

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

Application No:	MCU14/0040
Street Address:	233 Maleny-Stanley River Rd WOOTHA QLD 4552
Real Property Description:	Lot 6 SP 127751
Planning Scheme:	Caloundra City Plan 2004 (16 September 2013)

**2. DECISION DETAILS**

The following type of approval has been issued:

Development Permit for Material Change of Use of Premises for Outdoor Sport, Recreation & Entertainment (Botanic Gardens) and Function Room (Wedding Ceremonies)

**3. RELEVANT PERIOD OF APPROVAL**

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

**4. INFRASTRUCTURE**

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

**5. ASSESSMENT MANAGER CONDITIONS****PLANNING****When conditions must be Complied With**

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with within 3 months from the date this Development Permit takes effect, 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**General

3. A maximum of 135 people are permitted on site at any one time (including wedding ceremonies).

4. Heavy machinery must not be brought into or removed from the site while the use is open to the public.
5. The use of heavy machinery associated with the approved use must not occur on site outside the hours of 6am to 6pm Monday to Saturday and not at all on Sundays or public holidays.

#### Botanic Gardens

6. The area for the approved Outdoor Sport, Recreation and Entertainment use is limited to that extent shown on the approval plan.
7. The southern extent of the Botanic Gardens, as identified in the approved plan, must be demarcated on the site to prevent public access beyond by means of a physical barrier (ie. hedge, thick vegetation, fence or other appropriate means) located minimum 15m from the escarpment edge.
8. The approved Outdoor Sport, Recreation and Entertainment use is limited to the public access and use of the botanic gardens only. Any other sporting or entertainment use is not permitted on the site.
9. The serving of beverages and food to the general public must remain ancillary to the botanic gardens use at all times.
10. Public access to the botanic gardens must not occur outside the hours of 9am to 4.30pm on any given day.
11. The spillway for dam number 9 must include devices that prohibit the public from crossing the spillway.

#### Wedding ceremonies

12. Only wedding ceremonies are permitted on the site. Wedding receptions or other large functions (including fundraising events) are not permitted on the site.
13. A maximum of two (2) wedding ceremonies is to occur on the site per week.
14. Only one (1) wedding ceremony is to occur on the site at any one time.
15. The maximum number of persons attending a wedding ceremony must not exceed 100.
16. Wedding ceremonies must only occur between the hours of 9am and 7pm on any given day (Note: for purposes of this condition, all guests and the wedding party must have completely vacated the site by 7pm).
17. The approved Function Room (Chapel) must be located in the location generally indicated on the approved plan. Regardless, it must be set back a minimum 10m from the crest of the batter and located a minimum of 50m from the western site boundary.
18. Where the additional amenities facility is not part of the Chapel building, it must not have a roof area greater than 30m<sup>2</sup>. It must be located on the eastern side of the Chapel, or alternatively, suitably screened with vegetation such that is not visible from the neighbouring dwelling to the west.

19. Any wedding ceremony not occurring within the chapel building must be located a minimum of 50m from the common property boundary to any adjoining site.
20. Except in the case of a lawful rural or emergency purpose, helicopters or other aircraft must not land or take off from the property at any time.
21. Helium balloons and the like must not be deliberately released into the air at any time.
22. where a 'trigger event', as identified in the approved Site Safety Management Plan, is predicted to conflict with a pre-arranged wedding ceremony on the premises, the operator must ensure that the ceremony location is located on a less risk-prone part of the site (ie. above the dams) until such time the site can be inspected by a geotechnical engineer. The operator must notify this requirement at the time of taking bookings.
23. The applicant must implement the recommendations and measures (including the Site Safety Management Plan) contained in the approved Geotechnical Report.

#### **Building Height**

24. The maximum height of the Chapel building must not exceed 8.5 metres above natural ground level.

#### **Protection of privacy**

25. Vegetation screening (min 5m wide or as otherwise approved by council) must be provided along the western boundary of the site to provide a screen buffer between the chapel building, including the driveway and associated car parking to it, and the dwelling on the adjoining lot to the west.
26. Vegetation screening (min 5m wide or as otherwise approved by council) must be provided along the eastern boundary of the site to provide a screen buffer to the dwelling to the east at those locations where the neighbouring dwelling is visible from the site. Solid screen fencing may be installed in lieu of vegetation.
27. Signage must be installed in front of the required vegetation screening that prohibit access by users of the gardens to neighbouring properties. The signage must also advise garden uses to respect the privacy of adjoining premises.

