

CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU12/0062
Street Address:	14, 20 & 22 Main St, 4 & 6 Church St, 5, 5A and 7 Hill St PALMWOODS
Real Property Description:	Lot 21 RP 178340, Lot 18 SP 110912 Par Sec 2, Lot 207 P 4451, Lot 2 RP 132322, Lot 17 RP 161119, Lot 20 RP 178340, Lot 1 RP 132322, Lot 212 P 4451, Lot 1 PER 6875
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises (Multiple Dwelling Units (30 x 2 bedroom units & 1 x 1 bedroom unit (existing dwelling)) & Shop)

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. 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. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*.

**(Refer to Advisory Note)*

Building Height

3. The maximum height of the development must not exceed 12m above ground level.
4. Certification must be submitted to Council from a Licensed Surveyor which certifies that the building does not exceed the maximum height requirement of this Decision Notice.

Nature and Extent of Approved Use

5. Non-residential uses on the premises must not operate outside the hours of:
 - (a) 7am to 8pm Monday to Saturday
 - (b) 8am to 8pm Sunday or any public holidayThe requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

6. Service vehicle movements associated with non-residential uses on the premises (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Saturday and not at all on Sundays or public holidays. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

Street Identification

7. The street address of the development must be clearly visible and discernible from Hill Street by the provision of a street number and, where appropriate, the building name.

Building Appearance

8. All air conditioning units or other mechanical equipment must be located at ground level, or otherwise fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.
9. All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like.

Clothes Drying Areas

10. Each dwelling unit must be provided with access to an outdoor clothes line which is screened from public view.

Community Management Statement

11. Any proposed Community Management Statement required for the development pursuant to the *Body Corporate and Community Management Act 1997* must be submitted to Council for endorsement at the same time as submission of the Building Format Plan (or similar) to Council for compliance assessment.
12. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice.

Lot Amalgamation

13. Lots 20 and 21 on RP178340 must be amalgamated following the removal of the building encroachment from the building located on Lot 18 on SP110912.

ENGINEERING

External Works

14. Hill Street must be upgraded in accordance with an Operational Works approval and must include in particular:
 - (a) construction of kerb and channelling
 - (b) widening and sealing of the existing road pavement to a minimum of eight metres
 - (c) construction of a pedestrian footpath in accordance with the conditions of this Decision Notice
 - (d) removal of the existing property accesses and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage, including the provision of topsoil and seed/turf for grassed verges
 - (e) relocation/construction of at least two existing on-street parking bays removed by the proposed driveway, and
 - (f) relocation of the existing overhead electricity to an underground alignment in accordance with the conditions of this Decision Notice.

15. The intersection of Hill Street and Main Street must be modified to prohibit traffic from entering Hill Street in line with the recommendations document by Holland Traffic Consulting titled 'External Traffic Impacts' dated 14 February 2013. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) removal of the existing left turn arrow in Main Street
 - (b) provision of a chevron linemarking extension to the existing island
 - (c) installation of signing in accordance with the Manual of Uniform Traffic Control Devices, and
 - (d) retention of all existing parking facilities on the west side of Hill Street.
16. The applicant must upgrade the Churchill Street/Hill Street intersection generally in accordance with the Churchill Street/Hill Street Intersection Detail prepared by Civil and Site to provide the following:
 - (a) Widen and realign the intersection entry lane on Hill Street so that it is at least 4 metres wide and intersects with Churchill Street at an angle no less than 70 degrees. The design turning vehicle for right turns into Churchill Street should be at least a Waste Collection Vehicle, and
 - (b) Widen the intersection exit lane on Hill Street to a minimum sealed width of 4 metres. The design turning vehicle for right turns into Hill Street should be at least a Waste Collection Vehicle.

Site Access And Driveways

17. A sealed access driveway must be provided from Hill Street to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) a driveway crossover in accordance with IPWEAQ standard drawing SEQ R- 0051
 - (b) a minimum driveway width of 5.5 metres, and
 - (c) methods to ensure the retention of the existing street tree on Hill Street ('Flooded Gum').

