1. **APPLICATION DETAILS**

Application No:	MCU14/0033		
Street Address:	Oasis - 2 Landsborough Parade, Golden Beach, Qld 4551		
Real Property Description:	Lot 26 SP 178324, BUP 10772, Lot 4 RP 173659		
Planning Scheme:	Caloundra City Plan 2004 (16 September 2013)		

2. **DECISION DETAILS**

The following type of approval has been issued:

Development Permit for Material Change of Use of Premises (Outdoor Sport Recreation and Entertainment – Public Water Park)

3. **RELEVANT PERIOD OF APPROVAL**

The relevant period for this development approval is 6 months starting the day that this development approval takes effect.

ASSESSMENT MANAGER CONDITIONS 4.

PLANNING

When conditions must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with within 6 months of the approval taking effect and prior to the commencement of use. and then compliance maintained at all times while the use continues. Otherwise, the public use of the water park is prohibited until all conditions are met.

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 approved use is for the public use of the existing water park generally in accordance with the approved plans and conditions contained within this Decision Notice.
- 4. The hours of operation are limited to 9am to 6:00pm 7 days a week. Evening functions utilising the water park or evening use by the public are prohibited. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.
- 5. The maximum number of public patrons is limited to 125 at any point in time. Records of patron numbers must be recorded on a daily basis and must be made available to Council's delegate upon request. The applicant must provide Council with a

management plan, which demonstrates how it would manage the water park safely to comply with this condition.

- 6. Security measures must be implemented to prevent water park users from the general public accessing areas of the resort that are intended for the exclusive use of resort residents and guests.
- 7. The water park must provide an amenities block, with toilet and change facilities, within the water park area to accommodate public patrons.
- 8. Communal recreation area/s must be provided as shown on the approved plan.
- 9. The water park must be supervised by suitably qualified staff during operating hours.
- 10. All mechanical equipment and other service infrastructure located on the site must be fully enclosed or screened such that they are not visible from the street frontage/s, other public space, or adjoining properties or cause nuisance.
- 11. 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.

Building Height

12. The maximum height of the development must not exceed the height or dimensions of the existing water park as identified on the approved plans unless otherwise approved by council in writing.

Community Management Statement

- 13. 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 subdivision plan to Council for compliance assessment.
- 14. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice

Sunset Clause for Completion of Approved Development

15. Pursuant to s342 of the Sustainable Planning Act 2009, this development approval lapses if the primary use of the site for tourist accommodation ceases.

ENGINEERING

Site Access

16. Vehicle access to the site is limited to the main (central) North Street entrance, with "left out" egress only to be permitted to Landsborough Parade. Sufficient directional signposting and line marking must be provided to facilitate this outcome and to prevent any other access. Access from the western most North Street access is prohibited.

- 17. The applicant must install 'no standing' signage and yellow preventive line marking south of the Landsborough Parade exit to facilitate a clear line of sight for vehicles existing the site.
- 18. No vehicle access is permitted from Kennedy Parade or from the southern end of the site.

Car Parking

- 19. A minimum of 34 sealed, line marked car parking spaces, plus an additional 12 informal overflow parking bays, must be provided on the site in accordance with the approved plans and made available for water park patronage only and accessible at all times while the use is open for business. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) 34 new sealed car parking bays
 - (b) pedestrian routes in accordance with the conditions of this Decision Notice
 - (c) 1 disabled parking space within the total
 - (d) crossfalls and gradients in accordance with Australian Standard AS2890: Parking Facilities
 - (e) dimensions of parking spaces and aisles in accordance with AS2890: Parking Facilities, for a User Class 3A
 - (f) provision of an informal grassed "overflow" carpark area south of the sealed carpark to accommodate a minimum of 12 additional cars.
- 20. Directional signage must be erected at the North Street site entrance and along the internal road network, which directs water park patrons to the new carpark.
- 21. Parking for the water park is strictly restricted to the new parking lot and associated overflow area. No parking is permitted east, west or south of the water park.

Paving Treatment of Vehicle Movement Areas

- 22. Access ways and car parking areas must not be constructed of highly reflective and easily stained plain concrete. The design must incorporate a selection of paving materials including brick, clay or concrete pavers, exposed aggregate, stamped pigmented concrete or bitumen, constructed to specified standards.
- 23. Alternative materials, patterns, or threshold treatments must be used to articulate the pavement treatment of vehicle movement areas.

Pedestrian and Bicycle Facilities

- 24. Pedestrian access is limited to the east water park entry as accessed from the new carpark.
- 25. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) pedestrian pathways between the proposed car parking area and the facilities
 - (b) signage and lighting at strategic locations to direct people to the entry
 - (c) a total of 5 bicycle parking racks/spaces.

