

## 1. APPLICATION DETAILS

Application No:	MCU12/0109
Street Address:	111 Lukes Road, Cooroy Mountain
Real Property Description:	Lot 2 RP 214048
Planning Scheme:	The Noosa Plan (8 August 2011)

## 2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises for Entertainment & Dining Business Type 1 – Food and Beverages (Function Venue)

## 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 Plan listed within this Decision Notice.  
*\*(Refer to Advisory Note)*

#### Nature and Extent of Approved Use

3. Functions are permitted at the studio building located at the eastern end of the property only, and not at the western outdoor venue identified as "Occasional Function Venue use area" on the Approved Plan.
4. No more than 100 guests may attend any function held on the site.
5. The maximum number of events per day must not exceed 1, and the maximum number days per week on which a function is held must not exceed 4.

### **Hours of Operation**

6. On any function day, the approved use must not operate outside the hours of 7am to 8pm. The departure of the last guests and staff must be no later than 8pm.
7. The restriction on operating hours for the site must be included in any venue hire contract or other arrangement established between the site owner/manager and the venue hirer.

### **Traffic Management**

8. The approved use must not cause more than 72 vehicle movements (36 each way) along Lukes Road for any event. Vehicle movements are inclusive of all movements by buses, cars or other vehicles, and inclusive of all guests, caterers, deliveries and other staff or individuals needing to access the site for an event.
9. All buses travelling to or from the site must drive along the sealed section of Cooroy Mountain Road located to the west of Lukes Road, and not the unsealed section of Cooroy Mountain Road located to the east of Lukes Road.
10. All bulk pick-up and drop-off of guests associated with a function on the site must be located and appropriately marshalled so as not to cause a nuisance to any property owner or the general public by way of people congregating or car parking.
11. A Traffic Management Plan must be prepared and retained on the premises that details how the traffic management conditions of this Decision Notice will be satisfied on a function-by-function basis. Both the traffic management plan and the traffic management conditions of this Decision Notice must be included in any venue hire contract or other arrangement established between the site owner/manager and the venue hirer.

### **Performance Bond**

12. Security in the form of a cash bond or trading bank guarantee to the sum of \$15,000 must be submitted to Council, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works. The cash bond or trading bank guarantee will be returned after a period of 6 months beyond commencement of the use less any costs incurred by Council in respect of enforcing performance of this permit. Council reserves the right to call upon the bond or guaranteed sum to effect compliance with conditions.

## **LANDSCAPE & ECOLOGY**

### **Bushfire Management**

13. The use must be carried out in accordance with a Bushfire Management Plan for the development prepared by a qualified person\* approved by Council at the time of any Development Permit for Operational Works. The bushfire management plan must:
  - (a) address alternative management methods to clearing native vegetation; and
  - (b) be endorsed by the Queensland Fire and Rescue Authority (QFRS) with a copy of the QFRS written endorsement provided to Council.

14. A copy of the Bushfire Management Plan for the development must be provided to the nearest fire authority.
15. Certification must be submitted to Council from a qualified person\* which certifies that the recommendations of the Bushfire Management Plan have been undertaken, prior to the commencement of the use.  
*\*(Refer to Advisory Note)*
16. A bushfire evacuation plan for the site must be prepared by a suitably qualified person and approved by Council. A copy of the approved bushfire evacuation plan must be provided to the nearest fire, ambulance and police station prior to the commencement of use.

## **ENVIRONMENTAL HEALTH**

### **Refuse Collection & Servicing**

17. The development must be provided with refuse container storage and collection facilities in accordance with Noosa Planning Scheme Policy 9 – Waste Management, and in accordance with the following:
  - (a) provision of a roofed external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties;
  - (b) collection by service vehicles from the kerbside only; and
  - (c) Provision of a smooth level concrete bin pad constructed adjacent to the access driveway of Lukes Road road reserve.
18. Refuse collection and service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Friday and 8am to 2pm Saturdays and Sundays.

