

APPENDIX A - CONDITIONS OF APPROVAL**1. APPLICATION DETAILS**

Application No:	MCU15/0069
Street Address:	797-833 David Low Way MUDJIMBA QLD 456
Real Property Description:	Lot 1 & 2 RP 175157 Lot 3 SP 168134
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)

2. DECISION DETAILS

The following type of approval has been issued:

Development Permit for Material Change of Use of Premises (Service Station and two (2) Convenience Restaurants)

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 4 years starting the day that this development approval takes effect.

4. INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "necessary infrastructure condition" for the provision of trunk infrastructure as defined under chapter 8 of the Sustainable Planning Action 2009.

5. ASSESSMENT MANAGER CONDITIONS**PLANNING****When conditions must be complied with**

1. Unless otherwise stated, all conditions of this decision notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the approved plans listed within this decision notice.

Nature and Extent of Approved Use

3. The approved use must not operate outside the hours of 5:00am to 10:00pm on any day. The requirements of this condition must be included in any lease, community

management statement, or any body corporate for the subject site. It shall be the responsibility of the site management entity to ensure that this condition is adhered to at all times.

4. At all times while the service station operates, retail sale of goods must remain an ancillary component to the use. The maximum area used for the purpose of display and retail sale of goods must not exceed 150m² gross floor area.
5. Service vehicle movements associated with the approved Convenience Restaurants (including loading and unloading) must not occur outside the hours of 5am to 10pm on any day. The requirements of this condition must be included in any Community Management Statement for any body corporate for the subject site.

Public Safety

6. All shopfront glazing must be protected against unlawful entry by the use of a form of safety glass such as toughened or laminated glass. All other windows provided at the ground floor must include toughened or laminated glass, or security screens.
7. Vandal proof materials and anti-graffiti paint must be used in the building construction.
8. Signs must be provided and located to direct staff and customers to entries and exits and to parking spaces within the site. Public parking areas must be clearly designated as such and have clearly defined access points.
9. During operating hours, all building entrances, parking areas, pedestrian areas and loading docks must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of AS1158 - *Lighting for Roads and Public Spaces* and the Sunshine Coast Public Lighting Plan. Lighting must be directed onto the site or building and away from neighbouring sites. Lighting must be designed to reduce the contrast between shadows and well lit areas.

Building Height

10. The maximum height of the development must not exceed 8.5m above natural ground level.
11. Certification must be submitted to council from a cadastral surveyor which certifies that the buildings do not exceed the maximum height requirement of this decision notice.
 - 1.
12. Cranes and other construction equipment must not penetrate the Sunshine Coast Airport Obstacle Limitation Surface of 30 metres.
(*Refer to Advisory Note)

Street Identification

13. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number.

Sunset Clause for Completion of Approved Development

14. Pursuant to s342 of the *Sustainable Planning Act 2009*, where the development is to be staged this development approval lapses if the whole of the approved use has not

happened by 30/06/2022.

Land Amalgamation

15. Prior to commencement of use, all properties the subject of the development must be amalgamated, or alternatively retained within reciprocal access easements.

ENGINEERING

Property Access and Driveways

16. A sealed access driveway must be provided from David Low Way to all parking and manoeuvring areas of the development in accordance with an Operational Works approval.
17. Approval from the Department of Transport and Main Roads for the final design of the external works, site access and driveway works must be submitted in writing to Council prior to the issue of any Development Permit for Operational Works.

Car Parking

18. A minimum of 122 car parking spaces must be provided and marked on the site, and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) pedestrian routes in accordance with the conditions of this Decision Notice;
 - (b) provision of vandal resistant public lighting with intensities to satisfy the requirements of Australian Standard AS1158: *Public Lighting Code*;
 - (c) 4 disabled parking spaces within the total;
 - (d) crossfalls and gradients in accordance with Australian Standard AS2890: *Parking Facilities*.
19. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Paving Treatment of Vehicle Movement Areas

20. Alternative materials, patterns, or threshold treatments must be used to articulate the pavement treatment of vehicle movement areas.

