

Item 8.2 Development Permit for Material Change of Use (Shopping Centre) and Preliminary Approval (Mixed Use Development) at 106, 108, 110 & 124 Memorial Drive, 1 & 3 Cook Street, 18 Elizabeth Street & 9 Caplick Way Eumundi

Appendix A Recommended Conditions of Approval

APPLICATION DETAILS

Application No: MCU16/0284

Street Address: 106, 108, 110 & 124 Memorial Drive, 1 & 3 Cook Street, 18 Elizabeth Street and 9 Caplick Way, EUMUNDI

Real Property Description: Lot 4 & 5 RP 50595, Lot 6 CG 1676, Lot 11 CG 1676, Lot 2 RP 151041, Lot 5, 7 & 8 RP 810711

Planning Scheme: Sunshine Coast Planning Scheme (15 August 2016)

APPROVAL DETAILS

Nature of Approval: Approval with conditions

Type of Approval:

- Development Permit for Material Change of Use of Premises (Shopping Centre)
- Preliminary Approval under Section 242 for Material Change of Use to override the Planning Scheme (Mixed Use Development)

CURRENCY PERIOD OF APPROVAL

Unless lawfully extended, the currency period for this development approval is 6 years starting the day that this development approval first took effect (Refer to Section 85 “Lapsing of approval at end of currency period” of the *Planning Act 2016*).

INFRASTRUCTURE

Unless otherwise specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions for Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (SHOPPING CENTRE) ON LOT 4 RP50595, LOT 5 RP50595 AND LOTS 6 on CG1676

PLANNING

When conditions must be complied with

1. Unless otherwise stated, all conditions of this development approval 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 development approval.

Nature and Extent of Approved Use

3. This development approval is for a Shopping Centre comprising a maximum gross floor area of 1,033m² and a maximum gross leasable floor area of 785m².
4. The approved use must not operate outside the hours of:
 - (a) 7am to 10pm Monday to Saturday, with outdoor dining activities limited to 8pm Monday to Saturday
 - (b) 9am to 6pm Sunday or any public holidayThe requirements of this condition must be included in the Community Management Statement for any Body Corporate for the subject site.

Final Architectural Building Detail

5. Prior to obtaining a development approval for building works, a complete set of detailed architectural drawings, including sections and elevations, must be prepared and submitted to Council for review against the Approved Plans and endorsement. In particular, the architectural drawings must clearly show how the final building design complies with the conditions of this development approval and must include:
 - (a) retention/replacement/replica of the existing "Highway Motor Garage" signage on the upper walls on the eastern façade of this building. A proposal to integrate this into the design shall be submitted on revised elevations.
 - (b) Building frontage to Memorial Drive to retain the same windows, both placement and design.

Building Appearance

6. The approved building must be constructed such that it incorporates the external design features as shown on the Approved Plans and/or subsequent Council endorsed detailed design drawings, with no inclusions or future alterations being made without approval in writing by Council.
7. All deck and balcony areas must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like.
8. Ground floor shopfront glazing along the Caplick Way frontage must be fully transparent to a minimum of 65% to allow passive surveillance and encourage social interaction.

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9. Any security screens visible from Memorial Drive and Caplick Way frontages must consist of grille or translucent screens and not solid shutters, screens or roller-doors.
10. All mechanical equipment and other service infrastructure must be fully enclosed or screened such that they are not visible from the street frontage/s, other public space, or adjoining properties.
11. No part of the site may be used for outdoor storage of materials unless specified on the Approved Plans or the conditions of this development approval.
12. Building materials and hard surfaces used in landscape or streetscape works are not highly reflective, or likely to create glare, slip or otherwise hazardous conditions.

Weather Protection

13. Street awnings must be provided to the Caplick Way frontage as shown on the Approved Plans. The awning must have a minimum width of 2.7m from the building line, and must be designed to provide continuous solar and rain protection and promote all weather activity.

Renewable Energy (*Sustainable design code*)

14. The development must implement and maintain the use of solar power or other non-polluting renewable energy source to supply at least 50% of the development's anticipated energy needs. Alternatively, the development must implement a range of green initiatives in its design and construction to achieve an improvement in energy savings when compared to a conventional building complying with Section J of the *National Construction Code*.

Passive Climatic Design

15. The building must allow for occupants to keep habitable room windows partly open during rain events through a combination of the following:
 - (a) window hoods, overhangs or awnings projecting at least 450mm, with side returns
 - (b) awning windows or double-hung windows
 - (c) louvre assemblies
 - (d) an alternative solution agreed by Council prior to the issue of any development permit for building works.
16. Roof surfaces and walls exposed to direct sun from September to April must comprise colours and/or materials that minimise direct solar heat gain.

Building Height

17. The maximum height of the development on Lot 4 RP50595, Lot 5 RP50595 and Lot 6 CG1676 must not exceed 10m above natural ground level at any point.

