

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU15/0030
Street Address:	Malones Road, 235-269 Eudlo Flats Road & 750 - 770 Maroochydore Road, FOREST GLEN
Real Property Description:	Lot 5 RP 128773, Lot 6 RP 234117, Lot 1 & Lot 7 SP 182998, Lot 2 SP 194361 & Lot 2 SP 182997
Planning Scheme:	Sunshine Coast Planning Scheme 2014 (10 November 2014)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises (Extractive Industry)
- Development Permit for Material Change of Use for Environmentally Relevant Activities (ERAs):-
 - ERA 16(2)(b) Extracting material: extracting, other than by dredging, in a year more than 100,000t but not more than 1,000,000t.
 - ERA 16(3)(b) Screening material: screening, in a year, more than 100,000t but not more than 1,000,000t

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 Act 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.

Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*
**(Refer to Advisory Note)*

Approved Use

3. The use permitted for this site is Extractive Industry (sand extraction) as defined by the Sunshine Coast Planning Scheme 2014.

Sunset Date for Completion of Development

4. All extraction activities and rehabilitation works must be completed by 31 December 2046, including the removal of all structures, fencing and stockpiles (including the working platforms).

Height

5. The maximum permitted fill height level for the site is 6.4m AHD.
6. The maximum height of any processing plant, buildings or structures must not exceed 5 metres above the maximum permitted fill height level for the site.
7. The maximum height of any one stockpile must not exceed 3 metres until the average height of all landscaping fronting Maroochydore Road in front of the stockpiles has reached 5m high. Stockpiles must be a maximum of 5 metres high thereafter.

Land Management

8. When the pits have been stripped of overburden, they must be stabilised immediately with pasture grasses or alternative vegetation cover.
9. No more than two pits may be operational at any one time. Extraction of the pits must occur sequentially as shown on the Approved Plans, with landscaping and rehabilitation to occur as follows:
 - (a) Within 12 months of commencing extraction from Pit 2, landscaping and rehabilitation for Pit 1 must be completed.
 - (b) Within 12 months of commencing extraction from Pit 3, landscaping and rehabilitation for Pit 2 must be completed.
 - (c) Within 12 months of commencing extraction from Pit 4, landscaping and rehabilitation for Pit 3 must be completed.
 - (d) Within 12 months of completion of extraction from Pit 4, landscaping and rehabilitation must be completed.
 - (e) If extraction of any pit ceases for a period of 12 months or more, the person or persons responsible for the site must complete the landscaping and rehabilitation of any exposed pits which have not been rehabilitated.

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Appendix A Conditions of Approval

10. Extraction of sand from Pit 1 cannot commence until the stockpile and processing platform has been constructed and the landscaping along the Maroochydore Road (west of Eudlo Flats Road) frontage established.
11. Prior to any work occurring on site east of Eudlo Flats Road, the landscaping buffer along the northern side of Maroochydore Road must be at mature height (minimum 10m) and provide a complete vegetative screen to the road.
12. Final rehabilitation must commence on the last exposed pit no later than 3 years prior to the sunset date for completion of the approved development as prescribed in this Decision Notice.
13. External fill is only permitted onto the site as part of the final restoration works on any pit. Otherwise, all required fill must be sourced on site.

Lot Amalgamation

14. Prior to commencement of extraction, all lots making up the subject site must be amalgamated such that there is one lot on either side of Eudlo Flats Road.

Nature and Extent of Approved Use

15. Excavation activities must not extend outside the excavation areas shown on the Approved Plans. All excavation pits must be located no closer than:
 - (a) 30 metres from the western, northern and eastern site boundaries, which generally adjoin Eudlo Creek, East Eudlo Creek, Rafting Ground Road and Eudlo Flats Road (where north and west of Rafting Ground Road)
 - (b) 20m along Eudlo Flats Road (where south of Rafting Ground Road)
16. Permanent pole mounted markers must be erected at 100m intervals around the approved extent of each pit prior to the commencement of any works associated with each pit.
17. Materials extracted from the site must not exceed an output of 250,000 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.
18. Activities associated with the approved use, including all heavy vehicle movements, must not operate outside the hours of:
 - (a) 6am to 6pm Monday to Friday
 - (b) 7am to 1pm Saturday.No operations are permitted on Sundays or public holidays.
19. Excavation activities associated with the approved use must be staged in accordance with the conceptual quarry phase plan. Completed stages must be progressively rehabilitated in accordance with the conditions of this Decision Notice. Rehabilitation works must commence immediately upon completion of the completed stage.
20. No blasting or crushing activities may occur on site as part of the approved Extractive Industry use.

