

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU14/0098
Street Address:	Steve Irwin Way GLENVIEW QLD 4553
Real Property Description:	Lot 22 SP 221902
Planning Scheme:	Sunshine Coast Planning Scheme 2014 (21 May 2014)

2. DECISION DETAILS

The following type of approval has been issued:

Preliminary approval for material change of use (MCU) of premises that varies the effect of the planning scheme (Section 242 of the Sustainable Planning Act 2009) - Tourist Attraction, Resort Complex.

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 6 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.

Master Plan

2. Development authorised by this approval must be undertaken generally in accordance with the Sunshine Coast Waterpark Master Plan document listed within this Decision Notice and any subsequent related development approval. The Sunshine Coast Waterpark Master Plan document must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the submission of any related application for Material Change of Use, Reconfiguring a Lot or Operational Work.

Nature and Extent of Approved Use

3. Preliminary Approval (Overriding the Planning Scheme) is granted for a Material Change of Use for Tourist Attraction and Resort Complex.

Item 8.1.1 Preliminary approval for material change of use of premises that varies the effect of the planning scheme (Section 242 of the Sustainable Planning Act 2009) - Tourist Attraction and Resort Complex - Steve Irwin Way, Glenview

Appendix A Conditions of Approval

4. This approval overrides the planning scheme pursuant to s242 of the Sustainable Planning Act 2009 for the life of the approval, and the Sunshine Coast Waterpark Master Plan document listed in this Decision Notice varies the planning scheme to the extent stated within that document.
5. This approval does not authorise, indicate support, nor alter the level of assessment declared by the planning scheme for any future development not identified in the Sunshine Coast Waterpark Master Plan document.
6. The Tourist Attraction component of the development must be developed as an integrated waterpark comprising predominately outdoor water-based attractions and facilities.
7. The development shall not include Shops or a Shopping Centre for use by the general public.
8. A Development Permit for Material Change of Use to establish a Resort Complex will not be issued prior to the issue of a Development Permit for Material Change of Use to establish a Tourist Attraction.
9. The Resort Complex must be integrated with the Tourist Attraction on the site and must not commence use prior to the commencement of the Tourist Attraction use.
10. Accommodation at the Resort Complex shall comprise only short-term accommodation, meaning non-permanent accommodation for tourists and travellers staying for periods of not more than 12 weeks, and ancillary staff accommodation.
11. The area identified as being "Excluded from Master Plan" on the Precinct Plan contained within the Sunshine Coast Waterpark Master Plan document, shall not be created as a separate freehold or leasehold lot.
12. The Tourist Attraction and Resort Complex shall be provided with reticulated water and sewerage, electricity and telecommunications services. With respect to a reticulated sewerage service, this may include treatment of sewage on site and disposal of treated sewage into the Landsborough Sewage Treatment Plant effluent outfall main, or alternatively, the piped delivery of untreated sewage to the existing reticulation scheme for treatment at the Landsborough Sewage Treatment Plant. Delivery of untreated sewage to the Landsborough Sewage Treatment Plant (or any other sewage treatment plant) by truck (i.e. tankering) must not occur except for a short term event where any on-site sewage treatment plant is offline or not performing.

Future Subdivision by Lease

13. A Development Permit for Reconfiguring a Lot (subdivision by lease) will not be issued prior to the issue of a Development Permit for Material Change of Use to establish a Tourist Attraction.
14. Any future lease lot, that is, an area where part of a lease term that is greater than 10 years (including renewal options), shall only be used for Tourist Attraction and/or Resort Complex.

Future Material Changes of Use

15. The first related Material Change of Use application over the subject site must include specific details of how reticulated water and sewerage, electricity and telecommunications infrastructure will be provided to the site, and evidence in writing that all approval entities are prepared to grant approvals for the works and connections. Furthermore, the proposed location and alignment of all new infrastructure, from the subject site to the point of connection to existing infrastructure, shall be identified.

Sunset Clause for Completion of Approved Development

16. Pursuant to s343 of the Sustainable Planning Act 2009, if development, or an aspect of development to which the approval relates is started but not completed, the preliminary approval, to the extent it relates to the development or aspect not completed, lapses:
- (a) if the Sunshine Coast Planning Scheme 2014 is amended to reflect the provisions of the preliminary approval; or
 - (b) if paragraph (a) does not apply, at the end of 10 years starting on the day this Preliminary Approval takes effect.

ENGINEERING

External Works

17. Approval from the Department of Transport and Main Roads for the final design of the upgrade to the intersection with Steve Irwin Way to provide access to the site must be submitted in writing to Council prior to the issue of any Development Permit for Operational Works.
18. The intersection upgrade must be completed and accepted "On Maintenance" by the Department of Transport and Main Roads prior to any use commencing.

