATE
1	ORIGINAL PLAN FOR SUBMITTAL	2024.11
2	REVISIONS FOR COMMENTS	2025.11
3	REVISIONS FOR COMMENTS	2025.11
4	REVISIONS FOR COMMENTS	2025.11
5	REVISIONS FOR COMMENTS	2025.11
6	REVISIONS FOR COMMENTS	2025.11
7	REVISIONS FOR COMMENTS	2025.11

**JIM PAPAS DRAFTING
 PTY. LTD.**
 CIVIL ENGINEERING DESIGN AND DRAFTING
 4 Deaneville Court PO BOX 4008 LAUREL
 41 Kewton Q 4880 Ph: (07) 4616 1400
 Fax: (07) 4616 1401 Email: j.papas@wathat.com.au



"Ocean Breeze Estate"
 STAGE 3 OF PROPOSED RESIDENTIAL SUBDIVISION AT
 COOYA BEACH ROAD, COOYA BEACH
 DRAWING TITLE: EXISTING SITE PLAN

SCALE	REV.	DATE	BY	CHKD.	APP.
1:2000	1	2024.11	J.P.	J.P.	J.P.
	2	2025.11	J.P.	J.P.	J.P.
	3	2025.11	J.P.	J.P.	J.P.
	4	2025.11	J.P.	J.P.	J.P.
	5	2025.11	J.P.	J.P.	J.P.
	6	2025.11	J.P.	J.P.	J.P.
	7	2025.11	J.P.	J.P.	J.P.

DWG NUMBER: 1187 - C01 AMCT E



