

APPLICATION DETAILS

Application No: MCU18/0224
 Street Address: Pelican Waters Bvd PELICAN WATERS QLD 4551
 Real Property Description: Lot 603 SP 221893
 Planning Scheme: Sunshine Coast Planning Scheme (29 June 2018)

APPROVAL DETAILS

Nature of Approval: Approval with conditions
 Type of Approval: Development Permit for Material Change of Use of Premises to establish a Food and Drink Outlet

CURRENCY PERIOD OF APPROVAL

Unless lawfully extended, the currency period for this development approval is 6 years starting the day that this development approval first took effect (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*).

INFRASTRUCTURE

Unless otherwise specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions for Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

PLANNING/URBAN DESIGN

When conditions must be complied with

1. Unless otherwise stated, all conditions of this development approval 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 development approval. The Approved Plans must be amended to incorporate the amendments listed within this development approval and approved by Council prior to the issue of any development permit for operational works.*

*(Refer to Advisory Note)

Building Height

3. The maximum height of the development be as shown on the Approved Plans and also must not exceed 8.5m above natural ground level at any point.

Street Identification

4. 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, where appropriate, the building name.

Nature and Extent of Approved Use

5. The combined gross floor area and outdoor dining area associated with the use must not exceed 260m².
6. The approved use must not operate outside the hours of 5am to 10pm Monday to Sunday. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.
7. Service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Saturday and not at all on 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.

Building Appearance

8. The approved building must be constructed such that its external appearance achieves a high quality design finish, including the degree of building form articulation, window coverage, clear glazing, openings, roof overhangs, feature cladding materials, finishes, varied building treatments and finishes, lightweight timber elements, glazed balustrades shown on the Approved Plans, with no inclusions or future alterations being made without approval in writing by Council.
9. Any security screens on the premises consist of grille or translucent screens and not solid shutters, screens or roller-doors.
10. All mechanical equipment and other service infrastructure located on the site must be fully enclosed or screened such that they are not visible from the street frontage/s, other public space, or adjoining properties.
11. No part of the site may be used for outdoor storage of materials unless specified on the Approved Plans or the conditions of this development approval.
12. Building materials and hard surfaces used in landscape or streetscape works are not highly reflective, or likely to create glare, slippery or otherwise hazardous conditions.

Weather Protection

13. All window openings must be protected by awnings that have a minimum width of 600mm from the building line and must be designed to provide continuous weather protection and promote operability during rain.

Public Safety

14. Vandal proof materials must be used in the building construction.
15. 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.
16. Unrestricted access to the toilets must be given to all members of the public while the use is open for business.
17. The public toilets must be designed so that the entry is clearly discernible from the street by members of the public.
18. Bicycle parking facilities must be located so that they are visible from the street.
19. During operating hours, all building entrances, parking areas, pedestrian areas and entrances/exits to all stairways, ramps, foyers/reception areas, and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of AS 1158 – *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.

Renewable Energy (*Sustainable design code*)

20. The development must implement the use of solar power or other pollution reducing renewable energy sources to supply all or part of the development's energy needs.

Energy Efficiency

21. The building must allow for occupants to exclude radiant heat from the sun from the interior of the building, from September to April, through external operable shading devices and/or awning systems. Solar radiation through any external wall opening (including any sky lights or roof lights) must be controlled by a combination of the following:
 - (a) a permanently fixed overhang or awning with a minimum overhang width of 600mm, with:
 - (i) a permanent external assembly containing adjustable or operable shading devices, or
 - (ii) fixed sun screens with a maximum transparency of 25%; or
 - (b) a louvre window assembly that is not glass and minimises the transmission of heat, i.e. timber louvres; or
 - (c) an alternative solution that is agreed by Council prior to the issue of any development permit for building works.
22. Roof forms and wall colours must be designed to reduce direct solar heat gain.

23. External glazing must:
 - (a) have a low solar heat gain co-efficient
 - (b) have a low level of reflectivity and,
 - (c) be protected by shading (operable or fixed).
24. Certification must be submitted to Council which confirms that the energy efficiency requirements of this development approval have been met prior to commencement of the use.