Heavy Vehicle Haulage

21. Heavy vehicles must only access the site in accordance with the haulage route shown on the Approved Plans and Traffic Impact Report. No heavy vehicle movements are permitted north along Eudlo Flats Road under any circumstances, including if roads along the designated haul route are cut by floodwaters.
22. Any laden vehicle must have its load fully covered and secured prior to leaving the site.

Public Safety

23. Public signage must be erected to all boundaries of the site at regular intervals of warning of the safety hazards associated with the approved use.
24. A safety fence to prevent unauthorised or accidental public access to the site must be installed. The fence must be installed on the development side of any landscape buffers required by this Decision Notice. Details of the safety fence (including location and type) are to be included in the application for Operational Works.

URBAN DESIGN

25. The position of the proposed storage shed must be set back a minimum of 40m from the southern boundary to Maroochydore Road to limit the visual impact of the building proposed on the scenic route.
26. The street address of the development must be clearly visible and discernible from the approved Eudlo Flats Road entry to the site by the provision of a street number and the business name.
27. Entrance details from Eudlo Flats Road to be constructed in accordance with the Approved Plans (Landscape Concept Design – Details), with minimal small scale signage at the entry and boundary fences only. A maximum of one sign is permitted within the landscape.
28. No onsite advertising is permitted to be visible from any location along Maroochydore Road. No signage is permitted along any boundary fencing, screen fencing, on buildings or free standing over the entire site, other than at the entrance from Eudlo Flats Road.
29. Any outdoor lighting must be:
 - (a) minimal when viewed from outside the site
 - (b) shielded and directed onto the specific working area
 - (c) switched off outside the approved hours of operation specified in this Decision Notice.

CIVIL ENGINEERING

Property Access and Driveways

30. A sealed access driveway must be provided from Eudlo Flats Road to all parking and manoeuvring areas around the site office and carpark of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) An intersection in accordance with drawing No 5442-F01 Revision A by MRCagney Concept Layout Plan Option 1.
 - (b) A sealed driveway width of 9 metres connecting the access point to all parking and manoeuvring areas of the development
 - (c) Sealing of all parking and manoeuvring areas around the site office and carpark.
31. Vehicle access to the western section of the development site is limited to the approved driveway location only. Vehicle access to the eastern section will be permitted subject to an Operational Works approval.

Service Vehicles

32. 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 regular access for a Waste Collection Vehicle.

Electricity and Telecommunication Services

33. If reticulated electricity and telecommunication services are to be provided to the site, it must be in accordance with an approval for Operational Works and the standards and requirements of the relevant service provider.

Earthworks and Retaining Walls

34. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site.
35. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by an RPEQ where exceeding 1.0m in height. All retaining walls that are publicly accessible and exceed 1.0m in height must be fitted with a commercial grade safety fence.

HYDROLOGY AND WATER QUALITY

Flood Emergency Management

36. Prior to commencement of use and in accordance with an Operational Works approval, the applicant must submit and have approved by Council's delegate, a revised Flood Emergency Management Plan which demonstrates that the safety of all workers on the site would be maintained during extreme flood events up to and including the probable maximum flood. In particular the Flood Management Plan listed in this Decision Notice must be revised and must include as a contingency measure a building within the Stockpile and Processing Area of the site with a floor level (acceptable to be mezzanine) above the probable maximum flood which is designed to withstand the force

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Appendix A Conditions of Approval

of floodwaters and debris during a probable maximum flood. The refuge area must be of a size (5m² per worker) and have facilities and resources consistent with that required for an evacuation centre.

37. The development must be operated in accordance with the revised Flood Emergency Management Plan.

Flood Management

38. Prior to extraction of Pit 4 commencing (excluding the stripping of overburden) the 100m long levee specified in Section 4.6 of the Flood Management Report listed in this Decision Notice must be constructed.
39. The site must be developed in accordance with the Flood Management Report listed in this Decision Notice. Rock scour protection in areas of high shear stress and other forms of stabilisation of the site must be installed as soon as practicable during the operation of the extraction pits.
40. The site must not be filled beyond the extent of filling modelled in the Flood Management Report listed in this Decision Notice. Any filling of the site (greater than 50m³) beyond the extent modelled in the Flood Management Report requires an Operational Works approval from Council.