Service Vehicles

26. Service vehicle movements associated with the water park (including loading and unloading) must not occur outside the hours of 7am to 6pm. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

Easements

- 27. An access easement must be registered against the title/s of the property/ies if required to provide legal access to the new carpark, informal carparking area and Landsborough Parade exit as identified on the Approved Plans.
- 28. 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.
- 29. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

Stormwater Drainage

- 30. The site must be provided with a stormwater drainage 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) Underground drainage of the proposed carpark with connection to the existing on site stormwater network.

Damage to Services and Assets

- 31. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner at the following times:
 - (a) where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - (b) where otherwise, upon completion of the works associated with the development.

Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

Acid Sulfate Soils

32. Where any significant additional earthworks are required, all works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan prepared by a qualified person* and referenced in a Development Permit for Operational Works. *(Refer to Advisory Note)

ENVIRONMENTAL HEALTH

Acoustic Amenity

- Acoustic measures and treatments must be incorporated into the development in 33. accordance with section 8 of the Oaks Oasis Water Park Acoustic Report listed within this Decision Notice so as not to cause nuisance to the adjoining residential property owners, with the exception of the following:
 - Acoustic barrier to a minimum surface density of 10kg/m². (a)
- 34. An acoustic barrier must be constructed on the site for noise attenuation. The barrier must be constructed in accordance with the approved plans and an Operational Works approval and the following:
 - the barrier must be erected to a total height of 3.8 metres, consisting of a solid (a) 2.4m high acoustic fence centrally sited upon a 1.4m high landscaped earth mound:
 - the barrier must be constructed of durable materials with no gaps or openings (b) and conform to the requirements of a minimum surface density of 12.5 kg/m²;
 - The barrier must be screened by dense landscaping, especially on the external (c) side of the barrier.
- 35. Any fixed mechanical plant and equipment*, including any equipment in the existing pump house/ plant structure located in the southwest corner of the site adjacent to the carpark, that causes either tonal (Leq) sound (e.g. air conditioning or pool pump/filtration or heaters or chlorination units), or impulse (Lmax) sound, must be enclosed, insulated, shielded and/or repositioned to ensure that sound pressure does not exceed the following threshold, so as not to cause nuisance to the adjoining residential property owners:

Time	Noise Sensitive Place
7am – 6pm	$L_{AMAX,ADJ} \le L_{ABG} + 5 \text{ dB}$
6pm – 10pm	$L_{AMAX,ADJ} \le L_{ABG} + 5 \text{ dB}$
10pm – 7am	$L_{AMAX,ADJ} \le L_{ABG} + 3 \text{ dB}$
10pm – 7am (Night time Sleep Disturbance Criteria, measured at the receptor indoors)	L _{AEQ,ADJ,1hr} <= 30 dB L _{A10,ADJ,1hr} <= 35 dB L _{A1,ADJ,1hr} <= 40 dB

Note: Measurement of sound pressure levels (adjusted for tonality and impulsiveness) must be in accordance with Australian Standard AS1055.1 "Acoustics - Description and measurement of environmental noise - General procedures". *(Refer to Advisory Note)

- 36. Certification must be submitted to Council from a qualified person* which certifies that:
 - an acoustic barrier has been constructed in accordance with the requirements (a) of his Decision Notice;
 - (b) the development has been constructed in accordance with section 8 of the Oaks Oasis Water Park Acoustic Report listed within this Decision Notice; and

(c) that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice.

*(Refer to Advisory Note)

- 37. Amplified music associated with the water park may not exceed background plus 5dB(A) at any residential receiver adjacent to or adjoining the resort.
- 38. Where complaints (other than frivolous or vexatious) are made to council about noise from the approved use, council may require the resort manager to:
 - (a) Submit a Noise Impact Assessment prepared by a suitably qualified acoustic consultant in accordance with Caloundra City Plan 2004 Planning Scheme Policy, and/or
 - (b) Undertake further noise amelioration measures, install volume limiting devices for the water park and/or shield mechanical plant and equipment and have such measures certified by a qualified person.

Waste Management

- 39. A new refuse storage, removal and collection facility for waste generated by the water park must be provided on site in accordance with the following:
 - (a) provision of a minimum of five 240L wheelie bins for general waste and five 240L wheelie bins for recyclate waste for the use, or equivalent volume in bulk bins.
 - (b) provision of separate bins for general and recyclable waste for the use with an equal number of each being provided
 - (c) collection by service vehicles from within the site only, and not from the kerbside
 - (d) provision of a communal hardstand impervious area for the permanent storage location of all bins
 - (e) provision of a 1.8m high purpose built enclosure to the communal bin store, which is screened from the street and adjoining properties by landscaping
 - (f) provision of a wash-down area in the vicinity of the permanent storage location fitted with a hosecock and a drain connected to the sewer that has a stormwater catchment area of no more than 1m².
- 40. The refuse area must not be located where is would cause nuisance or disturbance to adjoining residential dwellings.

