

CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU15/0192
Street Address:	141 Jones Rd BUDERIM QLD 4556
Real Property Description:	Lot 1 SP 105435
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 (Shopping Complex with supermarket, 3 shops and a fast food outlet)

3. RELEVANT PERIOD OF APPROVAL

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

4. INFRASTRUCTURE

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

5. ASSESSMENT MANAGER CONDITIONS

PLANNING

When conditions must be complied with

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

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the approved plans listed within this decision notice. The approved plans must be amended to incorporate the amendments listed within this decision notice and resubmitted to council prior to the issue of any development permit for Operational Works*

*(Refer to Advisory Note)

Nature and Extent of Approved Use

3. The approved use is for a 4,937m² shopping centre with a 3,688m² supermarket, including a 200m² mezzanine, 3 shops with a total GFA to 999m² and a 250m² fast food outlet.
4. The approved use must not operate outside the hours of:
 - (a) 7am to 10pm Monday to Thursday
 - (b) 7am to 11pm Friday and Saturday
 - (c) 9am to 10pm Sunday or any public holidayThe requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.
5. Service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Sundays or public holidays. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.
6. The outdoor dining area must not exceed the areas identified on the approved plans.
7. The approved fast food outlet use must only occur within the tenancy located at the building at the site entrance.

Building Height

8. The maximum height of the development must not exceed 8.5 metres above finished fill level.
9. Certification must be submitted to council from a cadastral surveyor which certifies that the buildings do not exceed the maximum height requirement of this decision notice.

Street Identification

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

Sunset Clause for Completion of Approved Development

11. Pursuant to s342 of the *Sustainable Planning Act 2009*, this development approval lapses if the whole of the approved use has not happened within 6 years of the approval taking effect.

Building Appearance

12. Any security screens on the premises consist of grille or translucent screens and not solid shutters, screens or roller-doors.
13. 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.
14. The supermarket roof and north facing wall must be non-reflective muted colour.

15. 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.

Weather Protection

16. The main circulation and congregating areas of the development must be covered by awnings and roofs as shown on the approved Site Roof Layout plan. The awnings and roofs must be designed to provide continuous solar and rain protection and promote all weather activity.

Public Art

17. Private art must be established on the site and prepared by a qualified person and endorsed by Council through an Operational Works Approval.

Public Safety

18. All ground floor shopfront glazing must be protected against unlawful entry by the use of a form of safety glass such as toughened or laminated glass. All other windows provided at the ground floor must include toughened or laminated glass, or security screens.
19. Vandal proof materials and anti-graffiti paint must be used in the building construction.
20. Signs must be provided and located to direct people to entries and exits and to parking spaces within the site. Public parking areas must be clearly designated as such and have clearly defined access points.
21. Public toilets must be located where they can be monitored by other persons, including motorists.
22. Bicycle parking facilities must be located so that they are visible from the street.
23. During operating hours, all building entrances, parking areas, pedestrian areas and entrances/exits to all stairwells, travelators, lifts, foyers/reception areas, loading docks and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of *AS1158 - Lighting for Roads and Public Spaces* and the *Sunshine Coast Public Lighting Plan*. Lighting must be directed onto the site or building and away from neighbouring sites. Lighting must be designed to reduce the contrast between shadows and well lit areas.
24. After-hours access to loading docks, storage areas must be restricted by a security gate, lockable doors and/or other suitably appropriate means. Any afterhours staff parking must be well lit and located in close proximity to staff access points.

Renewable Energy (Sustainable Design Code)

25. The development must implement the use of solar power or other non-polluting, renewable energy sources to supply part or all of the development's energy needs.