#### **Lighting**

28. Lighting must be low level and must not spill onto neighbouring properties

#### **Street Identification**

29. The street address and name of the property must be clearly visible and discernible from the primary frontage of the site.

## ENGINEERING

### External Works

30. Subject to approval by DTMR, Maleny - Stanley River Road must be upgraded for the length of its frontage to the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) provision for on-street bus parking bays;
  - (b) provision of sight distances adequate for the design speed of the road;
  - (c) truncation of the subject site and dedication to road reserve where necessary to provide adequate space for all required road works and utility services;
  - (d) drainage works discharging to a lawful point of discharge without causing nuisance to any person or property.

### Property Access and Driveways

31. Approval from the Department of Transport and Main Roads for the final design of the site access and driveway works must be submitted in writing to Council prior to the issue of any Development Permit for Operational Works.
32. Vehicle access to the site is limited to the constructed driveway only.
33. A sealed access driveway must be provided from Maleny - Stanley River Road to all parking and manoeuvring areas of the development. The driveway may use parts of the existing concrete driveway. It must be restricted to use by vehicles less than 4 tonne GVW at all times the premises are open to the public. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) Section 1 - as defined by Longsection 1 on approved drawing Plan No 218644de2 Amend A prepared by Hinterland Surveys;
    - (i) Signage at the entrance limiting access to vehicles with GVW less than 4 tonne at all times the premises are open to the public;
    - (ii) A rock catch fencing on the uphill side complying with Section 7.0 of approved document Geotechnical Investigation Maleny Botanic Gardens;
    - (iii) A vehicle crash barrier complying with DTMR Road Planning and Design Manual and Section 7.1 of approved document Geotechnical Investigation Maleny Botanic Gardens;
    - (iv) a driveway width generally complying with AS2890.1 Table 2.2 for two-way, no separators, except for a minimum width complying with AS2890.1 Table 2.2 for one-way between chainages 30m and 140m in accordance with Section 7.1 of approved document Geotechnical Investigation Maleny Botanic Gardens;
    - (v) Linked electronic signalisation to allow only one-way traffic between chainages 30m and 140m. at all times the facility is open to the public, including associated line marking and signage in accordance with the Manual for Uniform Traffic Control Devices (MUTCD);
    - (vi) sufficient queuing length both ends of the one way section to accommodate the number of vehicles impeded by the traffic signals in accordance with AS2890.1.

- (b) Section 2 - as defined by Longsection 2 on approved drawing Plan No 218644de2 Amend A prepared by Hinterland Surveys;
    - (i) Signage in accordance with MUTCD ensuring one way traffic for cars only uphill at all times the facility is open to the public;
    - (ii) a drainage system incorporating water quality devices in accordance with councils water quality guidelines.
  
  - (c) Section 3 - as defined by Longsection 3 on approved drawing Plan No 218644de2 Amend A prepared by Hinterland Surveys;
    - (i) a sealed driveway width generally complying with AS2890.1 Table 2.2 for two-way, no separators;
    - (ii) Signage in accordance with MUTCD indicating two way traffic for cars;
    - (iii) a drainage system incorporating water quality devices in accordance with councils water quality guidelines.
  
  - (d) Section 4 - as defined by Longsection 4 on approved drawing Plan No 218644de2 Amend A prepared by Hinterland Surveys;
    - (i) a sealed driveway width generally complying with AS2890.1 Table 2.2 for one-way;
    - (ii) Signage in accordance with MUTCD ensuring one way traffic for cars only downhill at all times the facility is open to the public.
  
  - (e) Section 5 – the driveway connecting the main carpark at the reception building and the southern ends of Long Sections 2 and 4 on approved drawing Plan No 218644de2 Amend A prepared by Hinterland Surveys;
    - (i) a sealed driveway width generally complying with AS2890.1 Table 2.2 for two-way, no separators;
    - (ii) Signage in accordance with MUTCD indicating two way traffic for cars;
    - (iii) a drainage system incorporating water quality devices in accordance with councils water quality guidelines.
34. All other existing driveways may be unsealed provided they include appropriate drainage and water quality measures.

### **Car parking and access**

35. A minimum of 110 car parking spaces must be provided and marked on the site and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) 26 car spaces in the parking area adjacent to the reception building;
  - (b) 50 car spaces in the parking area adjacent to the chapel building;
  - (c) 15 car spaces in the parking area north of the aviary building adjacent to driveway section 5;
  - (d) 19 car spaces in the parking area south-east of the aviary building adjacent to driveway section 5;
  - (e) 1 disabled parking space within the total in each of the separate parking areas detailed above;
  - (f) dimensions, crossfalls and gradients in accordance with Australian Standard AS2890: *Parking Facilities*.
36. All car parking areas and access driveways must be sealed and maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

**Service Vehicles**

37. 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 regular access for a Van.

