

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU14/0046
Street Address:	288-316 Yandina-Coolum Rd COOLUM BEACH QLD
Real Property Description:	Lot 4 RP 27021
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)

2. DECISION DETAILS

The following type of approval has been issued:

Development Permit for Material Change of Use of Premises (Service Station and Ancillary Car Wash)

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 prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

Building Height

3. The maximum height of the development must not exceed 8.5 metres above the finished ground level and the natural ground surface.

4. Certification must be submitted to Council from a Licensed Surveyor which certifies that the buildings do not exceed the maximum height requirement of this Decision Notice.

Nature and Extent of Approved Use

5. At all times while the use continues, retail sale of goods must remain an ancillary component to the use. The maximum area used for the purpose of display and retail sale of goods must not exceed 150m² gross floor area.
6. The approved Service Station and existing dwelling must remain in one land title.

Public Safety

7. All shopfront glazing must be protected against unlawful entry by the use of a form of safety glass such as toughened or laminated glass. All other windows provided at the ground floor must include toughened or laminated glass, or security screens.
8. 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.
9. During operating hours, all building entrances, parking areas, pedestrian areas and loading docks must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of *AS1158 - 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.

ENGINEERING

Site Access and Driveways

10. A sealed access driveway must be provided from Yandina-Coolum Road 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) Relocation of the existing residential driveway in accordance with Department of Transport and Main Roads (TMR) requirements;
 - (b) Separate entrance and exist driveways in accordance with TMR requirements;
 - (c) Farm access from the entrance driveway to the existing shed building pads. Farm access must be wholly contained within the property.
11. 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.
12. Internal access, between the existing dwelling and shed building pads, must be provided wholly within the site and made available for farm operations at all times. The works must be undertaken in accordance with an Operational Works approval.

Car Parking

13. A minimum of 8 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 minimum of 1 disabled parking space/s within the total;
 - (b) Crossfalls and gradients in accordance with *AS 2890 - Parking Facilities*.
14. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Service Vehicles

15. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) Regular access for an AV;
 - (b) All fuel unloading, including any exclusion zones, wholly contained onsite.

Electricity and Telecommunication Services

16. Reticulated electricity and telecommunication services must be provided to the development in accordance with the requirements of the relevant service provider.

HYDROLOGY**Stormwater Drainage**

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

Stormwater Quality Management

18. 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 accordance with those shown in Section 5 of the of the Flooding & Stormwater Assessment listed in this Decision Notice.
19. All stormwater quality treatment devices must be maintained in accordance with the Water by Design (2009) – *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.

Flood Immunity

20. The minimum floor level of all buildings constructed on the site must be in accordance with the Approved Plans.

Flood Management

21. All works must be carried out generally in accordance with Section 7 of the Flooding and Stormwater Assessment listed in this Decision Notice.
22. The development must be constructed so that no loss of floodplain storage occurs below 3.30m AHD. In conjunction with the first operational works development application, detailed engineering drawings and associated calculations must be submitted showing volumes of fill and compensatory cut below 3.30m AHD. All compensatory cut areas must be free-draining.

ENVIRONMENTAL HEALTH

Waste Management

23. Refuse storage, removal and collection facilities must be provided in accordance with the following:
 - (a) provision of a minimum bulk bin volume of 1100L for general waste, and 1100L for recycle waste for the site, or equivalent volume in wheelie bins;
 - (b) collection by service vehicles on site in a safe efficient and unobstructed manner;
 - (c) provision of a communal hardstand impervious area for the permanent storage location of all refuse bins;
 - (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 wash-down area in the vicinity of the permanent storage location fitted with a hosecock and a drain connected to the sewer that has a stormwater catchment area of no more than 1m².

Acoustic Amenity

24. A 2.1m high acoustic barrier must be constructed on the site for noise attenuation. The barrier must be constructed along the western boundary of the development site, as shown on the approved plans and, in accordance with an Operational Works approval.
25. Any fixed plant and equipment* that causes either tonal (L_{eq}) sound (e.g. from basement car-park exhaust, air conditioning unit or pool filtration unit), or impulse (L_{max}) sound, must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the following levels for habitable rooms within dwellings:
 - (a) 45 dB(A) L_{eq} for living and work areas
 - (b) 40 dB(A) L_{eq} for sleeping areas
 - (c) 50 dB(A) L_{max} for all areas

Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 "Acoustics – Description and measurement of environmental noise – General procedures".

*(Refer to Advisory Note)
26. Certification must be submitted to Council from a qualified person* which certifies that the development complies with the acoustic requirements of this Decision Notice.
*(Refer to Advisory Note)

Outdoor Lighting Devices

27. 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.
28. Certification must be submitted to Council from a qualified person* which certifies that all outdoor lighting devices comply with the requirements of this Decision Notice.
*(Refer to Advisory Note)

Acid Sulfate Soils

29. All works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan for the development prepared by a qualified person* and referenced in a Development Permit for Operational Works.
*(Refer to Advisory Note)
30. All waters, including stormwater runoff, groundwater seepage and leachate from acid sulfate soils must achieve the following quality prior to release from the site:
 - (a) a pH range of 6.5-8.5 pH units;
 - (b) 50mg/L maximum total suspended solids concentration;
 - (c) 0.3mg/L maximum total iron concentration;
 - (d) 0.2mg/L maximum total aluminium concentration;
 - (e) no visible plume at either the point of release from the site or within a waterway.