Service Vehicles

21. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) 2 Van space;
 - (b) 2 MRV spaces;
 - (c) 3 WCV spaces;
 - (d) 3 AV spaces.

Pedestrian and Bicycle Facilities

22. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a 2 metre wide concrete footpath within the road verge for the entire length of the site's frontage to David Low Way;
 - (b) pedestrian pathways between the proposed car parking area and the buildings;
 - (c) adequate separation of all specific pedestrian routes from vehicle access and manoeuvring areas, and clear demarcation by pavement marking, signposts or changes in surface materials or levels;
 - (d) signage and lighting at strategic locations to direct people to building entries and public toilet facilities;
 - (e) pedestrian refuge areas at strategic locations within the carpark to ensure safe and convenient congregating of pedestrians waiting to cross major access driveways;
 - (f) a total of 17 class 2 employee bicycle parking spaces;
 - (g) a total of 15 class 3 visitor/shopper bicycle parking spaces.

Electricity and Telecommunication Services

23. Underground reticulated electricity and telecommunication services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
24. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
25. Certification must be submitted to Council from all relevant service providers which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.
26. The existing overhead electricity reticulation through the centre of the site must be placed underground or removed if obsolete. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) placement on Council's standard alignment as shown on Standard Drawings SEQ R-100 and R-101.

Water and Sewerage Services

27. An underground connection to reticulated water and sewerage (where applicable) must be provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor-Retailer Authority (Unitywater).
28. A Certificate of Completion from the Northern SEQ Distributor-Retailer Authority (Unitywater) must be submitted to Council that certifies an underground connection to reticulated water and sewerage (where applicable) has been provided to the development site prior to commencement of use.

Earthworks and Retaining Walls

29. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
30. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by an RPEQ where exceeding 1.0m in height. All retaining walls that are publicly accessible and exceed 1.0m in height must be fitted with a commercial grade safety fence.

Damage to Services and Assets

31. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner at the following times:
 - (a) where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - (b) where otherwise, upon completion of the works associated with the development.Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

LANDSCAPE AND ECOLOGY

Landscaping Works

32. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval prepared by a suitably qualified person* and include:
 - (a) the works generally shown on the Approved Plans;
 - (b) vegetated screening of the perimeter when viewed from public view, designed such that 80% of the development will be screened at maturity;
 - (c) provision of 1 street tree within the road reserve for every 6-8 metres of road frontage where not in conflict with access to the site or traffic sightlines and/or a coastal revegetation palette at a density of 1 plant per square metre to the area dedicated as road verge;
 - (d) All tree stock installed internally must be provided with the area and volume to allow the mature form to be achieved. Structured soil techniques must be investigated to provide this outcome;
 - (e) retention of existing trees on the David Low Way frontage. Where mature trees are to be removed, reasonable grounds must be given by the qualified person* and a replacement strategy submitted and approved by Councils Landscape Officer;
 - (f) any electrical transformers, bin storage areas and the like are concealed or screened from public view. This is to be achieved through a combination of built form and soft landscaping.

**(Refer to Advisory Note)*

33. All landscape works must be established and maintained in accordance with the approved design for the life of the development, and in a manner that ensures healthy and sustained plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.

HYDROLOGY

Integrated Water Management Plan

34. Concurrent with any application for Operational Works an Integrated Water Management Plan prepared by a suitably experienced RPEQ in accordance with the Maroochy Shire Council Integrated Water Management Guidelines must be submitted for Council's approval. The Integrated Water Management Plan must demonstrate compliance with:
- The Code for Integrated Water Management;
 - Planning Scheme Policy No. 5 - Operational Works, Sections 2.2 and 7;
 - Bioretention Technical Design Guidelines (Water by Design);
 - Queensland Urban Drainage Manual;
 - Australian Runoff Quality.

Stormwater Drainage

35. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual, and must include in particular:
- the works described in the Integrated Water Management Plan referenced in a Development Permit for Operational Works;
 - extension of the site stormwater system to accommodate stormwater from external to the site, including registration of drainage easements;
 - the use of gravity stormwater drainage and not surcharge pits.