ENGINEERING

External Works

26. The Jones Road / Pittards Road intersection must be upgraded. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) pedestrian crossings, with separate kerb ramps and associated path connections across all four intersection approaches. The minimum pedestrian crossing width should be 3 metres
 - (b) the construction of retaining walls and relocation as necessary of kerb and channel, signs, drainage pits and stormwater infrastructure, traffic signal infrastructure and existing services
 - (c) intersection signal phasing utilising diamond overlap phasing on the Jones Road approaches (without filter right turns) and separate split approach phasing for the western and eastern approaches
 - (d) on the northern approach, between Pittards Road and the Maroochydore Road signalised intersection to the north:
 - (i) a left-turn lane, that should be at least 3.1 metres wide, with a vehicle storage length of at least 60 metres plus taper. The design turning vehicle is an Austroads design 12.5 metre single unit truck/bus
 - (ii) a right-turn lane, at least 3 metres wide, with a vehicle storage length of at least 65 metres plus taper. The design turning vehicle is an Austroads design prime mover and semi-trailer
 - (iii) for the length of the right-turn lane (including taper), two through lanes (each should be at least 3.2 metres wide) and a bicycle lane (at least 1.5 metres wide)
 - (iv) a raised median island with a general minimum width of not less than 1.2 metres and at least 2 metres wide where required to accommodate traffic signals and street lighting
 - (v) the existing path on the eastern verge of Jones Road must be reconstructed as a 2.5 metre wide path where it is required to be relocated such that it is at least 1 metre clear of a realigned kerb and at least 500mm clear of all poles, posts and other hazards and vertical obstructions, except that less than 500mm clearance may be excepted where necessary adjacent to existing power poles that do not require relocation
 - (e) on the northern departure, between Pittards Road and the Maroochydore Road signalised intersection to the north:
 - (i) adequate pavement width for two through lanes (at least 3.2 metres wide) and a bicycle lane (at least 1.5 metres wide) from Pittards Road to the Maroochydore Road signalised intersection to the north
 - (ii) an additional auxiliary median-side through lane, that should be at least 3.2 metres wide, that extends back from the Maroochydore Road signalised intersection to the north for a minimum vehicle storage length of 74 metres plus taper
 - (iii) at its northern end, matching of the Jones Road widened / realigned northbound carriageway to the existing carriageway width between existing raised islands at the stop line for the signalised Maroochydore Road intersection to the north
 - (iv) dedication of land from the subject site as road reserve as necessary to provide a verge width of at least 5 metres (property boundary to realigned kerb).
 - (f) on the southern leg:

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- (i) two through lanes (each at least 3.1 metres wide) and a bicycle lane (at least 1.5 metres wide) on the departure from Pittards Road to at least Lindsay Road.
 - (ii) a right-turn lane, at least 3 metres wide, for right turns into Pittards Road. A line marked right-turn lane, at least 3 metres wide, must be provided for right turns into Lindsay Road, with a vehicle storage length of at least 8 metres. A line marked taper, separating the two right-turn lanes, should be at least 10 metres long.
 - (iii) a through / left-turn lane and a through lane (each at least 3.2 metres wide) and a bicycle lane (at least 1.5 metres wide) on the approach to Pittards Road, extending along Jones Road from the stop line for a distance of at least 105 metres (inclusive of an approximately 15 metre long 'keep clear' area at the Lindsay Road intersection) before tapering back to the existing carriageway over approximately 15 metres. The design turning vehicle from the through / left-turn lane into the subject site is an Austroads design prime mover and semi-trailer.
- (g) on the western leg:
- (i) a high-entry angle left-turn slip lane, designed in accordance with the requirements of Austroads' Guide to Road Design (including the raised corner island). The design turning vehicle is an Austroads design prime mover and semi-trailer. The vehicle storage length for the left-turn slip lane must be at least 30 metres (plus taper).
 - (ii) a through / right-turn lane and an exclusive right-turn lane, each at least 3.2 metres wide. The design turning vehicle arrangement for the right-turns is an Austroads design 12.5 metre single unit truck/bus and passenger car combination. The vehicle storage length for the exclusive right-turn lane must be at least 18 metres (plus taper).
- (h) on the eastern leg:
- (i) a line marked left-turn / through lane and a right-turn lane, extending for a distance of at least 30 metres
 - (i) turnout radii at each intersection corner of not greater than 10 metres.
 - (j) street lighting.
 - (k) the dedication of any land dedication from the subject site necessary to accommodate the Jones Road upgrade.
27. Works must be carried out on Main Road north of Maroochydore Road to achieve the upgrade requirements of the Queensland Department of Transport and Main Roads for the subject development at the Jones Road / Main Road / Maroochydore Road eastbound ramps intersection. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) for the additional northbound exit lane on Main Road:
 - (i) where there are two northbound lanes required, the northbound carriageway width must be at least 8 metres, consisting of at least a 1.5 metre wide marked shoulder / bike lane and at least 3.25 metre wide lanes. Where there is one northbound lane (up to Indiana Place), the northbound carriageway width must be at least 4.75 metres, consisting of at least a 1.5 metre wide marked shoulder / bike lane and at least a 3.25 metre wide lane
 - (ii) the re-constructed left-turn slip lane into Indiana Place must be a high-entry angle left-turn slip lane, designed in accordance with the requirements of Austroads' Guide to Road Design (including the raised corner island). The design turning vehicle is an Austroads design prime mover and semi-trailer
 - (b) for the extended left-turn slip lane on Main Road to the Maroochydore Road on-ramp, pavement widening must be undertaken to accommodate the whole of the

