

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU12/0216
Street Address:	300 Kennedys Rd & 271 Lake Macdonald Dr LAKE MACDONALD QLD 4563
Real Property Description:	Lot 2 & 3 SP 108094
Planning Scheme:	The Noosa Plan (8 August 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises (Industrial Business Type 3 - Extractive).
- Development Permit for Material Change of Use of Premises for Environmentally Relevant Activities (ERA No 16 Extractive and Screening Activities Thresholds 2(c) & 3(b)).

3. RELEVANT PERIOD OF APPROVAL

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

4. ASSESSMENT MANAGER CONDITIONS

PLANNING

When Conditions must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

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

Performance Bond

3. Security in the form of a cash bond or trading bank guarantee to the sum of **\$30,000** must be submitted to Council, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval and cessation of the use less any costs incurred by Council in respect of enforcing performance of this permit. Council reserves the right to call upon the bond or guaranteed sum to effect compliance with conditions.

Nature and Extent of Approved Use

4. Excavation activities must not extend outside the excavation area shown on the on the approved *Conceptual Site Layout Plan*.

5. Materials extracted from the site must not exceed an output of 450,000 tonnes per annum. A record of each year's output must be kept on the site and must be provided to Council at any time upon request.
6. Activities associated with the approved use, other than haulage, must not operate outside the hours of:
 - (a) 6am to 6pm Monday to Friday
 - (b) 7am to 3pm Saturday.
7. Truck haulage shall only occur between the hours of 7am to 6pm Monday to Friday.
8. No activities are permitted to occur on Public Holidays.

Sunset Clause for Completion of Approved Development

9. Pursuant to s342 of the *Sustainable Planning Act 2009*, this development approval lapses 2 years after the commencement of the use. The approved use must cease operating by this date.

Heavy Vehicle Haulage

10. Heavy vehicles must only access and exit the site in accordance with the haulage route shown in Figure 2.1 of the *Traffic Assessment* prepared by TTM Consulting.
11. Heavy vehicles, which are fully laden with material, are only permitted to utilise Council's road network along the haulage route shown in Figure 2.1 of the *Traffic Assessment* prepared by TTM Consulting.
12. Any laden vehicle must have its load fully covered and secured prior to leaving the site.
13. Heavy vehicles must be operated in accordance with a Traffic Management Plan and Drivers' Code of Conduct for the development submitted to Council for approval prior to the issue of any Development Permit for Operational Works. Issues to be addressed shall include but are not limited to safety measures, speed limits, dust, management procedures, communication, monitoring and reporting, responsibility, corrective actions and complaints.
14. The Traffic Management Plan and Driver's Code of Conduct must specifically address operations during school bus hours, and seek to minimise truck movements during this time to the extent reasonably practical.

ENGINEERING

External Works

15. Lake Macdonald Drive must be upgraded at the entrances to both the Westridge Quarry access driveway and the White Pit Quarry access driveway to a basic right (BAR) and basic left (BAL) turn treatment. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) widening and sealing of the existing road pavement to 6.5 metres from the centre line
 - (b) provision of Safe Intersection Sight Distances (SISD) adequate for the design speed of the road as outlined in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections
 - (c) maintenance of 3.5 metre wide through lanes on Lake Macdonald Drive

Site Access and Driveways

16. A sealed access driveway must be provided from Lake Macdonald Drive to a point 50 metres into the lot from the property boundary. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) a driveway crossover constructed or upgraded to be in accordance with IPWEAQ standard drawing SEQ R-056; and
 - (b) a minimum driveway width of 12.5 metres must be provided at the property boundary and must include a minimum queuing distance of 40.0 metres.