Public Safety

18. All ground floor shopfront glazing must be protected against unlawful entry by the use of a form of safety glass such as toughened or laminated glass.
19. Vandal proof materials must be used in the building construction.
20. Signs must be provided and located to direct people to entries and exits and to parking spaces within the site. Public parking areas must be clearly designated as such and have clearly defined access points.
21. Public toilets must be located where they can be monitored by other persons, including motorists.
22. Bicycle parking facilities must be located so that they are visible from the street.
23. During operating hours, all building entrances, parking areas, pedestrian areas and entrances/exits to all stairwells, lifts, foyers/reception areas, loading docks and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of *AS 1158 – Lighting for Roads and Public Spaces* and the *Sunshine Coast Public Lighting Plan*. Lighting must be directed onto the site or building and away from neighbouring sites. Lighting must be designed to reduce the contrast between shadows and well-lit areas. In particular, appropriate security lighting must be provided to the service gate/refuse storage area off Memorial Drive and the area around all sides of the public toilets.
24. After hours access to loading docks, storage areas and stairwells must be restricted by a security gate, lockable doors and/or other suitably appropriate means. Any after hours staff parking must be well lit and located in close proximity to staff access points.

Street Identification

23. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the name of the centre.

Community Management Statement

24. Any proposed Community Management Statement required for the development pursuant to the *Body Corporate and Community Management Act 1997* must be

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submitted to Council for approval at the same time as submission of the building format plan (or similar) for approval.

25. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this development approval.

ENGINEERING

External Works

26. The Caplick Way frontage of the subject site must be upgraded. The works must be undertaken in accordance with an operational works approval and must include in particular:
- (a) construction of barrier kerb and channelling and underground stormwater drainage to the development side only between Memorial Drive and the overpass
 - (b) widening and sealing of the existing road pavement between Memorial Drive and the overpass such that the northbound carriageway width is at least 5 metres, the southbound carriageway width is at least 4.5 metres, and a raised concrete median is provided at least 1.2 metres wide (increasing to at least 1.5 metres wherever possible, provided the southbound carriageway is not less than 4.5 metres)
 - (c) a 'no u-turn' sign at the northern end of the raised concrete median
 - (d) land dedication from the subject site as road reserve to accommodate the required road widening and achieve at least a 4.5 metre wide road verge for the entire site frontage. For the frontage between the two proposed vehicle access points to Caplick Way, the 4.5 metre wide verge must be measured from the base of the adjacent embankment in the existing road reserve
 - (e) structures (including ramps and stairs) associated with the development must not be located within road reserve
 - (f) a fully paved and landscaped verge between Memorial Drive and the overpass and a concrete pathway, at least 2.5 metres wide, along the remainder of the full site frontage
 - (g) installation of street lighting
 - (h) provision of underground conduits within the verge on the development side only, for the future undergrounding of power lines.
27. A new roundabout must be constructed joining the proposed site access driveway to Caplick Way at its intersection with Napier Road. The works must be undertaken in accordance with an operational works approval must include in particular:
- (a) establishment of a single lane roundabout with an outside diameter of at least 30 metres
 - (b) a raised and landscaped central island
 - (c) a design turning vehicle of an Austroads articulated vehicle for turns between Napier Road and Caplick Way and for through movements in each direction along Caplick Way
 - (d) raised median islands on all four intersection approaches which, unless otherwise agreed with Council, must incorporate pedestrian refuge crossings located 6 metres from the roundabout give way lines. The raised islands

- must be at least 2 metres wide at the refuge crossing locations and the gap in the islands for the refuge must be at least 3 metres. Pathways, at least 2.5 metres wide, must be provided on the verge around all sides of the roundabout to connect the refuge crossing locations
- (e) on-road bike lanes on the Caplick Way roundabout legs
 - (f) street lighting
 - (g) relocation of all services as necessary to accommodate the works
 - (h) dedication of land from the subject site to accommodate the works and provide for at least a 4.5 metre wide verge on the development side, inclusive of the pedestrian refuge crossing of the site access leg of the roundabout
 - (i) provision of underground conduits within the road reserve, for the future undergrounding of power lines.
28. The Memorial Drive frontage of the subject site must be upgraded. The works must be undertaken in accordance with an operational works approval and must include in particular:
- (a) a fully paved verge
 - (b) removal of the existing property accesses and reinstatement of the kerb
 - (c) re-linemarking of marked parking bays (as a result of the removal of existing property accesses) to rationalise and maximise on-street parking opportunities
 - (d) provision of underground conduits within the verge on the development side only, for the future undergrounding of power lines.

