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## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No: MCU15/0145  
Street Address: 10 Focus Lane YANDINA  
Real Property Description: Lot 828 CG4277  
Planning Scheme: *Maroochy Plan 2000* (16 September 2013)

### 2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises to establish a Vehicle Depot, Warehouse and Extractive Industry (screening and crushing purposes).

### 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

#### 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 approved use is for Vehicle Depot, Warehouse and Extractive Industry in accordance with the definition within *Maroochy Plan 2000*.
4. The approved Extractive Industry is limited to crushing and screening of materials only, and must not exceed a total of 2,000t of materials per year.  
*\*(refer to Advisory Note)*
5. The approved Extractive Industry must not include any kind of extraction of material from the subject site nor the processing of any material sourced from the subject site.

6. The approved Vehicle Depot is limited to nine (9) trucks and other machinery and equipment generally as per the list of vehicles and equipment in the reference documents listed in this Decision Notice.
7. The approved Warehouse is limited to 6 shipping containers for the purposes of storage.
8. The approved Vehicle Depot must not operate outside the hours of:
  - (a) 6am to 9pm Monday to Saturday
  - (b) 9am to 3pm Sunday or any public holiday
9. The approved Extractive Industry (Crushing and Screening) must not operate outside the hours of 7am to 6pm Monday to Friday.

#### **Building Height**

10. The maximum height of the development must not exceed 8.5 metres above natural ground level at any point.

### **ENGINEERING**

#### **Property Access and Driveways**

11. An upgraded concrete access driveway must be provided from Industrial Place to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - (a) A driveway crossover in accordance with Council's standard drawing IPWEAQ SEQ R-051 Type B;
  - (b) A driveway crossover width of 9 metres, extending to a minimum width of 6 metres at a distance of 25 metres from the kerb invert to provide a passing opportunity for a vehicle to enter the driveway while another vehicle is waiting to leave the driveway;
  - (c) All areas used for parking and manoeuvring must be sealed with concrete or asphaltic cement (AC) to prevent the generation of dust.

#### **Car Parking**

12. A minimum of 9 car parking spaces must be provided and marked on the site, and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an Operational Works approval.
13. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy, safe and trafficable condition at all times in accordance with a subsequent Operational Works approval.

#### **Service Vehicles**

14. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - (a) Regular access for a HRV
  - (b) Occasional access for an AV

**Earthworks and Retaining Walls**

15. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site.
16. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by an RPEQ where exceeding 1 metre in height.

**HYDRAULICS & WATER QUALITY****Stormwater Drainage**

17. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

**Stormwater Quality Management**

18. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval, and include stormwater quality treatment devices of a size and location generally in accordance with those shown in the Integrated Water Management Plan listed in this Decision Notice.
19. All stormwater quality treatment devices must be maintained in accordance with an Operation and Maintenance Manual which must be prepared by an RPEQ and endorsed by Council's delegate in conjunction with an Operational Works approval. The sediment trap must be operated to maintain the water quality of the North Maroochy River as the primary aim. This will mean, at times of impending rainfall, water exceeding 50 mg/L will be required to be pumped to the existing large sediment basin rather than being allowed to overflow to the river. Records of all maintenance activities undertaken must be kept and made available to Council upon request.

**Stockpile Area Management**

20. All material stockpiled on the site must be contained within the stockpile area shown on the Approved Plans. All of the stockpile area must drain to the sediment trap.
21. The onsite stockpiles must be limited to 4 metres in height at all times.
22. The maximum volume of material stockpiled on the site at any one time is limited to 3,000m<sup>3</sup>.
23. Stockpiles must be positioned immediately behind a solid barrier such as shown on the Approved Plans in the form of shipping containers, to reduce the instance of wind-blown dust to the south and south-east of the site.

**Flood Immunity**

24. The minimum floor level of all buildings and structures constructed on the site must be in accordance with the Approved Plans.

**Flood Management**

25. The site must be operated in accordance with the latest revision of the Flood Emergency Management Plan listed in this Decision Notice at all times. The site and the Flood Emergency Management Plan must be registered with the Local Disaster Management Coordination Centre.