Stormwater Management

41. No bunds are permitted on site, excluding the levee specified in Section 4.6 of the Flood Management Report listed in this Decision Notice and the processing plant and stockpile area as shown on the Approved Plans.
42. Stormwater flowpaths through the site must be maintained at all times. Maintenance activities must be undertaken such that there is no ponding of stormwater on upstream properties (including road reserve and drainage reserve areas) caused by the site.
43. Stormwater flows from the external catchments entering the site must be conveyed through the site in accordance with an Operational Works approval and must include in particular:
- (a) No flows entering the extraction pits during peak 1 year ARI storm events for the external catchments entering the site unless flows cannot be contained with a 20 metre width with no bunds.
 - (b) No flows entering the pavement of Eudlo Flats Road during peak 2 year ARI storm events for the external catchments entering the site unless flows cannot be contained with a 20 metre width with no bunds.
 - (c) No worsening to Eudlo Flats Road during the peak 1 and 2 year ARI and the 10% and 1% AEP for the external catchments entering the site.

A stormwater management plan must be provided with the Operational Works application demonstrating compliance with the above. The works must be undertaken prior to sand extraction commencing. For the purpose of this Condition external catchment flows refers to catchments other than Eudlo Creek being the catchment which discharges to the existing drainage easement on Lot 2 SP182997 and the catchment which discharges under Maroochydore Road near Eudlo Flats Road.

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Appendix A Conditions of Approval

44. Prior to commencement of use, minimum 20m wide drainage easements in favour of Council must be registered over all stormwater flowpaths conveying external catchment flows through the site. The easements must extend through the site until the stormwater is discharged from the site. The easement must be granted prior to the commencement of any works associated with this approval. For the purpose of this Condition, external catchment flows refers to catchments other than Eudlo Creek being the catchment which discharges to the existing drainage easement on Lot 2 SP182997 and the catchment which discharges under Maroochydore Road near Eudlo Flats Road.

Operational Water Quality

45. The receiving environment monitoring program must include continuous turbidity monitoring at locations in Eudlo Creek upstream and downstream of the site for the duration of the development. The continuous turbidity monitoring must be installed and operational prior to commencement of use.
46. The results of all water quality monitoring undertaken within the site and of waters external to the site must be kept and made available to Council within 7 days of the water quality monitoring results being requested by Council.
47. Return water from the processing area must be treated in a water treatment basin(s) located above the 10% AEP flood level within the footprint of the approved processing plant and stockpile area. Under normal operating conditions water must only be released from the water treatment basin(s) when it meets the water quality criteria required of the extraction pits to prevent environmental harm to Eudlo Creek.

Post Extraction Pits

48. The slope of the batter below the standing water level in the post extraction ponds must be generally in accordance with the *Post Extraction Land Use - Details* referenced in this Decision Notice and not steeper than 1:6 between 0.2m above and 0.5m below the normal water level and not steeper than 1:3 beyond 0.5m below the normal water level. With the exception of batters the pits must not be filled to a depth less than 2m below the normal water level.
49. Immediately following each pond being completed a Pond Maintenance Plan detailing the required ongoing maintenance actions must be prepared detailing:
- How the post extraction the water quality of the resultant ponds would be maintained to meet the water quality objectives specified in the *Environmental Protection (Water) Policy 2009* "Maroochy River Environmental Values and Water Quality Objectives Basin No. 141 (part), including all tributaries of the Maroochy River" (July 2010) at all times with the exception of periods during and two months following floodwaters entering the ponds.
 - Nutrient management and triggers to reduce bio-available nutrient concentrations.
 - How aquatic weeds are to be harvested and disposed of lawfully.
 - How algae is proposed to be monitored and managed.
 - Monitoring program requirements to inform proactive management measures and to confirm the water quality is meeting the required standard including monitoring of stratification and algae counts

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Appendix A Conditions of Approval

- (f) The potential of the ponds to stratify, likely outcomes of stratification, potential for inversion, likely outcomes of an inversion, how stratification and inversions of the ponds is proposed to be managed.

The Pond Maintenance Plan must be submitted and approved by Council's delegate and must be fully costed*

(*refer Advisory Note).

50. Prior to the completion of each pond, infrastructure and equipment required to implement the Pond Maintenance Plan must be installed. This is to include as a minimum:
- (a) Concrete boat ramp type access suitable for launching of weed harvesters (one for each pond).
 - (b) Infrastructure to prevent stratification (mixers / aerators) if required.
51. Prior to the commencement of the extraction of sand from Pit 3, a performance bond equivalent to 100% of the cost of rehabilitating the pit in accordance with the Post Extraction Land Use - Details referenced in this Decision Notice including required rock scour protection must be lodged with Council.
52. Prior to the commencement of the extraction of sand from Pit 4, a performance bond equivalent to 100% of the cost of rehabilitating the pit in accordance with the Post Extraction Land Use - Details referenced in this Decision Notice including required rock scour protection must be lodged with Council.

