

CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	2008/500078.01
Street Address:	Peachester Road and Simpson Street, Beerwah
Real Property Description:	Lot 271 SP126351, Lot 1 RP176802, Lot 1 & Lot 2 RP906174, Lot 5 RP55629 & Lot 206 B4412
Planning Scheme:	Caloundra City Plan 2004 (8 August 2011)

2. DECISION DETAILS

Council, on 1 July 2010, decided to issue the following type of approval:-

- Development Permit for Material Change of Use to Establish a Shopping Complex and Preliminary Approval for Building Works.

In relation to the request to make a change to the existing approval, Council decided to:

- A. Approve a change to the development approval; and
- B. Delete the previous Negotiated Decision Notice and replace with the following detail.

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.

Amalgamation of Lots

3. The six separate titles comprising the development site are to be amalgamated into two separate titles, one either side of Lodge Lane together with reciprocal access easements registered over each new lot in favour of

the other. That is, Lot 271 SP126351 and Lot 1 RP176802 are to be amalgamated into a single lot west of Lodge Lane and Lot 1 RP906174, Lot 2 RP906174, Lot 5 RP55629 and Lot 206 B4412 are to be amalgamated into a single lot east of Lodge Lane. The reciprocal access easements are to be registered in favour of each new lot and are to cover the entire area required for car parking and manoeuvring areas on each site. The plan(s) of survey is to be registered with the relevant State Government Agency and evidence of this is to be provided to Council's delegate prior to the commencement of the use.

Nature and Extent of Approved Use

4. The approved use must not operate outside the hours of 7am to 10pm Monday to Sunday. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.
5. Service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 7pm Monday to Sunday and not at all on public holidays, and must occur entirely on the subject site. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

Building Appearance

6. Ground floor shopfront glazing along the Simpson Street and Peachester Road frontages must be fully transparent to a minimum of 65% of the street frontage to allow passive surveillance and encourage social interaction unless specified in these conditions.
7. A textured/three-dimensional treatment is to be applied to the eastern façade of the IGA building fronting the Staff Car Park and Simpson Street (along the Target Country building) to deter graffiti and add visual interest. The treatment of this wall may be incorporated as part of the public art requirement (see Condition 11 below).
8. Any security screens on the premises consist of grille or translucent screens and not solid shutters, screens or roller-doors.
9. All mechanical equipment and other service infrastructure located on the site must be:
 - (a) located not less than 2 metres from a property boundary
 - (b) fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties. Where screened by landscaping, landscaping beds must be at least 1.5 metres wide.
10. No part of the site may be used for outdoor storage of materials unless specified on the Approved Plans or the conditions of this Decision Notice.

Weather Protection

11. Street awnings must be provided along the full length of the Simpson Street and Peachester Road property frontages, as shown on the Approved Plans.

The awnings must be designed to provide continuous solar and rain protection and promote all weather activity.

Public Art

12. Public art must be established on the premises that responds to the unique qualities of the location and reflects the heritage, character and/or aspirations of the region. Details of the proposed Public Art are to be assessed and referenced in a Development Permit for Operational Works*.
*(Refer to Advisory Note)

Public Safety

13. All ground floor shopfront glazing must be protected against vandalism by the use of a form of safety glass such as toughened or laminated glass.
14. During operating hours, all parking areas, pedestrian areas and entrances/exits to all foyers and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS1158 "*Public Lighting Code*". Lighting must be designed to reduce the contrast between shadows and well lit areas.
15. After hours access to loading docks and storage areas must be restricted by a security gate, lockable doors and/or other suitably appropriate means.

Community Management Statement

16. Any proposed Community Management Statement required for the development pursuant to the *Body Corporate and Community Management Act 1997* must be submitted to Council for endorsement at the same time as submission of the Building Format Plan (or similar) to Council for compliance assessment.
17. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice.

Contributions

18. The following City Plan Infrastructure Policy Contributions apply to this development and are payable prior to commencement of the use, unless otherwise stated. The contribution amounts are based on June 2004 rates and will be indexed on a quarterly basis at the time of payment.

