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## APPENDIX A - CONDITIONS OF APPROVAL

### APPLICATION DETAILS

Application No:	MCU10/2001
Street Address:	1 & 3 Margaret Street and 2 Birtwill Street, COOLUM BEACH
Real Property Description:	Lots 1, 2 & 3 SP107662
Planning Scheme:	Maroochy Plan 2000 (11 November 2009)

### DECISION DETAILS

The following type of approval has been issued:  
Development Permit for Material Change of Use (Hotel and Shopping Complex)

### RELEVANT PERIOD OF APPROVAL

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

### 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. Except on New Years Eve, the approved hotel use must not operate outside the hours of:
    - (a) 7am to 12am Sunday to Thursday
    - (b) 7am to 2am Friday and Saturday.
  4. All outdoor use areas associated with the approved hotel with the exception of the Designated Outdoor Smoking Areas (DOSAs) must not be used after 10pm on any day (except on New Years Eve).
  5. The approved shopping complex use (Dan Murphy's store) must not operate outside the hours of 7am to 9pm on any day.
  6. Service vehicle movements associated with the approved use (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.
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7. The approved shopping complex use (Dan Murphy's store) must not be used for any purpose other than a shop as defined in the planning scheme.
  8. The area marked "kiosk" on the Approved Plans, and/or the adjacent open space (where within the site boundaries), must be made available for use by not-for-profit and other community groups for fundraising and other civic purposes.

#### **Patron Dispersal**

9. A courtesy bus service must be provided by the approved hotel to assist with the dispersal of patrons leaving the venue.

#### **Building Height**

10. The height of the development must not exceed that shown on the Approved Plans, with the two tower structures not exceeding 12 metres above ground level.

#### **Staging of Construction**

11. Construction of the development may be staged in accordance with the approved staging plan to allow partial operation of the use while later construction stages continue. If staged, the construction of the premises must occur in a single, continuous construction program until the entire development approved by this Development Permit is complete.

#### **Land Amalgamation**

12. All properties the subject of the development must be amalgamated, or alternatively retained within reciprocal access easements\*.  
*\*(Refer to Advisory Note)*

#### **Sunset Clause for Completion of Approved Development**

13. Pursuant to s342 of the *Sustainable Planning Act 2009*, any uncompleted aspects of this development approval lapses if the whole of the approved use has not happened by 28 February 2019.

### **URBAN DESIGN**

#### **Building Appearance**

14. The applicant must construct the approved buildings such that their external appearance to the David Low Way, Margaret Street and Birtwill Street frontages is generally in accordance with the Approved Plans. The buildings must be constructed to include all awnings, clear glazing, openings, cladding, materials and façade work as per the Approved Plans.
  15. Shopfront glazing on the David Low Way frontage of the Dan Murphy's building must be fully transparent and provided to a minimum of 65% of that portion of the wall not covered by the "Green Wall" planting. Internal walls and shelving must not be erected within 1 metre of the glazing so views are retained from the street into the retail space, unless otherwise agreed to in writing by council.
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16. All finishes and materials on the street frontage must be in accordance with Council's Coolum Masterplan and must compliment the works completed to the south of the development.
  17. Any rooftop mechanical equipment and other service infrastructure located on the proposed buildings must be fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.

#### **Weather Protection**

18. Street awnings and shade structures must be constructed as shown on the Approved Plans to create a weather proof walkway for pedestrians. All awnings and shade structures must be cantilevered to either the building or to support posts located on the building side of the footpath, and must have dimensions that are no less than that shown on the Approved Plans. Awnings to the western elevation of the Dan Murphy's building must extend to cover the width of the footpath below.

#### **Public Art**

19. Public art must be established on the premises in accordance with a Public Art Master Plan\* for the development prepared by a qualified person\* and referenced in a Development Permit for Operational Works. All public artwork must reflect the Coolum Village location of the site and respect the heritage of the area.  
*\*(Refer to Advisory Note)*

#### **Street Furniture**

20. Street furniture must be provided generally as shown on the approved landscape concept plans and in accordance with an Operational Works approval.
21. A minimum of 1 drinking fountain must be provided for public use.

#### **Public Safety**

22. All ground floor shopfront glazing must be protected against vandalism by the use of a form of safety glass such as toughened or laminated glass.
23. During operating hours, all parking areas, pedestrian areas and entrances/exits to all buildings and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS1158 "*Public Lighting Code*". Lighting must be designed to reduce the contrast between shadows and well lit areas.
24. After hours access to loading docks, plant rooms and storage areas must be restricted by a security gate, lockable doors and/or other suitably appropriate means.