Property Access and Driveways

29. A sealed access driveway must be provided from Caplick Way to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an operational works approval and must include in particular:
- (a) a minimum driveway width of 6.0m from the proposed roundabout to the car park, with associated curve widening as required by *AS 2890 – Parking facilities* to accommodate two-lane, two-way access
 - (b) a raised pedestrian crossing where the footpath in Precinct 4 crosses the driveway.

On-site Parking

30. A minimum of 60 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) a maximum of 13 staff parking spaces within the total, which are clearly marked for that purpose
 - (b) pedestrian routes in accordance with the conditions of this development approval
 - (c) provision of vandal resistant public lighting with intensities to satisfy the requirements of *AS 1158 – Lighting for roads and public spaces*

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- (d) two (2) parking spaces for people with disabilities within the total
 - (e) dimensions, crossfalls and gradients in accordance with *AS 2890 - Parking facilities*.
31. A minimum of six (6) motorcycle/scooter 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 dimensions, crossfalls and gradients in accordance with *AS 2890 - Parking facilities*.
32. All on-site 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.
33. Directional signage must be provided to direct customers to the car parking spaces provided on-site.

Service Vehicles

34. 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 *AS 2890.2 - Off-street commercial vehicle facilities* and must include in particular:
- (a) a minimum one (1) Van spaces
 - (b) a minimum one (1) SRV space
 - (c) a minimum one (1) MRV space
 - (d) a minimum one (1) WCV space which may be shared with the other service vehicle spaces.

Pedestrian and Bicycle Facilities

35. 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 minimum 2m wide footpath within the road verge for the entire length of the site's frontage to Caplick Way, including pram crossings at the intersection
 - (b) a full width footpath within the road verge for the entire length of the site's frontage to Memorial Drive, including pram crossings at the intersection
 - (c) a minimum 2m wide footpath from the footpath in Caplick Way to the driveway access, in Precinct 4
 - (d) a minimum 1.8m wide footpath from the footpath in Precinct 4 to buildings
 - (e) 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
 - (f) signage and lighting at strategic locations to direct people to building entries and public toilet facilities
 - (g) a minimum of ten (10) staff bicycle parking spaces, in accordance with *AS 2890.3 - Bicycle parking*

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- (h) a minimum of ten (10) visitor bicycle parking spaces, in accordance with AS 2890.3 – *Bicycle parking*
- (i) end of trip facilities involving lockers, male and female showers and change rooms.

Utility Services

- 36. Underground reticulated electricity and telecommunication services must be provided to the development in accordance with the requirements of the relevant service provider.
- 37. An underground connection to reticulated water and sewerage must be available and/or where necessary provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).

Earthworks and Retaining Walls

- 38. 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.
- 39. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by a Registered Professional Engineer of Queensland (RPEQ) where exceeding 1m in height. All retaining walls that are publicly accessible and exceed 1m in height must be fitted with a commercial grade safety fence.

Stormwater Drainage

- 40. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an operational works approval and must include in particular:
 - (a) the works described in the *Integrated Water Management Plan* listed in this development approval
 - (b) collection and discharge of stormwater directly to Council's piped stormwater system in Ward Street including upgrade to the system as described in the *Integrated Water Management Plan* listed in this development approval
 - (c) extension of the site stormwater system to accommodate stormwater from external to the site, including registration of drainage easements, including existing stormwater from 112, 112A and 114 Memorial Drive and Caplick Way.

Stormwater Quality Management

- 41. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an operational works approval, and include stormwater quality treatment devices of a size and location generally in

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accordance with those shown in the *Integrated Water Management Plan* listed in this development approval

42. All stormwater quality treatment devices must be maintained in accordance with *Water by Design (2012)*, *Maintaining Vegetated Stormwater Assets (Version 1)*. A copy of this document must be retained on the site together with the approved operational works drawings for the stormwater quality treatment system and a detailed life cycle costing of the system attached as an addendum. Records of all maintenance activities undertaken must be kept and made available to Council upon request.

Stormwater Harvesting

43. Operating stormwater harvesting tanks must be provided for the development. The tanks must be provided in accordance with an operational works approval and must include in particular:
- (a) the details identified in the *Integrated Water Management Plan* listed in this development approval
 - (b) a total tank capacity of 28,000L
 - (c) reuse of harvested rainwater for internal non-potable uses and outdoor uses.
44. Certification must be submitted to Council from a qualified person* which certifies that the rainwater collection tank/s and associated reticulation has/have been installed in accordance with the requirements of this development approval.
*(Refer to Advisory Note)

Easements

45. All lots must be amalgamated into a single title or, alternatively, an easement for access purposes must be registered against the title/s of the property/ies in favour of the other lots over the land area containing shared driveways, access and car parking.
46. An easement for drainage purposes must be registered in favour of Council against the title of all lots within the development which convey stormwater from external to the site. The easement must be granted prior to the commencement of the use.
47. An easement for public thoroughfare purposes must be registered in favour of Council against the title of Lots 7 and 8 on RP852001. The easement must be granted prior to the commencement of the use.
48. 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.
49. 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.