### **Acoustic Amenity**

19. Amplified sound and entertainment must only be provided within the “Studio” building and not in any outdoor area associated with the building.
20. Noise emanating from entertainment, music or related activities at the “Studio” building must not exceed the lesser of:
  - (a) 85 dB(A) ( $L_{A10}$ ) fast response when measured approximately 3 metres from the source of the noise; or
  - (b) 5 dB(A) above the ambient background noise level ( $L_{A90}$ ) at any off-site sensitive receptor residence.
21. All amplified sound (including all live music) must be provided through a fixed in-house music system and speakers located within the “Studio” building only. A sound limiting device must be fitted to the in-house music system that prevents the emission of amplified sound above the limits set in this Decision Notice. The avoidance of doubt, live musicians are not permitted to use their own portable amplification and speaker system, nor involve the playing of acoustic drums.
22. The sound limiting device fitted to the fixed in-house music system must have a locking mechanism that must be kept locked at all times except for inspection or maintenance work on the device. Access to the sound limiting device, except for

maintenance work, is restricted to the operator and the person in charge of the premises at any time.

23. The sound limiting device must be tested and calibrated by a qualified acoustic technician every 12 months to ensure compliance with conditions of this Decision Notice. Evidence of the sound limiting device calibration must be made available to a Council officer on request.
24. Prior to commencement of use, certification must be submitted to Council from a qualified person\* that the sound systems are fitted with appropriate sound limiting devices which limit noise emissions to the limits specified in this development approval.  
*\*(Refer to Advisory Note)*
25. No fireworks, lighting displays or any other similar intrusive activities are permitted on the site associated with any event.
26. The use of helicopters for guest arrival, photos or any other purpose is not permitted on the site associated with any event.
27. A Noise Management Plan must be submitted to Council for endorsement that addresses the conditions of this Decision Notice and other acoustic operational matters including, but not limited to, the following:
  - (a) Plant and equipment noise limits and control ie portable cold rooms, any fixed airconditioning plant and associated equipment for events.
  - (b) Patron noise management.
  - (c) Noise monitoring and verification for each event to ensure continued compliance with noise criteria.
  - (d) Complaints receipt and handling procedures.
  - (e) Communication protocols between the venue management and function hirer, including that function hirers must follow the reasonable instruction of the venue management with respect to noise control.

Both the Noise Management Plan and the acoustic amenity conditions of this Decision Notice must be included in any venue hire contract or other arrangement established between the site owner/manager and the venue hirer.

### **Lighting Devices**

28. Any 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.

### **Kitchen Exhaust**

29. Kitchen exhaust points for the development must be located and operated in accordance with Australian Standard AS1668.2-2002 *“The use of ventilation and airconditioning in buildings”* (specifically Section 5.10 – Air Discharges).

### **Waste Water Treatment and Disposal**

30. The development must be provided with a new advanced secondary on-site waste water treatment and effluent disposal system having a capacity sufficient for the use\*. The system must be designed to comply with the *Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments*, and must be designed

to include emergency storage capacity to provide for a minimum of two (2) days' full hydraulic loading based on full approved occupancy of the development.

*\*(Refer to Advisory Note)*

## **CIVIL ENGINEERING**

### **External Works**

31. Lukes Road must be upgraded to provide safe and functional access to the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) Sealing any section of Lukes Road where the formation is within 50m of a residence. The works must be to a Rural Access Road standard (6.0m seal on 6.0m formation) as described in Planning Scheme Policy 5 Engineering Design Standards – Roads, Drainage and Earthworks;
  - (b) Widening the existing gravel formation at the two bends to a minimum width of 6m or a width sufficient to allow two buses to pass;
  - (c) A passing bay between the two bends;
  - (d) Widening the approaches to the bridge to a minimum of 6 metres with a length suitable to allow buses to hold and pass;
  - (e) A turning area adjacent to the entrance to the site. The turning area must be sufficient to cater for a bus or waste collection vehicle;
  - (f) Any necessary signage at the bridge to permit the bridge to operate as a single lane bridge;
  - (g) Any necessary signage along Lukes Road;
  - (h) Flood depth indicators at the bridge and in those areas that are subject to inundation;
  - (i) Surface drainage paths and underground pipework (where applicable);
  - (j) relocation/reinstatement of any affected existing access driveways to the existing properties in Lukes Road in a manner that does not cause the owner of that property to be disadvantaged.

