

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU15/0203
Street Address:	139-159 Wises Road BUDERIM QLD 4556
Real Property Description:	Lot 1 SP197340
Planning Scheme:	Sunshine Coast Planning Scheme 2014 (3 August 2015)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises (Crematorium)

3. RELEVANT PERIOD OF APPROVAL

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

4. INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “necessary infrastructure condition” for the provision of trunk infrastructure as defined under chapter 8 of the Sustainable Planning Action 2009.

5. ASSESSMENT MANAGER CONDITIONS

PLANNING

When conditions must be complied with

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

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the approved plans listed within this decision notice.

Nature and Extent of Approved Use

3. The maximum height of the development must not exceed 8.5m above natural ground level.

4. The applicant must not carry out any activity that causes or is likely to cause environmental harm, unless measures to prevent or minimise the harm have been taken.
5. Any release of noxious or offensive odours must not cause a nuisance at any odour sensitive place.
6. The activity shall not result on the discharge of visible emissions from the cremator exhaust with an opacity in excess of 20 percent for an aggregate of more than 5 minutes in any 1 hour period or more than 20 minutes in any 24 hour period.
7. The applicant shall prepare an air quality management plan to be provided to Council prior to commencement of operation. The air quality management plan should reflect the detailed commitments contained in the Development Application and the MWA Environmental air quality assessment and include as a minimum (but not be limited to):
 - (a) details of activity, including design and operation
 - (b) air quality objectives
 - (c) discharge limits for relevant air pollutants
 - (d) monitoring of the cremation process such as primary and secondary combustion chamber temperature and opacity of exhaust gases
 - (e) monitoring of complaints
 - (f) training of operators
 - (g) contingencies such as those implemented in the event of a power outage during a cremation or the opacity of the exhaust gases exceeds 20%
 - (h) record keeping
 - (i) provision for regular auditing of compliance, ongoing review, continual improvement and reporting.

Street Identification

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

Consistency with prior approval – MCU13/0015

9. All conditions outlined in the higher order approval (Council Reference MCU13/0015) must be complied with prior to commencement of the use.

6. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	SARA at DSDIP South East Queensland (North) Regional Office PO Box 1129 MAROOCHYDORE QLD 4558 Online: Mydas (at www.disdip.qld.gov.au) Email: SEQNorthSARA@dsdip.qld.gov.au	State-controlled Road	The agency provided its response on 20 November 2015 (Reference No. SDA-1015-024815). 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
DA-002	F	<i>Site Plan</i> , prepared by Crossley Architects	8 September 2015
DA-201	F	<i>Floor Plans</i> , prepared by Crossley Architects	8 September 2015
CD.B.215	B	<i>Mortuary -Floor Plan</i> prepared by Crossley Architects	16 February 2015
CD.B.216	B	<i>Mortuary -Roof Plan</i> prepared by Crossley Architects	16 February 2015
CD.B.300	B	<i>Mortuary -Elevations</i> prepared by Crossley Architects	16 February 2015

8. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
Maroochydore 15-176		<i>Air Quality Assessment – Proposed Cremator – 139-159 Wises Road, Buderim</i> , prepared by MWA Environmental	28 January 2016
L05016/BH/15-176		<i>Response to Sunshine Coast Council Request for Additional Information – Air Quality Impact Assessment</i> , prepared by MWA Environmental	22 February 2016

9. ADVISORY NOTES

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

Equitable Access and Facilities

1. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the National Construction Code - Building Code of Australia (Volume 1) as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:
 - (a) the *Disability Discrimination Act 1992* (Commonwealth)
 - (b) the *Anti-Discrimination Act 1991* (Queensland) and
 - (c) the Disability (Access to Premises – Buildings) Standards

Aboriginal Cultural Heritage Act 2003

2. 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

3. Should the conditions of this Decision Notice require easements or works to be undertaken over land external to the site, Council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to advancing to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over Council owned or controlled land, please liaise directly with Council's Property Management Branch and note that compensation may be payable.

Infrastructure Charges

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

10. PROPERTY NOTES

Not Applicable.

11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

12. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work

13. SELF ASSESSABLE CODES

Not Applicable.

14. SUBMISSIONS

There were 88 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

15. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

The Assessment Manager considers the decision conflicts with the planning scheme and the following are sufficient grounds to justify the decision despite the conflict:

1. the proposal avoids the use of land affected by constraints such as flooding and environmentally sensitive land
2. the proposed land use is located in an existing building already approved on the site;
3. the proposed land use is allied to and compatible with the approved Funeral Parlour on the subject site.

16. RIGHTS OF APPEAL

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

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

17. OTHER DETAILS

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

Item 8.1.2 Development Application for Material Change of Use (Crematorium) - 139-159
Wises Road, Buderim

Appendix A Conditions of Approval