extended lane. The existing southbound carriageway must not be reduced in width or realigned to provide for the extended lane.

Property Access and Driveways

28. A sealed access driveway must be provided from Jones Road to all parking and manoeuvring areas of the development generally in accordance with the approved plan and the external works conditions. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a driveway crossover in accordance with IPWEAQ standard drawing RS-051 for commercial crossovers.
 - (b) driveway widths as necessary to provide regular access to the site for all vehicles.
 - (c) suitable safety measures, including warning signage, to improve driver awareness of pedestrians and enhance pedestrian safety.
29. Approval from the Department of Transport and Main Roads for the final design of the site access and driveway works must be submitted in writing to Council prior to the issue of any Development Permit for Operational Works.
30. Vehicle access to the development is limited to Jones Road only.

Pedestrian and Bicycle Facilities

31. Pedestrian paths and bicycle facilities must be provided for the development generally in accordance with the Site Layout Plan as amended. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a 2.5m wide concrete path within the road verge for the entire length of the site's frontage to Jones Road.
 - (b) a minimum 2.0m wide concrete footpath from Jones Road through the site to the buildings and Maroochydore Road, including delineated crossings where the pathway crosses any drive aisle.
 - (c) Minimum 1.8m wide pedestrian pathways between the proposed car parking area and the buildings, including:
 - (i) a delineated drive aisle crossing and pathway perpendicular to the supermarket, extending between car parking spaces for the length of the spaces located directly across from the supermarket entrance, as shown on the approved plans within this Decision Notice.
 - (ii) a delineated pathway and drive aisle crossings located parallel to the supermarket and shops, located across the northern edge of the four primary north-south parking space groups between the entrance driveway and the biofiltration basin.
 - (iii) provision of pram ramps and/or flush kerbs as required at each delineated drive aisle crossing location.
 - (d) 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.
 - (e) signage and lighting at strategic locations to direct people to building entries and public toilet facilities.
 - (f) pedestrian refuge areas at strategic locations within the car park to ensure safe and convenient congregating of pedestrians waiting to cross major access driveways.
 - (g) a total of 12 bicycle parking spaces.

Car Parking

32. A minimum of 261 car parking spaces and 6 motorcycle bays 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 and must include in particular:
- (a) up to 10% of spaces (26 spaces) within the total may be dimensioned as small spaces, if they are:
 - (i) designated for staff, and
 - (ii) are located so that approximately half of the small spaces are within both the northeast and southwest areas of the car park, and
 - (iii) are clearly marked for that purpose.
 - (b) designation of the 23 car parking spaces within the total located closed to the rear of the supermarket (behind Shops 3) as staff only.
 - (c) pedestrian routes in accordance with the conditions of this Decision Notice.
 - (d) provision of vandal resistant public lighting with intensities to satisfy the requirements of Australian Standard AS1158: *Public Lighting Code*.
 - (e) a minimum of five disabled parking spaces within the total, located such that they provide pedestrian access to the nearest building without crossing any drive aisles.
 - (f) dimensions, crossfalls and gradients in accordance with Australian Standard AS2890: Parking Facilities.
33. 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.

Service Vehicles

34. 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) 1 AV space,
 - (b) 1 LRV/HRV space,
 - (c) 2 MRV spaces,
 - (d) 1 SRV space,
 - (e) 5 van spaces, including at least two loading/unloading van spaces (short term parking) located within the parking fronting the main shopping centre regular access for all vehicles,
 - (f) regular access for all vehicles,
 - (g) provision of a service vehicle management plan for assessment and endorsement by council.