Outdoor Lighting Devices

- 41. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" using a control level of 1.
- 42. Certification must be submitted to Council from a qualified person* which certifies that all outdoor lighting devices comply with the requirements of this Decision Notice. *(Refer to Advisory Note)

LANDSCAPE

Landscaping Works

- 43. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval, a landscape materials palette suitable for coastal conditions and must include in particular:
 - the works shown on the approved Landscape Concept plan (a)
 - embellishment plantings to the existing palm planting area located between (b) the Landsborough Parade road frontage and the proposed car park to screen development
 - establishment of shade trees to the western boundary of the proposed car (C) park
 - dense vegetated screening of the acoustic barrier in accordance with the (d) conditions of this Decision Notice and approved plans
 - An additional 1m of dense screening landscaping along the southern (e) boundary of the site to screen the development from adjoining residential development.
- 44. All landscape works 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.

Retention of Existing Trees

- 45. Existing trees on the site must be retained in accordance with an Arborist Report (or part thereof) prepared by a qualified person* and endorsed through an Operational Works approval. *(Refer to Advisory Note)
- 46. The tree/s identified for retention must be maintained in good health for the life of the tree.

UNITYWATER

The following Unitywater conditions are applied in accordance with the South East Queensland (Distribution and Retail) Restructuring Act 2009 and Unitywater's Interim Connections Policy. The conditions below form part of a water connection aspect which are taken to be a water approval for a staged connection. Any future applications must be made to Unitywater under South East Queensland (Distribution and Retail) Restructuring Act 2009. Unitywater can be contacted as follows:

Phone: 1300 0 Unity (1300 086 489)

Email: Development.Services@unitywater.com

Web: www.unitywater.com

- 47. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eq. valves, fire hydrants and sewer access chambers).
- 48. Reticulated water supply and sewerage must be provided to the development.

- 49. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
- 50. A single Unitywater installed primary water meter must be provided immediately inside each property boundary.
- 51. A separate water meter must be provided for the water park development area.
- 52. Additional water meters must be installed for each title of a community title or sublease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
- 53. Water meters must be located on alternative boundaries to electrical pillars.
- 54. Buildings must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from a sewer manhole chamber or sewer inspection opening.
- 55. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
- 56. 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 approved varieties.
- 57. 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

Not Applicable.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Conditions of Approval

Approved Plans

Appendix A

Plan No.	Rev.	Plan Name	Date	
1702_WD1101	N	<i>Water Park Locality</i> , prepared by Kowalski Architects	6/11/2014	
1702_WD1121	Х	<i>Water Park Layout,</i> prepared by Kowalski Architects	6/11/2014	
1702_WD1122	D	<i>Water Park Layout,</i> prepared by Kowalski Architects	28/10/2014	
1702_WD1290	F	Water Park Acoustic Barrier Details, prepared by Kowalski Architects	6/11/2014	
SD-01	С	<i>Oak Oasis Resort Water Park Golden Beach Overall Landscape Plan,</i> prepared by DFS Group	6/11/2014	
SD-02	С	<i>Oak Oasis Resort Water Park Golden Beach Detail Landscape Plan,</i> prepared by DFS Group	6/11/2014	
SD-03	С	Oak Oasis Resort Water Park Golden Beach Overall Landscape Plan Section B-B, prepared by DFS Group	6/11/2014	

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
2014022R011		Oaks Oasis Water Park Acoustic Report, prepared by Acoustic Works	16/11/2014
ABN: 11 093 336 504		Parking Assessment, prepared by MRCagney	17/03/2014

8. ADVISORY NOTES

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

PLANNING

Infrastructure Charges

1. This Development Permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Council's "Adopted Infrastructure Charges Resolution" under the State Planning Regulatory Provision (Adopted Charges) and the Sustainable Planning Act 2009.

ENGINEERING

Building and Construction Industry (Portable Long Service Leave) Levy ("QLeave")

2. The QLeave levy must be paid prior to the issue of a development permit where it is required. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. QLeave contact: 1800 803 481 (free call) or (07) 3212 6855.