Community Management Statement

25. Any proposed Community Management Statement required for the development pursuant to the *Body Corporate and Community Management Act 1997* must be submitted to Council for approval at the same time as submission of the building format plan (or similar) for approval.
26. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this development approval.

ENVIRONMENTAL HEALTH

Acoustic Amenity

27. Any fixed plant and equipment* that causes noise (e.g. from exhausts, air conditioning units, refrigeration units, pumps and generators, kitchen exhaust units), must be enclosed, shielded and/or positioned to ensure that the limits in section 4.1 of the Noise Assessment Report for a noise sensitive land use is achieved. *Note: Measurements must be in accordance with AS 1055.1 - Acoustics – Description and measurement of environmental noise – General procedures. Measurements must be adjusted for tonality and impulsiveness where required, where attenuation is applied for inside to outside calculations, a maximum of 5 dB(A) only is to be applied (i.e. assumed windows fully open)*
**(Refer to Advisory Note)*
28. Live and/or amplified entertainment is permitted within the indoor restaurant area as identified on the approved plans as *dining* area. Live and/or amplified entertainment is not permitted within the *covered deck* area at any time.
29. The restaurant building must be acoustically* designed and constructed such that noise from live and/or amplified entertainment is not audible at any noise sensitive receptor at any time.
**(Refer to Advisory Note)*
30. The design and construction of the covered deck area must contain operable acoustic screens (e.g. blinds/shutters/louvers or the like) installed along the northern western aspect of the restaurant (lakeside), and must be shut closed between 8pm – 7am.
31. Certification must be submitted to Council from a qualified person* that the development has been constructed in accordance with the Acoustic Amenity conditions of this development approval.
**(Refer to Advisory Note)*

Waste Management

32. Refuse storage, removal and collection facilities must be provided in accordance with the Approved Plans and the following:
- (a) provision of a minimum of two 240L wheelie bins for general waste, and two 240L wheelie bins for recyclable waste for the development.
 - (b) collection by service vehicles from the kerbside in a safe, efficient and unobstructed manner.
 - (c) provision of a communal hardstand impervious area for the permanent storage location of all wheelie.
 - (d) provision of a 1.8m high purpose built enclosure to the bin storage area, which is screened from the street and adjoining properties by landscaping
 - (e) provision of a readily accessible wash-down area in the vicinity of the permanent bin storage area fitted with a hosecock, bin roll over bund, and drain connected to the sewer that has a stormwater catchment area of no more than 1m².

Lighting Devices

33. 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.
34. Lighting associated with the development must be minimal and designed to generally match the level of illumination the existing dwellings on Pelican Waters Boulevard.

Commercial Kitchen Exhaust

35. Kitchen exhaust points for the development must be located and operated in accordance with AS 1668.2 - *The use of ventilation and airconditioning in buildings* (specifically Section 3.10 – *Air Discharges*).

Acid Sulfate Soils

36. An acid sulfate soils investigation must be undertaken in accordance with Council's *Planning scheme policy for the acid sulfate soils overlay code*. Where the investigation identifies acid sulfate soils that require management, all works must be carried out in accordance with an acid sulfate soil and groundwater management plan (or part thereof) prepared by a qualified person* and endorsed through an operational works approval.
*(Refer to Advisory Note).

ENGINEERING

Stormwater Drainage

37. 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 must include in particular collection and discharge of all stormwater directly to Council's piped stormwater system in Pelican Waters Boulevard.

Flood Immunity

38. The minimum floor level of all buildings constructed on the site must be provided in accordance with the requirements of the *Flood hazard overlay code*.

On-site Parking

39. A minimum of 17 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 and must include in particular:
- (a) a maximum of two (2) staff parking spaces within the total, which are clearly marked for that purpose
 - (b) pedestrian routes in accordance with the conditions of this development approval
 - (c) one (1) parking space for people with disabilities within the total
 - (d) dimensions, crossfalls and gradients in accordance with AS 2890 - Parking facilities.
40. All on-site 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.
41. All onsite parking spaces must remain unrestricted and available to all members of the public, including those using the adjoining park.