Electricity and Telecommunication Services

35. Underground reticulated electricity and telecommunication services must be provided to each lot in accordance with an approval for Operational Works and the standards and requirements of the relevant service provider.
36. 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.

37. 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

38. An underground connection to reticulated water and sewerage must be available and provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor-Retailer Authority (Unitywater).
39. 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 exists prior to commencement of use.
40. Internal private water and sewer reticulation must be constructed in accordance with a compliance approval for plumbing and drainage work issued by Council. Evidence of the compliance approval must be submitted to Council prior to endorsement of the survey plan.

Easements

41. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site must be placed within an easement registered against the title of the property.
42. 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.
43. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

Earthworks and Retaining Walls

44. All fill and associated batters must be contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council. All earthworks must be undertaken in accordance with the provisions of Australian Standard AS3798: *Guidelines on Earthworks for Commercial and Residential Developments*.
45. Where the development involves excavation or filling over, or adjacent to drainage infrastructure access chamber surface levels must be adjusted to provide a freeboard of 100mm above the finished ground surface level.
46. 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

47. Any retaining walls fronting Maroochydore Road must be designed to avoid blank wall exceeding 1m in height.

Transfer of Land to Council

48. Land from the subject site required for the Jones Road upgrade must be transferred to Council in fee simple for road reserve purposes. The land to be transferred is “non-trunk infrastructure” for the purposes of the Sustainable Planning Act 2009.
49. The land area to be transferred must be unencumbered by services such as pump stations, services easements or similar operational uses.
50. The land owner/developer must be responsible for all costs associated with the transfer of the land, including the requirement to obtain a valuation for the land from a registered property valuer and to pay all transfer duty upon transfer.
51. One original signed and 'stamped' Queensland Titles Registry Form 1 Transfer and Form 24 must be lodged with council for endorsement prior to the registration of title, together with a survey plan and a copy of the land valuation.

HYDROLOGY

Stormwater Drainage

52. 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) The works described in the *Site-Based Stormwater Management Plan* listed in this Decision Notice.
 - (b) Collection and discharge of stormwater to Martins Creek including the energy dissipation and spreading of stormwater onsite to cause no scour, no worsening and minimise as far as practicable the concentration of flow onto Lot 2 SP142140 and the banks of Martins Creek from either minor or major system flows.
 - (c) Extension of the site stormwater system to accommodate stormwater from external to the site, including registration of drainage easements and at the discharge locations include energy dissipation and spreading of stormwater onsite to cause no scour, no worsening and minimise as far as practicable the concentration of flow onto Lot 2 SP142140 and the banks of Martins Creek from either minor or major system flows.
 - (d) The maximum permitted pipe diameter / culvert dimension for discharge to the west is 375mm. The number of barrels shall be increased to provide the required capacity.
 - (e) The use of gravity stormwater drainage and not surcharge pits with no free draining outlet.
53. In conjunction with the first operational works development application owners consent must be provided for stormwater drainage works proposed on Lot 3 SP142278.

Stormwater Quality Management

54. 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 Section 3 of the of the *Site-Based Stormwater Management Plan* listed in this Decision Notice with the exception of the following:
- (a) Filter media depth must be increased to 0.7m.
 - (b) Stormwater must be pre-treated using a gross pollutant trap.
55. All stormwater quality treatment devices must be maintained in accordance with the Water by Design (2009) - *Maintaining Vegetated Stormwater Assets* (Version 1). A copy of this document must be retained on the site together with the approved Operational Works drawings for the stormwater quality treatment system and a detailed life cycle costing of the system attached as an addendum. Records of all maintenance activities undertaken must be kept and made available to Council upon request.

Flood Immunity / Management

56. The minimum floor level of all buildings constructed on the site must be in accordance with the *Flood Impact Assessment* listed in this Decision Notice. Floor levels must also be a minimum of 300mm above peak 1% AEP stormwater levels and in particular levels associated with external catchment flows through the development.
57. All works must be carried out generally in accordance with the *Flood Impact Assessment* listed in this Decision Notice.

