

issued a Show Cause Notice for the unlawful use of the subject Restaurant. The complaints received by Council related to excessive noise emanating from patrons, staff and cleaning procedures within late hours of the night. Undesired odours from cooking and the waste storage and disposal, and the management of the toilets located at the rear resulting in persons congregating and urinating against the boundary wall.

- On 12 March 2009, Council received an application for Material Change of Use to lawfully establish a Restaurant at the subject site. Council agreed to assess the application pursuant to the adopted Planning Scheme being the Gold Coast Planning Scheme version 1.2. Assessment under version 1.2 provided Code Assessment for the subject application rather than Impact Assessment pursuant to the now superseded Planning Scheme, being version 1.1 as amended January 2007.

PROPOSAL

The proposal is to lawfully establish a Restaurant on the subject site located at 101 Old Burleigh Road, Broadbeach described as Lot 70 on B8383. The Restaurant is proposed to be contained within tenancy 1 within the constructed commercial building featuring a total of three (3) tenancies. Tenancy 1 is located on the northern side of the building and fronts/opens out to Old Burleigh Road.

The Restaurant features an internal Gross Floor Area (GFA) of 44m² and an outdoor use area of 70m² which includes 25m² of the adjoining road reserve of Old Burleigh Road. The outdoor use area is predominately covered by awnings and a shade sail and is used to accommodate tables and chairs for the use of patrons. Internally the Restaurant features a kitchen, service area and tables, chairs and benches for patron use. Located at the rear of the tenancy and accessed from the car park are two (2) toilets for use by all three tenancies.

It is proposed to operate the Restaurant between the hours of 6am to 12 midnight, Monday to Sunday. The applicant has indicated that the Restaurant operates with a Manager, six (6) kitchen staff and four (4) wait staff.

No additional building works are proposed as part of this application with the Restaurant to be contained within the existing commercial building. However, assessed as part of this application is a constructed shade sail located towards the Old Burleigh Road frontage, overhanging into the road reserve which provides shelter for the proposed alfresco dining area. The applicant has proposed to alter the waste storage arrangements with the location of the bins to be relocated closer to Armrick Avenue, further from the adjoining Residential land uses to the north. The waste storage includes one (1) bulk refuse container and a cardboard container.

The existing development features a car park containing six (6) spaces located at the rear of the tenancies. The applicant has proposed to remove the existing landscape area at the frontage of the car park to accommodate one additional space.

Armrick Avenue provides vehicular and pedestrian access to the car parking area and also accommodates an existing SRV loading bay on street for the loading and unloading of goods to the subject tenancies.

Development Summary

Site Area	630m ²
Building Height	1 storey
Gross Floor Area	44m ²
Total Use Area	114m ²
Site Cover	48% for entire development

Building Setbacks	<i>All existing:</i> 1m to northern (side) boundary 14.6m to western (rear) boundary 0m to southern (Armrick Avenue) boundary Minimum 1m to eastern (Old Burleigh Rd) boundary
Car Parking	6 car parking spaces on site, 7 proposed Existing SRV loading bay provided on street
Hours of Operation	6am to 12 midnight Monday to Sunday

SITE & ENVIRONMENT

Characteristics of the Site

The subject site is located at 101 Old Burleigh Road, Broadbeach and is described as Lot 70 on B8383. The subject site is located on the north-western side of the Old Burleigh Road and Armrick Avenue intersection and therefore has two (2) road frontages measuring approximately 18 metres and 35 metres respectively. The site is flat, is generally rectangular in shape and has a site area of 630m².

Currently the site is improved by a single storey commercial building featuring a total of three (3) tenancies. The existing uses within the tenancies include a Butcher, Bottle Shop and a Restaurant, being the subject of this assessment. As described above, the site features a car park containing six (6) spaces located at the rear of the tenancies with access via Armrick Avenue. Other features of the existing development include awnings overhanging pedestrian areas within the site and road reserve, and a 2 metre high brick fence surrounding the subject site to all adjoining neighbours.

Pursuant to the 'Our Living City' Gold Coast Planning Scheme 2003, the subject site is included within Precinct 2 – 'Residential' of the Broadbeach Local Area Plan.

Characteristics of the Surrounding Environment

The immediate surrounding area of Broadbeach is characterised by a variety of built form and land uses predominately featuring residential, community and open space uses. Land to the north, east and west predominantly feature residential land uses in the form of low, mid and high rise Apartment buildings located within the Residential Precinct of the LAP. In contrast, land to the south features open space and recreational uses consisting of the Broadbeach bowls club, Broadbeach soccer fields, Broadbeach Park, art gallery and the Broadbeach Surf Life Saving Club. This land is located within Public Open Space Precinct of the Broadbeach LAP.

In context to the broader area, the subject site is located approximately 160m from the beach to the east, 270m to the Gold Coast Highway in the west and 800m to the CBD and Restaurant precinct of Broadbeach to the south.

A summary of the surrounding uses is as follows:

- North
- Three (3) storey Apartment building adjoining;
 - Low, Mid and High Rise Apartment Buildings; and
 - Residential Precinct of Broadbeach Local Area Plan.

- South
- Armrick Avenue;
 - Open Space and Community uses including Broadbeach Bowls Club, Broadbeach soccer fields, Broadbeach Park, art gallery and the Broadbeach Surf Life Saving Club (Public Open Space Precinct of Broadbeach Local Area Plan);
 - Low, Mid and High Rise Apartment Buildings further south (Residential Precinct of Broadbeach Local Area Plan); and
 - CBD and restaurant precinct of Broadbeach further south (Central Mixed Use Precinct of Broadbeach Local Area Plan).
- East
- Old Burleigh Road;
 - 15 storey High Rise Apartment Building - Oceania on Broadbeach (two towers);
 - Residential Precinct of Broadbeach Local Area Plan; and
 - Foreshore and beach (Public Open Space Precinct of Broadbeach Local Area Plan).
- West
- Three (3) storey Apartment building adjoining;
 - Low, Mid and High Rise Apartment Buildings (Residential Precinct of Broadbeach Local Area Plan); and
 - Gold Coast Highway further west.