ECOLOGY AND LANDSCAPING

Fencing

53. Any fencing visible to Maroochydore Road (such as along the southern side of the stockpile and processing areas) must be an open chain wire fence with a black 75% nursery grade woven shade cloth attached, and must be located on the development side of the landscape buffers. The shade cloth must be attached to the southern side of the chain wire fence.

Landscaping Works

54. The development site must be landscaped in accordance with an Operational Works approval. The works must include in particular provision of a minimum 20 metre wide landscaping buffer along the Maroochydore and Eudlo Flats Road frontages of the subject site(s), and wrapping to the west of Pit 2 and the stockpile areas, as generally identified on the Approved Plans. The 20 metre landscape buffers must include a component in natural ground, a component on the fill batter slope and a component on top of the batter at the finished level of the fill platform. The landscape buffer planting associated with the 20 metre wide buffers must be planted within 3 months of commencement of works for the fill platform for the stockpile and processing plant areas.

55. The landscape buffers required by this Decision Notice must comprise of the following planting species:

- (a) The 20 metre wide buffer plantings directly adjacent to the processing plant fill platform must comprise of the following tree, shrub and groundcover species:
- (i) Trees planted at 3 metre spacings in rows 4 metres apart -
 - Aleurites moluccana (Candlenut Tree)
 - Commersonia bartramia (Brown Kurrajong)
 - Hibiscus tiliaceus variety "rubra" (Red Cottonwood)
 - Hibiscus tiliaceus (Cottonwood)
 - (ii) Shrubs planted at 1.5 to 2 metres apart –
 - Vitex trifolia var. purpurea
 - Pipturus argenteus (lower batter)
 - (iii) Groundcover (plants) planted at 1 metre spacings -
 - Lomandra longifolia
 - Gahnia aspera
 - Dianella caerulea
 - Melastoma affine (lower batter)
 - Pittosporum revolutum (lower batter)
- (b) The 20 metre wide buffer plantings where not directly adjacent to the processing plant fill platform, must comprise of the following tree, shrub and groundcover species:
- (i) Trees planted at 3 metre spacings in rows 4 metres apart –
 - Acacia melanoxylon (Blackwood)
 - Casuarina glauca (Swamp Oak)
 - Commersonia bartramia (Brown Kurrajong)
 - Elaeocarpus obovatus (Hard Quandong)
 - Eucalyptus robusta (Swamp Mahogany)
 - Eucalyptus tereticornis (Forest Red Gum / Blue Gum)
 - Glochidion ferdinandi (Cheese Tree)
 - Guoia semiglauc (Guoia)
 - Hibiscus tiliaceus variety "rubra" (Red Cottonwood)
 - Hibiscus tiliaceus (Cottonwood)
 - Lophostemon suaveolens (Swamp Box)
 - (ii) Shrubs planted at 1.5 to 2 metres apart-
 - Vitex trifolia var. purpurea
 - Clerodendrum inerme
 - Melastoma affine
 - Pittosporum revolutum
 - Babingtonia bidwouidii
 - (iii) Groundcover (plants) planted at 1 metre spacings-
 - Lomandra hystrix
 - Dianella caerulea

- (c) The 20 metre wide buffer plantings adjacent to Eudlo Flats Road (to screen Pit 3 and 4) must comprise of the following tree, shrub and groundcover species:
- (i) Trees planted at 3 metre spacings in rows 4 metres apart-
 - Acacia melanoxylon (Blackwood)
 - Eucalyptus robusta (Swamp Mahogany)
 - Eucalyptus tereticornis (Forest Red Gum / Blue Gum)
 - Glochidion sumatranum (Umbrella Cheese Tree)
 - Lophostemon suaveolens (Swamp Box)
 - Melaleuca quinquenervia (Paper-barked Tea-tree)
 - Melaleuca salicina (Wouldow Bottlebrush)
 - (ii) Shrubs planted at 1.5 to 2 metres apart-
 - Melaleuca linarifolia
 - Babingtonia bidwouidii
 - Clerodendrum inerme
 - Leptospermum polygalifolium
 - Leptospermum speciosum
 - Melastoma affine
 - (iii) Groundcover (plants) at 1 metre spacings -
 - Gahnia clarkei
 - Gahnia sieberiana (on drains/very wet areas)
 - Lomandra hystrix
 - Dianella caerulea
56. The existing group of pines on the southern boundary with the Maroochydore Road must be protected and retained in order to maintain the existing vegetation on the scenic route.
57. The land areas described in (a) and (b) below must be revegetated within 12 months of completion of Pits 1 and 2, using a single tree species – Eucalyptus tereticornis (Forest Red Gum/Blue Gum). These eucalypts must be planted in rows 8 metres apart and at 8 metre spacings within the rows. The rows must be positioned in the direction of the flooding/stormwater overland flow.
- (a) The entire cleared area in the south west corner of Lot 2 SP194361, behind the 20m buffer plantings (south west of Pit 4)
 - (b) All land on the subject site located to the west of Eudlo Flats Road excluding the work areas (namely, the overland flow/floodway), except for the land area described in the following Condition.
58. The land area fronting Maroochydore Road, west of the fill platform for the stockpile and processing plant, and for a minimum width of 50 metres from the Maroochydore Road property boundary must be revegetated prior to any work commencing at the site (including stripping of overburden), using a single tree species – Eucalyptus tereticornis (Forest Red Gum/Blue Gum). These eucalypts must be planted in rows 8 metres apart and at 8 metre spacings within the rows. The rows must be positioned in the direction of the flooding/stormwater overland flow.
59. The Pits 1 to 4 shorelines/marsh zones must be progressively revegetated immediately following extraction works of each pit. The pit revegetation works must be undertaken in accordance with the Approved Plans.