Network	2004 Base (as per policies)	Amount as at 01 July 2012
Biting Insects	\$293.00	\$370.00
Off-Site Car Parking	\$315,000.00	\$400,995.00
Public Transport	\$126.46	\$174.00
Stormwater & Flooding	\$5,811.00	\$7,333.00
Water	\$41,865.51	\$52,834.00
Sewer	\$46,765.73	\$59,018.00
TOTAL	\$409,861.70	\$520,724.00

19. In respect of the Off-Site Car Parking Contribution above, the payment of this contribution may be made by providing to the Council, before commencement of the use, an unconditional Bank Guarantee (unlimited as to expiry date and on terms satisfactory to the Council). In this regard:
- (a) The Council will draw upon the Guarantee to meet the Off-Site Car Parking Contribution no earlier than 18 months after the commencement of the use, unless the applicant can demonstrate to the satisfaction of Council (in accordance with the following) that, given the actual use of the Shopping Complex at full capacity including the expansion resulting from this application, no additional car parking bays are required as a result of this application;
 - (b) In order to demonstrate that no additional car parking bays are required as a result of this application, the applicant must provide to the Council, at its cost, a Car Parking Study that has a minimum level of information as follows:
 - (i) the Study will contain factual data and report on actual car parking demands and use over the course of a continuous 12 month period of full operation of the expanded Shopping Complex, including a minimum of four (4) Car Parking Surveys of the expanded Shopping Complex taken after the commencement of the use and undertaken at generally even intervals throughout the year. The Study will establish demands and identify any trends during the course of the 12 month period (such as the occupation rates of the car park on site being utilised by non-users of the Shopping Complex). The Study will contain the full data sets to enable a review of parking occupancy rates throughout the course of the days surveyed including the available number of off-street car parks and street parking on Peachester and Simpson Streets (excluding local laneways). Data sets must contain full details of the survey times, prevailing weather conditions at the time of the surveys, and car parking and tenancy occupancy and use rates for the expanded Shopping Complex at the time of the Surveys;
 - (ii) the information contained in the Study must be reflective of peak periods, and it must correlate to the 85th percentile operating times of the centre;
 - (iii) during each Car Parking survey, the applicant will conduct a Usage Survey (using an independent and appropriately qualified person) of person/s using the Shopping Complex to determine their method of arrival (by private vehicle, public transport, or other non-motorised means) and whether such users have utilised on site car parking or street parking. This Usage Survey will form part of the Car Parking Study;The applicant must, at its cost, ensure that the Car Parking and Usage survey results are independently peer reviewed by a suitably qualified person, as stipulated by Council, and provide the results of that peer review to the Council with the Car Parking Study;
 - (c) Upon receipt of the Car Parking Study and Peer Review, the Council will advise the applicant within 20 business days if it accepts the results of the Study and Peer Review, and if necessary provide reasons for any disagreement;
 - (d) The amount of the contribution is equates to a shortfall of 35 car parking bays as identified in the policy. Should the results of this Car Parking Study and/or peer review identify a shortfall in required

parking bays, the applicant may elect to construct the additional bays required, subject to the approval of a further development application which must be lodged within 20 business days of Council's written agreement with the Study that a shortfall exists. Such an application shall be assessed against the relevant Planning Scheme in force at the time of lodgement. If the applicant does not elect to construct the additional bays, or if the application to do so is not pursued by the applicant or refused, the Council may call on the Guarantee for the identified shortfall in accordance with the relevant Infrastructure Contributions Policy in place at the time of payment;

- (e) If the results of this Study and subsequent peer review identify that there is no shortfall in required parking bays, the Bank Guarantee will be released by Council;
 - (f) If agreement is reached that a parking shortfall is evident on the site but it is less than 35 parking bays, a proportional release of the Guarantee will be made upon provision of the required parking bays, or the Council calling upon the Guarantee as the case may be;
 - (g) For the avoidance of doubt, the Council may draw on the Guarantee if the applicant fails to provide the Car Parking Study and the peer review within 18 months of the commencement of the use; and
 - (h) Indexing according to the CPI continues to apply to the Off-Site Car Parking Contribution up until the time the additional bays are provided, or the Guarantee is called upon.
20. The applicant shall ensure that the requirements of the Infrastructure Agreement between Village Fair Investments Pty Ltd and Sunshine Coast Regional Council are implemented.