DEVELOPMENT ASSESSMENT

Place Code	Constraint Code	Specific Development Code
Broadbeach Local Area Plan	Car Parking, Access and Transport Integration	Retail and Related Establishments

Relationship to the Domain or LAP

Pursuant to the Gold Coast Planning Scheme 2003, the subject site is located within the Residential Precinct of the Broadbeach Local Area Plan. In accordance with the table of development for the Broadbeach Local Area Plan, a Restaurant is listed as Code Assessable where located at ground floor level directly adjacent to a public open space and/or Precinct 1. The subject site is adjacent a public open space area being Broadbeach Park and therefore the proposal is considered to facilitate Code Assessment in this instance. The intent for the Residential Precinct of the Broadbeach Local Area Plan is as follows:

"The Residential Precinct includes areas generally to the north and south of the Central Mixed Use precinct. Specifically, the three main areas comprising this precinct are located as described below:

The area bound by First Avenue in the north, Broadbeach Boulevard to the east, Queensland Avenue to the south and Precinct 3 (Highway Tourism) to the west;

The area bound by Elizabeth Avenue to the north, Old Burleigh Road to the east, Peerless Avenue to the south and Precinct 3 (Highway Tourism) to the west; and

The balance area of the TE Peters site located towards the west of the Gold Coast Convention and Exhibition Centre.

This precinct is intended to cater for medium to high density permanent residential land uses, low impact tourist residential uses and a range of low intensity retail and commercial uses to meet the needs of the immediate residential catchments. Tourism uses must be of a scale and type that do not adversely impact on the residential amenity of permanent residents in the immediate area. Intensive tourist facilities are not considered to be suitable in this Precinct.”

The proposal is considered to comply with the intent of the Residential Precinct as described above. The intent predominantly caters for residential development and a range of low intensity retail and commercial to meet the needs of the immediate residential catchments. The proposed Restaurant is of a small scale which is considered appropriate for the needs of the local area and is not considered to undermine the overall intent to cater for residential development as the use will be located within an existing commercial tenancy.

Furthermore, the intent seeks to protect the residential amenity experienced in the area by limiting the impacts of non residential land uses. The proposal has been assessed with regard to the impacts on the residential amenity of permanent residents in the immediate area. With the implementation of conditions to minimise potential impacts caused by the use and the consideration of the historical use of the site, officers consider the proposal will not result in significant impacts on the residential amenity of the surrounding area. As such, the proposal is considered to facilitate the intent of the Residential Precinct of the Broadbeach Local Area Plan.

Compliance with the Broadbeach Local Area Plan Place Code

The proposal is to be established within an existing building which does not propose any further building works with the exception of the shade sail structure to the frontage of the Restaurant. As such, the Acceptable Solutions and Performance Criteria relating to the existing built form are not considered to be applicable in this instance.

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

Broadbeach Local Area Plan Place Code			
Performance Criteria	Acceptable Solution	Compliance With Acceptable Solution	Compliance With Performance Criteria
Site Cover			
PC6 The site coverage of development is in accordance with the function of the precinct and its relationship with surrounding precincts. The site coverage of all buildings does not result in a built form that is bulky and visually intrusive, nor intrude the Hatched Area in Precinct 1 .	AS6 The maximum site coverage for any development does not exceed the following: Precinct 1 Hatched Area: 90% for the first three storeys and 40% thereafter Precinct 1 Balance Area: 75% for the first three storeys and 40% thereafter Precincts 2, 6 & 8:	Alternative Solution Proposed – Refer to discussion on Performance Criteria	Yes – refer below

	40%		
	Precincts 3, 5, and 9:		
	50%		
	Precinct 4: 95%		
	Precinct 7: 5%		
	Precinct 10: 70%		

Performance Criteria 6 – Site Cover

AS6 of the Broadbeach Local Area Plan Place Code is as follows:

“The maximum site coverage for any development does not exceed the following:

<i>Precinct 1 Hatched Area</i>	<i>90% for the first three storeys and 40% thereafter</i>
<i>Precinct 1 Balance Area</i>	<i>75% for the first three storeys and 40% thereafter</i>
<i>Precincts 2, 6 & 8</i>	<i>40%</i>
<i>Precincts 3, 5, and 9</i>	<i>50%</i>
<i>Precinct 4</i>	<i>95%</i>
<i>Precinct 7</i>	<i>5%</i>
<i>Precinct 10</i>	<i>70%”</i>

The proposed development features new building work comprising of a shade sail structure located at the front of the Restaurant towards Old Burleigh Road which when calculated with the existing built form, results in a site cover of approximately 48%. As the subject site is located within Precinct 2, an Alternative Solution is therefore provided to achieve PC6 of the Broadbeach Local Area Plan Place Code, which states:

*“The site coverage of development is in accordance with the function of the precinct and its relationship with surrounding precincts. The site coverage of all buildings does not result in a built form that is bulky and visually intrusive, nor intrude the Hatched Area in **Precinct 1**.”*

The proposal is considered to comply with PC6 of the Broadbeach Local Area Plan Place Code on the following grounds:

As described previously within this report, the proposed Restaurant is existing at the subject site and the subject shade sail structure has been built and received building approval, however not planning approval. This addition to the tenancy represents an increase to the existing site cover in the order of approximately 8%. It is noted that a portion of this structure exceeds the property boundary which will be discussed in further detail in the report below.