**Pedestrian and Bicycle Facilities**

38. 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 pedestrian pathway between the site frontage and the reception buildings;
  - (b) pedestrian pathways between the proposed car parking areas and the buildings;
  - (c) adequate separation of all specific pedestrian routes from vehicle access and manoeuvring areas, and clear demarcation by pavement marking, signposts or changes in surface materials or levels;
  - (d) signage at strategic locations to direct people to building entries and public toilet facilities;
  - (e) a total of 10 class 1 bicycle parking spaces.

**Easements**

39. 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.
40. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms. Draft easement documentation must be submitted to Council for endorsement.
41. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

**Electricity and Telecommunication Services**

42. 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.
43. 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.

**Geotechnical Stability**

44. All works must be carried out in accordance with the recommendations contained in the Geotechnical Investigation Report For Maleny Botanic Gardens Report No. 14032-004-Rev0 dated 13 August 2015 listed within this Decision Notice.

45. Certification must be submitted to Council from a qualified person\* in accordance with the certification requirements of the Landslide Hazard and Steep Land Overlay Code. The certification must also certify that the development has been constructed in accordance with the recommendations contained in section XYZ of the Geotechnical Investigation Report For Maleny Botanic Gardens listed within this Decision Notice.  
\*(Refer to advisory Note)

46. A geotechnical covenant must be registered against the title of the site pursuant to Section 97A of the *Land Title Act 1994*. The covenant document and a survey plan must be lodged with Council for endorsement prior to submission with the relevant titles authority for registration of title. The covenant document must include Sunshine Coast Regional Council as Covenantee and include the following words:

*"For the purpose of the preservation of the allotment and any building to be constructed on the allotment:*

- (a) all buildings must be sited and/or constructed in accordance with the recommendations contained in the geotechnical report attached to Council Approval MCU14/0040, and any subsequent geotechnical report relating specifically to the allotment;*
- (b) prior to any Development Approval for building works and associated earthworks for the allotment, the owner must obtain certification from a registered professional engineer experienced in geotechnical investigation stating that the proposed works are appropriate to the site;*
- (c) prior to undertaking earthworks on the proposed lot not being associated with (b) above, the allotment owner must be responsible for obtaining certification from a registered professional engineer experienced in geotechnical investigation stating that the proposed works are appropriate to the site;*
- (d) the certification described in (b) and (c) above must make due reference to the reports referred to in (a) above;*
- (e) this covenant is made under section 97A(3)(a) and (b) in favour of Sunshine Coast Regional Council of the Land Titles Act 1994".*

### **Earthworks and Retaining Walls**

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

## **HYDROLOGY**

### **Stormwater Drainage**

49. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.
50. In conjunction with any operational works development application submit detailed drawings and calculations prepared by an RPEQ showing how potential scour will be

managed and in particular for areas of the site where velocities greater than 2 m/s during a peak 1% AEP flood event are predicted in the Stormwater Management Plan referenced in this Decision Notice. The detailed drawings and calculations must demonstrate that the all flow paths on the site will be stable during a peak 1% AEP flood event.

51. Within 1 week of each high rainfall event (150mm or more over a 24 hour period) all concentrated flowpaths on the site shall be inspected for scour. Following five inspections occurring with no scour observed the trigger for inspections can be increased to 250mm or more over a 24 hour period. Within 1 week of any scour being identified, an RPEQ shall be commissioned to design rectification works. The RPEQ designed rectification works shall be completed and certified by the RPEQ within 4 weeks of the scour first being identified. The above listed timeframes may be extended if temporary measures are used to control the scour while the ultimate solution is being designed / constructed. Records of inspection are to be kept onsite and made available to Council Officers upon request.

## ECOLOGY

### Ecological Preservation

52. A vegetation protection covenant must be registered against the title over the vegetation located at the northern and southern portions of the allotment pursuant to Section 97A(3)(b) of the Land Title Act 1994. The covenant document and a survey plan must be submitted to Council for endorsement prior to lodgement with the relevant titles authority. The covenant document must:
- incorporate the requirements of this Decision Notice
  - include Sunshine Coast Council as Covenantee
  - reference Queensland Land Registry Standard Terms Document No. 715219876.
53. If a provision included in the covenant document is requisitioned or refused registration by the relevant titles authority, a substitute provision must be included in the document which as nearly as practicable addresses the objective sought by the requisitioned or refused provision. The wording of the substitute provision must be agreed by Council.
54. The following activities must not be carried out within the Vegetation Protection Covenant unless required by conditions of this Permit:
- clearing, cutting down, poisoning, lopping or pruning of native vegetation which is indigenous to, or planted within, the Vegetation Protection Covenant.
  - soil/spoil dumping and/or compacting
  - Grazing by domestic stock.
  - soil excavation, other than for planting indigenous native plants.
  - Discharging of treated or untreated effluent above or below ground surfaces.