Stormwater Quality Management

36. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval, and include stormwater quality treatment devices in accordance with the Integrated Water Management Plan referenced in a Development Permit for Operational Works.
37. All vegetated stormwater quality treatment devices must be maintained in accordance with the Water by Design (2009) - *Maintaining Vegetated Stormwater Assets* (Version 1). A copy of this document must be retained on the site together with the approved Operational Works drawings for the stormwater quality treatment system and a detailed life cycle costing of the system attached as an addendum. Records of all maintenance activities undertaken must be kept and made available to Council upon request.
38. All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome.
39. If a filter cartridge system is installed, a copy of a signed supply agreement between the site operator and the stormwater filtration system supplier for the replacement of the filter cartridges must be provided to Council. The supply agreement must be for the replacement of each filter cartridge over a minimum period of ten years.

Stormwater Harvesting

40. If a rainwater harvesting and re-use system is proposed as part of the site's Integrated Water Management Strategy, certification must be submitted to Council from a qualified person (RPEQ, licensed builder, or licensed plumber) which certifies that the rainwater collection tank(s) and associated reticulation have been installed in accordance with the requirements of the Integrated Water Management Plan referenced in a Development Permit for Operational Works.

Flood Management

41. Concurrent with any application for Operational Works, a Flood Impact Assessment prepared by a suitably experienced RPEQ in accordance with the Maroochy Shire Council Integrated Water Management Guidelines must be submitted for Council's approval. The Flood Impact Assessment must demonstrate compliance with:
- (a) The Code for Integrated Water Management;
 - (b) Planning Scheme Policy No. 5 - Operational Works, Sections 2.2 and 7;
 - (c) Queensland Urban Drainage Manual;
 - (d) Australian Rainfall and Runoff.
42. The minimum floor level of all buildings constructed on the site must be provided in accordance with the requirements of the Code for Integrated Water Management and the Flood Impact Assessment referenced in a Development Permit for Operational Works. Projected impacts of climate change at 2100 must be considered in setting development levels.
- 2.
43. All works recommended in the Flood Impact Assessment referenced in a Development Permit for Operational Works must be included in any application for Operational Works and be completed prior to commencement of use.
44. All works must be carried out generally in accordance with the Flood Impact Assessment referenced in a Development Permit for Operational Works.

Easements

45. An easement for drainage purposes must be registered against the titles of the properties in favour of Council over the land area identified as being below the flood level for the Defined Flood Event on the subject site.
46. Easements for drainage purposes must be registered against the titles of the properties in favour of Council over all stormwater infrastructure conveying stormwater from external to the subject site. The easements must be of minimum widths as specified in QUDM but not less than 4 metre wide.
47. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site must be placed within an easement registered against the title of the property.
48. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms. Draft easement documentation must be submitted to Council for endorsement.

49. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

ENVIRONMENTAL HEALTH

Waste Management

50. Refuse storage, removal and collection facilities must be provided in accordance with the following:
- provision of bulk bins* for general and recyclable waste;
 - provision of a communal hardstand impervious areas for the permanent storage location of all bulk bins*;
 - provision of a 1.5m high purpose built enclosure on the locations identified on the Approved Plans, which is screened from the street and adjoining properties by landscaping;
 - internal collection of waste by service vehicles in a safe, efficient and unobstructed manner;
 - provision of an at-grade movement path between the communal bin store (i.e. no steps, edging, ledges or the like) and the standing position of service vehicles;
 - provision of a wash-down area in the vicinity of the permanent storage location fitted with a hose-cock and a drain connected to the sewer that has a stormwater catchment area of no more than 1m².