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Appendix A Conditions of Approval

60. The land areas described in (a), (b) and (c) below must be progressively revegetated immediately following extraction works of each pit. The works must be undertaken in accordance with an Operational Works approval.
- (a) The adjoining lands between Pit 1 and the respective property boundaries comprising lands to the south, southwest, west, northwest and north.
 - (b) The adjoining lands between Pit 3 and the respective property boundaries comprising lands to the north, northeast and east.
 - (c) The adjoining lands between Pit 4 and the respective property boundaries comprising lands to the north, south, southwest, west, northwest and east.
61. All landscape plantings 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. Any landscaping lost or removed for any reason, must be replaced.
62. All areas of required landscaping and revegetation must be maintained by the applicant/owner in accordance with a landscape / revegetation management plan prepared and submitted as part of the first Operational Works application. The detailed management plan must include the following:
- (a) all proposed landscaping within the application material
 - (b) all additional requirements of this Decision Notice
 - (c) detailed landscape / revegetation plans
 - (d) provision of landscape and revegetation performance reporting provided to council at 6 monthly intervals. Reports to include a summary of landscaping, revegetation or repair works completed.
- An annual joint site inspection must be undertaken with Council's delegate to ensure compliance with the required landscaping and revegetation works.

Removal of Weed Species

63. The land areas surrounding Pits 1, 2, 3 and 4 and including all the remaining balance areas of the entire site (Lot 2 SP182997, Lot 1 SP182998, Lot 5 RP128773, Lot 7 SP182998, and Lot 2 SP194361) as identified on the Approved Plans must be removed of all weeds species listed in the following standards and legislation:
- (a) Declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003
 - (b) *Sunshine Coast Local Government Area Pest Management Plan 2012-2016*.
- The works must be undertaken in accordance with an Operational Works approval.

Transfer of Land to Council

64. The land area located between Rafting Ground Road and Eudlo Creek and a continuous 30 metre wide strip (measured from the high bank) fronting East Eudlo Creek, (to the full frontage of Lot 2 on SP194361) must be transferred to Council in freehold as Reserve for Esplanade prior to the commencement of the approved use*. The following applies to the transfer:
- (a) The land owner/developer must be responsible for all costs associated with the transfer of the land, including the requirement to obtain a valuation for the land from a registered valuer and to pay all stamp duty upon transfer.
 - (b) One original signed and 'stamped' Queensland Land Registry Transfer of Ownership and Forms 1, 24 and 20 must be lodged with Council for

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Appendix A Conditions of Approval

endorsement prior to the registration of title, together with a survey plan and a copy of the land valuation.

(*Refer to Advisory Note).

65. The land area adjoining the unmade/closed portions of Eudlo Flats Road and Rafting Ground Road, comprising of a continuous 10 metre wide corridor of land from Lot 2 on SP182997, Lot 5 on RP128773 and Lot 2 on SP194361 and adjoining those road reserves must be transferred to Council in freehold as Reserve Bushland Park purposes at the completion of all sand extraction works*. The following applies to the transfer:

- (a) The land owner/developer must be responsible for all costs associated with the transfer of the land, including the requirement to obtain a valuation for the land from a registered valuer and to pay all stamp duty upon transfer.
- (b) One original signed and 'stamped' Queensland Land Registry Transfer of Ownership and Forms 1, 24 and 20 must be lodged with Council for endorsement prior to the registration of title, together with a survey plan and a copy of the land valuation.

