

## APPENDIX A – CONDITIONS OF APPROVAL – 157 WARRAN ROAD, YAROOMBA

### 1. APPLICATION DETAILS

Application No:	MCU12/0190
Street Address:	157 Warran Road, Yaroomba Qld 4573
Real Property Description:	Lot 13 SP 238215, Lot 10 SP 238215, Lot 27 SP 238215
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)

### 2. DECISION DETAILS

The following type of approval has been issued:

Development Permit for Material Change of Use of Premises for an extension to an existing Integrated Tourist Facility to add new tourist attractions.

### 3. RELEVANT PERIOD OF APPROVAL

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

### 4. ASSESSMENT MANAGER CONDITIONS

#### PLANNING

##### **When Conditions must be Complied With**

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

##### **Approved Plans**

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.  
*\*(Refer to Advisory Note)*

##### **Nature and Extent of Approved Use**

3. The approved use is for Development Permit for Material Change of Use for an extension to an existing Integrated Tourist Facility to add 2 new tourist attractions in accordance with the approved plans to include:
  - (a) a vintage car museum/gallery/exhibition area (4 x 500m<sup>2</sup> temporary marquee structures & a 150m<sup>2</sup> theatre) or 1 x 2,000m<sup>2</sup> marquee and a 150m<sup>2</sup> marquee);
  - (b) a fenced dinosaur theme park to accommodate up to 160 animated dinosaur replicas.
4. The temporary museum/gallery/exhibition structures may not be replaced by permanent buildings until detailed building plans have been approved by Unitywater.
5. Future buildings housing the museum/gallery/exhibition must not exceed the height and gross floor area of the approved temporary structures and must be located within the approved *Future Allowable Building Area* identified on the approved *Future Permanent Building Area Plans*.

6. The new tourist attractions on the premises must not operate outside the hours of:
  - (a) 10:00am to 6:00pm 7 days per week 365 days per year for the vintage car museum/gallery/exhibition attraction.
  - (b) 10:00am to 9:00pm 7 days per week 365 days per year for the mini dinosaur theme park.

#### **Building appearance**

7. Roof materials for the new structure must be non-reflective and designed with colours and styles to minimise the visual impact of the development.

### **ENGINEERING CONDITIONS**

#### **Site Access and Driveways**

8. Site access for patron of the attractions must be from the main resort access on Warran Road.

#### **Car Parking**

9. Within precinct 1B (resort parking), a minimum of 249 car parking spaces must be provided and line marked on the site in accordance with the approved plans and SKM Traffic Impact Assessment Study. The works must include 8 disabled parking spaces within the total as per the SKM Report.
10. All resort car parking and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.
11. Directional signage must be provided to direct visitors and customers to the car parking spaces provided on site.

#### **Service Vehicles**

12. Provisions for public passenger transport bus/coach and taxi set down must be provided on site in accordance with the approved plans and DTMR concurrence conditions.

#### **Pedestrian and Bicycle Facilities**

13. Pedestrian and bicycle facilities must be provided for the development in accordance with the approved plans. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - (a) a minimum 1.5 metre wide concrete footpath as shown in magenta on the approved *Carparking, Cyclist Facilities & Pedestrian Network Plan*.
  - (b) adequate separation of all specific pedestrian routes from vehicle access and manoeuvring areas, and clear demarcation by pavement marking, signposts or changes in surface materials or levels
  - (c) a minimum of 4 class 3 bicycle parking spaces to be located in proximity to the entrance to the vintage car museum.
14. The pedestrian path network to the new tourist attraction must be maintained in good working order at all times.

#### **Easements**

15. The applicant must register access easements as necessary.
16. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

**Damage to Services and Assets**

17. Any damage caused to existing services and assets above or below the ground must be repaired:
- (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.

**Flood Immunity**

18. The minimum floor level of all buildings constructed for the vintage car gallery must be in accordance with the Approved Plans.
19. All elements of the Mini Dinosaur Park, including the exhibits, which are located below the 1 in 100 year ARI flood level, are to be designed to either tolerate or exclude inundation by flood waters such that damage to the park does not occur and the use can be recommenced following a flood event without delay.