Air Quality

31. The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the use must not cause a nuisance at any nuisance sensitive or commercial place.

Car Wash

32. Automatic mechanical car wash facilities must be designed to collect, treat and recycle waste water for reuse.

Petroleum Products – Installation Design

33. The site must be designed to comply with *Australian Standard AS1940 "The storage and handling of flammable and combustible liquids"*.
34. All inlets to bulk fuel storage tanks must be located to ensure that fuel delivery trucks can stand wholly within the site while discharging fuel.

Vapour Recovery

35. Stage 1 Vapour Recovery Systems (VR1) shall be installed for all tanks used for the storage of motor spirit on the site to return displaced vapour to the delivery vehicle during filling of the underground petroleum storage system. The Vapour Recovery System shall be designed and installed in compliance with the following:
 - (a) mixing of product must be prevented in pipework common to more than one tank;

- (b) spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser;
- (c) the vapour recovery point must be located within 2 metres of the respective fill point.

Underground Petroleum Storage

- 36. The design, installation and operation of the underground petroleum product storage system must be in accordance with Equipment Level 1 as defined in *AS4897-2008 the design, installation and operation of underground petroleum storage systems*.
- 37. All reasonable and practicable measures* must be taken to prevent or minimise environmental harm* that may be caused by the use.
- 38. The use must be undertaken in accordance with a site management plan and written procedures* that:
 - (a) identify potential risks to the environment from the use during routine operations and emergencies;
 - (b) establish and maintain control measures that minimise the potential for environmental harm;
 - (c) ensure plant, equipment and measures are maintained in a proper and effective condition;
 - (d) ensure plant, equipment and measures are operated in a proper and effective manner;
 - (e) ensure that staff are trained and aware of their obligations (general environmental duty*) under the *Environmental Protection Act 1994*;
 - (f) ensure that reviews of environmental performance are undertaken at least annually.
- 39. An appropriately qualified person(s)* must monitor, record and interpret all parameters that are required to be monitored in accordance with the Reference Documents of this Decision Notice and the written procedures.

Dispensing Areas & Forecourt

- 40. All ground surfaces within fuel dispensing and non- fuel dispensing areas shall be made of impervious material such as concrete or equivalent (note: asphalt is not suitable) and shall be maintained free of gaps or cracks.
- 41. Fuel dispensing areas must be clearly delineated from other areas such as remote air/water supply areas, uncovered forecourt areas, access roads, general parking bays by measures including, but not limited to painted lines on the ground, roll-over bunds and different coloured concrete. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the delineated areas.
- 42. The fuel dispensing area shall be graded to a suitable underground containment vessel (i.e. sump/tank) compatible with petroleum products and other likely chemicals. Details of the spill containment infrastructure and procedures must be provided at operational works stage.
*(Refer to Advisory Note)

43. Fuel dispensing areas shall be covered by a roof or canopy to minimise stormwater entering the dispensing area. The roof or canopy shall overhang by a horizontal distance of $\frac{1}{4}$ of the roof height out from the vertical above the boundary of the demarcated fuel dispensing area.
44. Drainage inlets located in the vicinity of the general forecourt area shall be provided with signage indicating the fate of flow such as "flows to treatment system" or "flows to containment sump".
45. Certification must be submitted to Council from a qualified person* which certifies that the installed equipment associated with the underground storage and the dispensing of Flammable and Combustible Liquids complies with the requirements of this Decision Notice.
*(Refer to Advisory Note)

LANDSCAPING

Landscaping Works

46. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval prepared by a suitably qualified person* and must include in particular:
 - (a) a minimum 3 metre wide landscaping strip along the Yandina-Coolum Road frontage of the subject site, exclusive of the access driveway, generally uncompromised by infrastructure items;
 - (b) a 3 metre wide landscaping buffer to side boundaries of the development site;
 - (c) a 15 metre wide landscaping buffer to rear (southern) boundary of the development site (excluding the bio-retention area as necessary);
 - (d) vegetated screening of the service station from the adjacent properties to the east and west, designed such that 90% of the service station will be screened at maturity;
 - (e) vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage;
 - (f) control of all weeds species listed in the following standards and legislation:
 - (i) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003;
 - (ii) *Sunshine Coast Local Government Area Pest Management Plan 2012-2016*.(* refer to advisory note)
47. 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 and sustained 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

48. The existing native trees on the site and in the road reserve must be retained and protected, except where required to be removed to accommodate the approved crossovers. Details of the retention and protection are to be submitted with an operational works application.
49. Existing non-native species on the site and in the road reserve are to be removed. Details of the species to be removed are to be submitted with an operational works application.