Such increase in site cover is considered to be in accordance with the function of the precinct. The resulting site cover is not significantly greater than the prescribed Acceptable Solution for the Residential Precinct. Furthermore the increase in site cover is not considered to significantly change the scale of the development maintaining an appropriate scale for the surrounding residential catchment as envisaged by the precinct.

The proposed addition provides shelter for patrons of the Restaurant which contributes to activating the frontage along Old Burleigh Road and in Council officers opinion is considered to enhance the attractiveness of the streetscape in this area. Furthermore, the structure is not considered to contribute bulk to the development as it maintains an open design, and therefore is not considered to be visually intrusive.

As such, the proposed additions to the development result in an overall site cover which is considered to satisfy PC6 of the Broadbeach Local Area Plan Place Code.

Broadbeach Local Area Plan Place Code

Performance Criteria	Acceptable Solution	Compliance With Acceptable Solution	Compliance With Performance Criteria
Frontage Controls			
PC13 Building setbacks, building and frontage design contribute to an interesting street perspective and to the visual amenity of Broadbeach.	AS13.2 Ancillary structures of the building (including awnings, unenclosed decks, terraces and balconies fronting the street), do not extend beyond the front property boundary of the site.	Alternative Solution Proposed – Refer to discussion on Performance Criteria	Yes – refer below

Performance Criteria 13 – Frontage Controls

AS13.2 of the Broadbeach Local Area Plan Place Code is as follows:

“Ancillary structures of the building (including awnings, unenclosed decks, terraces and balconies fronting the street), do not extend beyond the front property boundary of the site.”

The proposed development features new building work which extends past the property boundary and therefore provides an Alternative Solution to achieve PC13 of the Broadbeach Local Area Plan Place Code, which states:

“Building setbacks, building and frontage design contribute to an interesting street perspective and to the visual amenity of Broadbeach.”

The proposal is considered to comply with PC13 of the Broadbeach Local Area Plan Place Code on the following grounds:

The shade sail structure proposed at the frontage of the Restaurant extending past the boundary of the site and overhanging into the adjoining road reserve is for the purpose of providing shelter for patrons of the Restaurant. The structure extends within the road reserve of Old Burleigh Road in the order of approximately two metres, however is supported by a column contained within the site. The structure is constructed in a plastic/canvas material in a white/cream colour which is considered to provide a modern and attractive appearance to the frontage of the tenancy. Such structure in providing shelter for table and chairs contributes towards activating this area of Old Burleigh Road which is considered to contribute to a more interesting street perspective. Furthermore, the structure is of an open design and therefore maintains an open character within the frontage protecting the visual amenity of the local area. As such it is considered that the proposed structure satisfies PC13 of the Broadbeach Local Area Plan Place Code.

Broadbeach Local Area Plan Place Code			
Performance Criteria	Acceptable Solution	Compliance With Acceptable Solution	Compliance With Performance Criteria
Amenity Protection			
PC32 The proposed use does not detract from the amenity of the local area, having	AS32 No acceptable solution provided.	N/A	Yes – refer below

regard, but not limited, to the impact of: a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity; g) privacy; h) odour and emissions.			
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Performance Criteria 32 – Amenity Protection

Performance Criteria 32 of the Broadbeach Local Area Plan Place Code is as follows:

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

- a) noise;*
- b) hours of operation;*
- c) traffic;*
- d) lighting;*
- e) signage;*
- f) visual amenity;*
- g) privacy;*
- h) odour and emissions.”*

The proposed development is considered to comply with PC32 of the Broadbeach Local Area Plan Place Code on the following grounds:

As described previously within this report, the Restaurant as currently operating has received a number of complaints regarding undesirable impacts on the local residential amenity. Of particular concern are impacts of noise, hours of operation, behaviour of patrons and the emissions of odour.

Nearby residents have experienced excessive noise emanating from the premises from patron and staff behaviour, cleaning procedures and the delivery and collection of goods and waste. Furthermore, complaints have highlighted concerns with odours emitting from the storage of waste, general cooking and patrons urinating within the car parking area to the rear of the premises.

Noise

Council’s Environmental Health Officers have assessed the application with regard to noise impacts on the local residential amenity. In support of the proposal, the applicant provided an acoustic report for the Restaurant in order to substantiate the noise sources and provide effective mitigation methods to control such impacts.

A background of the report and results are provided by Council’s Environmental Health Officers as follows:

“The commercial building contains the subject existing Restaurant, Butcher, and Liquor Store. The site is bounded by Old Burleigh Road to the east, Armrick Avenue to the south and three Apartment Buildings to the north and west. Alfresco dining exists on

the Old Burleigh Road frontage with physical screening of these areas to the western Apartment Buildings.

The proposed hours of operation are from 7am to 12pm each day.

Six car spaces are provided for staff at the western boundary to the property.

Predicted noise levels are expected to comply with background '+' criteria except for car door closures at the staff car park, goods delivery and waste collection. Goods delivery and waste collection are usually of short duration and occurring during daytime hours. However, car door closures in the staff car park do not comply with background '+' criteria or sleep disturbance criteria and should be controlled by shorter operating hours.

Three sided enclosures have been recommended for the refrigeration units on the roof so as to comply with the relevant criteria.

Various operational procedures have been recommended for the control of patron noise, amplified music and bottle collection."