The following exceptions apply:

- declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003, and any Council Listed Environmental Weeds, Exotic Grasses and other plants identified in writing by Council
- indigenous native trees which pose a well-founded threat to persons or property as approved in writing by Council.



### Works within Protected Land

55. The following works must be undertaken within the Vegetation Protection Covenant as annotated on Attachment One of this Development Approval:
- (a) Provision of permanent survey markers in the form of star pickets a minimum 1.4 metres out of ground along the internal boundaries (to the uncovenanted areas) at 50 metre spacing's and at each change of alignment of the Covenant.

## ENVIRONMENTAL HEALTH

### Waste Management

56. Refuse storage, removal and collection facilities must be provided in accordance with the following:
- (a) provision of a minimum of five 240L wheelie bins for general waste, and three 240L wheelie bins for recyclate waste for the site.
  - (b) collection by service vehicles from the kerbside only, in a safe efficient and unobstructed manner
  - (c) provision of a communal hardstand impervious area for the permanent storage location of all wheelie bins, having minimum dimensions of 0.36 m<sup>2</sup> (600mm x 600mm) per bin
  - (d) provision of a 1.8m high purpose built enclosure to the communal bin store, which is screened from the street and adjoining properties by landscaping
  - (e) provision of a level area at the kerbside for the temporary storage of all bins on collection days, having minimum dimensions of 0.36 m<sup>2</sup> (600mm x 600mm) per bin,
  - (f) provision of a wash-down area in the vicinity of the permanent storage location fitted with a hosecock and a drain lawfully connected to the sewer or an effluent disposal system that has a stormwater catchment area of no more than 1m<sup>2</sup>
  - (g) the site management entity shall be responsible for movement of the bins to the kerbside on collection day

### Acoustic Amenity

57. Noise from live and/or amplified entertainment must not be audible at adjacent noise sensitive premises.

### On site Effluent Disposal

58. The development must be provided with an approved advanced secondary on-site waste water treatment and effluent disposal system that is designed, constructed and operated in accordance with recommendations of the Site Assessment and Soil Test Report, prepared by EBIS, Engineering & Building Investigation Services (130030-ED) and, the Seqwater Development Guidelines 2012 and the Queensland Plumbing and Wastewater Code.

59. Immediately following installation of the system, certification must be submitted to Council from a qualified person\* which certifies that the effluent disposal system has been provided in accordance with this condition.

## 6. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	SARA at DSDIP South East Queensland (North) Regional Office PO Box 1129 MAROOCHYDORE QLD 4558 Online: Mydas (at <a href="http://www.dsdip.qld.gov.au">www.dsdip.qld.gov.au</a> ) Email: SEQNorthSARA @dsdip.qld.gov.au	State Controlled Road	The agency provided its response on 18 June 2014 (Reference No. SDA-0514-009945). A copy of the response is attached.

## 7. APPROVED PLANS

The following plans are Approved Plans and documents for the development:

### Approved Plans

Plan No.	Rev.	Plan Name	Date
21644 Site Plan	1C	<i>Site Plan (Veg) Material Change of Use</i> , prepared by Hinterland Surveys	11 Sept 2014

### Approved Documents

Document No.	Rev.	Document Name	Date
14032-004-Rev0	0	<i>Geotechnical Investigations Maleny Botanic Gardens</i> , prepared by Tectonic Geotechnical & Environmental Engineers	13 August 2015

## 8. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

## Referenced Documents

Document No.	Rev.	Document Name	Date
2014021-RPT-001	0	<i>Maleny Botanical Gardens Stormwater Management Plan</i> , prepared by Aquaintel	24 August 2014
130030-ED	-	<i>Site Assessment and Soil Test for Onsite Effluent Disposal</i> , prepared by EBIS, Engineering & Building Investigation Services	29 August 2014
218644de2	A	<i>Feature Survey</i> , prepared by Hinterland Surveys	11 July 2014

## 9. ADVISORY NOTES

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

### PLANNING

#### Equitable Access and Facilities

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

#### Aboriginal Cultural Heritage Act 2003

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

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

#### Easements and Future Works over External Land

3. Should the conditions of this Decision Notice require easements or works to be undertaken over land external to the site, Council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to advancing to detailed design stages of the development to avoid unexpected costs or delays. To

discuss easement or works requirements over Council owned or controlled land, please liaise directly with Council's Property Management Branch and note that compensation may be payable.