New Roads

19. New internal roads must be constructed in accordance with an Operational Works approval.

Car Parking

20. Car parking for the Tourist Attraction must be provided prior to the commencement of the Tourist Attraction use. The works must be undertaken in accordance with an Operational Works approval. The number of car parking spaces, bus parking spaces, motorcycle/scooter parking spaces, bicycle parking spaces and service vehicle spaces must be in accordance with a Traffic Impact Assessment submitted in conjunction with the first related Material Change of Use application over the subject site, and approved prior to the issue of a development approval for Material Change of Use.

21. Car parking for the Resort Complex must be provided prior to the commencement of the Resort Complex use. The works must be undertaken in accordance with an Operational Works approval. The number of car parking spaces, bus parking spaces, motorcycle/scooter parking spaces, bicycle parking spaces and service vehicle spaces must be in accordance with a Traffic Impact Assessment submitted in conjunction with the first related Material Change of Use application over the subject site, and approved prior to the issue of a development approval for Material Change of Use.
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.

Pedestrian Facilities

23. Pedestrian facilities must be provided throughout the development between all car parking areas, bus stops and bus parking areas, and all Tourist Attraction and Resort Complex facilities within the site. The works must be undertaken in accordance with an Operational Works approval.

Electricity and Telecommunication Services

24. Reticulated electricity and telecommunication services must be provided in accordance with an approval for Operational Works and the standards and requirements of the relevant service provider.
25. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
26. Certification must be submitted to Council from all relevant service providers which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

Water and Sewerage Services

27. An underground connection to reticulated water and sewerage must be provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor-Retailer Authority (Unitywater), or as otherwise agreed in writing by Unitywater and Council.
28. A Certificate of Completion from the Northern SEQ Distributor-Retailer Authority (Unitywater) must be submitted to Council that certifies an underground connection to reticulated water and sewerage has been provided to the development site, or as otherwise agreed in writing by Unitywater and Council at the time of commencement of use.

Earthworks and Retaining Walls

29. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
30. The fill for the accommodation sites must be at the DFE (1% AEP event at Yr 2100) plus 500mm freeboard. Fill levels for commercial sites must be at the DFE (1% AEP event at Yr 2100).
31. All car parking and access roads must be constructed at a minimum level of 10% AEP event at Yr 2100 OR a depth of 250mm for the 1% AEP event. Depth/velocity ratios also need to be considered for emergency evacuation procedures.
32. 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.

Acid Sulfate Soils

33. All works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan for the development that is:
 - (a) prepared by a qualified person*;
 - (b) submitted and approved by Council's delegate in conjunction with the first related Material Change of Use application over the subject site; and
 - (c) referenced in a Development Permit for Operational Works.

*(Refer to Advisory Note)

HYDROLOGY

Staging

34. Prior to the approval of any Material Change of Use or Operational Works application over the subject site, the applicant must provide, and have endorsed by Council's delegate, a staging plan with a staging report which demonstrates how stormwater quality and quantity infrastructure will be delivered with each stage of the development in order to ensure no actionable downstream nuisance is created and the water quality pollutant removal objectives are progressively met for each stage. In addition, the applicant must provide a construction-phase flood study, which identifies the flood mitigation works required to accompany or precede each stage in order to ensure there are no off-site flood impacts at any stage during construction of the development unless all drainage infrastructure has been completed in accordance with the approved flood study.

35. Easements for drainage purposes must be granted in favour of all upstream property owners over areas of the site subject to flooding during a peak 1% AEP Climate Change flood event in accordance with an approved staging plan. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms. Draft easement documentation must be submitted to Council for endorsement.

Flooding

36. Prior to approval of any Material Change of Use or Operational Works application over the subject site the applicant must provide and have endorsed by Council's delegate an amended Flood Assessment based generally in accordance with the Flood Assessment referenced in this Decision Notice and modified to address the following issues:
- (a) No off-site increased flood impacts or drainage impacts from the development for any event up to and including the 1% AEP Climate Change event, for any stage including the development in its final form. This excludes any off-site increased flood impacts or drainage impacts from the development on the Steve Irwin Way that have been approved by the Department of Transport and Main Roads; and
 - (b) In addition to consideration of coincident flooding, analysis of the site for local catchment only flooding.
37. Prior to approval of any Material Change of Use or Operational Works application over the subject site the applicant must provide and have endorsed by Council's delegate an amended Flood Emergency Management Plan generally in accordance with the Flood Emergency Management Plan referenced in this Decision Notice and modified to address the following issues:
- (a) Refinement of triggers for plan activation particularly for local catchment only flooding.
 - (b) Linking triggers for plan activation for both the Mooloolah River and local catchment to gauge levels.
38. A development specific Flood Emergency Management Plan must be provided with each subsequent application for Material Change of Use. These Flood Emergency Management Plans must be generally in accordance with the amended Flood Emergency Management Plan but be specific to the proposed use.
39. Stormwater and flooding must be managed throughout construction of the development such that there is no off-site increased flooding (worsening) or drainage impacts from the development for any event up to and including the 1% AEP Climate Change event, for any stage including the development or in its final form. This excludes any off-site increased flood impacts or drainage impacts from the development on the Steve Irwin Way that have been approved by the Department of Transport and Main Roads.