The acoustic report provided recommended acoustic treatments as follows:

- *Onsite parking shall be limited to staff parking to reduce turnover rate and amount of car door closures;*
- *Hours of operation for alfresco dining limited to 6am to midnight;*
- *No live entertainment or amplified music conducted at the alfresco dining area;*
- *Goods deliveries and waste collection be limited to the daytime hours of 7am to 6pm;*
- *Staff observe patron behaviour, and if patrons are behaving in a rowdy manner, they be asked to quiet down or move inside the building;*
- *Amplified music or live entertainment (inside areas of the Restaurant) should be limited to a maximum of 75 dB(A) at 1m from any speaker within the alfresco dining area;*
- *Bottle collection should be undertaken by hand at the alfresco dining area and disposed of into bins inside the Restaurant;*
- *Management be vigilant regarding patron behaviour. If patron behaviour is rowdy or noisy, Management should ask the Patrons to quiet down or leave the premises; and*
- *Mechanical plant be designed and installed to comply with the noise criterion presented in Section 4. As final plant selection has not been completed, additional acoustic assessment/s should be undertaken once plant selections are finalised. Such assessments should be undertaken prior to Building Approval; and be conditioned within the Development Approval.*

Council's Environmental Health officers have assessed the submitted acoustic report and recommended acoustic treatments and consider that the report has satisfactorily addressed the potential impacts of the noise from the Restaurant to the noise sensitive places.

However, Council officers do not fully agree with the recommended acoustic treatments as detailed above, with some alternative treatments recommended as part of this approval.

These include relaxing the requirements for the parking area to be limited to staff as the other tenancies within the development preserve the right to have customers to utilise this parking area. It is considered a reduction in the allowable hours of operation between 7am to 10pm is more appropriate. The car parking area, with and without being limited to staff parking does not comply with the applicable noise criteria and therefore a reduction in the proposed hours of operation is considered appropriate to reduce disturbance to adjoining premises. Council officers consider that limiting the parking area to staff will not provide a greater improvement in noise reduction within the later hours of the evening. Past 8pm, the car park is not considered to have a high turnover rate of customers, and by restricting these spaces to staff, this ensures that the car parking area will be emptied at the later part of the

evening as staff are generally last to leave the premises. Furthermore, Council's Environmental Health Officers have recommended tighter controls of the use of amplified music within the premises, having no amplified music provided in outdoor dining areas with all background music inside the Restaurant to be directed away from building openings.

Odour

In response to the concerns raised over odour emitting from the premises, the applicant provided an odour assessment in support of the proposal. A breakdown of the odour assessment is as follows:

"As part of an odour assessment, the applicant has conducted a community survey for cooking odours in the vicinity of the proposed restaurant. The survey has revealed that all complaints to Council have come from the three storey Apartment Building to the north of the site.

The applicant advises that the kitchen exhaust system complies with the appropriate Australian Standards and grease filters are now being used in the canopies. Further investigations are being carried out for the use of charcoal activated filters and alternative discharge points."

Further to the issues regarding cooking odour as detailed above, complaints from nearby residents concerning smells emitting from the refuse storage and those urinating within the car parking area have been received by Council. In response to these concerns, the location of the refuse storage area has been allocated towards the frontage of Armrick Avenue in order to achieve a greater separation distance to the adjoining residential developments. Council officers have recommended that such storage area be enclosed to contain odours and screened appropriately from the frontage of the site as to maintain visual amenity, as discussed further below in this report. Although Council does not have the ability to control the behaviour of individuals, lighting in the affected area of the car park where individuals have been publically urinating has been recommended. It is considered that lighting within this area, positioned as to not cause glare to adjoining residential developments will discourage people urinating. It is noted that the development provides two (2) toilets at the rear of the premises, however the use of such toilets in an orderly manner has proven to be ineffective. Further conditions are recommended requiring these toilets to be locked at all times with keys available from staff members in order to control the use of the toilets to individuals to discourage congregations of patrons within the car park which often results in intrusive noise and public urination. Such management method shall be annotated within the Restaurant to inform patrons to asked staff members for access to the toilets.

With the implementation of conditions provided within the officers recommendation, it is considered that the development will not produce unreasonable impacts on the local residential amenity of the area and therefore is considered to satisfy PC32 of the Broadbeach Local Area Plan Place Code.

Compliance with the Relevant Constraint Codes and Overlay Maps

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

Car Parking, Access and Transport Integration Constraint Code			
Performance Criteria	Acceptable Solution	Compliance With Acceptable Solution	Compliance With Performance Criteria
Provision of Car Parking Spaces			
PC16 Sufficient car parking spaces must be provided to meet the	AS16.1 Car parking is provided in accordance with the	Alternative Solution Proposed – refer to discussion on Performance Criteria	Yes – refer below

car parking needs of the development. The number of car parking spaces provided must be consistent with the practical opportunities available for shared car parking provision and the operation of alternative transport modes to private motor vehicles.	number of spaces required for the specific use listed in the Table to Acceptable Solution AS16.1.		
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Performance Criteria 16 – Provision of Car Parking Spaces

AS16.1 of the Car Parking, Access and Transport Integration Constraint Code is as follows:

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

Table to Acceptable Solution AS16.1 requires the provision 1 space per 15m² of GFA for a Restaurant land use. Based on a total use area of 114m², the proposal requires the provision of 8 parking spaces in accordance with the Acceptable Solution. The proposal provides 7 car parking spaces for all uses within the three tenancies of the development and therefore provides an alternative solution to achieve PC16 of the Car Parking, Access and Transport Integration Constraint Code, which states:

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

The proposal is considered to comply with PC16 of the Car Parking, Access and Transport Integration Constraint Code on the following grounds:

As discussed in the background of this report, the existing development on site was assessed and approved under a superseded Planning Scheme in 1987. Such approval granted the right for a Restaurant land use to operate as permitted development within the building, and also required the provision of 14 car parking spaces for the entire development. Given this prior approval, Council's Transport Planners consider the car parking required for the proposed Restaurant shall be in accordance with this prior approval. Council's records indicate that a total of seven (7) spaces were provided via cash in lieu payments with six (6) spaces currently provided on site leaving an outstanding space not provided for.