### **Other Laws and Requirements**

4. This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licences or permits may be found in the "Laws & Permits" page of the Sunshine Coast Council website ([www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au)). For information about State and Federal requirements please consult with these agencies directly.

### **Development Compliance Inspection**

5. Immediately following completion of all required works (as specified by Condition 1), please contact Council's Development Audit & Response Unit to arrange a Development Compliance Inspection.

### **Infrastructure Charges**

6. 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*.

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

7. 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 State Development and 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 Operator's Licence from The Department of Environment & Heritage Protection will also be required.

## **ENGINEERING**

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

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

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

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

### Qualified Person

10. For the purpose of preparing a Geotechnical Report, and for certifying geotechnical stability for the development, a qualified person is considered to be a person who:
  - (a) is a Registered Professional Engineer of Queensland (RPEQ); and
  - (b) has a degree in civil engineering or engineering geology; and
  - (c) has a minimum of 5 years experience in the field of geotechnical engineering or engineering geology.
11. For the purpose of certifying flood levels for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ) experienced in hydraulics and hydrology.

### Preparation of a Preliminary Construction Management Plan

12. A preliminary Construction Management Plan must be submitted with the Operational Works application and must address the following:
  - (a) traffic management during all aspects of the construction phase including:
  - (b) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
  - (c) maintenance of safe pedestrian access for the areas affected by the works during and after daily construction has ceased
  - (d) approval of the Traffic Management Control Plan by the Department of Transport and Main Roads (DTMR) for any works on State controlled roads
  - (e) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
  - (f) works programme identifying key components of the works and their respective durations
  - (g) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic, services and other relevant issues
  - (h) identification of complaint management procedures including:
    - (i) contact details for the on-site manager
    - (ii) dispute resolution procedures
    - (iii) it is acknowledged that the preliminary Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

### Civil Engineering Advisory Notes

13. Council has undertaken an audit check of the Operational Works drawings in relations to the proposed works. A detailed check of the calculations and drawings has not been undertaken, as they have been certified by a RPEQ. The RPEQ bears full responsibility for all aspects of the engineering design. Council reserves the right to require further amendments and/or additions at a later date should design errors become apparent.

14. A separate development permit for Operational Works must be obtained prior to any modification of existing property accesses, the construction of any new property access, or the commencement of any other works in the road reserve that do not form part of this approval.

#### **Environmental Advisory Notes**

15. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and landscaping phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.

### **ENVIRONMENTAL HEALTH**

#### **Qualified Person**

16. For the purpose of certifying effluent disposal systems for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland

### **10. PROPERTY NOTES**

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

#### **MCU14/0040 - Geotechnical Stability**

The following notation applies to the lot:

*To ensure the geotechnical stability of this lot is maintained, all buildings and structures must be sited and/or constructed in accordance with the geotechnical conditions of Council Approval MCU14/0040 and associated Operational Work approvals.*

#### **MCU14/0040 – Site Safety Management Plan**

The following notation applies to the lot:

*A Site Safety Management Plan exists over this property. The property owner and/ or operator is responsible for ensuring compliance with the Management Plan is achieved at all times. Refer Council Approval MCU14/0040 and the approved Geotechnical Report prepared by Tectonic (Document No. 14032-004-Rev0) and dated 13 August 2015.*

#### **MCU14/0040 - Vegetation Protection Covenant**

The following notation applies to the lot:

*A Vegetation Protection Covenant applies to this property. No clearing of vegetation is to occur within the covenanted area, except where in accordance with the terms of the covenant.*

**11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**12. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work (earthworks, driveways, landscaping works)
- Development Permit for Building Works

**13. SELF ASSESSABLE CODES**

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

- Advertising devices code

**14. SUBMISSIONS**

There were 18 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

**15. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME**

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

1. the development furthers the intent of the SEQ Regional Plan to provide recreation and tourism related activities outside the Urban Footprint;
2. the development provides a tourism benefit for the region;
3. the development would not compromise any useable rural land;
4. the development does not prejudice any other adjoining or nearby landholding from undertaking rural activities.

**16. RIGHTS OF APPEAL**

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

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

## 17. OTHER DETAILS

If you wish to obtain more information about council's decision, electronic copies are available on line at [www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au) or at council offices.