ENGINEERING

Car Parking

21. A minimum of 450 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) 28 staff parking spaces within the total, which are clearly marked for that purpose
 - (b) 11 disabled parking spaces within the total
22. 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.
23. A bicycle parking spaces and facilities must be provided in accordance with the Parking and Access Code, and Austroads Part 14.

Loading Bay

24. The loading dock must be designed and constructed to accommodate the largest expected service vehicle.

Pedestrian Footpath

25. The pedestrian footpath and service vehicle access on Simpson Street must be treated to ensure safety for pedestrians (including children, elderly, vision

impaired and people with disabilities). The treatment is likely to include tactile pavement treatments, colour contrasts, a raised pedestrian refuge etc. The treatment must be designed and certified by a suitably qualified professional.

26. All necessary alterations to public utility mains and services arising from construction of external works associated with the development must be undertaken at no cost to the service provider.

TRAFFIC AND TRANSPORT

External Works

27. Peachester Road must be upgraded and widened for the length of its frontage to the subject site between Turner Street and Simpson Street to accommodate the works required by the Queensland Department of Transport and Main Roads' concurrence agency response. The works must be undertaken in accordance with an Operational Works approval and, unless otherwise required by the Queensland Department of Transport and Main Roads, must include in particular:
- (a) construction of re-aligned kerb and channelling and underground stormwater drainage to the development side only
 - (b) widening and sealing of the existing road pavement to create at least a 3.1 metre wide right-turn lane, 3.5 metre wide through / left-turn lane and 1.5 metre wide bicycle lane on the eastbound Peachester Road approach to the Simpson Street intersection. The existing westbound carriageway on Peachester Road must not be reduced in width to accommodate the eastbound lane requirements
 - (c) construction of a raised and landscaped pedestrian refuge island on Peachester Road east of Turner Street, with associated kerb ramps on the northern and southern sides of Peachester Road. The island should be 3 metres wide and at least 15 metres long. The gap in the island for pedestrians should be at least 3 metres wide
 - (d) construction of a fully paved and landscaped verge, at least 4 metres wide, along the site frontage
 - (e) removal of the existing crossover at Lodge Lane and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage, including the provision of topsoil and seed/turf for grassed verges
 - (f) dedication of sufficient land as road reserve from the Peachester Road frontage of the site to accommodate the required road widening and verge works
 - (g) dedication as road reserve of at least a 6 metre by 1 chord truncation of the south-east corner of the site at the Peachester Road / Simpson Street intersection
 - (h) installation of street lighting
 - (i) relocation of the existing overhead electricity to an underground alignment in accordance with the conditions of this Decision Notice.
28. Peachester Road must be upgraded and widened for the length of its frontage to the subject site between the existing vehicle access near the western end of the site and Turner Street to accommodate the works required by the Queensland Department of Transport and Main Roads' concurrence agency response. The works must be undertaken in accordance with an Operational Works approval and, unless otherwise required by the Queensland Department of Transport and Main Roads, must include in particular:

- (a) construction of re-aligned kerb and channelling and underground stormwater drainage to the development side only
 - (b) widening and sealing of the existing road pavement to create at least a 3.5 metre wide through lane and 1.5 metre wide bicycle lane on the eastbound Peachester Road carriageway
 - (c) construction of a left-turn treatment at the proposed mid-block left-in / left-out site access to the requirements of the Queensland Department of Transport and Main Roads
 - (d) provision of a right-turn lane, at least 3.1 metre wide, on Peachester Road at the intersection with Turner Street. The vehicle storage length should be at least 25 metres, measured from the western Turner Street reserve boundary
 - (e) a raised concrete median island, which should be at least 1.2 metres wide, on Peachester Road between Turner Street and the commencement of the entry taper to the proposed mid-block left-turn treatment into the site. The raised median should be widened to at least 2 metres adjacent to the commencement of the right-turn lane into Turner Street to provide for a pedestrian refuge crossing across Peachester Road to the raised corner island associated with the proposed mid-block left-in / left-out site access. A raised concrete island should be constructed on the southern side of Peachester Road at the pedestrian refuge crossing location, with the outside edge of the kerb buildout located 2 metres from the existing kerb and the clear westbound carriageway width between the kerb buildout and raised median being at least 5 metres. A 'no u-turn' sign must be installed at each end of the raised median island
 - (f) modification of the existing kerb buildout on the south-west corner of the Turner Street intersection as necessary to accommodate a turning Austroads single unit truck/bus
 - (g) relocation of the existing concrete pathway along the frontage of the site to accommodate the road widening works and construction of a pathway connection and associated kerb ramps across the proposed mid-block left-in / left-out site access to maintain pedestrian movement along the northern verge
 - (h) dedication of sufficient land as road reserve from the Peachester Road frontage of the site to accommodate the required road widening and a verge that should have a width of at least 4 metres
 - (i) installation of street lighting
 - (j) relocation of the existing overhead electricity to an underground alignment in accordance with the conditions of this Decision Notice.
29. Provide an indented bus bay and bus stop shelter on the western side of Simpson Street. The bus bay and bus shelter must be designed and constructed in a form acceptable to Council's delegate.