The applicant has provided an amended plan showing the provision of seven (7) spaces on site to satisfy the requirements of the previous approval. In order to provide the seven spaces, the existing landscaping at the frontage of Armrick Avenue will require removal, ultimately reducing the streetscape appearance of the area. Council officers consider that maintaining the existing amount of spaces (six spaces) provides a better outcome for the development and local area by maintaining visual screening of the parking area through the retention of the existing landscaping.

It is considered that the provision of a further space on site is not required for the following reasons:

- Surrounding the subject site located along Armrick Avenue and further south along Old Burleigh Road are public car parking areas. Within these areas located on widened sections of the abovementioned roads are a total of 50 marked car parking spaces. The peak operating times of the Restaurant being in the evening does not coincide with the peak use of the nearby public parks and community uses within the area which

make use of the subject public parking. As such, the utilisation of the public parking areas is not high in the evenings and it is therefore considered that these parking areas will be able to accommodate the demand for the one additional space required for the development.

- The development surrounding the subject site is dense and features many Apartments available for holiday letting. As a result, many patrons of the Restaurant and adjoining tenancies are likely to walk to the site rather than travel by car, reducing the demand for parking at the site.

Due to the characteristics of the surrounding development and existing parking infrastructure, it is not considered warranted that the additional space be provided at the detriment of the streetscape appearance. Furthermore, as the applicant has demonstrated that this space can be accommodated on site, the payment of a monetary contribution in lieu of this space is not considered to be required. Council officers consider that the existing number of parks provided on site is sufficient for the parking needs of the development and therefore satisfies PC16 of the Car Parking, Access and Transport Integration Constraint Code.

Compliance with the Retail and Related Establishments Specific Development Code

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

Retail and Related Establishments Specific Development Code			
Performance Criteria	Acceptable Solution	Compliance With Acceptable Solution	Compliance With Performance Criteria
Building Services – Refuse Storage			
PC4 Refuse storage areas must be designed and located to provide convenient access for collectors, while being screened from view and positioned to avoid nuisance to neighbours.	AS4 The refuse storage area is located within the required setback to the frontage or rear of the site, and is designed as follows: a) no closer than three metres to any frontage and 1.5 metres to any other site boundary; b) enclosed on three sides with a screen wall extending 0.2 metres above the height of the refuse receptacles; c) screened by dense planting and mounding.	Alternative Solution Proposed – Refer to discussion on Performance Criteria	Yes – refer below

Performance Criteria 4 – Building Services – Refuse Storage

AS4 of the Retail and Related Establishments Specific Development Code is as follows:

"The refuse storage area is located within the required setback to the frontage or rear of the site, and is designed as follows:

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

The proposed development features the refuse storage area within three metres to the Armrick Avenue frontage and therefore provides an Alternative Solution to achieve PC4 of the Retail and Related Establishments Specific Development Code, which states:

"Refuse storage areas must be designed and located to provide convenient access for collectors, while being screened from view and positioned to avoid nuisance to neighbours."

The proposal is considered to comply with PC4 of the Retail and Related Establishments Specific Development Code on the following grounds:

The refuse container for the development has been relocated to the frontage of Armrick Avenue in order to provide relief to the adjoining residential developments. The proposed location is abutting the rear wall of the development and frontage boundary to Armrick Avenue located within the paved area of the car park. Currently the refuse storage is located abutting the northern boundary wall, nearby the balconies of the adjoining three storey Apartment Building. Such location has resulted in numerous complaints from neighbours residing within this Apartment building with concerns raised over noise associated with the loading and unloading of waste, and odour emitting from this area.

The proposed relocation of the refuse storage is considered satisfactory and conducive to an improved residential amenity for the area. The relocation of the refuse bin removes odour and noise sources from the rear boundary fence and provides a shorter travel distance for the trucks servicing the bins.

The refuse storage will be located within a roofed enclosure and will be further screened by a 1.8 metre high fence along the frontage of Armrick Avenue. Although located closer to the street frontage, Council officers consider that the proposed relocation of the refuse storage area will not significantly detriment the streetscape appearance as the bins will be appropriately screened to mitigate the visual presence of the storage area.

It is therefore considered that the relocation of the storage area reduces the nuisance currently experienced by neighbours, improves access for collectors whilst being appropriately screened, therefore satisfying PC4 of the Retail and Related Establishments Specific Development Code.

Assessment of Other Aspects of the Proposal

In response to numerous complaints made to Council and the management of the Restaurant, the applicant and Council officers have met with the adjoining neighbours (complaintees) in order to resolve the issues experienced. In response to the consultations, the applicant has proposed operational and management procedures to mitigate the impacts of the Restaurant on the surrounding residential land uses. The applicant has requested these procedures be conditioned as part of the development approval.