UNITYWATER

50. Reticulated water supply and sewerage must be provided to the development.
51. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
52. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.
53. A Unitywater installed primary water meter must be provided immediately inside each property boundary. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
54. Water meters must be located on alternative boundaries to electrical pillars.
55. Easements of between 3 and 10 metres must be provided over all Unitywater sewers located within property boundaries in accordance with the SEQ standards. Easements must be centred over the pipe. Easement terms must be the most current registered dealing held by the Department of Natural Resources & Mines and must not be altered or amended.
56. Written approval to enter and construct must be provided from property owners through which external sewers will traverse. This must be submitted with lodgment of the associated development application for Operational Works.
57. Buildings, and other structures must maintain a minimum clearance of 1.5 meters from Unitywater sewer mains, and 1.0 meter from a sewer manhole chamber or sewer inspection opening.
58. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature, and suitable approved varieties.
59. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

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 www.disdip.qld.gov.au) Email: SEQNorthSARA @dsdip.qld.gov.au	State Controlled Road Matters	The agency provided its response on 10 December 2014 (Reference No. SDA-0714-012173). A copy of the response is attached.

7. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
0669-SD107	C	<i>Site Overlay</i> , prepared by BRD Group	29.10.2014
0669-SD101	H	<i>Site Plan</i> , prepared by BRD Group	29.10.2014
0669-SD103	C	<i>Floor Plan Service Station</i> , prepared by BRD Group	29.10.2014
0669-SD105	C	<i>Floor Plan Car Wash</i> , prepared by BRD Group	29.10.2014
0669-SD106	C	<i>Elevations Car Wash & Street</i> , prepared by BRD Group	29.10.2014
0669-SD104	C	<i>Elevations Service Station</i> , prepared by BRD Group	29.10.2014

8. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
J00164R1	-	<i>Flooding & Stormwater Assessment: 288-316 Yandina Coolum Road</i> prepared by Hydrology & Water Management Consulting Pty Ltd	12/11/2014

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

Advertising Devices

1. The advertising devices shown on the approved plans has not been approved as part of this Development Permit for a Material Change of Use. A development application for Operational Works (placing an advertising device on premises) will need to be made prior to the installation of any signage on the site, for any signage that does not meet the Acceptable Measures of the relevant Code.

Equitable Access and Facilities

2. 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

3. 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

4. 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

5. 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). For information about State and Federal requirements please consult with these agencies directly.

Development Compliance Inspection

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

Infrastructure Charges

7. 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*.

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 where it is required. Council will not be able to issue a Decision Notice for Operational Works 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.

ENVIRONMENTAL HEALTH

Qualified Person

10. For the purpose of preparing an Acid Sulfate soil and Groundwater Management Plan, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland (RPEQ) or;
 - (b) a soil scientist with a minimum of 5 years experience in the field of acid sulfate soils.
11. For the purposes of certifying underground petroleum product storage systems, a qualified person is considered to be:
- (a) a Registered Professional Engineer of Queensland (RPEQ) and;
 - (b) a minimum of 5 years experience in the field of installation of underground

petroleum storage systems, and is affiliated with the Australian Petroleum Industry Contractors & Suppliers Association.

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

Noise

13. 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 (e.g. air-conditioning condenser units, refrigeration plant and mechanical exhaust discharge) are suitably located and/or shielded to avoid nuisance being caused by any noise from the plant and equipment.

SPEL Purceptor or Equivalent: Underground spill containment vessel - Management and Maintenance

14. With regard to the underground spill containment vessel the following advice applies:
- (a) A site management plan must be developed to provide guidance on the reasonable and practicable measures and written procedures that must be taken to prevent or minimise environmental harm that may be caused by the use;
 - (b) Environmental harm is defined in the *Environmental Protection Act 1994*;
 - (c) General Environmental Duty under the *Environmental Protection Act 1994*: 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;
 - (d) Appropriately qualified person(s): means a person or persons who has professional qualifications, training, skills and experience relevant to the written procedures and can give authoritative assessment, advice and analysis in relation to the procedures using the relevant protocols, standards, methods or literature stated within the procedures.

Tradewaste

15. Trade waste generated on-site must be subject to Unitywaters Trade Waste Policy. The applicant is advised to contact Unitywater's Trade Waste Officer to determine trade waste requirements.

LANDSCAPING

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 5 years current experience in the field of landscape design.

10. PROPERTY NOTES

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

MCU14/0046 – Protection of amenity of existing dwelling

A Service Station with ancillary Car Wash is approved on this lot. Future owners should be aware that there may be adverse impacts to occupants of the dwelling on this property associated with the approved use.

11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

12. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works (Excavation & Filling, External Works, Carparking, Driveways, Stormwater Drainage & Landscaping works)
- Development Permit for Operational Works (Advertising Device)

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 214 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. Sufficient economic need has been demonstrated to provide support for the use despite its conflict with the subject site's Sustainable Canelands Precinct;
2. The proposal is consistent with Regulatory Provisions of the South East Queensland Regional plan;
3. It has been sufficiently demonstrated that all site constraints, particularly flooding risk, can be appropriately mitigated.

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 or at council offices.