**(Refer to Advisory Note)*

Acoustic Amenity

- 3.
51. Prior to the issue of any Development Permit for Operational Works, a Noise Impact Assessment* must be undertaken to determine the impacts of the development on surrounding residential dwellings along the northern, western and southern boundaries.
**(Refer to Advisory Note)*
52. The Noise Impact Assessment must be submitted to Council and the recommendations must be incorporated into the development in accordance with the documentation approved.
53. Certification must be submitted to Council from a qualified person* which certifies that the development has been constructed in accordance the recommendations of the Noise Impact Assessment.
**(Refer to Advisory Note)*
54. Any fixed plant and equipment* that causes either tonal (L_{eq}) sound (e.g. mechanical exhaust, refrigeration units etc.), or impulse (L_{max}) sound, must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the following levels for habitable rooms within dwellings:
- 45 dB(A) L_{eq} for living and work areas;
 - 40 dB(A) L_{eq} for sleeping areas;
 - 50 dB(A) L_{max} for all areas.

Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 "Acoustics – Description and measurement of environmental noise – General procedures".

**(Refer to Advisory Note)*

55. Certification must be submitted to Council from a qualified person* which certifies that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice.

*(Refer to Advisory Note)

56. A 1.2 metre high solid screen fence to mitigate internal headlight glare must be constructed along the full extent of the development footprint fronting the David Low Way. This fence must be screened by vegetation to reduce amenity impacts.

Lighting Devices

57. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "*Control of the obtrusive effects of outdoor lighting*" using a control level of 1.

58. Certification must be submitted to Council from a qualified person* which certifies that all lighting devices comply with the requirements of this Decision Notice.

*(Refer to Advisory Note)

Commercial Kitchen Exhaust

59. The development must be constructed with reticulated ducting inside the building to exhaust heat and odours from the approved Convenience Restaurants to a discharge point on the roof of the respective buildings.

60. Commercial kitchen heat and odour discharge points on the roof must be located and managed in accordance with the Australian Standard AS1668.2-2012 "*The use of ventilation and air-conditioning in buildings*"-Section 3.10 – *Air Discharges*.

Air Quality

61. The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the use must not cause a nuisance at any nuisance sensitive or commercial place.

Vapour Recovery

62. Stage 1 Vapour Recovery Systems (VR1) shall be installed for all tanks used for the storage of motor spirit on the site to return displaced vapour to the delivery vehicle during filling of the underground petroleum storage system. The Vapour Recovery System shall be designed and installed in compliance with AS4897-2008 "*the design, installation and operation of underground petroleum storage systems*"
- (a) mixing of product must be prevented in pipework common to more than one tank;
 - (b) spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser; and
 - (c) the vapour recovery point must be located within 2 metres of the respective fill point.

Underground Petroleum Storage System

63. The design, installation and operation of the site and associated underground petroleum product storage system shall be in accordance with the following:

- (a) AS4897-2008 *“the design, installation and operation of underground petroleum storage systems,”* for an Equipment Level 1 Underground Petroleum Storage System; and
- (b) AS1940-2004 *“The storage and handling of flammable and combustible liquids”* for an Underground Petroleum Storage System.

64. All inlets to bulk fuel storage tanks must be located to ensure that fuel delivery trucks can stand wholly within the site while discharging fuel.