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

LANDSCAPE

Landscaping Works

51. The development site must be landscaped. The works must be undertaken in accordance with an operational works approval and must include in particular:
- (a) a detailed Landscape Plan prepared by a qualified person that addresses the relevant planning scheme codes and conditions of this approval
 - (b) safety principles including *Crime prevention through environmental design*
 - (c) retention and protection of existing trees on site that will retain its subtropical character, provide amenity to the sites frontage and shading of parking areas
 - (d) vegetated screening of any acoustic barrier in accordance with the conditions of this decision notice
 - (e) vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage
 - (f) provision of deep planting areas for landscaped areas, including to boundaries
 - (g) provision of street trees within the road reserve
 - (h) provision of streetscaping, with elements that contribute to the character of the locality in Eumundi
 - (i) control of all weeds species listed in relevant standards and legislation including *Biosecurity Act 2014*.
52. The boundary fence proposed to Memorial Drive adjacent to the "service area" and public toilets must be relocated a minimum of 2m inside the property boundary to allow a landscape buffer and views from Memorial Drive to the existing building's windows.
53. All entry statements, fences, batters, retaining walls and buffer/screen plantings, water features, decking, stairs and the like must be located entirely within private land and not within the public road reserve.
54. All landscape works must be established and maintained in accordance with the approved design for the life of the development, and in a manner that ensures healthy, 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.

Retention of Existing Trees

55. The existing mature trees located on the site must be assessed by a qualified person* and retained and protected where possible in conjunction with future design layout. Where mature trees are to be removed, reasonable grounds must be given by the qualified person*.
(*Refer to Advisory Note)

Treatment of Temporarily Vacant Land

56. Where some or all of the land remains vacant or undeveloped for more than three (3) months, or buildings are demolished and redevelopment is delayed for more than three (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 prevent ponding
 - (c) the site must be maintained regularly to present a tidy kept landscape
 - (d) the site must be maintained to ensure no nuisance to adjacent premises, roads or footpaths
 - (e) 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.

ENVIRONMENTAL HEALTH

Waste Management

57. Refuse storage, removal and collection facilities must be provided in accordance with the Approved Plans and the following:
- (a) provision of bulk bins for the site
 - (b) provision of bins at regular intervals throughout the site for patrons and business owners/tenants. Bins must be managed by the site operator on a regular basis, including clearing of full bins at the end of each day and clearing of all bins at least weekly. The site operator to keep the site in a clean and tidy condition at all times
 - (c) collection by service vehicles from within the site only in a safe, efficient and unobstructed manner
 - (d) provision of a No Parking/No Standing Bay for a Waste Collection Vehicle (WCV) within the site. The parking space must meet the minimum dimensions contained in Council's *Planning scheme policy for the transport and parking code* and must allow the WCV manoeuvring space for entry and exit from the space. Signage must be provided to limit car parking to times outside collection times. The design may include the site access driveway as

part of the WCV parking and manoeuvring space and must minimise the impact on existing on-street car parking

- (e) provision of a functionally accessible communal hardstand impervious area/s for the permanent storage location of all bulk bins*, no closer than 5m to the site frontage, and 10m to any other boundary
- (f) provision of a temporary storage embayment for the service collection of all bulk bins located with a smooth at-grade movement path between the service point and storage embayment (i.e. no steps, edging, ledges or the like), such that bins can be manually handled to the service point for servicing
- (g) maintain continued responsibility of the body corporate, or an equivalent site management entity, to present bulk bins at the temporary collection embayment on refuse collection day
- (h) provision of a purpose built enclosure to the bin storage and collection area/s, which is screened from the street and adjoining properties by landscaping
- (i) provision of a readily accessible wash-down area in the vicinity of the permanent bin storage area fitted with a hosecock, bin roll over bund, and drain connected to the sewer that has a stormwater catchment area of no more than 1m².

Acoustic Amenity

58. Acoustic measures and treatments must be incorporated into the development in accordance with the *Acoustic Report* listed within this development approval.
59. Any fixed plant and equipment* that causes noise (e.g. from basement car-park exhausts, air conditioning units, or pool filtration units, refrigeration units, pumps and generators, kitchen exhaust units), must be enclosed, shielded and/or positioned to ensure that the following sound pressure levels for a noise sensitive land use is achieved:

Location where criteria applies at a noise sensitive land use	Adjusted equivalent continuous sound pressure level ($L_{Aeq,adj,T}$) to be achieved during the day, evening and night time periods			Maximum sound pressure level (L_{Amax}) to be achieved during the night time period
	Day 7am-6pm $L_{Aeq,adj,11hr}$	Evening 6pm-10pm $L_{Aeq,adj,4hr}$	Night 10pm-7am $L_{Aeq,adj,9hr}$	Night 10pm-7am
Sleeping Areas	35 dB(A)	35 dB(A)	30 dB(A)	45 dB(A)