Road Condition Report and Ongoing Road Maintenance

17. Any damage detected to the road pavement of Lake Macdonald Drive (between the 2 quarry entrances) during the period covered by this approval, must be remedied by the applicant at the applicant's cost. In this regard, the road surface of Lake Macdonald Drive must be photographed between Wilgee Court to the South and a point 500m to the North of the Westridge Quarry access driveway, prior to any works commencing on site and a condition report submitted and agreed at the pre-start meeting.
18. Ongoing monthly maintenance inspections must be undertaken and documented by the applicant on the first business day of every month during the operation of the use.
19. When road deterioration is observed by the tip truck drivers, maintenance must occur as soon as practical to prevent the road from falling into disrepair.
20. At the completion of the works, the 500m of road, surveyed at either end of the road used shall become the "Control Section" and used as the minimum standard to restore the road between the 2 quarries.

Temporary Road Signage Required

21. Temporary road signs warning that Trucks are Entering shall be installed on either side of the entry access driveway to both quarries in accordance with MUTCD. These works must be undertaken in accordance with an Operational Works approval. These signs shall be removed at the end of the project at the same time as the last road condition report survey is conducted.

Provision of Soil Migration Protection Measures

22. The applicant must provide adequate soil migration protection measures to ensure that soil is not carried onto Lake Macdonald Drive by the loaded trucks as they leave either Quarry site. Measures to be implemented must include adequate "Rumble Pads" and "Wheel Wash" devices, as required to ensure that soil is not deposited onto the road pavement. Any soil tracked onto on the road pavement as a result of the development must be promptly cleaned at the cost of the operator.

Earthworks and Retaining Walls

23. 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.

UNITYWATER

24. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).

25. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Meter must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
26. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply infrastructure.
27. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains. Landscaping plants within these clearances must be low growing when mature, and suitable approved varieties.
28. Construction works undertaken in the vicinity of Unitywater water supply 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.

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department Of Transport & Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558	State controlled road matters	The agency provided its response on 11/03/2013 (Reference No. TMR13-005364). A copy of the response is attached.
Concurrence	Department Of Environment & Heritage Protection GPO Box 2454 BRISBANE QLD 4001	Environmentally relevant activities	The agency provided its response on 19/03/2013 (Reference No. SPCE5212613). A copy of the response is attached.
Advice	Energex Limited Town Planning GPO Box 1461 BRISBANE QLD 4001	Electricity infrastructure	The agency provided its response on 12/02/2013.(Reference No. HBD 3072819 297083)

A copy of any referral agency conditions is attached.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
1271.035	-	<i>Conceptual Site Layout Plan</i> , prepared by Groundwork Plus	7/12/2012

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

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
Ref: 12SCT0037/02	02	<i>Traffic Assessment</i> , prepared by TTM Consulting (SC) Pty Ltd	3/12/2012

8. ADVISORY NOTES

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

PLANNING

Aboriginal Cultural Heritage Act 2003

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

You should contact the Cultural Heritage Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

ENGINEERING

Preparation of Operational Works Application

2. To assist Council to undertake an integrated assessment of the operational works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme. Additional application fees apply to applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

Preparation of a Preliminary Construction Management Plan

3. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment the Operational Works application, the applicant is requested to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:

- (a) traffic management during all aspects of the construction phase including 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.
- (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures.
- (c) works programme identifying key components of the works and their respective durations.
- (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues.
- (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
- (f) any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense.
- (g) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

UNITYWATER

- 4. Connection to Unitywater live water mains must be undertaken by Unitywater at the applicants cost.
- 5. A 100mm diameter AC watermain and a 200mm diameter AC watermain are located within the road boundary fronting the development site in Lake MacDonald Drive. Construction works, heavy traffic crossing the main, excessive vibration and excavation close to the main may cause damage to the pipe. Extreme care is required when working close to this infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

9. PROPERTY NOTES

Not Applicable.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works (Bulk Earthworks and Retaining Walls, External Works, Driveways, Stormwater Drainage Works).

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 32 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.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

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

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

16. OTHER DETAILS

If you wish to obtain more information about Council’s decision, electronic copies are available on line at www.sunshinecoast.qld.gov.au or at Council Offices.