### **ENGINEERING**

#### **External Works**

25. David Low Way must be upgraded for the length of its frontage to the subject site as part of Stage 1 and Stage 3 of the development respectively. The works must be undertaken in accordance with an Operational Works approval and must be generally
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- in accordance with the Coolum Village Master Plan current at the time of the relevant Operational Works application. The works must include in particular:
- (a) construction of kerb and channelling on an appropriate vertical and horizontal alignment, including build outs into the parking lane, and underground stormwater drainage to the development side only
  - (b) construction of a fully paved and landscaped verge in accordance with the conditions of this Decision Notice
  - (c) construction of a parking lane and indented bus bay. Marked parking bays should be 6.3 metres long. The indented bus bay must be designed in accordance with Austroads requirements. A bus shelter and bus stop must be provided in accordance with *Translink* and *Disability Discrimination Act* requirements
  - (d) removal of the existing property accesses and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage
  - (e) provision of a bicycle lane on the development side
  - (f) raised concrete pedestrian refuge islands and associated kerb ramps, designed in accordance with the requirements of the Queensland Department of Transport and Main Roads, on David Low Way at the following locations:
    - (i) at the southern side of the Margaret Street intersection. A concrete pathway, at least 2.5 metres wide, must be constructed from the eastern side of the pedestrian refuge crossing to connect with the existing north-south pathway through the adjacent park
    - (ii) at the southern end of the indented bus stops in front of the subject site. A concrete pathway, at least 1.8 metres wide, must be constructed along the eastern side of David Low Way between the pedestrian refuge crossing and the eastern bus stop
  - (g) installation of street lighting to the requirements of the Queensland Department of Transport and Main Roads
  - (h) relocation of the existing overhead electricity to an underground alignment.
26. Birtwill Street must be upgraded for the length of its frontage to the subject site as part of Stage 1 of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) construction of a fully paved and landscaped verge in accordance with the conditions of this Decision Notice. A retaining wall and/or batter behind the property boundary must be provided as necessary such that the verge area is level with the top of the existing kerb
  - (b) installation of street lighting.
27. Margaret Street must be upgraded for the length of its frontage to the subject site as part of Stage 3 of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) construction of kerb and channelling on an appropriate vertical and horizontal alignment, including indented parking bays and underground stormwater drainage to the development side only. At least five indented parking bays, in a group of two and a group of three, must be provided. Parking bays should be 6.2 metres long, with 1 in 1 kerb tapers at the ends of each group. At the location of the indented parking bays and the proposed driveway, the alignment of the face of kerb should be 4.3 metres from the property boundary. Elsewhere the alignment of the face of kerb should be 6.8 metres from the property boundary
  - (b) construction of a fully paved and landscaped verge in accordance with the conditions of this Decision Notice
  - (c) installation of street lighting.
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### **Site Access and Driveways**

28. A temporary access driveway must be provided from Margaret Street to the temporary tavern parking area prior to commencement of construction of Stage 1 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 standard drawing R-051
  - (b) a driveway width of 5.0 metres.
29. A sealed access driveway must be provided from Birtwill Street to the parking and manoeuvring areas of the development as part of Stage 1 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 standard drawing R-051
  - (b) a driveway width of 7.2 metres
  - (c) removal of up to 5 car parking spaces in Birtwill Street, generally in accordance with the Traffic Impact Assessment listed in this Decision Notice.
30. A sealed access driveway must be provided from Margaret Street to all parking and manoeuvring areas of the development as part of Stage 2 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 standard drawing R-051
  - (b) a driveway width of 10.0 metres
31. The existing access driveways from David Low Way must be removed as part of Stage 3 of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) reinstatement of the footpath in accordance with conditions of this approval
  - (b) reinstatement of the kerb and channel along David Low Way.