Car Parking

18. A minimum of 47 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) 8 visitor parking spaces within the total, which are clearly marked for that purpose and accessible at all times for visitor use,
 - (b) 2 shop parking spaces within the total, which are clearly marked for that purpose and accessible for shop parking during shopping hours, and
 - (c) 1 disabled parking space within the total.
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.

Service Vehicles

20. 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 occasional access for a LRV.

Pedestrian and Bicycle Facilities

21. 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 1.8 metre wide concrete footpath within the road verge for the entire length of the site's frontage to Hill Street
- (b) a pedestrian crossing on Main Street, located on the north side, and clear, of the existing bus stop
- (c) a total of 8 class 3 bicycle parking spaces, and
- (d) a total of 30 class 1 bicycle parking spaces.

Electricity and Telecommunication Services

- 22. Reticulated electricity and telecommunication services must be provided to the site in accordance with an approval for Operational Works and the standards and requirements of the relevant service provider.
- 23. 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.
- 24. 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.

Undergrounding of Existing Overhead Powerlines

- 25. The existing overhead electricity reticulation across the Hill Street frontage of the site must be placed underground. The works must be undertaken in accordance with an Operational Works approval and must include in particular placement on council's standard alignment as shown on Standard Drawings SEQ R-100 and R-101.

Damage to Services and Assets

- 26. Any damage caused to existing services and assets above or below the ground must be repaired:
 - (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 & ECOLOGY

Landscaping Works

- 27. The development site must be landscaped. The works must be designed by a qualified person* and undertaken in accordance with an Operational Works approval and include:
 - (a) landscaping to the areas shown on site plan SD1.02 as amended
 - (b) a minimum 6 metre wide landscaping strip along the entire Main Street boundary of the subject site, uncompromised by infrastructure items (excluding minor encroachment of balconies, the shop and heritage building), designed with a combination of densely planted trees and shrubs that achieves:
 - (i) 95% screening to 3 metres above immediate natural ground within 4 years,
 - (ii) 75% screening between 3 and 6 metres above immediate natural ground within 8 years
 - (c) a 2 metre wide landscaping strip along the south western boundary of the subject site where adjoining Lot 1 RP132322 and Lot 2 RP132322, uncompromised by infrastructure items, designed with a combination of densely planted trees and

shrubs to achieve 95% screening to 3 metres above immediate natural ground within 4 years

- (d) retention of the existing 'Mango' and 'Flooded Gum' as identified in the Arborist report listed within this Decision Notice (it is noted that some pruning may be required to the Mango to accommodate the development)
- (e) densely vegetated screening of the bin storage area from Hill Street
- (f) installation of a 1.2 metre high fence to be constructed to commercial standard with hardwood posts and permeable panels to be located:
 - (i) within the road reserve between the footpath and retaining wall of the entire Main Street frontage, and
 - (ii) along the Main Street and Hill Street property boundaries
- (g) installation of a 1.8 metre high solid fence along the south western boundary
- (h) provision of 1 street tree within the road reserve for every 8 metres of road frontage, and
- (i) low planting located on both sides of the pedestrian pathway between property boundary and the retaining wall within the Main Street road reserve.

**(Refer to Advisory Note)*

- 28. All landscape works must be maintained for the life of the development with techniques that allow for healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.
- 29. All tree retention and protection works must be carried out in accordance with methodology and recommendations detailed in pages 1 to 25 of the approved Arborist report listed within this Decision Notice.
- 30. Prior to requesting a prestart meeting, a bank guarantee in accordance with the values nominated in the Arborist report (\$99 305.00) must be lodged with Council as security for the protection of the trees identified for retention within the Arborist report referenced within this Decision Notice. The guarantee:
 - (a) may be drawn upon by Council if:
 - (i) the recommendations of the Arborist report are not implemented, and
 - (ii) any trees identified for retention are damaged to the point where they cannot be saved (as confirmed by the site Arborist and agreed in writing by Council), and
 - (b) will be returned upon receiving certification from the site Arborist that all requirements nominated in the Arborist report referenced within this Decision Notice have been completed.