(*Refer to Advisory Note).

Ecological Preservation

66. Vegetation Protection Covenants must be registered against the titles of the subject site over the land areas identified on the annotated Approved Plans (Attachment "A") pursuant to Section 97A(3)(b) of the *Land Title Act 1994*. The covenant document and a survey plan must be submitted to Council for endorsement prior to lodgement with the relevant titles authority at the completion of all sand extraction works. The covenant document must:

- (a) Incorporate the requirements of this Decision Notice.
- (b) Include Sunshine Coast Council as Covenantee.
- (c) Reference Queensland Land Registry Standard Terms Document No. 715219876.

67. The following clauses must be included in all vegetation covenant documents where required by conditions of this Decision Notice:

- (a) The covenantor further covenants with the Covenantee that all lot owners of lots upstream from the Land and the Covenantee must have full and free right at all times to allow for uninterrupted flow of creek, flood and rainwater and drainage of all kinds inclusive of stormwater runoff flowing in concentration either continuously, intermittently or occasionally over and along the surface of the Covenant Area.
- (b) Nothing in this covenant shall be construed as allowing any person or entity other than the Covenantee to perform drainage works within the Covenant Area.

68. If a provision included in the covenant document is requisitioned or refused registration by the relevant titles authority, a substitute provision must be included in the document which as nearly as practicable addresses the objective sought by the requisitioned or refused provision. The wording of the substitute provision must be agreed by Council.

69. The following activities must not be carried out within the Vegetation Protection Covenants:

- (a) Clearing, cutting down, poisoning, lopping or pruning of native vegetation which is indigenous to, or planted within, the Vegetation Protection Covenants.

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Appendix A Conditions of Approval

- (b) Soil/spoil dumping and/or compacting (except for works associated with the sand extraction operation and rehabilitation).
- (c) Soil excavation, other than for planting indigenous native plants.

The following exceptions apply:

- (d) Declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003, and any Council Listed Environmental Weeds, Exotic Grasses and other plants identified in writing by Council.
- (e) Indigenous native trees which pose a well-founded threat to persons or property as approved in writing by Council.
- (f) Controlled bushfire burns to maintain ecological processes subject to submission of a Bushfire Management Plan and agreed in writing by Council.
- (g) The excavation of sand extraction pits and associated haulage roads, stockpiling areas and processing plant area and buffer mounds and associated plantings.

Works within Protected Land

70. The natural regeneration and revegetation works within the Vegetation Protection Covenants as detailed in the conditions of this Decision Notice must be undertaken in accordance with an Operational Works approval.

Fencing to Protected Land

71. The portion of the land area required to be dedicated to Council as reserve by conditions of this approval must be fenced with a rural style fence comprising of star pickets, stay posts as required and 4 strands of plain heavy duty fencing wire prior to the land being transferred to Council.

Community Awareness of Protected Land

72. Prior to the Vegetation Protection Covenants being registered, two pole mounted educational signs must be provided to frontages adjoining Eudlo Flats Road (one to each side of this road) of the Vegetation Protection Covenants. The signage must be constructed in accordance with an Operational Works approval and must be to the following specifications:
- (a) A0 in size, facing from the Covenants to Eudlo Flats Road. Educative in nature, noting the proximity of the Vegetation Protection Covenants.
 - (b) Wording and images to include the words: *Vegetation Protection Covenant no entry without permit, no horses, cattle, goats, dogs and/or cats are permitted within the Vegetation Protection Covenant*.
 - (c) Durable, weather resistant and visually complementary to the natural environment.
 - (d) The exact wording, design and colours of the sign/s to be agreed by Council.
73. Environmental Awareness and Education information must be prepared and provided on request from the public. The information must provide educational information regarding the significance of the Vegetation Protection Covenants and the extent and operational matters of the approved sand extraction permit, and the potential negative impacts that may result from some resident activities such as the walking of domestic pets, the disposal of green wastes, and unauthorised entry to the site etc.

Fauna Management

74. Vegetation must only be removed or disturbed in accordance with a Fauna Management Plan (or part thereof) prepared by a qualified person* and endorsed through an Operational Works approval.
*(*Refer to Advisory Note).*
75. Thirty permanent artificial nesting boxes (of mixed sizes) must be installed within the existing (and retained) perimeter trees to provide compensatory habitat for arboreal mammals and hollow dependent avian species. The works must be undertaken in accordance with an Operational Works approval and be established prior to the commencement of use.