26. The Flood Emergency Management Plan must be reviewed by a suitably qualified person\* and resubmitted to Council at a minimum of the following times:
- (a) After activation of the Flood Emergency Management Plan has resulted in evacuation of the site or the site has been inundated without the Flood Emergency Management Plan being activated.
  - (b) Timing as detailed in the Flood Emergency Management Plan
- The Emergency Flood Evacuation Plan must be reviewed in consultation with Council.  
\*(Refer to Advisory Note)

## ENVIRONMENTAL HEALTH

### Crushing and Screening

27. Records of crushing and screening quantities must be kept at the premises and made available to Council upon request.
28. This approval does not authorise the processing, treatment, incineration, recycling, composting, transfer, storing or disposal of waste, including regulated waste and organic waste as defined in the *Environmental Protection Regulation 2008*.

### Site Based Environmental Management Plan

29. The operator must implement a Site Based Environmental Management Plan (SBEMP) as referenced in this Decision Notice that addresses the management of environmental impacts of the activities under this approval. The SBEMP must identify all potential sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBEMP must also provide for the review and 'continual improvement' in the overall environmental performance of all activities that are carried out.
30. A copy of the SBEMP must be kept on site at all times and made available for inspection at any time upon request by Council.
31. Any review or amendment to the SBEMP must address the following matters:
- (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
  - (b) Identification of environmental issues and potential impacts.
  - (c) Control measures and operating procedures for routine operations to minimise likelihood of environmental harm.
  - (d) Maintenance practices and procedures, which includes:
    - i. Management of the sediment basins as required by these conditions of approval; and,
    - ii. Maintenance of stormwater quality improvement devices required to treat to sealed areas of the site.
  - (e) Management of stormwater runoff from the unsealed area of the site using best practice erosion and sediment controls.
  - (f) Routine observations of dust and sediment and recording the management response to elevated levels.
  - (g) Contingency plans and emergency procedures for non-routine situations.
  - (h) Organisational structure and responsibility.

- (i) Effective communication.
  - (j) Monitoring of contaminant releases.
  - (k) Staff training.
  - (l) Record keeping.
  - (m) Periodic review of environmental performance and continual improvement.
32. The operator must ensure that the activities at the premises comply with the SBEMP.
33. Notwithstanding any other condition of this Decision Notice, this development approval does not authorise any release of contaminants that causes or is likely to cause an environmental nuisance beyond the boundaries of the site, where "environmental nuisance" is defined by the *Environmental Protection Act 1994*.
34. In carrying out the use, all reasonable and practical measures must be implemented to minimise releases and the likelihood of releases of contaminants to the environment.

### **Complaints Management**

35. A complaints management procedure for the site must be prepared and submitted to Council prior to the issue of any Development Permit for Operational Works. The complaints management procedure must include the following:
- (a) A contact person with whom complaints can be lodged.
  - (b) A clearly defined procedure for responding to and investigating complaints.
  - (c) A notification protocol to all complainants of the outcome of complaint investigations.
36. A record of all complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.
37. Where complaints (other than frivolous or vexatious) are made to Council about noise or air emissions from the approved use, Council may require the site manager to:
- (a) Submit a Noise Impact Assessment or Air Impact Assessment prepared by a suitably qualified person\*; and / or
  - (b) Undertake further amelioration measures and have such measures certified by a qualified person\*.

### **Plant and Equipment**

38. All onsite plant and equipment must be limited to those (or equivalent) specified in the plant and equipment list referenced in this Decision Notice. Where an alternative piece of plant and equipment is used it must be equivalent with regard to capacity, output, hopper capacity, crusher feed opening, noise emissions and dust suppression system.

### **Air / Dust**

39. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm, is to emanate beyond the boundaries of the premises. Where in the opinion of an Authorised Officer of Council environmental harm is occurring, all activities (with the exception of amelioration measures) must cease on-site.