URBAN DESIGN

- 31. The existing stone retaining wall to the eastern boundary shall be retained insitu and uncompromised. Any works proposed within the vicinity of this should have regard to the stability of this heritage structure and ensure it remains intact.
- 32. The pre 1945 dwelling shall be retained on site and relocated to sit along the frontage of Main Street in between the two unit blocks (in accordance with the Approved Plans as amended). This shall be relocated as per the requirements of the recommendations included in the report by Ivan McDonald Architects, March 2013. The building shall:
 - (a) continue to have a front veranda facing Main Street
 - (b) retain the original core and front veranda

- (c) be re-supported on perimeter timber stumps, maximum of 1m off ground level
- (d) be free standing with sufficient clearance all round for circulation (min 1m for fire rating)
- (e) be connected to reticulated power, water and sewerage, and
- (f) be used as a residence **or** be sited on common property and made available for the residents and guests of the multiple dwelling units and used as a communal building.

NOTE: should the building be used as a residence, a minimum of one parking bay must be allocated to this residence.

33. External finishes of all buildings shall include:
- (a) timber cladding, and
 - (b) a colour scheme which has regard to the heritage palate (in particular texture paint to rendered masonry walls and colour bond roofing).
34. A continuous street awning of a minimum width of 3 metres, must be provided for the shop's entire frontage to Main Street providing solar and rain protection and promoting all weather activity. The awning must comply with the requirements of the Department of Natural Resources and Mines.

ENVIRONMENT

Acoustic Amenity

35. Prior to lodging a building application, an acoustic assessment must be undertaken to determine the need for building treatments to be included as part of the development construction to attenuate noise resulting from amplified music at the Palmwoods Hotel. The treatments are to achieve the protection of the environmental values stated within Section 7 (b) (i)-(iii) of the *Environmental Protection (noise) Policy 2008* and the compliance with *Schedule 1 Acoustic Quality Objectives* from the Policy in regard to a dwelling.
36. Acoustic measures and treatments must be incorporated into the development in accordance with a submitted acoustic assessment prior to the commencement of the use in compliance with the above condition.
37. Certification must be submitted to Council from a qualified person* which certifies that the development has been constructed in accordance with a submitted acoustic assessment.
*(Refer to Advisory Note)
38. Any fixed plant and equipment* that causes either tonal (L_{eq}) sound (e.g. from refrigeration compressors or air conditioning units associated with the shop lot or the development), 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:
- (a) 40 dB(A) L_{eq} for living and work areas
 - (b) 35 dB(A) L_{eq} for sleeping areas
 - (c) 45 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)
39. 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)

Waste Management

40. Refuse storage and collection facilities must be provided in accordance with the Approved Plans and the following:
- (a) provision of a minimum of 6 bulk bins for the site, each having a capacity of 1.1 m³
 - (b) provision of separate bins for general and recyclable waste for the site
 - (c) collection by service vehicles from within the site only at the vehicular exit to Hill Street and not from the kerbside
 - (d) provision of a waste storage room within the basement for the permanent storage location of general and recyclable material waste bulk bins, having minimum dimensions of 1.5 m² (1100mm x 1300mm) per bin. The waste storage room must be:
 - (i) Constructed of fire rated, impervious and smooth materials to all walls, floors, doors and junctions
 - (ii) Fly and vermin proof
 - (iii) Fitted with a lock capable of being opened from the inside without a key at any time
 - (iv) Refrigerated or otherwise ventilated to reduce odour, and
 - (v) Co-located with a hose-cock and drain connected to the sewer
 - (e) provision of a hardstand impervious area for the temporary bulk bin store having minimum dimensions of 5m in length and 2.5m in width with the length orientated east to west parallel with the boundary to Hill Street
 - (f) provision of a 1.5m high purpose built enclosure (fence paling or similar) to the temporary bulk bin store which is screened from Hill Street with a minimum of 0.5m of on-site landscaping
 - (g) provision of an at-grade movement path between the temporary bulk bin store and the standing area for the waste collection vehicle i.e. no steps, edging, ledges or the like that may hinder manoeuvrability of bulk bins whilst they are manoeuvred for service and then returned to the temporary bulk bin store, and
 - (h) provision of a wash-down area in the vicinity of the temporary bulk bin store fitted with a hose-cock and a drain connected to the sewer that has a bunded stormwater catchment area of no more than 1m².