Easements

58. A minimum 4 metre wide easement for drainage purposes must be registered against the title of the property in favour of Council over the land area defined by the required piped stormwater drainage systems conveying external catchment stormwater on the subject site.
59. An easement for drainage purposes must be registered against the title of the property in favour of Council over the land area identified as being below the flood level for the Defined Flood Event on the subject site.

ENVIRONMENT AND LANDSCAPING

Landscaping Works

60. 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 5 metre wide dense screening landscaping buffer between the building and Maroochydore Road to screen the back of the supermarket building. The buffer must exclude pathways.
 - (b) Additional planting of tall trees with mature stock (45 to 100L), such as *Elaeocarpus grandis*, *grevillea robusta*, *Lophostemon confertus* to supplement landscaping the Maroochydore Road frontage and provide immediate effect.
 - (c) Additional planting of tall trees within the car park to “break-up” the Supermarket

roofline in the areas “annotated” in pink on the Landscape Concept Plan of this development approval. Additional planting “beds” must be designed “flush with kerb” and include subsoil drainage.

- (d) All remaining planting “beds” located within the car parking areas must be designed “flush with kerb” and include subsoil drainage.
 - (e) Control of all weeds species listed in the following standards and legislation:
 - (i) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003
 - (ii) *Sunshine Coast Local Government Area Pest Management Plan 2012-2016*.
61. The bio-filtration area, filter media, is to be increased in depth to a minimum of 700mm filter media depth. The bio-filtration area must be planted-out with the following species *Melaleuca quinquenervia*, *Melicope elleryana*, *Lomandra hystrix* and *Gahnia clarkei*.
62. The internal and car parking “beds” and perimeter planting areas are to comprise of large shade trees which will reach a minimum height of 20 metres at maturity.
63. 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.
64. All landscape works must be maintained generally in accordance with the approved design for the life of the development.
 *(Refer to Advisory Note)

Land Rehabilitation

65. The land areas adjacent to Martins Creek and up to the Supermarket, loading bay, Bio filtration Area and car parking areas as identified on the Landscape Concept Plan on the subject site must be rehabilitated and removed of all weeds species listed in the following standards and legislation:
- (a) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003.
 - (b) *Sunshine Coast Local Government Area Pest Management Plan 2012-2016*.

The works must be undertaken in accordance with an Operational Works approval.

Ecological Preservation

66. A “no clearing zone” must be established and maintained over the rehabilitated land area located adjacent to Martins Creek and identified as Martins Creek Buffer on the Approved Landscape Concept Plan. The following activities must not be carried out within the no clearing zone:
- (a) clearing, cutting down, poisoning, lopping or pruning of native vegetation which is indigenous to, or planted within, the zone.
 - (b) soil/spoil dumping and/or compacting.
 - (c) soil excavation, other than for planting indigenous native plants.

The following exceptions apply:

- (a) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003, and any Council Listed Environmental Weeds, Exotic Grasses and other plants identified in writing by Council.
 - (b) *Sunshine Coast Local Government Area Pest Management Plan 2012-2016*.
67. Eight permanent artificial nesting boxes of mixed sizes must be installed on the existing trees within the site adjacent to Martins Creek, to provide compensatory habitat for arboreal mammals and hollow dependent avian species. The works must be undertaken in accordance with an Operational Works approval.

ENVIRONMENTAL HEALTH

Waste Management

68. Refuse storage, removal and collection facilities must be provided in accordance with the approved plans and the following:
- (a) provision of safe, efficient and unobstructed Waste Collection Vehicle access to the site and service bays.
 - (b) provision of 1100 litre low noise bulk bins for general waste and recyclable material for the site.
 - (c) waste compactors may be used however any compactor must be located within service or loading areas.
 - (d) collection by service vehicles from within the site only, and not from the kerbside.
 - (e) provision of a communal hardstand impervious area for the permanent storage location and service collection of all bulk bins, having minimum dimensions of 1.5m² (1100mm x 1300mm) per bin and located no closer than 3m to the site frontage and 1.5m to any other boundary.
 - (f) provision of a minimum 1.8m high purpose built enclosure to the bin store, which is screened from the street and adjoining properties by landscaping.
 - (g) 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.