Fuel Dispensing Area

65. All ground surfaces within the Fuel Dispensing Area must be constructed of impermeable materials free of gaps and/or cracks. Suitable materials include waterproofed, reinforced concrete or an approved equivalent.
66. The Fuel Dispensing Area must be clearly demarcated from the outer forecourt area, access roads, general parking bays and all other areas to clearly delineate the higher contamination risk area from lower risk areas. Acceptable demarcation methods include a painted line on the ground, roll-over bunds, drainage lines or different coloured impermeable material.
67. The Fuel Dispensing Area must be graded to a suitable underground containment vessel* (i.e. sump/tank) compatible with petroleum products and other likely chemicals. The tank shall have no connections to stormwater or sewer (blind sump).
**(Refer to Advisory Note)*
68. The Underground Containment Vessel* must have a capacity to hold a volume equivalent to at least that of the largest tanker compartment likely to be delivering fuel to the site.
**(Refer to Advisory Note)*
69. The blind sump containment vessel for the fuel dispensing area shall be dipped at least once per fortnight or after any significant spill or rain event. Wastewater shall be removed at a frequency which ensures the required capacity for spillage is maintained.
70. All Regulated Waste (this includes wastewater collected from any blind sump draining the under-canopy dispensing area) must only be removed from the premises by a licensed waste transport contractor and disposed of at a licensed waste treatment facility. Dockets/receipts/records for the transport and disposal of the waste must be retained on site and made available to any authorised officer upon request.
71. A canopy* must be installed over all Fuel Dispensing Areas. The canopy must be designed to minimise the amount of rain entering the fuel dispensing area. The canopy should include an overhang that maintains a minimum 10 degree drip line to the edge of the demarcated fuel dispensing area for the full perimeter of the canopy.
**(Refer to Advisory Note)*
72. Signage indicating the rate of flow must be provided for drainage inlets in the Fuel Dispensing Area. Examples include 'Flows to blind sump', or 'Flows to containment facility'. Signage is to be painted or otherwise indicated around the drain inlets.
73. A liquid-tight dispenser sump must be installed under each dispensing unit. It is to be designed to house all pipework joins and fittings and to collect and contain any leak

from contaminating the surrounding soil/groundwater.

74. Certification must be submitted to Council from a qualified person* which certifies that the installed equipment associated with the underground storage and the dispensing of Flammable and Combustible Liquids complies with the requirements of this Decision Notice.

*(Refer to Advisory Note)

75. All reasonable and practicable measures* must be taken to prevent or minimise environmental harm* that may be caused by the use.

*(Refer to Advisory Note)

Environmental Performance

76. Grease and oil arrestors or other infrastructure must be provided to prevent the movement of contaminants from the site.
77. The collection, treatment and disposal of solid and liquid wastes must ensure that:
- off-site releases of contaminants do not occur; and
 - measures to minimise waste generation and to maximise recycling are implemented.

Acid Sulfate Soil

78. All excavation works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan prepared by a qualified person* and endorsed through an Operational Works approval.

*(Refer to Advisory Note)

6. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	SARA at DSDIP South East Queensland (North) Regional Office PO Box 1129 MAROOCHYDORE QLD 4558 Online: Mydas (at www.disdip.qld.gov.au) Email: SEQNorthSARA @dsdip.qld.gov.au	State Controlled Road	The agency provided its response on 08/01/2016 (Reference No. SDA-05150020856). A copy of the response is attached.

7. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
0296 - MCU101E	E	<i>Site Plan - Overall</i> , prepared by BRD Group.	17/12/2015
0296 - MCU102D	D	<i>Site Plan – Partial 1 of 2</i> , prepared by BRD Group.	17/12/2015
0296 - MCU103E	E	<i>Site Plan – Partial 2 of 2</i> , prepared by BRD Group.	17/12/2015
0296 - MCU104C	C	<i>Building 1 – Floor Plan</i> , prepared by BRD Group.	17/12/2015
0296 - MCU105C	C	<i>Building 1 - Elevations</i> , prepared by BRD Group.	17/12/2015
0296 - MCU106C	C	<i>Building 2 – Floor Plan</i> , prepared by BRD Group.	17/12/2015
0296 - MCU107C	C	<i>Building 2 - Elevations</i> , prepared by BRD Group.	17/12/2015
0296 - MCU108D	D	<i>Building 3 – Floor Plan</i> , prepared by BRD Group.	17/12/2015
0296 - MCU109C	C	<i>Building 3 - Elevations</i> , prepared by BRD Group.	17/12/2015
0296 - MCU110D	D	<i>Street Elevations</i> , prepared by BRD Group.	17/12/2015
0296 - MCU115D	D	<i>Swept Paths – Service Vehicles – Page 1 of 2</i> , prepared by BRD Group.	17/12/2015
0296 - MCU116A	A	<i>Swept Paths – Service Vehicles – Page 2 of 2</i> , prepared by BRD Group.	17/12/2015

8. REFERENCED DOCUMENTS

Not Applicable.

9. ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

PLANNING**Equitable Access and Facilities**

1. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the National Construction Code - Building Code of Australia (Volume 1) as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:
 - (a) the Disability *Discrimination Act 1992* (Commonwealth)
 - (b) the *Anti-Discrimination Act 1991* (Queensland) and
 - (c) the Disability (Access to Premises – Buildings) Standards.

Aboriginal Cultural Heritage Act 2003

2. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*. The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the *ACH Act*.

Easements and Future Works over External Land

3. Should the conditions of this Decision Notice require easements or works to be undertaken over land external to the site, Council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to advancing to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over Council owned or controlled land, please liaise directly with Council’s Property Management Branch and note that compensation may be payable.

Building Height

4. Due to the proximity to the Sunshine Coast Airport it is recommended that a meeting is held with the Operations Co-ordinator of the Sunshine Coast Airport to ensure appropriate use of cranes prior to construction on site.

Infrastructure Charges

5. An infrastructure charges notice for council’s proportion of the infrastructure charge applicable to this development approval is attached. Unitywater may issue an infrastructure charges notice for their proportion of the infrastructure charge.

Advertising Devices

6. The advertising devices shown on the approved plans has not been approved as part of this Development Permit for a Material Change of Use. A development application for Operational Works (placing an advertising device on premises) will need to be made prior to the installation of any pylon signage, and for any other signage that does not meet the Acceptable Measures of the relevant Code.

ENGINEERING

Pre-Design Meeting Services

7. Council offers a free Pre-Design Meeting service specifically for Operational Works applications. Applicants are encouraged to utilise this service prior to the submission of their OPW application to ensure that their application is not held up by avoidable design issues. It is anticipated that the Pre-Design Meeting will ultimately assist in reducing the assessment time of an Operational Works application once it is lodged with council as a result of design and application issues being resolved or substantially resolved prior

to the application being submitted. For more information on this service or to book a Pre-Design Meeting please visit Council's website (<http://www.sunshinecoast.qld.gov.au/sitePage.cfm?code=prelodge-advise>) or contact (07) 5475 PLAN.

Building and Construction Industry (Portable Long Service Leave) Levy

8. The QLeave levy must be paid prior to the issue of a development permit for Operational Works where required. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. QLeave contact: 1800 803 481 (free call) or (07) 3212 6855.

Co-ordination of Operational Works Assessment

9. Additional application fees apply to Operational Work applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

Unitywater - Water and Sewerage Services

10. From the 1 July 2014, water and sewerage infrastructure associated with new developments will be assessed and approved by Unitywater under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* and their applicable technical standards. It is the certifying Registered Professional Engineers of Queensland's (RPEQ) responsibility to ensure that the necessary Unitywater approval/s has/have been obtained for any water and sewerage infrastructure required as part of the development and that such approval/s and works have been coordinated with all other infrastructure and works required by the development.
11. Where water and sewerage infrastructure is proposed to be constructed within an existing road reserve controlled by Council, a further consent approval for the alignment and extent of works will be required under Section 75 of the *Local Government Act*. This consent must be obtained prior to any water and sewerage related works occurring within the road reserve. The consent request must be submitted in the approved form to Council's Infrastructure Services Department.

Preparation of a Preliminary Construction Management Plan

12. A preliminary Construction Management Plan must be submitted with the Operational Works application and must address the following:
 - (a) traffic management during all aspects of the construction phase including:
 - (i) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
 - (ii) maintenance of safe pedestrian access for the areas affected by the works during and after daily construction has ceased
 - (iii) proposed fencing to the site during the construction phase of the development
 - (iv) approval of the Traffic Management Control Plan by the Department of Transport and Main Roads (DTMR) for any works on State controlled roads
 - (v) provision for worker car parking
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and

- sediment control measures;
- (c) works programme identifying key components of the works and their respective durations;
- (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic, services and other relevant issues;
- (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
- (f) details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. **NB** any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense;
- (g) it is acknowledged that the preliminary Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

LANDSCAPING AND ECOLOGY

Qualified Person

13. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 5 years current experience in the field of landscape design.
14. For the purpose of preparing Tree/Vegetation advice, a qualified person is considered to be a person with either:
 - (a) ISA certification; or
 - (b) a Diploma of Arboriculture in addition to a minimum of 3 years current experience in the field of arboriculture.