HYDROLOGY

Stormwater Drainage

41. 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 QUDM, and must include in particular:
- (a) the works shown on the Approved Plans
 - (b) collection and discharge* of stormwater to the existing piped network in Main Street
 - (c) provision for onsite detention resulting in non-worsening of stormwater discharge from the development. Amended stormwater quantity calculations (for post development) must be submitted that adopt a standard inlet time as recommended in Section 4.06.4 of QUDM, and
 - (d) the use of gravity stormwater drainage and not surcharge pits.
- *(Refer to Advisory Note)*

Stormwater Quality Management

42. All Stormwater 360 StormFilter and Enviropod 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 retro fit into the development to achieve an equivalent pollutant reduction outcome.
43. Any proposed Community Management Statement required for the development must include the Operations and Maintenance Manual for both the StormFilter and Enviropod

and must include the full cost of maintaining the system in accordance with the Operations and Maintenance Manual for both the StormFilter and Enviropod including replacement of the StormFilter Cartridges. The cost of maintaining the system must be included in the proposed levies for each unit owner.

44. Prior to commencement of use and in conjunction with the submission of the Building Format Plan (or similar) to Council for compliance assessment, the applicant must provide a copy of a signed supply agreement for the replacement of the StormFilter Cartridges, between the Body Corporate and the stormwater filtration system supplier. The supply agreement must be for the replacement of each StormFilter Cartridge at least ten (10) times.

Stormwater Harvesting

45. Operating stormwater collection tanks must be provided for the development. The tanks must be provided in accordance with an Operational Works approval and must include in particular; the details identified in the engineering Response letter by Civil and Site dated 31 August 2012.

UNITYWATER

46. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
47. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
48. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
49. Water meters must be located on alternative boundaries to electrical pillars.
50. Diversion of the existing sewer within the development site. Redundant sewer pipes must be removed or slurry filled.
51. Buildings, including balconies must provide a minimum of 1.5 metres clearance from Unitywater sewers within the development site.
52. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property including the basement. Easements over sewers outside of the basement must be located centrally over the main.
53. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
54. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.
55. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

56. An access easement must be provided over the Unitywater sewerage infrastructure within the development site prior to commencement of use. The easement must provide Unitywater with 24 hour unrestricted access to Unitywater sewerage infrastructure.
57. Reference to the sewerage easement and access easement must be included in the body corporate community management statement.
58. The following clauses from Unitywater's deed of indemnity for permission to construct a structure over or adjacent to a Unitywater sewer must be included in the body corporate community management statement;
- (a) The owners release and forever discharge the Unitywater from any claim or demand which might otherwise be made by the owners and from any liability which the Unitywater may otherwise have to the owners in consequence of or arising in any way by through or in connection with the granting of Unitywater permission to construct a structure over or adjacent to a Unitywater sewer on the development site and,
 - (b) The owners indemnify the Unitywater against any such claim or demand (including legal costs on a Solicitor and own client basis which may be incurred in connection therewith) which may be made by any other person including, without limiting the generality of that expression, successors in title to the owners, mortgagees or other persons with a security interest in the land, tenants or occupiers of the building work or the land and other persons who suffer personal injury (including death) or property damage (including economic loss) which is related in any way to the fact of the building work having been carried out on or within 1.5 metres of the relevant services and,
 - (c) The owners agree to repair any damage to the building work which may occur as a result of or in connection with any inadequacy of the support for it forthwith upon being required by the Unitywater by notice in writing so to do and,
 - (d) The owners agree to pay the cost of repair and/or reinstatement to any structures where sewer maintenance activities in connection with structures are involved.