HYDRAULICS AND WATER QUALITY

Stormwater Drainage

30. As part of Stage 1, the site must be provided with a stormwater drainage / detention system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual, and must include in particular:

- (a) the works described in section 6 of the Engineering Report listed in this Decision Notice and associated Engineering Drawings SK01, SK02 and SK03.
- (b) extension of the site stormwater system to accommodate stormwater from allotments external to the site, including registration of drainage easements
- (c) the existing drainage system in Lodge Lane must be re-designed to compliment the new streetscape and to accommodate the ultimate flows associated with the proposed development and external catchments
- (d) a relief overland flowpath shall be provided for all areas, in particular the eastern carpark / loading dock area accessed from Simpson Street
- (e) the existing detention basin volume shall not be reduced. Covered areas of the basin shall be stabilised using approved non vegetated means
- (f) the use of gravity stormwater drainage and not surcharge pits.

Water Sensitive Urban Design

31. As part of Stage 1, a stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and the latest version of the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland, and must include in particular:
- (a) stormwater quality treatment devices of a size and location generally in accordance with those shown in Section 6 of the of the Engineering Report listed in this Decision Notice and associated Engineering Drawings SK01, SK02 and SK03.
 - (b) bioretention devices which:
 - (i) are designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001
 - (ii) incorporate a coarse sediment forebay (in addition to the required filter media surface area) where pipes outlet into the designed generally in accordance with IPWEQA Standard Drawing No. WSUD-005
 - (iii) have safe, unobstructed and all weather for maintenance purposes, particularly for the coarse sediment forebay
 - (iv) have the extent of safety fencing minimised through designing out the hazard
 - (v) provided with litter baskets installed in the overflow pits
 - (vi) are provided with a free-draining outlet from the sub-soil drainage system
32. As part of Stage 1, permanent educational signage* must be erected to educate the customers to the development about the function of the bioretention devices. The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval.
**(Refer to Advisory Note)*
33. All stormwater quality treatment devices must be maintained in accordance with the Water by Design (2009) Maintaining Vegetated Stormwater Assets (Version 1). The approved Operational Works drawings for the stormwater quality treatment system and detailed life cycle costing of the system must be

attached as an addendum to this document. Records of all maintenance activities undertaken must be kept and made available to Council upon request.

Rainwater Harvesting

34. Operating rainwater collection tanks must be provided as part of Stage 1. The tanks must be provided in accordance with an Operational Works approval and must include in particular:
 - (a) the details identified in Section 6 of the Engineering Report listed in this Decision Notice
 - (b) a total tank capacity of 30,000 litres
 - (c) a minimum rainwater collection catchment of 44% of the building roof area
 - (d) re-use of harvested rainwater for internal non-potable uses and outdoor uses.

35. As part of Stage 1, certification must be submitted to Council from a qualified person* which certifies that the rainwater collection tank/s and associated reticulation has/have been installed in accordance with the requirements of this Decision Notice.
**(Refer to Advisory Note)*

ENVIRONMENTAL HEALTH

36. An acoustic barrier is to be constructed (and maintained) in accordance with the submitted Noise Impact Assessment Report prepared by ASK Consulting Engineers, Ref 65I5ROIVOldocx, dated 9 October 2012. Prior to or at the time application is made for operational works, detailed design plans of the acoustic barrier must be submitted to Council for endorsement.