Bushfire Management

76. All works must be carried out in accordance with a Bushfire Management Plan (or part thereof) prepared by a qualified person* and endorsed through an Operational Works approval.
*(*Refer to Advisory Note).*

ENVIRONMENTAL HEALTH

Waste Management

77. Refuse storage, removal and collection facilities must be provided as part of an application for Operational Works and in accordance with the following:
- Provision of separate bins* for general and recyclable waste for the site.
 - Waste collection by service vehicles from within the site only, and not from the kerbside.
 - Provision of a hardstand impervious area for the permanent storage and service location for all bins*.
 - An at-grade movement path between the bin storage area and the standing location for the WCV (i.e. no steps, edging, ledges or the like) to facilitate bin service.
 - Provision of a screening to the bin storage area from adjoining properties and Eudlo Flats Road.
- (*Refer to Advisory Note)*

ENERGEX

78. This application is approved in accordance with the below referenced plans. Any alterations to these plans should be resubmitted to Energex for comment:

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Appendix A Conditions of Approval

Approved Plans			
Title	Plan Number	Issue	Date
Figure 5 - Conceptual Site Layout Plan	1615.067A	1	03/02/15
Figure 6 - Schematic Layout of Office and Machinery Compound	1615.068	1	03/02/15
Figure 7 - Conceptual Quarry Phase Plan	1615.069A	1	03/02/15

79. Easement C on SP211691 is to remain free from structures or changes in natural ground level.
80. No extraction works are to occur within Easement C on SP211691.
81. Stockpiling of spoil within Easement C on SP211691 is prohibited.
82. The ability to achieve vehicle access to Easement C on SP211691 across Lot 2 on SP194361 via Rafting Ground Road is to be retained.
83. The existing overhead 11 kV feeder (WMD8B) contained on Lot 7 on SP182998 and Lot 5 on RP128773 is to be relocated to avoid conflict with the proposed extraction operations (processing and stockpiling area). The applicant/developer is to contact Energex's contact centre on 13 12 53 to initiate discussions regarding relocation options.

6. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	SARA at DILGP South East Queensland (North) Regional Office PO Box 1129 MAROOCHYDORE QLD 4558 Mydas (at www.dilgp.qld.gov.au) Email: SeqnorthSARA @dilgp.qld.gov.au	State Controlled Road Matters State Infrastructure Environmentally Relevant Activity Development in a Coastal Management District Clearing Vegetation Land designated for community infrastructure	The agency provided its response on 12 April 2016 (Reference No. SDA-0415-019726). A copy of the response is attached.

Advice	Energex Limited GPO Box 1461 BRISBANE QLD 4001	Electricity Infrastructure	The agency provided its response on 12 May 2015 (Reference No. HBD 4533528 333710). 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
1615.069A	1	<i>Figure 7 – Conceptual Quarry Phase Plan</i> , prepared by Groundwork Plus for Maroochyore Sands	03/02/2015
15006 – L02	A	<i>Landscape Concept Design – Details</i> , prepared by Environmental Ethos for Maroochyore Sands	20/08/2015
15006 – L03	A	<i>Post Extraction Land Use Plan</i> , prepared by Environmental Ethos for Maroochyore Sands	20/08/2015
1615.067D	3	<i>Conceptual Site Layout Plan</i> (Attachment “A” as annotated by Sunshine Coast Council) – <i>Vegetation Protection Covenant</i> , prepared by Groundwork Plus for Maroochyore Sands	14/08/2015
5442-F01	A	<i>Concept Layout Plan Option 1</i> Maroochyore Sands at Eudlo Flats Road Kunda Park, drawn by MRCagney	Nov 2014

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

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
15006 – L01	A	<i>Landscape Plan</i> , prepared by Environmental Ethos for Maroochyore Sands	20/08/2015
Amendments	Amend the plans to increase the width of the identified landscape buffer to a minimum of 20m along the boundary of Maroochyore Road.		
1615.068B	2	<i>Schematic Layout of Office and Machinery Compound</i> , prepared by Groundwork Plus for Maroochyore Sands	14/08/2015
Amendments	Amend the plans to show the position of the proposed storage shed set back a minimum of 40m from the southern boundary to Maroochyore Road, to limit the visual impact of the building proposed on the scenic route.		

8. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
15006-L04	A	<i>Post Extraction Land Use - Details</i> , prepared by Environmental Ethos	20/08/2015
J3541-01	3	<i>Flood Management Report</i> , prepared by Water Technology	18/12/2014
5442		<i>Traffic Impact and Pavement Assessment Report</i> , prepared by MRCagney Pty Ltd	04/02/2015
15006		<i>Visual Impact Assessment Report</i> , prepared by Environmental Ethos	16/09/2015
Basin No 141		<i>Maroochy River Environmental Values and Water Quality Objectives, Environmental Protection (Water) Policy 2009</i> , prepared by Department of Environment and Resource Management	July 2010

9. ADVISORY NOTES

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

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.