Development Compliance Inspection

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

Qualified Person

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

Co-ordination of Operational Works Assessment

5. Additional application fees apply to Operational Work applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

Preparation of a Preliminary Construction Management Plan

- 6. A preliminary Construction Management Plan must be submitted with the Operational Works application and must address the following:
 - appropriate traffic signage in accordance with the Manual of Uniform Traffic (a) Control Devices (MUTCD)
 - provision for safe pedestrian access across the frontage of the site both (b) during daily construction and after daily construction has ceased.

ENVIRONMENTAL HEALTH

Qualified Person

- 7. For the purpose of certifying acoustic treatments for the development, a qualified person is considered to be either:
 - (a) a Registered Professional Engineer of Queensland;
 - an environmental consultant with a minimum of 3 years current experience in (b) the field of acoustics.
- 8. For the purpose of certifying acoustic barrier construction for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland.

- 9. For the purpose of certifying <u>outdoor lighting devices</u> for the development, a qualified person is considered to be either:
 - (a) a Registered Professional Engineer of Queensland;
 - (b) an environmental or electrical design consultant with a minimum of 3 years current experience in the field of outdoor lighting.

Noise

10. For the building design and construction of the approved use, the direction of a qualified acoustic consultant will ensure the installation of fixed plant and equipment (e.g. air-conditioning condenser units, refrigeration plant and mechanical exhaust discharge) are suitably located and/or shielded to avoid nuisance being caused by any noise from the plant and equipment.

Swimming Pool Water Quality

11. Water quality in public swimming pools can impact on public health if not maintained with appropriate disinfection, filtration and hygiene. Swimming pool water quality must be maintained in accordance with *Queensland Health's Swimming & Spa Pool Water Quality & Operational Guidelines 2004*. For further information contact Council's Healthy Places Unit.

LANDSCAPING

Qualified Person

- 12. For the purpose of preparing a <u>Landscape Plan</u>, 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.
- 13. For the purpose of preparing an <u>Arborist Report</u>, a qualified person is considered to be a person with either:
 - (a) ISA certification; or
 - (b) a Diploma of Arboriculture in addition to a minimum of 3 years current experience in the field of arboriculture.

UNITYWATER

- 14. 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.
- 15. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicant's cost.
- 16. A Trade Waste permit is required prior to any stormwater, groundwater or sump pump discharge into Unitywater's sewerage system. Application must be made to Unitywater for a trade waste permit. Plans and documentation must be submitted to Unitywater with a completed application for a trade waste permit. This is required prior to obtaining a plumbing approval from Council.

- 17. All internal water supply and sewerage infrastructure within the development site including sewerage pipes, sewerage pump stations, sewerage pressure mains and water supply pipes remains the responsibility of the relevant community title Body Corporate.
- 18. The applicant must ensure that the community title management statement for a community title scheme within the precinct identifies that the community title scheme is responsible for the ownership, operation, maintenance and repair of all internal water supply and sewerage infrastructure within that precinct or sub precinct.

Equitable Access and Facilities

- 19. 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

20. 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*.

Appendix A

9. **PROPERTY NOTES**

Not Applicable.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED 11.

- Development Permit for Operational Work (Engineering and Landscaping)
- Development Permit for Building Work (Acoustic Barrier)

12. SELF ASSESSABLE CODES

Not Applicable.

13. **SUBMISSIONS**

There were 30 properly made submissions about the application. In accordance with Sustainable Planning Act 2009, the name and address of the principal submitter for each properly made submission is provided and attached.

14. **REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME**

The Assessment Manager does not consider that the proposal to open an existing water park to the general public is in conflict with the Caloundra Planning Scheme. However, to the extent that it may, the following are considered sufficient grounds to justify the decision despite any perceived conflict:

- 1. Caloundra and Golden Beach are identified as tourism focus areas on Strategic Framework Map SFM2; 3.2.8B;
- 2. The site is identified as 1 of 6 'Key Sites' in the area to help make Caloundra a tourist destination:
- 3. The site is approved as a tourist resort and is located in the Tourist Accommodation Zone under the new planning scheme. Overall Outcome (2)(a)(ii) for the zone supports non-residential uses that complement tourist accommodation and enhance the function and attractiveness of the area as a visitor destination;
- 4. The water park would attract tourists to a tourist accommodation area:
- 5. The site is identified as Key Site 6 in Overall Outcome 2(t), which supports development for visitor accommodation, tourism, convenience, leisure and recreational related uses.
- 6. The proposed new acoustic barrier would mitigate noise emissions from the site and improve the existing situation for surrounding residents.
- 7. The proposal would not negatively impact on the surrounding road network and would provide sufficient onsite carparking to accommodate the use.

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 <u>www.sunshinecoast.gld.gov.au</u>, or at Council Offices.