**Stormwater Quality Management**

20. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and may include either a proprietary underground system or a vegetated bioretention system, provided that all areas subject to this approval are treated to achieve 45% reduction in TN, 60% reduction in TP and 80% reduction in TSS mean annual loads.

**LANDSCAPING & ENVIRONMENTAL HEALTH**

21. The development site must be landscaped\*. The works must be undertaken generally in accordance with a Landscape Plan and an Operational Works approval and must include:
- (a) the landscaping works shown on the approved plans
  - (b) provision street furniture including a minimum of bench seats and litter bins;
  - (c) provision of a water fountain located near the vintage car museum.
- \*(Refer to Advisory Note)*
22. The applicant must landscape the vintage car museum/gallery/exhibition marquee structures to soften their appearance and ensure that ancillary air conditioning units and other structures are screened.
23. The applicant must site the dinosaur exhibits amongst the existing vegetation. Vegetation within the dinosaur park may not be removed without the permission of council as part of an application for operational works (landscaping).
24. While the dinosaur park may be fenced to limit access, the fence must remain transparent so as not to obstruct the views of residents within the resort or adjacent community title scheme accommodation and to maintain the visual amenity of the resort. Alternatively, additional landscape screening to the exhibit as approved by council would be acceptable.
25. All landscape works must be maintained for the life of the development in accordance with horticultural best practice with construction techniques and irrigation that allow for healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.

### Acoustic Amenity

26. During operating hours, noise emissions from the dinosaur exhibits must not exceed the background noise level plus 5dB(A) at any noise sensitive receptor (dwelling) external to the resort site. The background noise level must be assessed as the LA90,15min (Fast Response) in the absence of the source noise.
27. Where complaints (other than frivolous or vexatious) are made to council about noise from the dinosaur exhibit, council may require the resort manager to:
  - (a) Submit a Noise Impact Assessment prepared by a suitably qualified acoustic consultant in accordance with Maroochy Plan 2000 Planning Scheme Policy, and/or
  - (b) Install volume limiting devices for the exhibits and/or shield mechanical plant and equipment as certified by a qualified acoustic consultant.
28. Any fixed plant and equipment\* that causes either tonal ( $L_{eq}$ ) sound (e.g. air conditioning units), or impulse ( $L_{max}$ ) sound, must be enclosed, shielded and/or positioned or controlled to ensure that sound pressure does not exceed the following levels outside the site:
  - (a) 40 dB(A)  $L_{eq}$  for living and work areas
  - (b) 35 dB(A)  $L_{eq}$  for sleeping areas
  - (c) 45 dB(A)  $L_{max}$  for all areas

Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 "Acoustics – Description and measurement of environmental noise – General procedures".

\*(Refer to Advisory Note).

### Outdoor Lighting Devices

29. 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.

### Waste Management

30. Refuse receptacles must be provided at each exhibit and emptied on regular basis.

### UNITYWATER

31. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
32. Buildings and other structures 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, *unless otherwise approved by Unitywater*. The 300mm VC trunk sewer main is greater than 3 metres in depth and requires a clearance of 2 metres each side of the sewer, *unless otherwise approved by Unitywater*. Structural footings must be founded below the sewer zone of influence.
33. 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.
34. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

## 5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department of Transport & Main Roads PO Box 1600 Sunshine Plaza Postal Shop, Maroochydore Qld 4558	State-controlled road matters; Public Passenger Transport; Railways.	The agency provided its response on 17 June 2013 (Reference No. TMR12-005009). A copy of the response is attached.