Service Vehicles

42. 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 AS 2890.2 - *Off-street commercial vehicle facilities* and must include in particular a minimum one (1) SRV space which may be located within the car park aisle.
43. Public access easements must be maintained over the car park and access ways at all times.

Pedestrian and Bicycle Facilities

44. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an operational works approval and must include in particular:
- (a) a minimum 1.8m wide footpath from the end of the existing Council footpath adjacent to the car park to the entry of the building
 - (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) signage and lighting at strategic locations to direct people to building entries and public toilet facilities

- (d) a minimum of two (2) staff bicycle parking spaces, in accordance with AS 2890.3 – *Bicycle parking*
- (e) a minimum of 12 visitor bicycle parking spaces, in accordance with AS 2890.3 – *Bicycle parking*
- (f) pedestrian pathways between the proposed bicycle parking area and the building/s
- (g) bicycle paths, including pram ramps, between the car park and proposed bicycle parking.

Utility Services

- 45. Underground reticulated electricity and telecommunication services must be provided to the development in accordance with requirements of the relevant service provider.
- 46. An underground connection to reticulated water and sewerage must be available and/or where necessary provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).

Earthworks and Retaining Walls

- 47. All fill and associated batters must be contained entirely within the subject site, in accordance with the *works, services and infrastructure code*. All earthworks must be undertaken in accordance with the provisions of AS 3798 - *Guidelines on earthworks for commercial and residential developments*.

LANDSCAPE & ECOLOGY

Landscaping Works

- 48. The development site must be landscaped. The works must be undertaken in accordance with an operational works approval and must include in particular:
 - (a) the works shown on the Approved Plans
 - (b) a landscaping strip along the road frontage of the subject site, exclusive of the access driveway, generally uncompromised by infrastructure items as per the Approved Plans.
 - (c) refurbishment of the existing landscape strip between the car park and the Pelican Waters Boulevard. This will include retention of healthy landscape and replacement of any dead or dying plant material, re-mulching, provision of additional trees to ensure 6m spacing any soil amelioration and fertiliser required to ensure vegetative performance.
 - (d) Provision of a large feature canopy tree within the eastern lawn area centrally between the revetment wall and the front boundary. e.g. *Pandanus pedunculatus*, or other agreed species.
 - (e) vegetated screening of any bin storage areas and the like from the road frontage

- (f) Provision of one (1) street tree within the road reserve for every six (6)m of road frontage located mid-way between the back of kerb and the path.
- (g) 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*.

49. 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.

REFERRAL AGENCIES

Not applicable.

DEVELOPMENT PLANS

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

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
DA A – 01 Sheet No. 3	-	<i>Proposed Layout</i> , prepared by VO/D Building Design	2016
DA A – 01 Sheet No. 4	-	<i>Proposed Site Layout</i> , prepared by VO/D Building Design	2016
Amendments		<ul style="list-style-type: none"> • Amend floor levels and ramp designs to comply with the minimum floor levels contained in a current Flood Information Certificate. • Amend the building area to have a maximum combined gross floor area and outdoor dining area of 260m². 	
DA A – 01 Sheet No. 07	-	<i>South Elevation</i> , prepared by VO/D Building Design	2016
Amendments		<ul style="list-style-type: none"> • Amend the elevations where necessary to reflect the floor plans that express a maximum combined gross floor area and outdoor dining area of 260m². 	
DA A – 01 Sheet No. 08	-	<i>East Elevation</i> , prepared by VO/D Building Design	2016
Amendments		<ul style="list-style-type: none"> • Amend the elevations where necessary to reflect the floor plans that express a maximum combined gross floor area and outdoor dining area of 260m². 	

Plan No.	Rev.	Plan Name	Date
DA A – 01 Sheet No. 09	-	<i>West Elevation</i> , prepared by VO/D Building Design	2016
Amendments		<ul style="list-style-type: none"> Amend the elevations where necessary to reflect the floor plans that express a maximum combined gross floor area and outdoor dining area of 260m². 	
DA A – 01 Sheet No. 010	-	<i>North Elevation</i> , prepared by VO/D Building Design	2016
Amendments		<ul style="list-style-type: none"> Amend the elevations where necessary to reflect the floor plans that express a maximum combined gross floor area and outdoor dining area of 260m². 	

REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
180924D03	D03	<i>Noise Assessment Report</i> , prepared by Simpson Engineering Group Pty Ltd	31/10/18

ADVISORY NOTES

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

Equitable Access and Facilities

- 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:
 - the *Disability Discrimination Act 1992 (Commonwealth)*
 - the *Anti-Discrimination Act 1991 (Queensland)*
 - the *Disability (Access to Premises – Buildings) Standards*.

Aboriginal Cultural Heritage Act 2003

- 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 1300 378 401 to discuss any obligations under the *ACH Act*.

Infrastructure Charges

3. Infrastructure charges, determined in accordance with Council’s Infrastructure Charges Resolution, apply to this development approval. The Infrastructure Charges Notice, for Council’s proportion of the infrastructure charge, has been issued. Unitywater may issue an infrastructure charges notice for their proportion of the infrastructure charge.

Qualified Person

4. For the purpose of certifying acoustic matters or 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.
5. 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 (RPEQ);
 - (b) an environmental or electrical design consultant with a minimum of three (3) years current experience in the field of outdoor lighting.
6. For the purpose of preparing an acid sulfate soil and groundwater management plan, a qualified person is considered to be either:
 - (a) a Registered Professional Engineer of Queensland (RPEQ) or;
 - (b) a soil scientist with a minimum of five (5) years current experience in the field of acid sulfate soils.
7. 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 three (3) years current experience in the field of landscape design.

Noise - Fixed Plant and Equipment

8. 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) is suitably located and/or shielded to avoid nuisance being caused by any noise from the plant and equipment.

Noise – Live and/or Amplified Entertainment

9. Conditions of approval require that the building is designed and constructed such that noise from live and/or amplified entertainment is not audible at sensitive receptors. The direction of a qualified acoustic consultant will ensure that an appropriate internal design sound limit is adopted, with appropriate building elements (R_w), fixtures and glazing selected to ensure compliance with the condition.

Food Premises

10. Where 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 a licence.

Trade Waste

11. Trade waste generated on-site is subject to Unitywater's Trade Waste Policy. The applicant is advised to contact Unitywater's Trade Waste Officer to determine trade waste requirements.

Pre-Design Meeting Services

12. 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 operational works 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 or contact (07) 5475 PLAN.

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

13. The QLeave levy must be paid prior to the issue of a Development Permit for Operational Works where required. Council will not be able to issue a development approval for operational works without receipt of details that the Levy has been paid. QLeave contact: 1800 803 491 (free call) or (07) 3212 6844.

Co-ordination of Operational Works

14. 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.

Unitywater – Water and Sewerage Services

15. 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 will be required under Section 75 of the *Local Government Act 2009*. 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.
16. Where water and sewerage infrastructure is proposed to be constructed within an existing park or reserve controlled or owned by Council, consent approval from Council, as owner of the land, is required for the alignment and extent of works. This consent must be obtained prior to any water and sewerage related works occurring within the park or reserve. The consent request must be submitted in the approved form to Council's Land Management Unit.

Resubmission of Amended Plans Required

17. The conditions of this development approval require resubmission of the plans to Council with amendments. Please address the amended plans to Council's Planning Assessment Unit with the reference no. MCU18/0224, separate to any operational works application. To avoid delays and assessment issues with the operational works application, it is recommended the plans be resubmitted prior to lodgement of any operational works application. Should the amended plans not be submitted, the applicant is advised that a Preliminary Approval may be issued in lieu of a development permit for the operational works.

PROPERTY NOTES

Not applicable.

VARIATION APPROVAL

Not applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

SUBMISSIONS

There were 12 properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided and attached.

INCONSISTENCY WITH EARLIER APPROVAL

Not applicable.

ENVIRONMENTAL AUTHORITY

Not applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

If you wish to obtain more information about Council's decision, please refer to the approval package for the application on Council's PD Online webpage at www.sunshinecoast.qld.gov.au, using the application number referenced herein.