### **Car Parking**

32. A minimum of 161 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) a temporary car park containing a minimum of 76 car parking spaces for the existing tavern to be constructed prior to commencement of construction of Stage 1 of the development. The temporary car park is to remain available for patrons of the tavern until such time as Stage 1 is complete and the existing tavern building is demolished.
  - (b) a minimum of 95 car parking spaces (including at least 1 disabled parking space) to be constructed as part of Stage 1 of the development and available to customers prior to opening of the new tavern building.
  - (c) the balance 66 car parking spaces (including at least 1 disabled parking space) to be constructed as part of Stages 2 and 3 of the development and available to customers prior to opening of the Dan Murphy's store.
  - (d) a temporary turning area must be maintained at the northern end of the Stage 1 car park for the duration of construction activity associated with the Stage 2 car park.
  - (e) pedestrian routes in accordance with the conditions of this Decision Notice
  - (f) a minimum of 2 disabled parking spaces within the total to be located close to the tavern and the Dan Murphy's store.
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33. 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.
  34. Parking must be provided on site for all construction workers and vehicles prior to commencement of construction. Construction parking must be clearly signed and located clear of customer parking and pedestrian accesses. All vehicles associated with the construction must be parked within the construction site and/or the construction parking.

### **Service Vehicles**

35. 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) 1 minibus space
  - (b) 1 taxi space
  - (c) regular access to the tavern loading dock for an LRV
  - (d) regular access to the bottle shop loading dock for an AV

### **Pedestrian and Bicycle Facilities**

36. 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 concrete footpath within the road verge for the entire length of the site's frontage to Birtwill Street as part of Stage 1 of the development, having a design generally as shown on the Approved Plans and a minimum dimension of no less than 2 metres at any point.
    - (b) a concrete footpath within the road verge for the entire length of the site's frontage to Margaret Street as part of Stage 3 of the development, having a design generally as shown on the Approved Plans and a minimum dimension of no less than 2 metres at any point.
    - (c) a fully paved and landscaped verge within the road verge for the entire length of the Stage 1 frontage to David Low Way generally in accordance with the Coolum Village Master Plan current at the time of the relevant Operational Works application as part of Stage 1 of the development.
    - (d) a fully paved and landscaped verge within the road verge for the remaining length of the site's frontage to David Low Way generally in accordance with the Coolum Village Master Plan current at the time of the relevant Operational Works application as part of Stage 3 of the development.
    - (e) a minimum 1.5 metre wide concrete footpath from Margaret Street along the western and southern sides of the Dan Murphy's store to the building entrance as part of Stage 3 of the development.
    - (f) a minimum 1.5 metre wide concrete footpath from David Low Way to the entry of the Dan Murphy's store as part of Stage 3 of the development.
    - (g) a minimum 2.0 metre wide concrete footpath from David Low Way through the car park to the existing pedestrian path on Lot 1 on SP246931 as part of Stage 3 of the development.
    - (h) pedestrian pathways between the proposed car parking area and the buildings (including the temporary car park).
    - (i) 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
    - (j) signage and lighting at strategic locations to direct people to building entries and public toilet facilities
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- (k) pedestrian refuge areas at strategic locations within the carpark to ensure safe and convenient congregating of pedestrians waiting to cross major access driveways
  - (l) a total of 22 class 1 bicycle parking spaces
  - (m) a total of 17 class 3 bicycle parking spaces

### **Pedestrian Connection to Adjoining Property**

- 37. A physical opening must be provided in the existing fence separating the site from Lot 1 SP246931 to provide for pedestrian through-movement between the two properties. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - (a) a clear opening width of at least 3 metres wide for the entire height of the fence
  - (b) an appropriate location to join the footpaths on both properties.

### **Land Dedication**

- 38. Prior to the commencement of use of the first stage of the proposed development, the applicant must dedicate land as road reserve from the south-east corner of the site at the intersection of Birtwill Street and David Low Way, as shown on Approved Plan 9286 SK01.

### **Electricity and Telecommunication Services**

- 39. 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.
- 40. 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.

### **Easements**

- 41. 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. 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.
- 42. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

### **Damage to Services and Assets**

- 43. 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.
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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.

## HYDRAULICS & WATER QUALITY

### Stormwater Drainage

44. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge.