Stormwater Drainage

40. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. A preliminary stormwater drainage design must be provided with each subsequent application for Material Change of Use.

Stormwater Quality Treatment

41. A stormwater quality treatment system designed to meet current best practice load based reduction targets must be provided for the development. A stormwater quality management plan must be provided with each subsequent application for Material Change of Use.
42. Stormwater quality treatment devices must be located within each of the areas they serve and be located outside of proposed constructed waterbodies unless otherwise approved by Council.

Constructed Waterbodies

43. Prior to the approval of any Material Change of Use or Operational Works application over the subject site, the applicant must provide and have endorsed by Council's delegate a Constructed Waterbody Design and Management Report prepared in accordance with the Planning Scheme Policy for Development Works Section SC6.14.9.

LANDSCAPING

44. Prior to the approval of any Material Change of Use or Operational Works application over the subject site, the applicant must provide and have endorsed by Council's delegate a detailed landscape master plan which demonstrates how landscaping on the site will be delivered for each stage in accordance with the relevant provisions of the Sunshine Coast Planning Scheme 2014 and Planning Scheme Policies. In particular, the detailed landscape master plan must clearly illustrate how landscaping adjacent to the Steve Irwin Way frontage will soften the appearance of car parking and buildings and will enhance the appearance of the Steve Irwin Way Scenic Route.
45. Prior to the approval of any Material Change of Use or Operational Works application over the subject site, the applicant must identify the proposed alignment of sewer, water, and electrical services to the site, and provide a detailed investigation of the potential environmental impacts that may occur.

BUSHFIRE**Bushfire Management**

46. Fire-fighting trails, connections to the adjoining State Forest and at least one (1) water point must be established generally in accordance with the following figures illustrated in the Updated Bushfire Hazard Assessment referenced in this Decision Notice:
- (a) Figure 10: Bushfire Hazard Risk Reduction and Water Drafting Points; and
(b) Figure 11: Fire Risk Reduction Measures – Locational.

These trails and water point(s) must be established prior the commencement of the use on the site/state 1 (where staging is employed) regardless of the proximity to surrounding staged development. The trails/water points are to be documented within the subsequent application(s) for Development Permit for Material Change of Use and Operational Works.

Variation to the above, including trail construction types and final location may be undertaken where consistent with a revised bushfire management plan approved by Council's delegate as part of subsequent development permit for the site.

47. The development must be carried out generally in accordance with the Updated Bushfire Hazard Assessment referenced in this Decision Notice. Each subsequent development application for Material Change of Use and/or Operational Works must include an updated Bushfire Management Plan or Bushfire Management Statement that demonstrates that the application complies with this assessment or that an alternative equivalent level of compliance with the relevant provisions of the Sunshine Coast Planning Scheme and Planning Scheme Policies is achieved.
48. A bushfire evacuation plan for the site must be prepared by a qualified person* and submitted to council with an application for Development Permit for Material Change of Use. The evacuation plan must address the points listed in section 9.3 of the Update Bushfire Hazard Assessment referenced in this Decision Notice. Where the development is staged, the evacuation plan must be revised and updated with each stage.
- *(Refer to Advisory Note)

5. 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 Online: Mydas (at www.dsdip.qld.gov.au)	<ul style="list-style-type: none"> State controlled roads State transport infrastructure Native vegetation 	The agency provided its response on 8 December 2014 (Reference No. SDA-0714-012708). A copy of the response is attached.

A copy of any referral agency conditions is attached.

6. APPROVED PLANS

Not Applicable.