The proposed operational and management procedures are as follows:

- *"The recommendations listed in Section 6 of the CRG Acoustic Assessment are to be implemented in relation to operating hours, hours of goods delivery and waste collection services, glass rubbish disposal methods, and the installation of hoods to all plant located on the roof associated with the subject tenancy."*

- *In accordance with the proposal plans, the use shall operate only within the subject tenancy and approved areas, and the two toilets annotated on these plans shall be retained and maintained as available.*
- *Cleaning of mats and clothing shall not be undertaken within the car parking area.*
- *The car park and toilets shall be appropriately signed and annotated that the facilities are for site patrons' usage only and that trespassers will be prosecuted.*
- *Staff and management shall be aware of the potential of noise generation through congregation of patrons in the car park and this shall be discouraged. In this regard, the toilets are to be locked with a key, and made available to staff and patrons so that only one person be allowed outside to each toilet at any time. The key is to be returned to the counter and collected from there by the next patron.*
- *The implemented grease and oil removal systems are to be maintained to ensure that waste products are not stored in the car park area.*
- *The bins are to be enclosed in a bin storage area as shown on the plans, and screened on three sides. This area is to be able to be hosed out when required. The cardboard recycling bin is to be located closest to the adjoining property boundary to provide additional buffering and all cardboard is to be flattened prior to being put into the bin. The general refuse bin is to remain closed at all times and regularly collected and cleaned through the relevant contracted services.*
- *Rubber stoppers are to be fitted to all external doors to the rear of the tenancy to reduce door closing noise.*
- *The side area adjacent to the boundary wall is to be clean at all times and all equipment stored there stacked neatly and in a manner to ensure that water is not able to be collected and become stagnant.*
- *People are not to be permitted to congregate in the car park. Smoking is to be encouraged to be located on the footpath outside the Butcher tenancy which is closed during peak Restaurant times.*
- *Any beverages in glasses, glass bottles or containers are not to leave the approved areas of the Restaurant.*
- *Patrons attending the Restaurant on bicycles are to park them in the car parking area and not chain them to the fence of 99 Old Burleigh Road.*
- *Council are requested to impose a Condition of Approval to ensure that the filtration system is assessed to be absolutely code compliant and that be documented by an independent assessment consultant to ensure the implementation of appropriate mitigating filter systems, and assessment of required maintenance and monitoring.*
- *All staff are to be briefed on the previous amenity issues and are to be made aware of the relevant requirements of the development approval and of the above list or requirements. Management must ensure staff knowledge and must be responsible for patron behaviour on the premises and in the car parking area. Management are to provide a single point of contact with a phone contact to allow mitigation of any specific future concerns, should they arise."*

Where considered appropriate, the above impact mitigation methods/procedures have been incorporated within the recommended conditions contained within the officers recommendation. Further, conditions included in the recommendation below require the following:

- a) The installation of lighting at the rear of the tenancy positioned so not to cause glare to adjoining properties for the purpose to discourage people urinating within the car park.
- b) The disposal of glass and bottles into bins located outside the Restaurant not permitted between the hours of 10pm to 7am.

- c) No storage of equipment outside of the building, with the exception of the approved waste storage facilities and roof top refrigeration and ventilation equipment.

REFERRALS

Health and Regulatory Services

A copy of the application was referred to Council's Health & Regulatory Services section for comment. Council's Health & Regulatory Services section have assessed the application and determined it satisfactory subject to conditions relating to acoustic compliance, hours of operation, levels of amplified noise, waste storage and the emission of exhaust air.

Transport Planning

A copy of the application was referred to Council's Transport Planning section for comment. Council's Transport Planning section have assessed the application and determined it satisfactory subject to conditions relating to the provision of car parking spaces.

Parks

A copy of the application was referred to Council's Parks department for comment. Council's Parks department have assessed the application and determined it satisfactory subject to conditions relating to the protection of existing vegetation within the public road reserve.

Gold Coast Water

A copy of the application was referred to Gold Coast Water for comment. Gold Coast Water have assessed the application and determined it satisfactory subject to conditions relating to the provision of individual sub-metering.

Plumbing and Drainage

A copy of the application was referred to Council's Plumbing and Drainage department for comment. Council's Plumbing and Drainage department have assessed the application and determined it satisfactory subject to conditions relating to compliance permits for sewerage works within the property.

Landscape Assessment

A copy of the application was referred to Council's Landscape Assessment section for comment. Council's Landscape Assessment section have assessed the application and determined it satisfactory.

INFRASTRUCTURE CHARGES CALCULATIONS

No infrastructure charges are applicable for the proposed development, given the existing credit for the site based on the historic uses.

CONCLUSION

The subject application is for making a Material Change of Use (Code Assessment) for a Restaurant on the subject site located at 101 Old Burleigh Road, Broadbeach described as Lot 70 on B8383. The subject site is included within Precinct 2 – Residential of the Broadbeach Local Area Plan pursuant to the 'Our Living City' Gold Coast Planning Scheme 2003. In accordance with the table of development for the Broadbeach Local Area Plan, a Restaurant is listed as Code Assessable.

As previously discussed, the proposal satisfies the Intent and Performance Criteria of the relevant codes including the Broadbeach Local Area Plan Place Code, Car Parking, Access and Transport Integration Constraint Code, and the Retail and Related Establishments Specific Development Code. Alternative Solutions are proposed in relation to Site Cover, Frontage Controls, Amenity Protection, Provision of Car Parking Spaces, and Building

Services – Refuse Storage which have been determined to satisfy the relevant Performance Criteria.

It is considered that the development meets the land use intent of the area and demonstrates an acceptable outcome with the application being recommended for approval, subject to reasonable and relevant conditions contained in the Recommendation below.

RECOMMENDATION

It is recommended Council resolve that in respect to the following property:

Real Property Description	Lot 70 on B8383
Address of Property	101 Old Burleigh Road, Broadbeach
Area of Property	630m ²
Proposed Use	Restaurant
Further Development Permits	Plumbing and Drainage Compliance Permit

NATURE OF DECISION

- A** The applicant (and, as applicable, each referral agency and principal submitter/s) be notified as required under the *Integrated Planning Act 1997* that under delegated authority the Manager of Implementation & Assessment approves the issue of a development permit for material change of use for a Restaurant, subject to the following conditions:

APPROVED PLANS/DRAWINGS

1 Development to be generally in accordance with specified plans/drawings

The development must be carried out generally in accordance with the approved plans/drawings listed below, stamped and returned to the applicant with this decision notice.