37. Prior to or at the time application is made for Operational Works for any stage of development, an Environmental Management Plan must be submitted to Council for endorsement. This plan is to be prepared by a suitably qualified person in accordance with section 2.0 of the Council's Development Design Planning Scheme Policy and is to address, as a minimum, the following:
 - (a) air quality and dust control – including specific requirements for dust screens (and rubbish chutes where applicable);
 - (b) sediment and erosion control – linked to stage specific erosion and sediment control engineering drawings;
 - (c) flora and fauna;
 - (d) hazardous substance management;
 - (e) light management;
 - (f) mosquito and biting midge control;
 - (g) noise control;
 - (h) site management;
 - (i) stormwater management;
 - (j) traffic management – linked to site specific management plan;
 - (k) waste management – recycling initiatives; and
 - (l) water quality and sampling (including a detailed basement excavation de-watering procedure).

38. The development is to be carried out in accordance with the provisions of the endorsed Environmental Management Plan (in its most recently endorsed format);

39. Lighting must be provided to pedestrian paths, building entries, driveways and car parking areas in accordance with the Design for Safety Code. Such lighting devices are to be appropriately designed, sited and installed in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting". Within one month of the use commencing, certification must be provided to Council from a RPEQ certified Electrical Engineer, to demonstrate that the above requirements have been met.
40. Within one month of the use commencing, the services of a suitably qualified acoustic consultant shall be engaged to conduct operational noise compliance testing for all mechanical plant and equipment. After completion of the compliance testing, a report, prepared by the acoustic consultant, must be submitted to Council for endorsement demonstrating that the measured levels comply with any relevant statutory noise limits, and limits detailed in the submitted Noise Impact Assessment Report prepared by ASK Consulting Engineers, Ref 65I5ROIVOldocx, dated 9 October 2012. This condition does not apply where noise is not audible beyond the boundary of the premises.
41. Prior to or at the time application is made for operational works, a Waste Management Plan (WMP) must be submitted to Council for endorsement. This plan must:
- (a) appoint person(s)/entity(s) responsible for administering the plan;
 - (b) require that all solid wastes generated for tenancies on site be disposed of within refuse containers stored at the approved refuse container storage areas (the storage areas) detailed on the approved plans;
 - (c) appoint person(s)/entity(s) responsible for the transportation of refuse containers to and from the storage area and the pickup point;
 - (d) appoint the person(s)/entity(s) responsible for cleaning bins on-site and maintaining the storage areas and pick up point in a clean and tidy state; and
 - (e) include provisions for dealing with complaints and disputes which shall be administered by the person(s)/entity(s) responsible for administering the waste management plan.
42. The provided WMP must be included into any tenancies management agreement, site by-laws document, community management statement or equivalent document.
43. On refuse collection day, the responsible person(s)/entity(s) identified in the WMP shall be responsible for the placement of refuse bins at a location which affords easy, safe and unobstructed access for the cleansing contractor.
44. Any restaurant tenancies must be provided with a refuse container storage areas located generally in accordance with the approved plans. These areas are to be:
- (a) enclosed on at least three sides to a height of at least 1.8m using materials compatible with the site (e.g. palings, lattice work, brick or block work, etc) to screen the area from adjoining properties and the road;
 - (b) adequate in size for general refuse bins and recycling bins;
 - (c) imperviously sealed (e.g. concrete, bitumen, etc) and provided with a wash-down pit lawfully directed to sewer with a stormwater catchment area not exceeding 1m²;
 - (d) provided with a hose cock either in or adjacent to the wash down area;