### Stormwater Quality Management

45. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland*, and must include in particular:
- (a) stormwater quality treatment devices including rainwater storage tanks of a size and location in accordance with those shown on the Stormwater Drainage Layout and Details plans contained within the Stormwater Management Plan listed in this Decision Notice.
  - (b) bioretention devices which:
    - (i) are designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001
    - (ii) incorporate a coarse sediment forebay (in addition to the required filter media surface area), which is sized in accordance with the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* and designed generally in accordance with IPWEQA Standard Drawing No. WSUD-005
    - (iii) are provided with a high flow bypass to ensure that flows which exceed the treatment capacity of the device are bypassed in order to avoid damaging of the filter media or subjecting the filter media to excessive sediment loads.
46. All stormwater quality treatment devices must be maintained in accordance with the *Water by Design (2009) Maintaining Vegetated Stormwater Assets (Version 1)*. The approved Operational Works drawings for the stormwater quality treatment system and detailed life cycle costing of the system must be attached as an addendum to this document. Records of all maintenance activities undertaken must be kept and made available to Council upon request.
47. Permanent educational signage\* must be erected to educate the staff and visitors to the development about the function of the bioretention device(s). The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval.  
\*(Refer to Advisory Note)

### Bioretention Basin Vegetation

48. Landscape plans to be provided with an operational works (landscaping) must include a mixture of at least five (5) of the following species for planting in the bioretention basins treatment surface at a minimum density of 8 plants/m<sup>2</sup> (higher density is preferred for faster establishment):
- Carex appressa*
  - Carex fascicularis*
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*Ficinia nodosa*  
*Juncus usitatis*  
*Lomandra longifolia*  
*Ghania sieberiana*

49. Landscape plans to be provided with an operational works (landscaping) must include a mixture of following species for planting in the bioretention basin batters at a suitable density and ensuring the species that are taller and/ or have longer denser leaf growth are planted towards the top of the batter (eg *Lomandra* and *Ghania*) to minimise shading to the treatment area.
- Carex appressa*  
*Carex fascicularis*  
*Ficinia nodosa*  
*Juncus usitatis*  
*Lomandra longifolia*  
*Ghania sieberiana*  
*Banksia robur*  
*Dianella brevipedunculata*  
*Themada triandra*  
*Cymbopogon refractus*  
*Melaleuca thymifolia*
50. Where landscaping/garden beds are proposed adjacent to the bioretention basin, a 900 millimetre deep root barrier must be installed to the interface between the landscape/garden area and the bioretention basin.
51. Trees must not be planted in or on the batters of bioretention basins to prevent loss of treatment area, damage to related components such as subsurface drainage and ongoing maintenance issues unless otherwise directed by a representative of Council's Hydraulics and Water Quality Unit

## **LANDSCAPE & ECOLOGY**

### **Landscaping Works**

52. The development site must be landscaped\*. The works must be undertaken in accordance with an Operational Works approval, the Approved Plans and the Coolool Village Master Plan and must include in particular:
- the landscape notations/details from the approved landscape concept plans (as amended)
  - landscaping to the area between the southern side of the proposed Dan Murphy's building and the car parking spaces
  - landscape buffer planting along all western boundary frontages of the site having a width no less than that shown on the Approved Plans
  - landscape buffer planting along the southern boundary of the site having a width no less than that shown on the Approved Plans
  - growing area and volume to ensure establishment and ongoing viability of the selected vegetation on the site is achieved
53. All landscape works must be established and maintained in accordance with horticultural best practice with construction techniques and irrigation 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.
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54. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

#### **Treatment of Temporarily Vacant Land**

55. Where some or all of the land remains vacant or undeveloped for more than 3 months, or buildings are demolished and redevelopment is delayed for more than 3 months, the following works must to be carried out:
- (a) the site must be cleared of all rubble, debris and demolition materials
  - (b) the site must be graded (to the same level as the adjoining footpath wherever practicable), turfed and mown at a minimum 3 weekly intervals
  - (c) drainage must be provided to prevent ponding
  - (d) the site must be maintained so there is no sediment run-off onto adjacent premises, roads or footpaths
  - (e) the site must be maintained to ensure no nuisance to adjacent premises, roads or footpaths
  - (f) public access must be provided where public safety can be maintained
  - (g) where fencing is installed to secure boundaries:
    - (i) the fencing must be durable and not capable of being pushed or blown over
    - (ii) the fencing type must not detract from local amenity (barbed wire is not acceptable)
    - (iii) vandalism must be promptly repaired and any graffiti removed.