Plan No.	Rev.	Title	Date	Prepared by
M246-08	D	Parking Bay Setout	5-09-09	EDB Consulting Pty Ltd

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

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

3 Any deviations require further approval

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

CAR PARKING AND ACCESS

4 Off street facilities for car parking and loading/unloading

Off-street facilities for car parking and loading and unloading must be designed, constructed prior to the commencement of the use and maintained, in accordance with the following:

- a 6 off-street car parking spaces must be provided in accordance with Table to Acceptable Solution AS16.1 of the Planning Scheme's *Car Parking, Access and Transport Integration Constraint Code*;
- b The off-street facilities for parking and loading/unloading (including all access driveways, circulation roadways, parking aisles, parking spaces, service areas and landscaping) must be in accordance with:
 - i The approved plan referred to in Condition 1; and
 - ii AS/NZS 2890.1:2004 *Parking facilities - Off-street car parking*; and

5 Freely accessible car parking

All car parking spaces must be freely accessible to employees for the time the use is open for business and to bona fide visitors for the duration of any visit to the site. Car parking spaces for employees and visitors must have no gateways, doors or similar devices which restrict vehicular access.

Information note: A request for approval to change this requirement to enable the charging for the public use of car parking spaces must be supported by full details of the proposed charging arrangements and an assessment of the impacts on nearby parking spaces, whether in public or private ownership.

6 Loading and unloading

- a Loading and unloading operations must be conducted within the existing SRV service bay provided on Armrick Avenue.
- b Loading and unloading of goods is not permitted within the car park area with the exception of vehicles contracted to collect waste.

7 Bicycle parking and storage

- a On-site bicycle parking and storage facilities must be provided prior to the commencement of the use, and maintained, in accordance with:
 - i AS 2890.3-1993 *Parking facilities - Bicycle parking facilities*; and
 - ii Guide to Traffic Engineering Practice Part 14: Table 10-1: Bicycle Parking – Provision for Planning Purposes (Austroads).
- b Bicycles, of staff and patrons are not permitted to be chained to the fences of adjoining properties.

BUILT FORM

8 Maximum total use area

The total use area of the use must not exceed 114m², calculated in accordance with the definition of 'Total Use Area' in the planning scheme applying at the date of this decision notice.

9 Structures within road reserve

This approval does not approve the establishment of any supporting structures outside the subject property being Lot 70 on B8383.

10 Rubber stoppers to be fitted

Rubber stoppers are to be fitted to all external doors to the rear of the tenancy to reduce door closing noise.

11 Installation of lights

Lights shall be installed at the rear of the tenancy to provide lighting at the entrance of the toilets and the rear of the car park, angled downward and away from the side property boundaries so not to cause glare to adjoining residents, prior to three (3) months from the date of this approval and to the satisfaction of the Chief Executive Officer.

OPERATION

12 Cleaning

Cleaning of mats and clothing shall not be undertaken within the car parking area.

13 Management of toilets

- a The car park and toilets shall be appropriately signed and annotated that the facilities are for site patrons' usage only and that trespassers will be prosecuted.
- b Staff and management shall be aware of the potential of noise generation through congregation of patrons in the car park and this shall be discouraged.
- c Toilets are to be locked with a key, and made available to staff and patrons so that only one person be allowed outside to each toilet at any time. The key is to be returned to the counter and collected from there by the next patron.
- d It shall be appropriately signed and annotated within the Restaurant that access to toilets is via consulting with staff to attain a key for access.

14 Beverages to remain in Restaurant

Any beverages in glasses, glass bottles or containers are not to leave the approved areas of the Restaurant.

15 Management and recording of complaints

All staff are to be made aware of the relevant requirements of this development approval. Management must ensure staff knowledge and must be responsible for patron behaviour on the premises and in the car parking area. Management are to provide a single point of contact with a phone contact to allow mitigation of any specific future concerns, should they arise:

- a A complaints register must be kept at the premises and all complaints received about the activity must be recorded in the register with the following details:
 - i time, date and nature of complaint;
 - ii type of communication (telephone, letter, personal, etc);
 - iii name, contact address and contact phone number of the complainant (if the complainant does not wish to be identified then 'not identified' is to be recorded);
 - iv response and investigation undertaken in response to the complaint;
 - v name of the person responsible for investigating the complaint; and
 - vi action taken as a result of the complaint and the investigation and the signature of or under the authorisation of the holder.

AMENITY

16 Acoustic treatment

The suggested acoustic treatments for the development proposed by the acoustic consultant, Carter Rytenschild Group (dated 9 July 2009 ref.09147a report) be implemented into the construction and operations of the development, unless altered in the conditions of this approval.

17 Amplified noise

- a No amplified music is to be provided in outdoor dining areas. Background music is acceptable inside the restaurant on the provision that speakers are directed away from building openings.
- b Amplified noise from the site must not be of a level that is intrusive to a noise sensitive place.

18 Hours of operation

- a All activities associated with the operation of the use are to be conducted only between the hours of 7am to 10pm.
- b The Chief Executive Officer may consider a written request to vary the approved hours of operation for a special event with a minimum of 30 days notice.

19 Delivery and collection times

Delivery and collection times at the development are restricted to between the hours of 7am to 6pm.

20 Disposal of glass and bottles

The disposal of glass and bottles into bins located outside the Restaurant is not permitted between the hours of 10pm to 7am.

