

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

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| Application No: | MCU13/0167 |
| Street Address: | 207 Witta Rd WITTA |
| Real Property Description: | Lot 5 RP 837835 |
| Planning Scheme: | Caloundra City Plan 2004 (8 August 2011) |

2. DECISION DETAILS

The following type of approval has been issued:

Development Permit for Material Change of Use of Premises (Vehicle Depot)

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is four 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.

Nature and Extent of Approved Use

3. The approved use must be conducted entirely within the designated areas of the site as shown on the Approved Plans.
4. The approved use must not involve any business related trips to the site by customers or the general public.
5. The approved use must be conducted by a permanent resident or residents of the detached house and no more than 6 non-resident employees. Any non-resident vehicle must only be parked on the hardstand area.
6. Any meeting or discussion associated with the business must be conducted in a building in the subject site and not in the hardstand area.

7. The approved use must not involve the sale of goods from the premises, nor the public display of goods visible from any point outside the premises.
8. All stored equipment or materials used in association with the approved use must be located within a building or screened from view from all public places and adjoining properties by fencing and/or dense landscaping.
9. Any storage of flammable and/or combustible liquids must comply with the minor storage provisions of Australian Standard AS1940 "The Storage and Handling of Flammable and Combustible Liquids".
10. The approved use must not interfere with the amenity of the neighbourhood from the operation of machinery or electrical equipment, or from light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, electrical interference or other.
11. The total number of advertising signs provided on the site must not exceed one, having a maximum sign face area of 0.3m² and not involving illumination or motion.
12. No vehicle servicing or repairs associated with the approved use are to be undertaken on the site at any time.
13. The Vehicle Depot is to be conducted between the hours of 6.30am to 6pm inclusive, Monday to Friday, excluding public holidays. No operation on weekends.
14. The approval is for the storage of 3 (three) tree lopping vehicles, and a maximum of 6 (six) private employee vehicles only. These vehicles must be stored upon the nominated parking surface only, in accordance with the approved plans. A maximum of 9 (nine) vehicles associated with the tree-logging business is allowed on site.
15. Tree-logging vehicles must be positioned every evening so that they can depart the premises in the morning in a forward-moving direction to minimise 'reverse-beeping' noise nuisance.
16. No mulching of felled vegetation that that is sourced external to the site is to occur on-site.
17. Vegetation from the tree-logging business is to be disposed of at appropriate Council waste disposal facilities and not stored on-site at any time, other than if varied by conditions of approval.
18. No hiring of vehicles or equipment associated with the tree-logging business is permitted on-site.

Stockpiling of Materials

19. The total volume of any exposed stockpiles of material stored on the site (including vegetative waste that has resulted from external operations) must not exceed 10 cubic metres.

ENGINEERING

Site Access and Driveways

20. A sealed access driveway must be provided from Witta Road to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) A concrete driveway crossover in accordance with IPWEAQ standard drawing SEQ R- 056 (rural type with no kerb).
 - (b) A minimum driveway width of 3.0 metres, extending to the manoeuvring and parking and hardstand areas of the site.
21. 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.
22. All parking, loading and unloading of vehicles must occur entirely on the site and within the car parking areas as shown on the approved plans (as amended).

LANDSCAPE & ECOLOGY

Landscaping Works

23. The development site must be landscaped in those locations shown in accordance with the approved plans.
24. All landscape works must be established and maintained 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.

ENVIRONMENTAL HEALTH

Acoustic Amenity

25. An acoustic barrier must be constructed on the site for noise attenuation. The barrier must be constructed in accordance with the conclusions, recommendations and Figure 2 of the acoustic report listed within this Decision Notice.
26. Certification must be submitted to Council from a qualified person* which certifies that an acoustic barrier has been constructed in accordance with the requirements of this Decision Notice.
*(Refer to Advisory Note)
27. The approved use must be carried out by such practicable means necessary to prevent the emission or likelihood of emission of noise that constitutes environmental nuisance.

Dust / Air Quality

28. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.

Outdoor Lighting Devices

29. Lighting associated with the use must be designed, sited and installed to ensure that light nuisance or unreasonable level of glare occurs at any nearby residence.

Equipment Maintenance

30. The operator must ensure that:
- (a) maintenance and cleaning of equipment is carried out within an enclosed building and in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, a water or onto unsealed ground
 - (b) any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water
 - (c) incident rainfall and overland flow of stormwater does not contact contaminants (for example, areas with contaminants should be roofed or be protected by diversion drains).

5. REFERRAL AGENCIES

Not Applicable.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

| Plan No. | Rev. | Plan Name | Date |
|----------|------|--|---------------|
| 13099.1 | | <i>Site Plan – Proposed Vehicle Depot over Part of Lot 5 on RP837835, prepared by KHA Development Managers</i> | 8 August 2013 |

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

| Document No. | Rev. | Document Name | Date |
|--------------|------|--|----------------|
| R13075/D2809 | 0 | <i>Environmental Noise Level Study for Proposed Vehicle Depot, 207 Witta Road, prepared by David More and Associates</i> | 21 August 2013 |

8. ADVISORY NOTES

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

Infrastructure Charges

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

Qualified Person

2. For the purpose of certifying acoustic barrier construction for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland.

Co-ordination of Operational Works Assessment

3. 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.

Equitable Access and Facilities

4. 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 <i>Disability Discrimination Act</i> |
| | 1992 (Commonwealth); |
| (b) | the <i>Anti-Discrimination Act 1991</i> |
| | (Queensland); and |
| (c) | the Disability (Access to |
| | Premises – Buildings) Standards |

Aboriginal Cultural Heritage Act 2003

5. 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

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 113 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 or at council offices.