40. For the purpose of avoiding any release of dust or particulate matter from the approved use which could cause an environmental nuisance, the following measures must be taken:
- (a) Stockpiles must be located and maintained using all reasonable and practicable measures to minimise the release of wind-blown dust or particulate matter to the atmosphere. Reasonable and practicable measures must include but are not limited to:
    - (i) Automated or manually operated water spray systems;
    - (ii) Water spray systems installed on crushing and screening plant;
    - (iii) Use of approved dust suppressants;
    - (iv) Covering with windproof sheeting;
    - (v) Shielding from wind.
  - (b) Trafficable areas must be maintained using all reasonable and practicable measures to minimise the release of windblown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures must include, but are not limited to:
    - (i) Sealing with bitumen or other suitable material;
    - (ii) Keeping surfaces clean;
    - (iii) Use of water sprays;
    - (iv) Adoption and adherence to speed limits;
    - (v) Use of approved dust suppressants and wind breaks.
  - (c) Where not otherwise stated above, all specific measures included in the Environmental Management Plan listed in this Decision Notice and such other measures to ensure an environmental nuisance is not caused.
41. All irrigation systems utilised for dust suppression must be designed and operated to prevent the release of airborne particles beyond the boundaries of the premises. Water utilised for dust suppression must be from the reticulated municipal water supply system or otherwise must comply with the *Australian Guidelines for Water Recycling: Stormwater Harvesting and Reuse 2009* by NRMCC, EPHC & NHMRC. Where recycled stormwater is used on-site, Council may request water testing to confirm compliance with this condition.

**Acoustic Amenity**

42. The use must be carried out by such practicable means necessary to prevent the emission or likelihood of emission of noise that constitutes environmental nuisance under the *Environmental Protection Act 1994*.

**Acoustic Barrier**

43. An acoustic barrier must be constructed at a minimum of 4.8 metres in height on the site for noise attenuation in accordance with the Approved Plans. The barrier must be constructed so that there are no gaps between or underneath components of the barrier. The barrier must be positioned a minimum of 6 metres north of the southern property boundary to provide sufficient solar access for landscaping required by this Decision Notice.

**Landscaping Works**

44. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) A minimum 2 metre wide vegetation screening in front of the acoustic barrier along the southern boundary of the subject site generally as shown on the Approved Plans;
  - (b) Screening vegetation must comprise a plantings having a sufficient height and width at maturity to provide effective screening to the acoustic barrier;
  - (c) Protection or replacement of any landscaping within Focus Lane road reserve; and,
  - (d) Additional landscaping along the access driveway of Focus Lane generally as shown on the Approved Plans.
45. 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.

**Water**

46. Contaminants or contaminated water must not be directly or indirectly released from the premises or to the ground or groundwater at the premises except for:
- (a) Uncontaminated overland storm-water flow
  - (b) Uncontaminated storm-water to the storm-water system
  - (c) Contaminants released to sewer under and in accordance with a trade waste permit granted by Unitywater under the *Water Supply (Safety & Reliability) Act 2008*.
47. Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible grease, scum, litter or floating oil.
48. The operator must ensure that:
- (a) Maintenance and cleaning of equipment is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, a water or onto unsealed ground
  - (b) Any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water
  - (c) Incident rainfall and overland flow of stormwater does not contact contaminants (for example, areas with contaminants should be roofed or be protected by diversion drains).
49. All chemical tank storage (including, but not limited to, oil or waste oil, paint, lacquers, thinners, adhesives, and cleaning solvents) must be bunded so that the capacity of the bund is sufficient to contain at least one hundred and ten percent (110%) of the largest storage tank plus ten percent (10%) of the second largest tank within the bund.
50. All chemical drum storage (including, but not limited to, oil or waste oil, paint, lacquers, thinners, adhesives, and cleaning solvents) must be bunded so that the capacity of the bund is sufficient to contain at least one hundred percent (100%) of the largest container plus twenty-five percent (25%) of the total storage capacity.

51. A contaminant (including a waste) must not:
- Be buried at the premises
  - Be in contact with soil at the premises
  - Directly or indirectly seep or penetrate into the soil or groundwater at the premises
  - Be incinerated at the premises.