21 Location of equipment and ventilation/refrigeration units

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

- a All roof refrigeration units shall be attenuated in accordance with Sketch 1 of the acoustic report by Carter Rytenschild Group (dated 9 July 2009 ref.09147a report).
- b With the exception of the approved waste storage facilities and roof top refrigeration and ventilation equipment, storage of any equipment associated with the Restaurant shall be located within the building.

22 Exhaust air

All exhaust air shall be discharged to the atmosphere in such a manner that will not cause an odour nuisance to the occupants of the surrounding buildings so as to be in compliance with the *Environmental Protection Act 1994* and to the satisfaction of Council's Health, Regulatory & Lifeguard Services Branch.

23 Refuse storage area

All commercial waste shall be stored in accordance with the *Environmental Protection (Waste Management) Regulation 2000*. The commercial waste shall be stored on an imperviously paved area, suitably drained to the satisfaction of Council's Building Services Section and Health, Regulatory and Lifeguard Services Branch. A suitable hose cock and hose shall be provided in the vicinity of such stand or such paved area and a suitable form of roofed enclosure to the waste container area is to be erected.

24 Screening of storage

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

25 No nuisance from lighting

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

HEALTH AND REGULATORY SERVICES

26 Food operations

Any food operations on the premises must comply with the *Food Act 2006*, *Food Regulation 2006* and the *Australia New Zealand Food Standards Code*. The operator must apply for the necessary Food Licence for Fixed or Mobile Food Premises from

Council's Health, Regulatory & Lifeguard Services Branch prior to three (3) months from the date of this approval.

27 Tables and chairs on public land

The placement of tables and chairs on public land requires a permit under Council's *Local Law No. 11 (Roads and Malls)*. A Table and Chairs Area Permit must be obtained from Council's Health, Regulatory & Lifeguard Services Branch prior to the placement of tables and chairs on public land.

28 Refuse/recycling services

Refuse and recycling services must be provided by the applicant in accordance with Council's *Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Gold Coast*, dated January 1995, 1st Edition, at no cost to Council.

ADVERTISING DEVICES

29 Advertising device approval required

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

ON GOING PROTECTION OF EXISTING VEGETATION

30 Protection of existing vegetation within the public road reserve

The ongoing protection of existing vegetation within the adjoining public road reserve must be ensured throughout the life of the development.

31 Management of retained trees

The applicant must ensure:

- a All existing retained trees within the area identified as road reserve adjoining the subject site this development approval are managed during construction activities to avoid any of the following:
 - i structural damage to the tree;
 - ii compaction of the root plate;
 - iii filling of soil within the drip zone; and
 - iv long-term harm to the health of the tree.
- b Existing trees retained during the construction of the development that die, are visibly dying or are structurally compromised as a result of:
 - i filling to their root zones; or
 - ii damage to their trunks; or
 - iii change to the natural flows of water in the site; or
 - iv for any other reason;are removed by a suitably qualified tree surgeon in a manner that minimises damage to surrounding vegetation and garden plantings and replaced by trees of the same species and a similar size prior to three (3) months from the date of this approval.

SEWERAGE

32 Application for compliance permit for sewerage works required

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

- a be accompanied by a hydraulic design for all sewerage works within the property;
- b comply with Council's:
 - i *Trade Waste Policy*; and
 - ii *Trade Waste Pre-treatment Policy and Guidelines*; and
- c comply with Council's *Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Gold Coast* dated January 1995.
- d External garbage collection and bin washing areas, which must be roofed with an impervious material and provided with a gutter system connected to a stormwater drain. Bunding must be provided to prevent rainfall or surface water entering the sewerage system.
 - i A RPZD protected hose cock must be provided within the bin wash or garbage collection area.
 - ii All garbage areas where garbage is stored, compacted, or processed, must discharge to the sewerage system via a grated sump and silt trap with a minimum capacity of at least 550L.

Information note:

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

WATER SUPPLY RETICULATION

33 Individual sub-metering to be provided

The developer shall provide individual sub-metering for all units within the complex including any common property, in accordance with *Gold Coast Water Sub-metering Policy dated 1 January 2008*, as follows unless otherwise approved by Gold Coast Water.

- a All meters and their locations shall be approved by Council.
- b Automatic Meter Reading (AMR) technology shall be utilised where free access for meter reading cannot be provided.

NOTES TO APPLICANT – THESE ARE NOT CONDITIONS

B Rights of appeal

This notice is provided pursuant to section 3.5.15(2)(m) of the Integrated Planning Act 1997.

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

C Applicant responsibilities

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

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

- a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called (this may include further development approvals under the *Integrated Planning Act 1997* and the planning scheme) required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;
- b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the *Environmental Protection Act 1994* of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity'); and
- c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval).
- d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes.
- e Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds \$80,000. Acceptable proof of payment is a Q.Leave – Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.
- f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of survey plans.

D Indigenous cultural heritage legislation and duty of care requirement

The *Aboriginal Cultural Heritage Act 2003* ('**AHCA**') is administered by the Department of Natural Resources and Water (NRW). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

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

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

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

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

E Greenhouse gas emissions

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

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

F Obligation to ensure electrical safety

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

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

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

Information Note:

An exclusion zone sets the minimum safe approach distance to the powerline.

Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.

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

G Water restrictions to be complied with

All persons and/or companies engaging in landscaping works must comply with current water restrictions. These restrictions detail specific times and methods for the watering of newly established gardens and turf for both residential and non-residential developments.

Any person or company found contravening current water restrictions may incur fines of up to 200 penalty units. [*Water Supply (Safety and Reliability) Act 2008* Section 43 (3)] (1 Penalty Unit = \$100.00).

Author:

Steven Brett
Town Planner
20 August 2009

Authorised by:

Warren Rowe
Director Planning Environment & Transport