## 6. APPROVED PLANS

The following plans are Approved Plans for the development:

### Plans requiring amendments

Plan No.	Rev.	Plan Name	Date
13103A/06	14	<i>Future Permanent Building Area Plan</i> , prepared by AK Building Design	27/05/13
13103A/08	14	<i>Mini Dinosaur Park Site Plan</i> prepared by AK Building Design	27/05/13
13103A/09	14	<i>Mini Dinosaur Park Layout Part 1 Plan</i> prepared by AK Building Design	27/05/13
13103A/10	14	<i>Mini Dinosaur Park Layout Part 2 Plan</i> prepared by AK Building Design	27/05/13
13103A/11	14	<i>Palmer Dinosaur Park Schedule</i> prepared by AK Building Design	27/05/13
<b>Amendments</b>		Amend the plans to remove the tennis court from the proposed dinosaur park or provide a replacement court in proximity to the tennis club.	

Plan No.	Rev.	Plan Name	Date
13103A/02	14	<i>Sub-Precinct 1A &amp; 1B Extent of Works Plan</i> , prepared by AK Building Design	27/05/13
13103A/03	14	<i>Carparking, Cyclist Facilities &amp; Pedestrian Network Plan</i> , prepared by AK Building Design	27/05/13
13103A/04	14	<i>Vintage Car Gallery Aerial Plan</i> , prepared by AK Building Design	27/05/13
13103A/05	14	<i>Vintage Car Gallery Layout Plan</i> , prepared by AK Building Design	27/05/13
13103A/06	14	<i>Vintage Car Gallery Site Drainage/ Pathways Plan</i> , prepared by AK Building Design	27/05/13
<b>Amendments</b>		Locate marquee #1 to be 2m clear of the 300mmVC trunk sewer main unless otherwise approved by Unitywater.	

## 7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

### Referenced Documents

Document No.	Rev.	Document Name	Date
QB10456	R03	<i>Tourist Attractions - Palmer Coolum Resort - Traffic Impact Assessment Study, prepared by SKM</i>	30/04/13

## 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

#### **Nature and Extent of Approved Development**

1. Should the outstanding matters raised in this approval be addressed to Council's satisfaction, Council may change the approval to a Development Permit through the Negotiated Decision Notice process.

#### **Infrastructure Charges**

2. 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**

3. From 1 January 2000, the Building and Construction Industry (Portable Long Service Leave) Levy must be paid prior to the issue of a development permit where one is required for the 'Building and Construction Industry'. This applies to Building Works, Operational Works and Plumbing and Drainage Works applications, as defined under the *Sustainable Planning Act 2009*, where the works are \$80,000 or more and matching the definition of 'Building and Construction Industry' under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. Should you require clarification in regard to the amendments to the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, you should contact Q Leave on 1800 803 481 (free call) or (07) 3212 6855.

#### **Preparation of Operational Works Application**

4. The applicant is advised to refer to section 2.1.2 of Planning Scheme Policy No. 5 – *Operational Works* prior to preparation of any Operational Works application for the development.

#### **Co-ordination of Operational Works Assessment**

5. To assist Council to undertake an integrated assessment of the operational works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme. Additional application fees apply to 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. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
- (a) traffic management during all aspects of the construction phase including:
    - (i) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction.
    - (ii) maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased.
  - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures.
  - (c) works programme identifying key components of the works and their respective durations.
  - (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues.
  - (e) identification of complaint management procedures including:
    - (i) contact details for the on-site manager
    - (ii) dispute resolution procedures
  - (f) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

## **LANDSCAPE**

### **Co-ordination of Operational Works Assessment**

#### **Preparation of a Landscape Plan**

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

**Qualified Person**

8. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 3 years current experience in the field of landscape design.

**Qualified Person**

9. 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;
  - (b) an environmental consultant with a minimum of 3 years current experience in the field of acoustics.

**UNITYWATER**

10. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicants cost.

**Equitable Access and Facilities**

11. 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**

12. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*. The ACH Act establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage. You should contact the Cultural Heritage Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

**9. PROPERTY NOTES**

Not Applicable.

**10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

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



**12. SELF ASSESSABLE CODES**

Not Applicable.

**13. SUBMISSIONS**

There were 181 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**

Not Applicable.

**15. RIGHTS OF APPEAL**

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

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

**16. OTHER DETAILS**

If you wish to obtain more information about Council’s decision, electronic copies are available on line at [www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au), or at Council Offices.