### **Site Access and Driveways**

32. Transportation of guests, staff and deliveries to the "Studio" building along the sealed section of driveway must be undertaken by the suitable vehicle types as described in the Empire Engineering letter listed in this Decision Notice.
33. Speed advisory signage as described in the Empire Engineering letter listed in this Decision Notice must be placed on the site.
34. Certification must be submitted to Council from an RPEQ that states that the driveway is safe and environmentally sustainable for the proposed use.

### **Car Parking**

35. Carparking within the site must be located on the southern side of the lake and no closer than 20 metres to the property boundary.
36. The on-site parking areas must be maintained such that no soils or sediments are transported to the adjacent properties or waterbodies.

### **Stormwater Drainage**

37. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

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

38. 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.

### **5. REFERRAL AGENCIES**

Not Applicable

### **6. APPROVED PLANS**

The following plans are Approved Plans for the development:

#### **Approved Plans**

<b>Plan No.</b>	<b>Rev.</b>	<b>Plan Name</b>	<b>Date</b>
11401.1	-	<i>Site Plan</i> , prepared by KHA Development Managers	03/07/12

### **7. REFERENCED DOCUMENTS**

The following documents are referenced in the assessment manager conditions:

#### **Referenced Documents**

<b>Document No.</b>	<b>Rev.</b>	<b>Document Name</b>	<b>Date</b>
SC-3854	-	Letter from Empire Engineering	16/10/2012

### **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*.

## **ENGINEERING**

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

5. 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.

### **Co-ordination of Operational Works Assessment**

6. 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**

7. 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) 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.

## **LANDSCAPE & ECOLOGY**

### **Qualified Person**

8. For the purpose of preparing a Bushfire Management Plan, and for certifying compliance with the bushfire requirements of this Decision Notice, a qualified person is considered to be an ecologist with a minimum of 3 years current experience in the field of bushfire assessment and management.

### **Clearing of Native Vegetation**

9. Part of this lot contains native vegetation protected by the Vegetation Management Act 1999. Any clearing of native vegetation within this lot requires approval from the Department of Natural Resources and Mines.

## **ENVIRONMENTAL HEALTH**

### **Qualified Person**

10. 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; or
  - (b) an environmental consultant with a minimum of 3 years' current experience in the field of acoustics.

## **PLUMBING**



## **Waste Water Treatment and Disposal System**

11. The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 "*On-site Domestic Wastewater Management*". Where a development exceeds the accommodation or use of 21 or more equivalent persons a copy of an Operators Licence from The Department of Environment and Resource Management (DERM) will also be required.

### **9. PROPERTY NOTES**

Not Applicable

### **10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable

### **11. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Works (External Road Works)
- Development Permit for Building Work (Building Classification Change)

### **12. SELF ASSESSABLE CODES**

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

- Code for the Siting and Design of Advertisements.

### **13. SUBMISSIONS**

Not Applicable

### **14. 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 contribute to the tourism industry by the provision of a venue to add to the existing range of facilities that can attract business from outside the Sunshine Coast region.
2. the development would result in flow-on economic benefits for local businesses, and assist other businesses in the region that are linked to the wedding and events industry.

3. the proposed use can be adequately limited by conditions to avoid significant adverse impacts on the amenity of surrounding properties by way of noise, dust and traffic.

## **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”. (Refer to Part 8 “Dealing with decision notices and approvals” - Division 1 “Changing decision notices and approvals during applicant’s appeal period” of the *Sustainable Planning Act 2009*.)

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