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Other Habitable Rooms	35 dB(A)	35 dB(A)	35 dB(A)	N/A
Within the Designated Private open Space	50 dB(A)	50 dB(A)	N/A	N/A

*Note: Measurements must be in accordance with AS 1055.1 - Acoustics – Description and measurement of environmental noise – General procedures. Measurements must be adjusted for tonality and impulsiveness where required, where attenuation is applied for inside to outside calculations, a maximum of 5 dB(A) only is to be applied (i.e. assumed windows fully open) *(Refer to Advisory Note)"*

60. An acoustic barrier must be constructed on the site for noise attenuation. The barrier must be constructed in accordance with an operational works approval and the following:
- the barrier must be positioned entirely within private property along the western boundary of 110 Memorial Drive (Lot 4 RP50595) and the northern boundary of 114 Memorial Drive (Lot 12 SP167219)
 - the barrier must be erected to 2m high
 - the barrier must be constructed of solid durable materials, and be free from any gaps or openings with a minimum surface density of 12.5kg/m²,
61. A continuous screening buffer must be planted in front of the acoustic barrier for its entire length. The works must be undertaken in accordance with an operational works approval and must incorporate sufficient plant foliage to conceal the barrier, soften its appearance and break its linear nature.
62. Outdoor dining associated with the approved use must operate within the hours specified under the conditions of this development approval. The requirements of this condition must be included in the Community Management Statement for any Body Corporate for the subject site.
63. Service vehicle movements associated with the approved (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Saturday, and not at all on Sundays or public holidays. The requirements of this condition must be included in the Community Management Statement for any Body Corporate for the subject site.
64. The approved use must not involve live and/or amplified entertainment at any time. Background pre-recorded music (e.g. music played through a domestic stereo) that does not emit audible noise beyond the boundary of the premises at any time is permitted.

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65. Any grills or metal plates subject to vehicular traffic on the site must be suitably acoustically dampened to prevent noise impacts on surrounding sensitive land uses.
66. Where complaints (other than frivolous or vexatious complaints) are made to Council about noise from the approved use, Council may require the site management entity to:
- (a) submit a noise impact assessment prepared by a qualified person* in accordance with Council's *Planning scheme policy for the nuisance code*, and/or
 - (b) undertake further noise amelioration measures or operations, install volume limiting devices or barriers and/or shield or relocate mechanical plant and equipment and have such measures certified by a qualified person*.
- *(Refer to Advisory Note)
67. Certification must be submitted to Council from a qualified person* that the development has been constructed in accordance with the Acoustic Amenity conditions of this development approval.
- *(Refer to Advisory Note)

Lighting Devices

68. Lighting associated with the use must be designed, sited, installed and tested to comply with Tables 3.2 & 3.3 for Zone A3 of *AS4282 - Control of the obtrusive effects of outdoor lighting*.
69. Certification must be submitted to Council from a qualified person* that all lighting devices comply with the requirements of this development approval.
- *(Refer to Advisory Note)

Commercial Kitchen Exhaust

70. Kitchen exhaust points for the development must be located and operated in accordance with *AS1668.2 - The use of ventilation and airconditioning in buildings* (specifically Section 3.10 – *Air Discharges*).

Contaminated Land

71. Certification must be submitted to Council from a qualified person* which certifies that all land within the development has been removed from the Environmental Land Register and/or Contaminated Land Register held by the Department of Environment and Heritage Protection, OR that the land is not contaminated land.
- *(Refer to Advisory Note)

Environmental Performance

72. A complaints management procedure for the site must be prepared and submitted to Council prior to the issue of any development permit for operational works. The complaints management procedure must include the following:
- (a) a contact person with whom complaints can be lodged
 - (b) a clearly defined procedure for responding to, investigating and resolving complaints
 - (c) a notification protocol to all complainants of the outcome of complaint investigations
- A record of all complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.

Permanent Decommissioning of Underground Tanks

73. Underground petroleum storage systems to be permanently decommissioned must be removed for disposal off-site in compliance with the following:
- (a) *AS4976 The removal and disposal of underground petroleum storage tanks*
 - (b) *AS1940 The storage and handling of flammable and combustible liquids*
74. Council must be notified when tanks are to be permanently decommissioned. Certification must be provided to Council that the tanks were decommissioned, transported and disposed of in accordance with the above standards and legislation specified in this development approval.
75. At the time of the abandonment of any underground petroleum storage system, the site must be investigated for contamination. An assessment report must be prepared by a qualified person* to verify the site has either met remediation criteria or is suitable for continued and future use. The assessment report must be submitted to Council no later than 60 days of:
- (a) the decommissioning of an underground petroleum storage system if no soil or groundwater remediation is required, or
 - (b) the completion of any remediation associated with the decommissioning of an underground petroleum storage system if remediation is required.
- *(Refer to Advisory Note)
76. All records associated with the decommissioning of underground petroleum storage systems must be maintained for a minimum of seven (7) years after removal of underground storage systems. These records must be provided to future owners/operators of underground storage systems as part of ensuring all practicable measures have been implemented to prevent site contamination.