#### **Retention of Existing Trees**

56. Existing trees on the site as nominated on the approved landscape concept plans (as amended) must be retained in accordance with an Arborist Report for the development prepared by a qualified person\* and referenced in a Development Permit for Operational Works.  
*\*(Refer to Advisory Note)*
57. Prior to the prestart meeting, a bank guarantee or a bond of \$10,000 must be lodged as security for the protection of the trees identified for retention in the conditions of this approval. The bond:
- (a) may be drawn upon by Council in its entirety if any one tree identified for retention is damaged to the point where the tree cannot be saved (as confirmed by the project arborist and agreed in writing by Council)
  - (b) will be returned upon successful off maintenance associated with the operational works relating to this development

#### **Fauna Management**

58. A Fauna Management Plan for the development must be prepared by a qualified person\* and referenced in a Development Permit for Operational Works.  
*\*(Refer to Advisory Note)*
59. Permanent artificial nesting boxes must be installed within the retained existing trees to provide compensatory habitat for arboreal mammals and hollow dependent avian species. The works must be undertaken in accordance with an Operational Works approval.

### **ENVIRONMENTAL HEALTH**

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## Acoustic Amenity

60. An acoustic barrier must be constructed on the subject land in accordance with *Sketch 1: Site Layout and Recommended Acoustic Barrier / Absorptive Ceiling Treatments* of the Environmental Noise Impact Report listed in this Decision Notice. The barrier must be constructed in accordance with an Operational Works approval and must include in particular:
- (a) tapering from 3.6m to 1.8m in height to the frontage of Margaret Street to allow access to breezes for the adjoining residential property.
  - (b) use of transparent materials for a minimum of 50% of the portion above 1.8m in height.
61. A floor to ceiling high acoustic wing wall must be constructed as part of the loading dock in accordance with *Sketch 1: Site Layout and Recommended Acoustic Barrier / Absorptive Ceiling Treatments* and the specifications stated within Section 6.1.2 *Loading Docks* of the Environmental Noise Impact Report listed in this Decision Notice.
62. Acoustic treatments must be included within the ceiling of the loading dock in accordance with *Sketch 1: Site Layout and Recommended Acoustic Barrier / Absorptive Ceiling Treatments* and Section 6.1.2 *Loading Docks* of the Environmental Noise Impact Report listed in this Decision Notice.
63. The following general acoustic treatments and operations must be incorporated into the approved development in accordance with *Sections 6.1.1 and 6.1.2* of the Environmental Noise Impact Report listed in this Decision Notice.
- (a) the 7 car parking spaces to the west of the Dan Murphy's building (parking spaces 96-103) must be designated staff car spaces.
  - (b) delivery trucks must reverse into the loading dock areas for the Dan Murphy's building for unloading behind the floor to ceiling high acoustic wing wall.
  - (c) the loading docks at the Dan Murphy's building and the tavern must have a 'roller' door installed that is of the low noise type, chain operated doors are not acceptable.
  - (d) stormwater drainage covers within trafficable areas must be well secured to prevent noise rattling.
64. Any fixed plant and equipment that causes either tonal ( $L_{eq}$ ) sound (e.g. from basement car-park exhaust, air conditioning unit or pool filtration unit), 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) 45 dB(A)  $L_{eq}$  for living and work areas
  - (b) 40 dB(A)  $L_{eq}$  for sleeping areas
  - (c) 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)
65. Certification must be submitted to Council from a qualified person\* which certifies that the development complies with the Acoustic Amenity conditions of this Decision Notice.
- \*(Refer to Advisory Note)
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## **Waste Management**

66. Refuse storage, removal and collection facilities must be provided within the loading dock area for the Dan Murphy's store in accordance with the Approved Plans, and the following:
- (a) Provision of separate bins for general and recyclable waste.
  - (b) General and recyclable waste collection by service vehicles from within the site only, and not from the kerbside.
  - (c) For wheelie bins: The provision of a hardstand impervious area for the permanent storage location of the bins, having minimum dimensions of 0.36 m<sup>2</sup> (600mm x 600mm) per bin
  - (d) For bulk bins: The provision of a communal hardstand impervious area for the permanent storage location and service collection of all bulk bins, having minimum dimensions of 1.5 m<sup>2</sup> (1100mm x 1300mm) per bin.
  - (e) The provision of a minimum 1.5m high purpose built enclosure to the communal bin store, which is screened from the street and adjoining properties by landscaping.
  - (f) The 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 1m<sup>2</sup>.

## **Outdoor Lighting Devices**

67. 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.

## **UNITYWATER**

68. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (e.g. valves, fire hydrants and sewer access chambers).
69. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
70. 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.
71. Water meters must be located on alternative boundaries to electrical pillars.
72. Diversion of the existing 225mm diameter sewer located within the development site.
73. Removal of or grout filling of redundant sewers within the development site.
74. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep. Easements must be located centrally over the main.
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75. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings.
76. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
77. 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.
78. 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.