Acoustic Amenity

69. Acoustic measures and treatments must be incorporated into the development in accordance with section 8 of the Noise Impact Assessment listed within this decision notice.
70. Certification must be submitted to council from a qualified person* which certifies that the development has been constructed in accordance with section 8 of the Noise Impact Assessment listed within this decision notice.
- *(Refer to Advisory Note)

Lighting Devices

71. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of *AS 4282 - Control of the obtrusive effects of outdoor lighting* using a control level of 1.

72. Certification must be submitted to council from a qualified person* which certifies that all lighting devices comply with the requirements of this decision notice.
*(Refer to Advisory Note)

Signage

73. The applicant must lodge an application for operation works (placing of an advertising devices), where site signage does not comply with the requirements of the Code for Placing Advertising Devices. The location of such devices must be generally in accordance with the approved plans.

ENERGEX

74. This application is approved in accordance with the plans Information Response plans. Any alterations to these plans should be resubmitted to Energex for comment:

Approved Plans			
Title	Plan Number	Issue	Date
Site Layout	SD-1-101	G	21/04/2016
Site Roof Layout	SD-1-102	B	21/04/2016
Elevations	SD-3-001	B	21/04/2016
Comparison Elevations	SD-3-002	A	21/04/2016
Sections	SD-3-101	B	21/04/2016
Artist Impressions	SD-7-001	B	21/04/2016

75. All easement conditions must be maintained.
76. The boulder retaining wall as shown on *Site Layout Plan DA-1-101 (G)* and on the *Landscape Concept Plan H - DA RFI* is not permitted within the Easement. Please amend these plans to remove this feature from the Easement.
77. Landscaping is not permitted within the easement.
78. Lighting structures are not permitted in the easement without prior written consent of Energex. Lighting designs for proposed developments (e.g. road, carparks etc) on the easement are likely to require reduced height structures. Please submit detailed design to Energex for approval. These drawings must clearly show the following;
- Proposed height of the lighting structures and the ground level at the structure base,
 - Relative (to lighting structures) ground levels at Energex structures (towers, pole etc) either side of the lighting structures, and
 - The location of the Energex structures in relation to the proposed lighting.
79. Energex requires that semi-trailer access is available to the Substation to enable Energex to maintain and service the site. Works to the intersection as part of this development must not hinder the ability for a semi-trailer to access the Substation site.

80. Natural ground levels on the easement cannot be altered without Energex approval. If changes are proposed, detailed civil design drawings showing any proposed cut/fill levels on the easement and the location of Energex assets in relation to the proposed development must be provided to Energex for approval prior to any works commencing on site.
81. Note there are energised 11000V underground cables within the Easement B on SP132850 and in the vicinity of the proposed works. Ensure full and adequate measures are undertaken to locate these cables. The underground cables are NOT to be disturbed. Refer to Energex *Work Practice document 1323* for separation requirements (attached).
82. No civil works are to occur within 5 metres of any part of an Energex Structure (e.g.- tower base, pole or stay) without Energex approval.
83. Submit detailed design drawings for the pedestrian path proposed along the frontage of the site to Energex for approval prior to any works commencing on the path.
84. Any proposed underground services are to be kept out of the easement and are to only cross the easement as near as possible to right angles to the cables. If services are proposed to cross the easement, detailed design drawings must be provided showing separation to the underground cables and also construction practices so as to maintain the underground network integrity. These drawings must be provided to Energex for approval prior to works commencing. Pipelines and crossings are to be clearly marked.
85. In the event of underground cable failures and the associated repair work on the easement, any re-instatement costs to the surface and landscaping is the responsibility of the owner.
86. Satisfactory clearance to the existing (and/or future) electricity wires must be maintained in accordance with the Electrical Safety Regulations 2013.
87. The identification, assessment and mitigation of any possible hazards in the service due to electromagnetically induced voltages, is the responsibility of the Developer.

6. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	SARA at DILGP South East Queensland (North) Regional Office PO Box 1129 MAROOCHYDORE QLD 4558 Mydas (at www.dilgp.qld.gov.au) Email: SeqnorthSARA@dilgp.qld.gov.au	State Controlled Road	The agency provided its response on 15 September 2016 (Reference No. SDA-1015-024708). A copy of the response is attached.

Advice	Energex Limited Town Planning GPO Box 1461 BRISBANE QLD 4001	Major transmission easements and adjacent to West Maroochydore Substation	The agency provided its response on 5 July 2016 (Reference No. HBD 5238040 346062)
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A copy of any referral agency conditions is attached.

7. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
SD-3-001	B	<i>Elevations</i> , prepared by POWE Architects	21/04/16
SD-3-101	B	<i>Sections</i> , prepared by POWE Architects	21/04/16
SD-7-001	B	<i>Artist Impression</i> , prepared by POWE Architects	21/04/16
	J	<i>Landscape Concept Plan</i> , prepared by James Birrell Design as annotated by Council	29/04/16
	K	<i>Section 1</i> , prepared by James Birrell Design	27/10/16
	K	<i>Section 2</i> , prepared by James Birrell Design	27/10/16
	K	<i>Section 3</i> , prepared by James Birrell Design	27/10/16
	K	<i>Section 4</i> , prepared by James Birrell Design	27/10/16
	K	<i>Elevation North and South</i> , prepared by James Birrell Design	27/10/16
	K	<i>Proposed Retail Centre – Jones Road, Buderim</i> , prepared by James Birrell Design	27/10/16
	K	<i>Character / Material Palette</i> , prepared by James Birrell Design	27/10/16
	K	<i>Indicative Plant Palette – Typical Buffer and Bio Basin</i> , prepared by James Birrell Design	27/10/16
	K	<i>Indicative Plant Character – Typical Site Planting</i> , prepared by James Birrell Design	27/10/16

The following plans require amendment prior to becoming Approved Plans for the development:

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
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SD-1-101	J	<i>Site Layout</i> , prepared by POWE Architects	25/10/16
	K	<i>Landscape Concept Plan</i> , prepared by James Birrell Design	27/10/16
Amendments		<ol style="list-style-type: none"> 1. Amend to accord with annotated Landscape Concept Plan. 2. Amend to accord with engineering conditions 	

8. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
J10125.1	1	<i>Flood Impact Assessment</i> , prepared by Civil & Water Design	6/05/2016
8355-SBSMP-Rev2	2	<i>Site Based Stormwater Management Plan</i> , prepared by McVeigh	05/04/2016
		<i>Economic Assessment of Bulky Goods Potential</i> , prepared by MacroPlan Dimasi	September 2015
		<i>Economic Impact Assessment</i> , prepared by MacroPlan Dimasi	September 2015
15053 Report Rev	0	<i>North Buderim Marketplace Economic Impact Assessment Submission</i> , prepared by Economic Associates	June 2016
		<i>Response to Economic Associates Submission</i> , prepared by MacroPlan Dimasi	15/09/2016
	H	<i>Section 1 – Through Maroochydore Road Verge</i> , prepared by James Birrell Design	29/04/16
	H	<i>Section 1 – Through Supermarket and 25M Buffer</i> , prepared by James Birrell Design	29/04/16
	H	<i>Elevations</i> , prepared by James Birrell Design	29/04/16
	H	<i>Indicative Plan Palette – Buffer and Bio Basin</i> , prepared by James Birrell Design	29/04/16
	H	<i>Indicative Plan Character - Typical</i> , prepared by James Birrell Design	29/04/16
7919R01V01		<i>Noise Impact Assessment</i> , prepared by ASK Consulting Engineers	14/09/15
	K	<i>View Analysis</i> , prepared by James Birrell Design	27/10/16

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

1. 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 charges.

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.

ENGINEERING

Pre-Design Meeting Services

5. 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 would ultimately assist in reducing the assessment time 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.

Development Compliance Inspection

6. Prior to the commencement of the use, please contact council's Development Audit & Response Unit to arrange a development compliance inspection.

Building and Construction Industry (Portable Long Service Leave) Levy

7. The QLeave levy must be paid prior to the issue of a development permit for Operational Works where required. Council would 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.

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 would 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) 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 for the areas affected by the works during and after daily construction has ceased;
 - (iii) proposed fencing to the site during the construction phase of the development;
 - (iv) approval of the Traffic Management Control Plan by the Department of Transport and Main Roads (DTMR) for any works on State controlled roads
 - (v) provision for worker car parking;
 - (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, services and other relevant issues;
 - (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager;
 - (ii) dispute resolution procedures.

It is acknowledged that the preliminary Construction Management Plan would be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document would be required to be submitted at the Pre-Start Meeting for the project.