PRELIMINARY APPROVAL UNDER s242 TO OVERRIDE THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE (MIXED USE DEVELOPMENT) ON LOT 5 RP810711, LOT 2 RP151041, LOT 11 CG1676, LOT7 RP852001 AND LOT 8 RP852001

PLANNING

Nature and Extent of Approved Use

77. A Preliminary Approval to override the planning scheme is granted in relation to a material change of use to:
- allow the area of land identified on the approved Masterplan to be subject to alternative levels of assessment for future land uses.
78. This approval overrides the planning scheme (whether current, new or amended) for the life of the approval to the extent directed by the conditions of this approval and the plans and documents referenced by it, and in particular that:
- the *Supplementary Precinct Intent Statements and Supplementary Table of Assessment* listed in this development approval provides variations to the planning scheme in declaring the level of assessment for development to the extent stated within that document
 - the *Masterplan, Precinct 2 Plan of Development and Precinct 3 Plan of Development* listed in this development approval apply to the extent of any inconsistency with the planning scheme
 - this approval does not override any overlay codes of the planning scheme.
79. The category of assessment and assessment criteria of future development within the land subject to this preliminary approval will be as follows:
- for any future Material Change of Use, as directed by the *Supplementary Precinct Intent Statements and Supplementary Table of Assessment* listed in this development approval
 - for any future Reconfiguring a Lot, as per the requirements of the planning scheme in effect at the time of lodgement of a future application for the Reconfiguring a Lot
 - for any future Operational Work, as per the requirements of the planning scheme in effect at the time of lodgement of a future application for the Operational Work
 - for any future Building Work assessable against the planning scheme, as per the requirements of the planning scheme in effect at the time of lodgement of a future application for the Building Work
80. Where the conditions of this approval and the plans and documents referenced by it are "silent" about a particular matter, such as overlay provisions, then the provisions of the *Sunshine Coast Planning Scheme 2014* (15 August 2016) will have effect.

Acoustic and Landscape Buffers

81. The development site must be landscaped. The works must be undertaken in accordance with an operational works approval and must include in particular:
- (a) prior to the commencement of the first use in Precinct 1 or 3, a 5m wide acoustic and landscape buffer zone must be established along the full length of the external property boundary of Precinct 3, excluding the boundary with Precinct 4, generally as shown on the approved Masterplan; and
 - (b) prior to the commencement of the first use in Precinct 1 or 2, a 3m wide acoustic and landscape buffer zone must be established along the full length of the northern boundary of Precincts 2 and 4, where abutting residential activities, generally as shown on the approved Masterplan
 - (c) any acoustic barrier required under this condition is to be:
 - (i) erected to 2.0m high, measured from finished ground level of the site
 - (ii) constructed of solid durable materials, and be free from any gaps or openings with a minimum surface density of 12.5kg/m².

Sunset Date for Completion of Development under Preliminary Approval

82. This approval lapses for any aspects of development consequential and/or related to the approval that are not completed by 31 August 2029.

ENGINEERING

Property Access and Driveways

83. Vehicle access to all land within the masterplan is limited to the three (3) access points identified in the approved Masterplan. In particular, no access is permitted to any part of the masterplan area from Ward Street or Elizabeth Street.
84. Prior to commencement of the first use in Precinct 3, access from both Memorial Drive and the driveways associated with the Development Permit for the Shopping Centre in Precinct 1 must be constructed. The works must be undertaken in accordance with an operational works approval and must include in particular:
- (a) turning lanes in Memorial Drive in accordance with the report entitled *Assessment of Access Arrangements* listed within this development approval
 - (b) internal design in accordance with *AS 2890.1 – Off-street car parking* and *AS 2890.2 – Off-street commercial vehicle facilities*
 - (c) a road/driveway layout that reduces speeds and discourages through traffic movement.

Pedestrian and Bicycle Facilities

85. Prior to commencement of the first use in Precinct 1, a minimum 2m wide footpath must be constructed within Precinct 4 between the existing footpath in Caplick Way

to the proposed internal road/driveway generally in accordance with the approved Masterplan.