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department Of Transport & Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558	Public Passenger Transport and State-controlled Road Matters	The agency provided its response on 4/01/13 (Reference No. TMR12-003218). A copy of the response is attached.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
SD1.07	C	Typical Units prepared by Interworks Architects	25/10/2012
1.08	C	Typical Units prepared by Interworks Architects	25/10/2012

The following plans require amendment prior to becoming Approved Plans for the development:

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
SD1.01	C	Basement Plan, prepared by Interworks Architects	25/10/2012
Amendments		<ul style="list-style-type: none"> a) Provide two additional tandem parking bays on the southern end of parks 18 and 19. b) Depict the existing dwelling relocated to a position on the site directly adjacent to and on the same alignment as the Main Road frontage in between the two unit blocks complying with the conditions of this approval (amending the balconies of adjacent units accordingly). 	
SD1.02	D	Site Plan – Level 1, prepared by Interworks Architects	26/10/2012
Amendments		<ul style="list-style-type: none"> a) Depict the existing dwelling relocated to a position on the site directly adjacent to and on the same alignment as the Main Road frontage in between the two unit blocks complying with the conditions of this approval (amending the balconies of adjacent units accordingly). b) Indicate a minimum 0.5m wide landscape buffer between the frontage of the site and the waste enclosure adjacent Hill Street (the waste enclosure may need to be realigned to accommodate this). 	
SD1.03	D	Level 2, prepared by Interworks Architects	26/10/2012
Amendments		<ul style="list-style-type: none"> a) Depict the existing dwelling relocated to a position on the site directly adjacent to and on the same alignment as the Main Road frontage in between the two unit blocks complying with the conditions of this approval (amending the balconies of adjacent units accordingly). 	
SD1.04	C	Level 3, prepared by Interworks Architects	25/10/2012
Amendments		<ul style="list-style-type: none"> a) Depict the existing dwelling relocated to a position on the site directly adjacent to and on the same alignment as the Main Road frontage in between the two unit blocks complying with the conditions of this approval (amending the balconies of adjacent units accordingly). 	
SD1.05	C	Level 4, prepared by Interworks Architects	25/10/2012
Amendments		<ul style="list-style-type: none"> a) Depict the existing dwelling relocated to a position on the site directly adjacent to and on the same alignment as the Main Road frontage in between the two unit blocks complying with the conditions of this approval (amending the balconies of adjacent units accordingly). 	
SD1.08	C	Roof Plan, prepared by Interworks Architects	25/10/2012
Amendments		<ul style="list-style-type: none"> a) Depict the existing dwelling relocated to a position on the site directly adjacent to and on the same alignment as the Main Road frontage in between the two unit blocks complying with the conditions of this approval (amending the balconies of adjacent units accordingly). 	
SD2.03	D	Elevation (No Trees) prepared by Interworks Architects	26/10/2012
Amendments		<ul style="list-style-type: none"> a) Depict the existing dwelling relocated to a position on the site directly adjacent to and on the same alignment as the Main Road frontage in between the two unit blocks complying with the conditions of this approval (amending the balconies of adjacent units accordingly). 	
SD2.04	D	Elevation (No Trees) prepared by Interworks Architects	26/10/2012
Amendments		<ul style="list-style-type: none"> a) Depict the existing dwelling relocated to a position on the site directly adjacent to and on the same alignment as the Main Road frontage in between the two unit blocks complying with the conditions of this approval (amending the balconies of adjacent units accordingly). 	

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
TSA-MCU12/0062	-	Arborist report Main St, Palmwoods Pages 1 to 25 prepared by Treesafe Australia Pty Ltd	September 2012
L2SCRC Response to Submission FINAL DRAFT 31 05 13	-	Revised refuse storage sketch, prepared by Innovative Planning Solutions	31.05.13
Letter	-	Engineering Response Letter by Civil and Site Consulting Engineers	31 August 2012
13S06.1.SAH		14-16 Main St, Palmwoods: Proposed residential development: External traffic impacts, prepared by Holland Traffic Consulting Pty Ltd	14 February 2013
120806-1.1-130523	-	Response to Submissions prepared by Ivan McDonald Architects	23 May 2013
10019-D20	A	Churchill Street/Hill Street Intersection Detail prepared by Civil and Sity Pty Ltd Consulting Engineers	Sept 2011

8. ADVISORY NOTES

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

PLANNING

Development Compliance Inspection

1. Prior to the commencement of the use, please contact Council's Development Audit & Response Unit to arrange a Development Compliance Inspection.

Infrastructure Charges

2. This Development Permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Council's "Adopted Infrastructure Charges Resolution" under the State Planning Regulatory Provision (Adopted Charges) and the *Sustainable Planning Act 2009*.