- (e) provided with signage in a conspicuous location adjacent to the wash-down pit with letters at least 50mm high and 30mm wide stating: BIN WASHDOWN WASTE ONLY DISPOSAL OF ANY OTHER LIQUID OR WASTE IS PROHIBITED; and
 - (f) constructed in accordance with Section 2 of Council's Development Design Planning Scheme Policy.
45. The loading dock must be provided with refuse container storage areas located generally in accordance with the approved plans. These areas are to be:
- (a) adequate in size for general refuse bins and recycling bins;
 - (b) imperviously sealed (e.g. concrete, bitumen, etc) and provided with a wash-down pit lawfully directed to sewer in accordance with Council's plumbing and drainage requirements;
 - (c) provided with a hose cock either in or adjacent to the wash down area;
 - (d) provided with signage in a conspicuous location adjacent to the wash-down pit with letters at least 50mm high and 30mm wide stating: BIN WASHDOWN WASTE ONLY DISPOSAL OF ANY OTHER LIQUID OR WASTE IS PROHIBITED; and
 - (e) constructed in accordance with Section 2 of Council's Development Design Planning Scheme Policy.
46. Prior to or at the time application is made for operational works, a Traffic Management Plan (Construction Phase) must be submitted to Council for endorsement. This plan is to be prepared by a suitably qualified person, and as a minimum shall address the following:
- (a) The type and volume capacity of trucks expected to be utilised to remove/deliver fill material from the site;
 - (b) The expected number of truck movements to and from the site everyday;
 - (c) The anticipated end-point for any excavated fill and the haulage route nominated for movement of trucks to that point;
 - (d) Identify marshalling areas for use by waiting trucks;
 - (e) The time periods during which trucks will utilise the marshalling area and move to and from the construction site;
 - (f) Details of any traffic control services to be provided within the local road network (identify locations); and
 - (g) Nomination of car parking areas to be utilised by sub-contractors and staff private vehicles.

ENVIRONMENT

47. The development site must be landscaped*. The works must be undertaken in accordance with an Operational Works approval and the Sunshine Coast Council Beerwah Town Centre Masterplan materials palette for that specific area and must include in particular:
- (a) the works shown on the referenced Landscape Concept Plan and
 - (b) landscape works to the northern and southern extent of Lodge Lane must create a linear linkage park and must include:
 - (i) a fully paved pedestrian/cyclist pathway connection from Pine Camp Road to Peachester Road at a minimum width of 2.5 metres
 - (ii) meandering of this connection must provide interest and opportunity for seating nodes

- (iii) three (3) paved seating nodes, each with one seat with back and arm rests
 - (iv) Lighting to a P2 category
 - (v) All access and travel designed in accordance with Disability Discrimination Act and relevant Australian Standards
 - (vi) Provision of one set of refuse and recycling wheeled bins with council standard enclosures (located adjacent to Peachester Road frontage)
 - (vii) Treatment to any blank building facades that directly interface with Lodge Lane by dense screening with vegetation buffers. Minor areas of mural or similar artistic treatment may be incorporated.
 - (viii) Tree shading to pathways and seating nodes
 - (ix) Gentle mounding of turf areas to provide visual interest and drainage
 - (x) compliance with CPTED principles
- (c) hard and soft landscape elements that promote an active, central plaza space to Beerwah featuring shade, shelter, recreation and which encourages public interaction and engagement with the mall area;
- (d) all water quality devices and measures must be located and structurally designed* to integrate with the landscape intent. The floor and batters of water quality device are to be planted out with a suitable palette that includes appropriate trees, shrubs and grasses tolerant of the dynamic conditions to deliver water quality outcomes as well as the required shade and visual amenity landscape objectives of the planning scheme.
- (e) the creation of landscape nodes incorporating shade trees within the car park layout within a plastic structural system capable of delivering compressive structural integrity for the surrounding pavements. The system is to include volumetric soil capacity as well as irrigation and drainage to sustain the plant materials required by the planning scheme.
- (f) the creation of a shade tree corridor located parallel with the existing section and proposed pedestrian pathway linking Target and Woolworths incorporating a design that receives stormwater flow from hardstand areas without erosion or damage to the landscape.
- (g) the integration of adequate drainage infrastructure to ensure optimum soil moisture conditions for the establishment and longevity of the established vegetation
- (h) the vegetated screening of the acoustic barrier in accordance with the conditions of this Decision Notice
- (i) vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage.
- (*Refer Advisory Note)

48. All landscape works must be established and maintained in accordance with horticultural best practice with construction techniques and irrigation that allow for 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.

49. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

UNITYWATER

50. Reticulated water supply and sewerage must be provided to the development.
51. The existing 150mm AC watermain within Peachester Road and Simpson Street must be replaced in 150mm DICL watermain to Unitywater Standards for the full frontage of the development site prior to the commencement of construction of Stage 1 of the development. The replacement works must be completed and prior to placing construction materials or site offices adjacent to the water main alignment.
52. The 150mm uPVC sewer located within Lot 5 RP55629 is to be disused and removed back to the manhole within Lodge Lane prior to the commencement of the construction Stage 2 of the development.
53. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (e.g.; valves, fire hydrants and sewer access chambers).
54. The fire-fighting demand on Unitywater water supply system from the development must not exceed 30 litres per second.
55. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater requirements, and remain accessible at all times for reading and maintenance purposes.
56. A separate metered domestic main and bypass fire main must be provided within the development in accordance with Unitywater Standards.
57. Buildings, basements, and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains and a minimum clearance of 1.0 metre from sewer manhole chambers.
58. Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
59. 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 Unitywater approved varieties.
60. 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.