Private Infrastructure

10. All private infrastructure for the development must be designed to meet the planning scheme requirements unless otherwise agreed by the relevant authority

Qualified Person

11. For the purpose of certifying flood levels for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ) experienced in hydraulics and hydrology.

ENVIRONMENT

Qualified Person

12. For the purpose of preparing Operational Works Landscape Plans, 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 Fauna Assessment and Management, a qualified person is considered to be a certified Fauna Spotter Catcher with current certification under the Queensland Parks and Wildlife Service.
14. For the purpose of Vegetation Removal, a qualified person is considered to be an Arborist 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
15. For the purpose of certifying waste chute construction for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland.
16. For the purpose of certifying lighting devices 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.
17. 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 (RPEQ);
- (b) an environmental consultant with a minimum of three (3) years current experience in the field of acoustics.

Noise

18. 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 (eg 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.

Bioretention Basin Educational Signage

19. Suggested wording for the permanent educational signage required by this Decision Notice is as follows:

"BIORETENTION BASIN - This bioretention basin reduces the pollution of our waterways by reducing the amount of heavy metals, litter, suspended solids, and nutrients discharged to the Maroochy River".

Food Premise

20. The approved use includes a food premise. In accordance with the *Food Act 2006* and the *Food Standards Code* the premises must be registered and the operator licensed. Please Contact Council's Healthy Places Unit via the Customer Service Centre for further information in respect of registration and a licence.

Waste Management

21. Council's Waste Management Branch provides bulk bins of varying capacity which may be serviced multiple times per week for general and recyclable waste. The Branch also provides waste collection vehicle dimensions and the vehicle weight for the purpose of road design and on-site manoeuvrability. Please liaise with the Branch for the preferred type and frequency of bin service required weekly and the methods of bin service.

ENERGEX

22. Energex understands that a pedestrian footpath is proposed along the frontage of the site and requires a detailed design drawing for this be submitted and approved by Energex before any works can commence in the path. We note there is an existing Energex Pole P205297 located on the Jones Road frontage of the site as identified on the *Site Layout Plan DA-1-101 (G)* and 132kv overhead lines traverse this road frontage.

UNITYWATER

Water and Sewerage Services

23. From the 1 July 2014, water and sewerage infrastructure associated with new developments would be assessed and approved by Unitywater under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* and their applicable

technical standards. It is the certifying Registered Professional Engineers of Queensland's (RPEQ) responsibility to ensure that the necessary Unitywater approval/s has/have been obtained for any water and sewerage infrastructure required as part of the development and that such approval/s and works have been coordinated with all other infrastructure and works required by the development.

24. Where water and sewerage infrastructure is proposed to be constructed within an existing road reserve controlled by Council, a further consent approval for the alignment and extent of works would be required under Section 75 of the *Local Government Act*. This consent must be obtained prior to any water and sewerage related works occurring within the road reserve. The consent request must be submitted in the approved form to Council's Infrastructure Services Department.

10. PROPERTY NOTES

MCU15/0192 – No Clearing Zone, Lot1 SP105435

A "no clearing zone" applies to this property for the purpose of vegetation protection. The landowner must maintain the property in accordance with the ecological preservation conditions of council approval MCU15/0192.

11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

12. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Engineering and Landscaping)
- Development Permit for Building Work
- Development Permit for Placing of Advertising Devices

13. SELF ASSESSABLE CODES

Not Applicable.

14. SUBMISSIONS

There were 1,178 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

15. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

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

1. There is a moderate level of unsatisfied demand (economic need) for approximately 3,500m² of additional supermarket in the area resulting from population growth.

2. There is a spatial gap in the provision of supermarkets within this area and no alternate undeveloped designated centre land to accommodate the use.
3. The use would be wholly located within the same Town Centre Frame precinct as the existing North Buderim Markets (an 'in centre' development), which currently operates as a district centre (not a local or village centre) under the retail centres hierarchy.
4. The centre would provide convenient access to a full line supermarket (increased choice) to local and passing traffic consistent with the Planning Area Intent retaining expenditure within the area.
5. The development would not constitute a primary destination competing with the major centres and could be absorbed into the retail hierarchy with little impact on other centres.

16. RIGHTS OF APPEAL

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

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

17. OTHER DETAILS

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