ENVIRONMENTAL HEALTH

Amenity

15. The Noise Impact Assessment should be undertaken in coordination with an architect, and a qualified acoustic and engineering consultant. The intention of the Noise Impact Assessment is to assess the site lay-out and determine appropriate noise attenuation measures.
16. For the building design and construction of the approved use, the direction of a qualified acoustic consultant will ensure the installation of fixed plant and equipment (e.g. air-conditioning condenser units, refrigeration plant and mechanical exhaust discharge) are suitably located and/or shielded to avoid nuisance being caused by any noise from the plant and equipment.

Qualified Person

17. For the purpose of certifying acoustic barrier construction for the development, a qualified person is considered to be either:
 - (a) a Registered Professional Engineer of Queensland;
 - (b) an environmental consultant with a minimum of 3 years current experience in the

field of acoustics.

18. For the purpose of certifying lighting devices for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland;
 - (b) an environmental or electrical design consultant with a minimum of 3 years current experience in the field of lighting.
19. For the purpose of preparing an acid sulfate soil and groundwater management plan, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland (RPEQ) or;
 - (b) a soil scientist with a minimum of 5 years experience in the field of acid sulfate soils.

Waste Management

20. Bulk Bin Dimension-660L and 1100L: dimensions of 1.0 m² (780mm x 1220mm) and dimensions of 1.5 m² (1100mm x 1300mm) per bin respectively.

Fuel Dispensing Area-Management and Maintenance

21. The underground containment vessel* (i.e. blind sump/tank) and the Fuel Dispensing Area canopy overhang area requirements may be excluded in the case where the application for Operational Works provides Plans and associated Management and Maintenance Documentation for the inclusion of the FDA to be graded and drained to a SPEL Purceptor System or similar proprietary device.
- (a) the associated Management and Maintenance Documentation must provide guidance on the reasonable and practicable measures and written procedures that must be taken to prevent or minimise environmental harm that may be caused by the use;
 - (b) environmental harm is defined in the *Environmental Protection Act 1994*;
 - (c) General Environmental Duty under the *Environmental Protection Act 1994*: A person must not 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;
 - (d) an appropriately qualified person(s) is required to implement the associated Management and Maintenance Documentation and means a person or persons who has professional qualifications, training, skills and experience relevant to the written procedures and can give authoritative assessment, advice and analysis in relation to the procedures using the relevant protocols, standards, methods or literature stated within the procedures.

Food Premise

22. The approved use includes a food premise/s. In accordance with the *Food Act 2006* and the *Food Standards Code* the premises must be registered and the operator licensed. Please Contact Council's Healthy Places Unit via the Customer Service Centre for further information in respect of registration and a licence.

10. PROPERTY NOTES

Not Applicable.

11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

12. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work
- Development Permit for Building Work

13. SELF ASSESSABLE CODES

The following codes for self-assessable development related to the development approval issued under this Decision Notice must be complied with:

- Advertising Devices Code

14. SUBMISSIONS

There were 88 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

15. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

The Assessment Manager considers the decision conflicts with the planning scheme and the following are sufficient grounds to justify the decision despite the conflict:

1. the proposal is appropriately located to support the future expansion of the Sunshine Coast Airport;
2. the proposed use is appropriately located along a major transit corridor and includes road infrastructure as well as land dedication for the future road upgrade of David Low Way;
3. the site is urban land which is heavily constrained by the airport operations and inappropriate for any form of permanent residential use envisaged at the time of drafting the Maroochy Plan 2000; and
4. the Maroochy Plan 2000 has been overtaken by time and events, especially growth in the airport and planning for the new runway.

16. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step

will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

17. OTHER DETAILS

If you wish to obtain more information about council’s decision, electronic copies are available on line at www.sunshinecoast.qld.gov.au or at council offices.