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Post Shop MAROOCHYDORE QLD 4558	State Controlled Road Matters Railways Public Transport	The agency provided its response on 19 February 2013 (Reference No. TMR12-004465). A copy of the response is attached.
Advice	Environmental Protection Agency Licensing Permit Coordination Unit PO Box 155 ALBERT STREET QLD 4002	Wetlands	The agency provided its response on 28 October 2008 (Reference No. 329165).

A copy of the responses is attached.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
DA-01-03	A	<i>Site Plan - Masterplan</i> , prepared by Powe Architects	18 October 2012
DA-01-04	A	<i>Site Plan – Stage 1</i> , prepared by Powe Architects	18 October 2012
DA-02-02	A	<i>Plan Part 1</i> , prepared by Powe Architects	18 October 2012
DA-02-03	A	<i>Plan Part 2 - Masterplan</i> , prepared by Powe Architects	18 October 2012
DA-02-04	A	<i>Plan Part 2 – Stage 1</i> , prepared by Powe Architects	18 October 2012
DA-02-12	A	<i>Roof Plan Part 1</i> , prepared by Powe Architects	18 October 2012
DA-02-13	A	<i>Roof Plan Part 2</i> , prepared by Powe Architects	18 October 2012
DA-03-01	A	<i>Elevations</i> , prepared by Powe Architects	18 October 2012

7. REFERENCED PLANS AND DOCUMENTS

The following plans and documents are referenced in the assessment manager conditions:

Referenced Plans

Plan No.	Rev.	Plan Name	Date
----------	------	-----------	------

114128 DA [A] 4	A	<i>Landscape Plan</i> prepared by RPS Group	27 September 2012
114128 DA [A] 5	A	<i>Landscape Sections</i> prepared by RPS Group	27 September 2012
114128 DA [A] 6	A	<i>Landscape Sections</i> prepared by RPS Group	27 September 2012

Referenced Documents

Document No.	Rev.	Document Name	Date
65I5ROIVOIdocx		Noise Impact Assessment Report prepared by ASK Consulting Engineers (Addendum)	9 October 2012
S3205/12/ENG	A	Engineering Report, Proposed Commercial Development at Corner of Peachester Road and Simpson Street, Beerwah prepared by Tate Professional Engineers	September 2012
		Infrastructure Agreement between Village Fair Investments Pty Ltd.	To be dated

8. ADVISORY NOTES

The following Advisory Notes are for information purposes only and do not form conditions of approval:

PLANNING

General

1. Council requests an informal pre-lodgement meeting between Sunshine Coast Regional Councils Environment and Landscaping Unit and the applicants landscape architects prior to lodgement of Operational Works applications.
2. The applicant is informed that payment via credit card transaction will not be an acceptable method of payment for infrastructure contributions conditioned in this permit or for infrastructure charge notices issued separately;
3. The Preliminary Approval for Building Works has been granted following assessment of the proposed building(s) against the relevant provisions of Council's Planning Scheme. The buildings have not been assessed for compliance with the Building Act 1975, Building Regulations 2006 or the Building Code of Australia. Such assessment will be undertaken by a licensed Building Certifier as part of the assessment of a Development Application for Building Work;
4. Buildings are not to be occupied prior to the issue of a Certificate of Classification;

Development Compliance Inspection

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

Nature and Extent of Approved Development

6. The applicant is advised that this development approval comprises:
 - Material Change of Use for Shopping Complex (total of 11,241m² gross floor area over all sites); and
 - Preliminary Building Works Assessable against the Planning Scheme.