86. Prior to commencement of the first use in Precinct 2, a minimum 1.8m wide footpath must be constructed within Precinct 2 between Caplick Way to the Precinct 1 footpath, generally in accordance with the approved Masterplan.
87. Prior to commencement of the first use in Precinct 3, a minimum 2m wide footpath must be constructed within Precinct 4 between the Precinct 1 footpath and Elizabeth Street generally in accordance with the approved Masterplan.
88. Prior to commencement of the first use in Precinct 3, a minimum 1.8m wide footpath must be constructed within Precincts 3 and 4 between Memorial Drive and the Precinct 4 footpath generally in accordance with the approved masterplan.

REFERRAL AGENCY CONDITIONS

Not applicable.

APPROVED PLANS / DOCUMENTS

The approved plans for this development approval are listed in the following tables:

Approved Plans

Plan No.	Rev.	Plan Name	Date
180401 SD05b	B	<i>Masterplan</i> , prepared by Innovative Planning Solutions	9/07/2019
180401 SD06b	B	<i>Precinct 2 Plan of Development</i> , prepared by Innovative Planning Solutions	7/07/2019
180401 SD07b	B	<i>Precinct 2 Plan of Development</i> , prepared by Innovative Planning Solutions	6/07/2019
-	-	<i>Eumundi Village Supplementary Precinct Intent Statements and Supplementary Table of Assessment</i> , prepared by Innovative Planning Solutions	22/08/2019
CD100	A	<i>Site Plan</i> , prepared by Robinson Architects (as annotated in red by Council)	21/11/2018
CD101-106	A	<i>Ground Floor Plan</i> , prepared by Robinson Architects	23/07/2019
CD102-106	A	<i>Mezzanine Floor Plan</i> , prepared by Robinson Architects	23/07/2019
CD103-106	A	<i>First Floor Plan</i> , prepared by Robinson Architects	23/07/2019
CD104-108	A	<i>Ground Floor Plan</i> , prepared by Robinson Architects	23/07/2019
CD105-108	A	<i>First Floor Plan</i> , prepared by Robinson Architects	23/07/2019

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Plan No.	Rev.	Plan Name	Date
CD106-110	A	<i>Ground Floor Plan</i> , prepared by Robinson Architects	23/07/2019
CD107-110	A	<i>First Floor Plan</i> , prepared by Robinson Architects	23/07/2019
CD108	A	<i>Ground Floor Plan</i> , prepared by Robinson Architects	23/07/2019
CD201-106	A	<i>Elevation</i> , prepared by Robinson Architects	23/07/2019
CD202-106	A	<i>Elevation</i> , prepared by Robinson Architects	23/07/2019
CD203-108	A	<i>Elevation</i> , prepared by Robinson Architects	23/07/2019
CD204-108	A	<i>Elevation</i> , prepared by Robinson Architects	23/07/2019
CD205-110	A	<i>Elevation</i> , prepared by Robinson Architects	23/07/2019
CD206-110	A	<i>Elevation</i> , prepared by Robinson Architects	23/07/2019
CD301	A	<i>Roof Plan</i> , prepared by Robinson Architects	23/07/2019
LCP2	F	<i>Concept Master Plan</i> , prepared by James Birrell Design Lab (as annotated in red by Council)	25/01/2019
LCP3	F	<i>The Hub</i> , prepared by James Birrell Design Lab	25/01/2019
LCP4	F	<i>Green Corridor</i> , prepared by James Birrell Design Lab	25/01/2019
LCP5	F	<i>Site Section A</i> , prepared by James Birrell Design Lab	25/01/2019
LCP6	F	<i>Site Section B</i> , prepared by James Birrell Design Lab	25/01/2019
LCP7	F	<i>Indicative Plant Palette</i> , prepared by James Birrell Design Lab	25/01/2019
LCP8	F	<i>Indicative Materials Palette</i> , prepared by James Birrell Design Lab	25/01/2019

REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
1515_IWMP	1	<i>Integrated Water Management Plan</i> , prepared by Callaghan and Toth	10/03/2017
14.s.45.5	-	<i>Assessment of Access Arrangements</i> , prepared by Holland Traffic Consulting Pty Ltd	8/03/2019
2017097-R01	B	<i>Acoustic Report</i> , prepared by Acousticworks	12/04/2017

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

- 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:
 - the Disability Discrimination Act 1992 (Commonwealth);
 - the Anti-Discrimination Act 1991 (Queensland); and
 - the Disability (Access to Premises – Buildings) Standards.

Aboriginal Cultural Heritage Act 2003

- 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.

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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 *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licences or permits may be found on the Sunshine Coast Council website (www.sunshinecoast.qld.gov.au). For information about State and Commonwealth requirements please consult with these agencies directly.

Restriction on Building Approval until all other Permits are Effective

5. Pursuant to the statutory provisions of the Building Act, a private building certifier must not grant any building development approval related to this development until all necessary development permits for the development (including, for example, operational works approvals) have taken effect under the *Planning Act 2016*. This legislative requirement is critical to ensure that a private certifier's approval about a component of the development is consistent with the assessment managers' decisions on other aspects of the overall development.