### Lighting Devices

52. 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 2.

## 6. REFERRAL AGENCIES

Not Applicable.

## 7. APPROVED PLANS

The following plans are Approved Plans for the development:

### Approved Plans

Plan No.	Rev.	Plan Name	Date
53569/C	D	Site Plan, prepared by Murray & Associates	08/08/2016
2015000	-	Depot Plan & Elevations, prepared by Linea Design & Drafting	07/12/2015

## 8. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

### Referenced Documents

Document No.	Rev.	Document Name	Date
-	1	Environmental Management Plan, prepared by Australia Wide Fauna Consultants	26/07/2016
125074RPT	A	Integrated Water Management Plan, prepared by Covey Associates	Nov 2015
-	2.1	Maudsley Excavations Flood Emergency Management Plan, prepared by Applied Safework Management Systems	28/10/2015
-	-	List of vehicles & equipment, prepared by Maudsley Excavations	-

## 9. ADVISORY NOTES

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



## PLANNING

### Other Laws and Requirements

1. This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found in the "Laws & Permits" page of the Sunshine Coast Council website ([www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au)). For information about State and Commonwealth requirements please consult with these agencies directly.

### Equitable Access and Facilities

2. 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

3. 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

4. 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.

**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.

**Infrastructure Charges**

6. This development permit may trigger an "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****Pre-Design Meeting Services**

7. Council offers a free Pre-Design Meeting service specifically for Operational Works applications. Applicants are encouraged to utilise this service prior to the submission of their OPW application to ensure that their application is not held up by avoidable design issues. It is anticipated that the Pre-Design Meeting will ultimately assist in fast tracking the assessment of an Operational Works application once it is lodged with council as a result of design and application issues being resolved or substantially resolved prior to the application being submitted. For more information on this service or to book a Pre-Design Meeting please visit Council's website (<http://www.sunshinecoast.qld.gov.au/sitePage.cfm?code=prelodge-advise>) or contact (07) 5475 PLAN.

**Co-ordination of Operational Works Assessment**

8. 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**

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

**HYDRAULICS & WATER QUALITY****Review of Flood Emergency Management Plan – Qualified Person**

10. For the purpose reviewing the Flood Emergency Management Plan a suitably qualified person is an RPEQ competent to practice in the field of flood management.

## ENVIRONMENTAL HEALTH

### Environmental Harm

11. 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. Refer to the *Environmental Protection Act 1994* for more information.

“Environmental harm” is 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.

“Environmental value” is:

- (a) A quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- (b) Another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.
- (c) Another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

“Environmental nuisance” is unreasonable interference or likely interference with an environmental value caused by:

- (a) Noise, dust, odour, light; or
- (b) An unhealthy, offensive or unsightly condition because of contamination; or
- (c) Another way prescribed by regulation.

### Environmentally Relevant Activity

12. The approved extractive industry use is limited to the screening of a maximum amount of 5000t of material in a year. Extractive and screening activities which exceed this amount are defined as an Environmentally Relevant Activity under the *Environmental Protection Regulation 2008* and will require a separate Development Permit.

### Qualified Person

13. For the purpose of preparing acoustic reports and certifying acoustic treatments for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland (RPEQ);
  - (b) an environmental consultant with a minimum of three (3) years current experience in the field of acoustics.
14. For the purpose of preparing air quality reports and certifying air quality mitigation measures for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland (RPEQ);
  - (b) an environmental consultant with a minimum of three (3) years current experience in the field of air quality.

**10. PROPERTY NOTES**

Not Applicable.

**11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**12. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Works (External Works, Car-parking and Access, Stormwater Drainage Works and Landscaping); and,
- Development Permit for Building Work.

**13. SELF ASSESSABLE CODES**

Not Applicable.

**14. SUBMISSIONS**

There were 35 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

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

Not Applicable.

**16. RIGHTS OF APPEAL**

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

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” 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](http://www.sunshinecoast.qld.gov.au) or at council offices.