Preparation of a Public Art Master Plan

7. The conditions of this Decision Notice require submission of details relating to Public Art for the site to be provided to Council prior to the issue of a Development Permit for Operational Works. Supporting information regarding the proposed Public Art must:
 - (a) document the conceptual framework and artistic vision (e.g. themes / image / identity aims)
 - (b) identify building structures and areas of the site suitable for artwork (eg. building faces, retaining walls, awnings, shelter structures, landscaped areas, and street furniture such as seating/benches)
 - (c) identify opportunities for art (e.g. entry statements, signature works, integrated art options or community art projects)
 - (d) identify integrated and sophisticated design methods
 - (e) identify and document designs for longevity, low-maintenance and graffiti-proofing
 - (f) identify community engagement strategies.

Qualified Person

8. For the purpose of preparing a Public Art Master Plan, a qualified person is considered to be an arts consultant/artist with a minimum of 3 years current experience in the field of public art.

Aboriginal Cultural Heritage Act 2003

9. 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 3238 3838 to discuss any obligations under the ACH Act.

LANDSCAPE

Co-ordination of Operational Works Assessment

10. 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.

Preparation of a Landscape Plan

11. All landscape works required by this approval must be demonstrated on a detailed Landscape Plan submitted to Council for Operational Works approval. The detailed Landscape Plan must:
 - (a) be prepared by a qualified person* and submitted in A3 size (3 x hardcopies)
 - (b) be of a scale suitable for clear interpretation at A3 size
 - (c) include accurate depiction of trees to be retained and protected in relation to the proposed development
 - (d) show all existing and proposed services including overhead power, drainage, water and sewerage
 - (e) include important spot levels and/or contours
 - (f) include contextual information of the site including adjoining roads, land uses and photographs of site
 - (g) show the extent and type of works, including hard surfaces, landscape structures, podium planters, signage, amenity lighting, fencing, edging, plantings and turf
 - (h) include a plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting
 - (i) show landscape works for the full frontage of the development site
 - (j) include a north point, scale and legend as well as the name, contact details and qualifications of the landscape consultant who prepared the plan.

*(Refer to Advisory Note)

Qualified Person

12. 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.

Integration of the water quality devices with the landscape intent

13. The Healthy Waterways 'Multiple Uses of Open Spaces Discussion Paper' provides guidance on integrated design of water quality devices and measures with landscape and open space.
14. The Healthy Waterways Bioretention-Technical-Design-Guideline-October 2012 provides guidance on device design and vegetation objectives.

HYDROLOGY

Qualified Person

15. For the purpose of certifying that the design of the rainwater harvesting system is in accordance with the requirements of this decision notice, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ), builder or plumber.

Bioretention Basin Educational Signage

16. Suggested wording for the permanent educational signage required by this Decision Notice is as follows:
"BIORETENTION BASIN - This bioretention basin reduces the pollution of our waterways by reducing the amount of heavy metals, litter, suspended solids, and nutrients discharged to Coochin Creek.

ENVIRONMENTAL HEALTH

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

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

18. All areas where food is to be stored, handled or prepared for sale or sold must be constructed and equipped in accordance with the provisions of the Food Act 2006 and the Food Standards Code. The premises must be registered and the operators licensed with Council under the aforementioned Act prior to the use commencing or prior to application being made for a Development Permit for building works (whichever is applicable).
19. Trade waste generated on-site shall be subject to Council's Trade Waste Policy and the Water Act 2000. Prior to an application being made for building approval for the site the applicant is advised to contact Council's Trade Waste Officer on 07 5420 8200 to determine Council's trade waste requirements.
20. In accordance with the Public Health Act 2005, rainwater tanks must be constructed with mosquito proof screens (made from either brass, copper, aluminium or stainless steel), and constructed with a mesh size of no more than 1mm, and must be installed in a way that does not accelerate corrosion. Tanks that contain flap valves must be installed so that when closed, mosquitoes cannot pass through the valve. It is unlawful under the Public Health Act 2005 to construct, install or be in possession of a tank that does not comply with these requirements.

9. PROPERTY NOTES

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

- (i) This site is provided with stormwater quality treatment devices (bioretention basins) which capture and store pollutants from stormwater runoff generated on the site. These devices are required to be routinely checked and serviced/cleaned out as per the Water by Design (2009) Maintaining Vegetated Stormwater Assets (Version 1). Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Civil Works, Landscaping and Stormwater)
- Development Permit for Building Work

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

Not Applicable.

14. 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. There is a strong level of planning need and demand to warrant expansion of the existing shopping centre and redevelopment of the site;

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.