## 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 North Coast Region PO Box 1600 SUNSHINE PLAZA QLD 4558	State Controlled Road Matters	The agency provided its response on date (Reference No.). A copy of the response is attached.
Advice	Department of Environment & Heritage Protection GPO Box 2454 BRISBANE QLD 4001	Wetlands	The agency provided its response on 13 July 2012 (Reference No. 498427)
Advice	Department of Natural Resources & Mines PO Box 1167 BUNDABERG QLD 4670	Acid Sulfate Soils	The agency provided its response on 13 August 2012 (Reference No. IA0712NAM0009)

## 6. APPROVED PLANS

The following plans are Approved Plans for the development:

### Approved Plans

Plan No.	Rev.	Plan Name	Date
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1149-A00.01	P19	<i>Site Plan</i> , prepared by CAYAS Architects	16/01/13
1149-A00.02	P6	<i>Staging Plans</i> , prepared by CAYAS Architects	09/01/13
1149-A10.01	P9	<i>Ground Floor Plan – Hotel</i> , prepared by CAYAS Architects	09/01/13
1149-A10.02	P11	<i>Ground Floor Plan – Dan Murphy’s</i> , prepared by CAYAS Architects	16/01/13
1149-A10.03	P8	<i>First Floor Plan and Roof Plan – Hotel</i> , prepared by CAYAS Architects	09/01/13
1149-A10.04	P10	<i>Roof Plan – Dan Murphy’s</i> , prepared by CAYAS Architects	16/01/13
1149-A10.20	P5	<i>Roofs, Awnings and Shelters Floor Plan</i> , prepared by CAYAS Architects	16/01/13
1149-A20.01	P8	<i>Elevations and Sections</i> , prepared by CAYAS Architects	09/01/13
1149-A20.02	P10	<i>Elevations and Sections</i> , prepared by CAYAS Architects	16/01/13
9286 SK01		<i>David Low Way – Coolum – Birtwill Street Land Requirement</i> , prepared by Sunshine Coast Regional Council	May 2011

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

#### Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
SK01	C	<i>Coolum Tavern – Landscape Concept</i> , prepared by Jeremy Ferrier Landscape Architect	August 2012
<b>Amendments</b>	1.	Amend to reflect the layout of the approved site plan prepared by CAYAS Architects and the conditions of this Decision Notice	
SK02	C	<i>Coolum Tavern – Landscape Concept</i> , prepared by Jeremy Ferrier Landscape Architect	August 2012
<b>Amendments</b>	1.	Amend to reflect the layout of the approved site plan prepared by CAYAS Architects and the conditions of this Decision Notice	

#### REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

#### Referenced Documents

Document No.	Rev.	Document Name	Date
09323a	2	<i>Environmental Noise Impact Report</i> , prepared by CRG Acoustical Consultants	20 June 2012
09312t	8	<i>Traffic Impact Assessment</i> , prepared by CRG Traffic and Transport Engineering Consultants	29 August 2012
8776.01	2	<i>Stormwater Management Plan</i> , prepared by	9 August 2012

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## 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.

#### Resubmission of Amended Plans Required

2. 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. MCU10/2001, 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.

#### Infrastructure Charges

3. 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*.

#### Reciprocal Access Easements

4. In accordance with the *Sustainable Planning Act 2009*, any proposed registration of reciprocal access easements (as an alternative to land amalgamation) will first require a Development Permit for Reconfiguring a Lot be obtained from Council.

#### Equitable Access and Facilities

5. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:
  - (a) the *Disability Discrimination Act 1992* (Commonwealth); and
  - (b) *Anti-Discrimination Act 1991* (Queensland).

Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

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- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission “Advisory Notes on Access to Premises” and AS 1428.2;
  - (b) applicants should be aware that a “Disability Standard on Access to premises” is currently being developed and most likely will impose changes on the Building Code of Australia; and
  - (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

### **Aboriginal Cultural Heritage Act 2003**

- 6. 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*.