Infrastructure Charges

6. An infrastructure charges notice for Council's proportion of the infrastructure charge, applicable to this development approval, is attached. Unitywater may issue an infrastructure charges notice for their proportion of the infrastructure charge.

Development Compliance Inspection

7. Prior to the commencement of the use, please contact Council's Development Audit & Response Unit to arrange a development compliance inspection.

Reciprocal Access Easements

8. In accordance with the *Planning Act 2016*, 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.

ENGINEERING

Qualified Person

9. For the purpose of certifying rainwater collection tanks for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ) or the holder of a relevant QBCC licence.

Pre-Design Meeting Services

10. Council offers a free pre-design meeting service specifically for operational works applications. Applicants are encouraged to utilise this service prior to the submission of their operational works application to ensure that their application is not held up by avoidable design issues. It is anticipated that the pre-design meeting will ultimately assist in fast tracking the assessment of an operational works application once it is lodged with Council as a result of design and application issues being resolved or substantially resolved prior to the application being submitted. For more information on this service or to book a pre-design meeting please visit Council's website or contact (07) 5475 PLAN.

Building and Construction Industry (Portable Long Service Leave) Levy ("Qleave")

11. 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 development approval for operational works without receipt of details that the Levy has been paid. QLeave contact: 1800 803 491 (free call) or (07) 3212 6844.

Co-ordination of Operational Works

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

Unitywater - Water and Sewerage Services

13. Where water and sewerage infrastructure is proposed to be constructed within an existing road reserve controlled by Council, a further consent approval for the alignment and extent of works will be required under Section 75 of the *Local Government Act 2009*. This consent must be obtained prior to any water and sewerage related works occurring within the road reserve. The consent request

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must be submitted in the approved form to Council's Infrastructure Services Department.

14. Where water and sewerage infrastructure is proposed to be constructed within an existing park or reserve controlled or owned by Council, consent approval from Council, as owner of the land, is required for the alignment and extent of works. This consent must be obtained prior to any water and sewerage related works occurring within the park or reserve. The consent request must be submitted in the approved form to Council's Land Management Unit.

LANDSCAPE

Pre-Design Meeting Services

15. Council offers a free Pre-Design Meeting service specifically for Operational Works applications. Applicants are encouraged to utilise this service prior to the submission of their OPW application to ensure that their application is not held up by avoidable design issues. It is anticipated that the Pre-Design Meeting will ultimately assist in fast tracking the assessment of an Operational Works application once it is lodged with Council as a result of design and application issues being resolved or substantially resolved prior to the application being submitted. For more information on this service or to book a Pre-Design Meeting please visit Council's website (<http://www.sunshinecoast.qld.gov.au/sitePage.cfm?code=prelodge-advise>) or contact (07) 5475 PLAN.

Qualified Person

16. 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 three (3) years current experience in the field of landscape design.
17. 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 three (3) years current experience in the field of arboriculture.

ENVIRONMENTAL HEALTH

18. For the purpose of certifying acoustic matters or treatments for the development, a qualified person is considered to be either:
 - (a) a Registered Professional Engineer of Queensland (RPEQ);
 - (b) an environmental consultant with a minimum of three (3) years current experience in the field of acoustics.
19. For the purpose of certifying lighting devices for the development, a qualified person is considered to be either:

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- (a) a Registered Professional Engineer of Queensland (RPEQ);
- (b) an environmental or electrical design consultant with a minimum of three (3) years current experience in the field of outdoor lighting.

20. For the purpose of certifying land contamination matters for the development, a qualified person must have qualifications and experience relevant to contaminated land remediation and assessment, and must be a current member of a professional organisation prescribed under Schedule 8 of the *Environmental Protection Regulation 2008*.

Noise – Fixed Plant and Equipment

21. For the building design and construction of the approved use, the direction of a qualified acoustic consultant will ensure the installation of fixed plant and equipment (eg air-conditioning condenser units, refrigeration plant and mechanical exhaust discharge) is suitably located and/or shielded to avoid nuisance being caused by any noise from the plant and equipment.

Food Premises

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

PROPERTY NOTES

The following property notes are applicable:

MCU16/0284 – Variation to Planning Scheme Provisions

This property forms part of, and is in part governed by, a preliminary approval issued under s242 of the Sustainable Planning Act 2009 (Council file reference MCU16/0284). The preliminary approval contains a supplementary table of assessment that replaces the planning scheme in declaring the level of assessment for development to the extent stated within the table. It also contains a masterplan and plans of development that override the planning scheme code requirements to the extent of any inconsistency. Applicants and private certifiers must refer to the preliminary approval prior to undertaking development on the property.

PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

A preliminary approval under s242 of the *Sustainable Planning Act 2009* has been granted. Variations from the planning scheme that are applicable to any future development application over the premises are identified in this approval.