Equitable Access and Facilities

3. 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

4. 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 and Resources Tribunal, 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 Co-ordination Unit on 07 3239 3647 to discuss any obligations under the ACH Act.

Resubmission of Amended Plans Required

5. The conditions of this Decision Notice require resubmission of plans to Council with amendments. Please address the amended plans to Council's Planning Assessment Branch with the Reference No. MCU12/0062, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plans be resubmitted prior to lodgement of any Operational Works application. However, should the plans not be submitted, the applicant is advised that a Preliminary Approval may be issued in lieu of a Development Permit.

ENGINEERING

Building and Construction Industry (Portable Long Service Leave) Levy

6. From 1 January 2000, the Building and Construction Industry (Portable Long Service Leave) Levy must be paid prior to the issue of a development permit where one is required for the 'Building and Construction Industry'. This applies to Building Works, Operational Works and Plumbing and Drainage Works applications, as defined under the *Sustainable Planning Act 2009*, where the works are \$80,000 or more and matching the definition of 'Building and Construction Industry' under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. Should you require clarification in regard to the amendments to the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.

Preparation of Operational Works Application

7. The applicant is advised to refer to section 2.1.2 of Planning Scheme Policy No. 5 – *Operational Works* prior to preparation of any Operational Works application for the development.

Co-ordination of Operational Works Assessment

8. To assist council to undertake an integrated assessment of the operational works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme. Additional application fees apply to 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.

Preparation of a Preliminary Construction Management Plan

9. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
 - (a) provisions that ensure the proposed construction does not unduly impact on the surrounding area and ensure the site is safe for members of the public, implementing appropriate traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and making provision for safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased.

- (b) 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 and services and other relevant issues
- (c) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
- (d) 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
- (e) it is acknowledged that the 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 Prestart Meeting for the project.

HYDRAULICS & WATER QUALITY

Integrated Water Management Guidelines

10. The applicant is advised that when addressing the requirements of Council's Integrated Water Management Code and Section 7 of Planning Scheme Policy No. 5 – *Operational Works*, reference should also be made to Council's Integrated Water Management Guidelines for further guidance on stormwater management outcomes.

Lawful Point of Discharge

11. The applicant is advised that a lawful point of discharge for the development will need to be determined and demonstrated as part of a detailed design solution included with the Operational Works application.

LANDSCAPE & ECOLOGY

Qualified Person

12. 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 3 years current experience in the field of landscape design.

ENVIRONMENT

Qualified Person

13. For the purpose of certifying acoustic treatments for the development, a qualified person is considered to be an environmental consultant with a minimum of 3 years current experience in the field of acoustics.

UNITYWATER

14. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicants cost.
15. A 100mm diameter AC watermain is located within the road boundary fronting the development site in Hill Street and a 150mm diameter AC main in Main Street. Construction works, heavy traffic crossing the main, excessive vibration and excavation close to the main may cause damage to the pipe. Extreme care is required when working close to this infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.
16. A Trade Waste permit is required prior to any stormwater, groundwater or sump pump discharge into Unitywater's sewerage system.

9. PROPERTY NOTES

The following property notes will be placed against the subject property in Council's property record system:

MCU12/0062 – Stormwater Devices

This site is provided with Stormwater 360 StormFilter and Enviropod stormwater quality treatment devices which capture and store pollutants from stormwater runoff generated on this site. These devices are required to be routinely checked and serviced/cleaned out as per the Operations and Maintenance Manual for both the StormFilter and Enviropod. The material extracted from the devices when being serviced and cleaned out is to be removed from the site and disposed of by either a licensed waste removal contractor or by other lawful means. Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.

MCU12/0062 - Potential Noise Impacts

The site is in a mixed use area and is in close proximity to commercial premises (including the Palmwoods Hotel) and the North Coast Rail Line. While noise mitigation measures have been incorporated into the design of the unit development, it may be affected from time to time from these sources (particularly for any residential uses conducted external to the building).

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (External Works, Carparking, Driveways, Stormwater Drainage Works)
- Development Permit for Operational Work (Landscaping)
- Development Permit for Building Work
- Preliminary Building Approval (alterations to a pre 1945 building)

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 370 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 will be attached to any decision notice.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. 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”.

16. 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.