## **URBAN DESIGN**

### **Preparation of a Public Art Master Plan**

- 7. The conditions of this Decision Notice require submission of a Public Art Master Plan (PAMP) to Council prior to the issue of a Development Permit for Operational Works. The PAMP submitted to Council must:
  - (a) document the conceptual framework and artistic vision (e.g. themes / image / identity aims)
  - (b) identify building structures and areas of the site suitable for artwork (eg. building faces, retaining walls, awnings, shelter structures, landscaped areas, and street furniture such as seating/benches)
  - (c) identify opportunities for art (e.g. entry statements, signature works, integrated art options or community art projects)
  - (d) identify integrated and sophisticated design methods
  - (e) identify and document varied and interesting materials and methodologies
  - (f) identify and document designs for longevity, low-maintenance and graffiti-proofing
  - (g) identify community engagement strategies.

### **Qualified Person**

- 8. For the purpose of preparing a Public Art Master Plan, a qualified person is considered to be an arts consultant/artist with a minimum of 3 years current experience in the field of public art.

## **ENGINEERING**

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### **Building and Construction Industry (Portable Long Service Leave) Levy**

9. 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**

10. 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**

11. 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**

12. 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) 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 and services and other relevant issues
  - (e) identification of complaint management procedures including:
    - (i) contact details for the on-site manager
    - (ii) dispute resolution procedures
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- (f) 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 Pre-Start Meeting for the project.

#### **Integrated Water Management Guidelines**

13. 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.

#### **External Works Design**

14. The applicant should liaise with Council's Transport & Engineering Services Branch, Infrastructure Services Department during the design of the required external verge and road works along David Low Way to ensure consistency with the Coolool Streetscape Project, including required kerb levels.

### **HYDRAULICS AND WATER QUALITY**

#### **Bioretention Basin Educational Signage**

15. Suggested wording for the permanent educational signage required by this Decision Notice is as follows:  
*"BIORETENTION BASIN - This bioretention basin reduces the pollution of our waterways by reducing the amount of heavy metals, litter, suspended solids, and nutrients discharged to (insert name of receiving waters)*

#### **Integrated Water Management Guidelines**

16. 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**

17. 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**

#### **Preparation of a Landscape Plan**

18. All landscape works required by this approval must be demonstrated on a detailed Landscape Plan submitted to Council for Operational Works approval. The detailed Landscape Plan must:
- (a) be prepared by a qualified person and submitted in A3 size (3 x hardcopies)
  - (b) be of a scale suitable for clear interpretation at A3 size
  - (c) include accurate depiction of trees to be retained and protected in relation to the proposed development
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- (d) show all existing and proposed services including overhead power, drainage, water and sewerage
  - (e) include important spot levels and/or contours
  - (f) include contextual information of the site including adjoining roads, land uses and photographs of site
  - (g) show the extent and type of works, including hard surfaces, landscape structures, podium planters, signage, amenity lighting, fencing, edging, plantings and turf
  - (h) include a plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting
  - (i) show landscape works for the full frontage of the development site
  - (j) include a north point, scale and legend as well as the name, contact details and qualifications of the landscape consultant who prepared the plan.

### **Qualified Person**

- 19. 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.
- 20. For the purpose of Fauna Management a qualified person is considered to be a certified Fauna Spotter Catcher.
- 21. For the purpose of preparing an Arborist Report, 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**

### **Qualified Person**

- 22. For the purpose of certifying acoustic treatments 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.

## **UNITYWATER**

- 23. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicant's cost.
  - 24. A 100mm diameter AC watermain and 150mm PVC watermain are located within the road boundary fronting the development site in Margaret 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.
  - 25. A Trade Waste permit is required prior to any stormwater, groundwater or sump pump discharge into Unitywater's sewerage system.
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## PROPERTY NOTES

Not Applicable.

## PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

## FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works (External Works, Water and Sewerage Works, Carparking, Driveways, Stormwater Drainage Works)
- Development Permit for Operational Works (Landscaping Works)

## SELF ASSESSABLE CODES

For any self assessable advertising signage:

- Code for the Siting and Design of Advertisements

## SUBMISSIONS

There were 100 properly made submissions about the application during the first notification period and 212 during the second notification period. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

## 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 development would revitalise the streetscape of a prominent site in the Coolum village centre and improve the urban amenity of the immediate locality for public use;
2. the development would enable the continuation of a tavern on an appropriately located site to serve the lifestyle needs of residents and tourists;
3. the development would provide additional civic space to the public realm, and incorporate a "kiosk" adjacent to it for potential use by not-for-profit groups for fundraising and other civic purposes; and
4. the development would benefit the local community by significantly improving the range of choice, convenience and price competition for a basic consumer good (liquor).

## 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

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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”.

#### **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](http://www.sunshinecoast.qld.gov.au) or at Council Offices.

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