The following plan/document requires amendment prior to becoming an Approved Plan/Document for the development:

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
	C	<i>Sunshine Coast Waterpark Master Plan</i> prepared by Adams + Sparkes	October 2014
Amendments		<ol style="list-style-type: none"> 1. Throughout the document and on any plans delete the term "Tourist Park" and replace with the term "Tourist Attraction" and correct all typos. 2. Delete item 21 on page 7 of the document as no technical reports have been approved as part of this preliminary approval. 3. In item 30(b) on page 12 of the document, include the words "integrated signage" after the word "points". 4. In item 30(h) on page 12 of the document, delete "15 metres" and replace with "11 metres". 5. In item 31(e) on page 13 of the document insert the words "a structure" after the word "unless". 6. In Table 2 on page 17 of the document include "Multi Unit Residential Uses Code" in the list of Assessment Criteria for Resort Complex. 7. In Table 2 on page 17 of the document, under the section "Precinct 2" amend the level of assessment for Tourist Attraction from "Code assessment" to "Code assessable where buildings and structures have a height of no more than 15 metres above finished ground level, unless involving the erecting of a structure for a tourist attraction." 8. In Table 2 on page 18 of the document include "Multi Unit Residential Uses Code" in the list of Assessment Criteria for Resort Complex. 	

Referenced Documents

Document No.	Rev.	Document Name	Date
2014025-RPT-001	A	<i>Addendum to Flood Assessment for Proposed Steve Irwin Way Water Park prepared by AqualIntel Pty Ltd</i>	7 Oct 2014
Amendments		As detailed in hydrology conditions included in this Decision Notice	
J00121R1V2	R1V2	<i>Flooding Assessment of the Proposed Steve Irwin Way Waterpark prepared by Hydrology and Water Management Consulting Pty Ltd</i>	10 Jul 2014
Amendments		As detailed in hydrology conditions included in this Decision Notice	
2014025-RPT-002	A	<i>Masterplan Flood Emergency Management Plan Proposed Steve Irwin Way Water Park prepared by AqualIntel Pty Ltd</i>	3 Oct 2014
Amendments		As detailed in hydrology conditions included in this Decision Notice	
Project No:2014002	6	<i>Updated Bushfire Hazard Assessment prepared for Sunshine Park Pty Ltd prepared by Planning 4 Sustainable Development Pty Ltd</i>	25 Aug 2014

7. 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.

Consent for Water and Sewerage works in existing roads

4. From the 1st July 2014 water and sewerage infrastructure associated with new developments will be assessed and approved by Unitywater under the South East Queensland Water (Distribution and Retail Restructuring) Act 2009 and their applicable technical standards. Council’s consent is required where water and sewerage works are proposed within existing roads including the alignment of this infrastructure. This consent will be given as part of the associated SPA Operational Works (OPW) approval for external works where this is required. The OPW application should therefore detail the extent of any water and sewerage works proposed within the existing road reserve as part of the development works. The alignment within the existing roads should be in accordance with the water and sewerage approved allocations within road corridors as detailed on the Council’s standard engineering drawing SEQ R-100 Typical service corridors and alignments.

Qualified Person

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

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6. 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.

Infrastructure Charging

7. Development charges associated with future applications for Development Permits arising from this Preliminary Approval must be paid in accordance with the relevant instrument applicable at the time of subsequent approval/s and indexed until the time payment.
8. Council's Infrastructure Policy Branch has provided an estimate of the infrastructure charges required by this development (which excludes infrastructure charges to Unitywater). This estimate amounts to \$2, 601, 000 but is very approximate as the final floor areas of the future uses and the impervious area for stormwater is presently unknown.

Flooding

9. The conditions of the preliminary approval require that there are no off-site increased flood impacts or drainage impacts from the development for any event up to and including the 1% AEP Climate Change event, for any stage including the development in its final form (this excludes any off-site increased flood impacts or drainage impacts from the development on the Steve Irwin Way that have been approved by the Department of Transport and Main Roads). Should the applicant obtain agreement from all impacted land owners accepting the flood impacts, then these conditions may be amended.

8. PROPERTY NOTES

Not Applicable.

9. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

A preliminary approval under *Sustainable Planning Act 2009* has been granted. The level of assessment and applicable codes for any development approval resulting from this approval are identified in the approval.

10. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Material Change of Use (Tourist Attraction and Resort Complex)
- Development Permit for Operational Work (filling and excavation, engineering work, landscape work and placing an advertising device on premises)
- Development Permit for Building Work

11. SELF ASSESSABLE CODES

Not Applicable.

12. SUBMISSIONS

There were three (3) 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.

13. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

1. The proposed development is considered to be generally consistent with the relevant SEQ State Planning Regulatory Provisions and the Sunshine Coast Planning Scheme's Strategic Framework, subject to the imposition of conditions.
2. The site meets the essential locational requirements for a major tourist attraction and the proposed development is capable of being serviced with essential urban infrastructure.
3. The topographical and environmental constraints affecting the site are capable of being managed in accordance with planning scheme requirements, subject to the imposition of conditions.
4. The proposed development has the potential to enhance the Sunshine Coast's tourism brand and reputation and is consistent with the natural values and key lifestyle attributes of the Sunshine Coast.

14. 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".

15. 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.