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

- 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.

Land Transfer

3. The land to be dedicated as Reserve is non-trunk infrastructure.

Post Extraction Pond Water Quality

4. Following the ponds being rehabilitated the ponds must be maintained in accordance with the Pond Maintenance Plan. It is the landowner's responsibility to maintain the water quality within the ponds to the required standard.

Waste Management

5. Council's Waste Management Branch provides bins of varying capacity (120L, 240L, 660L and 1100L) which may be serviced multiple times per week for general and recyclable waste. The Branch also provides waste collection vehicle dimensions and the vehicle weight for the purpose of road design and on-site manoeuvrability. Please liaise with the Branch for the preferred type and frequency of bin service required weekly.

Bin dimensions:

- (a) 120L/240L-wheelie bin dimensions of 0.36m² (600mm x 600mm) per bin
- (b) 660L Bulk Bin-dimensions of 1.0 m² (780mm x 1220mm)
- (c) 1100L Bulk Bin-dimensions 1.5 m² (1100mm x 1300mm)

Cattle

6. It is recommended that cattle be progressively removed from the site in association with landscaping and other revegetation works as detailed in the conditions of approval to facilitate required revegetation.
 - (a) **Pit 1:** the area around Pit 1 is recommended to be progressively destocked (of cattle and other domestic grazing stock) at a reduced rate of 25% year 1, 50% year 2, 75% year 2 and 100% from year 4. This progressive destocking would facilitate natural regeneration.
 - (b) **Pit 3:** the area around Pit 3 is recommended to be progressively destocked (of cattle and other domestic grazing stock) at a reduced rate of 25% year 1, 50% year 2, 75% year 2 and 100% from year 4. This progressive destocking would facilitate natural regeneration.
 - (c) **Pit 4:** the majority of land on the eastern side of Eudlo Flats Road (Pit 4 area) is suitable for grazing until sand extraction activities occur on this portion of the site.
 - (d) It is highly recommended that cattle must be removed immediately from the landscape buffer and associated Blue Gum forest plantings to facilitate revegetation works in accordance with the conditions of approval.

Qualified Person

7. 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 3 years current experience in the field of landscape design.
8. For the purpose of preparing a Rehabilitation Plan, a qualified person is considered to be a landscape architect or ecologist with a minimum of 3 years current experience in the field of landscape design.
9. For the purpose of preparing a Fauna Management Plan, a qualified person is considered to be an ecologist with a minimum of 3 years current experience in the field of fauna assessment and management.
10. For the purpose of preparing a Bushfire Management Plan, and for certifying compliance with the bushfire requirements of this Decision Notice, a qualified person is considered to be an ecologist with a minimum of 3 years current experience in the field of bushfire assessment and management.

10. PROPERTY NOTES

MCU15/0030 - Property Access Driveway

1. *The following notation applies to Lots 7 SP 182998 & Lot 1 SP 182998 & Lot 2 SP 182997 & Lot 5 RP 128773*

To ensure the safety and efficiency of the road network, vehicle access to this lot must be from the constructed driveway to Eudlo Flats Road from Lot 7 SP 182998 only unless otherwise approved by Council (refer to Council Approval MCU15/0030).

2. *The following notation applies to Lot 2 SP 194361*

To ensure the safety and efficiency of the road network vehicle access to this lot must be from the existing driveway only. No access to Eudlo Flats Road is permitted unless otherwise approved by Council (refer to Council Approval MCU15/0030).

MCU15/0030- Vegetation Protection Covenant Lots

3. *The following notation applies to Lot 2 SP182997, Lot 1 SP182998, Lot 5 RP128773, Lot 7 SP182998, and Lot 2 SP194361.*

A Vegetation Protection Covenant applies these lots. No clearing of vegetation is to occur within the covenanted area, except where in accordance with the terms of the covenant (refer to Council Approval MCU15/0030).

11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Appendix A Conditions of Approval

12. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works (Access, Parking, Roadworks, Stormwater and Landscaping)
- Development Permit for Building Works

13. SELF ASSESSABLE CODES

Not Applicable.

14. SUBMISSIONS

There were 1140 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

Not Applicable.

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” would be issued. Only one “negotiated decision notice” may be given. Taking this step would defer your appeal period, which would 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.