

## 1. APPLICATION DETAILS

Application No:	MCU12/0051
Street Address:	2-18 & 20 Hofmann Dr NOOSAVILLE QLD 4566
Real Property Description:	Lot 4 SP 246584 & Lot 1 SP 222982
Planning Scheme:	The Noosa Plan (8 August 2011)

## 2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use - Home Improvement Store & Showroom

## 3. RELEVANT PERIOD OF APPROVAL

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

## 4. ASSESSMENT MANAGER CONDITIONS

### PLANNING

#### When Conditions must be Complied With

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

#### Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. 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.

#### Nature and Extent of Approved Use

3. A minimum of 70% of the floor area of the Home Improvement Store shall comprise Retail Business Type 6 – Hardware Store and Type 7 – Garden and Lifestyle Centre. An ancillary café is permitted within the stage 1 of the Home Improvement building. The ancillary café must not exceed 150m<sup>2</sup> of gross floor area.

4. The Retail Business type 4 (Showroom) must be for 'trade related' purposes including for the display or sale of:
  - (a) building and construction materials with or without hardware;
  - (b) curtains and furnishing materials;
  - (c) domestic and commercial fixtures and fittings, such as kitchen and bathroom fittings;
  - (d) floor coverings, floor and wall tiles, paint supplies;
  - (e) interior decorating items (including furnishings);
  - (f) machinery;
  - (g) spa and pool supplies and equipment;
  - (h) plumbing supplies; and
  - (i) may include ancillary activities such as:
    - (i) the storage of goods on the premises; and
    - (ii) offices for the conduct of administration and accounting.

#### **Sunset Clause for Completion of Approved Development**

5. The stage 2 Retail Business Type 4 - Showroom development lapses if the use has not happened by **28 March 2019**.

#### **Land Amalgamation**

6. All properties the subject of the development must be amalgamated, prior to the commencement of the use.

#### **Building Height**

7. The maximum height of the main part of the Masters Home Improvement building (comprising the retail, timber and receiving areas) must not exceed 10 metres above natural ground level and finished ground levels. This shall be incorporated as part of the amended plans and resubmitted to Council prior to the issue of any Development Permit for Operational Works.
8. The maximum height of the mechanical plant shall also comply with the height restriction of 10m and must be designed to integrate with the roof form. This shall be incorporated as part of the amended plans and resubmitted to Council prior to the issue of any Development Permit for Operational Works.
9. The maximum height of the garden centre area shall not exceed 9m above ground level and finished floor levels, and shall include a 10 degree pitch as generally indicated on the approved plans. This shall be incorporated as part of the amended plans and resubmitted to Council prior to the issue of any Development Permit for Operational Works.
10. Certification must be submitted to Council from a Licensed Surveyor which certifies that the Masters Home Improvement Store building does not exceed the maximum height requirement of this Decision Notice.

#### **Performance Bond**

11. Security in the form of a cash bond or trading bank guarantee to the sum of **\$50,000** must be submitted to Council, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works. The cash bond or trading bank guarantee will be returned on performance of the

conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit. Council reserves the right to call upon the bond or guaranteed sum to effect compliance with conditions.

### **Built Form**

12. The exterior finishes indicated on the approved plans shall be maintained in the finished building, and include at minimum the modwood screen panels to the south elevation, PIR panels with exposed joints, FC sheet cladding, paint finish, groove lines to concrete wall panels in selected paint finish to those walls on the north.
13. The canopy proposed to the front entrance of the Masters building shall be extended to the west as far as the internal pedestrian walkway, and remain exposed and open as a roof on columns. This shall be incorporated as part of the amended plans and resubmitted to Council prior to the issue of any Development Permit for Operational Works.
14. The electrical transformer shall be located to the rear of the building, as indicated on the approved plans as 'Transformer Option 1'.

### **Signage**

15. Any advertising sign or device is to comply with Council's policies on advertising, alternatively, an application for Operational Works (Signage) is required for any signage in excess of this requirement.
16. No signage is to be located along the northern elevation of the building facing Eenie Creek Road.

### **Fencing**

17. The fence identified on the ground floor plan shall be relocated to the edge of the fire safety access road to enable the setback vegetation to merge with the covenant vegetation.

### **Waste Management**

18. Refuse storage, removal and collection facilities must be provided in accordance with the following:
  - (a) The provision of separate waste bins for general and recyclable waste must be provided.
  - (b) The provision of hardstand impervious area for the permanent storage location of separate waste bins for general and recyclable waste; and
  - (c) The provision of a purpose built enclosure to the bin store to provide visual and aesthetic screening from streets and pedestrian pathways.
  - (d) The provision of a roofed wash-down area/s for the purpose of waste bin cleaning for all general and recyclable waste bins and fitted with a hose-cock and a drain connected to the sewer.
19. The development site must provide for the entry and exit of waste vehicles from the site in a forward direction and the means, without difficulty to align the vehicle with any waste container (includes waste compactor equipment) and enable waste collection at any time scheduled for collection. The means to full-fill this requirement, details must be provided as part of the application for Operational Works approval and must include in particular:

- (a) Demonstration that all waste vehicles entering the site can appropriately manoeuvre on-site in accordance with the above and can readily align the collection vehicle with the waste containers, stored within a temporary on-site storage position to enable waste collection. *\*(Refer to Advisory Note)*

## LANDSCAPING

### Landscaping Works

20. The development site must be landscaped generally in accordance with the Landscape Master Plan, except where amended by these conditions. The works must be undertaken in accordance with an Operational Works approval and The Noosa Plan *Planning Scheme Policy 3 Landscaping Plants and Guidelines* and must include in particular:

#### Road frontages and covenant areas

- (a) Landscaping treatments to all road frontages to provide screening of the development.
- (b) Restoration and replanting of all covenant areas and the northern road reserve area adjacent to Eenie Creek Road to provide a visual buffer to the development, including understorey, mid-story and canopy species in accordance with a restoration plan submitted for operational works approval.
  - (i) vegetated screening of northern and eastern boundaries of the site designed such that 75% of the bulk of the building, including roof form will be screened within 5 years.
- (c) vegetated screening of any electrical transformers, pumps bin storage areas or ancillary mechanical plant equipment from the car park and road frontages.

#### Car park area

- (d) Provision of 100 litre shade trees of local native species to every 4 car parks.
  - (e) A reduction in parking spaces by a minimum of 12 spaces to provide for wider planting areas for carpark shade trees.
  - (f) Provision of dense understorey planting to car park shade tree mulched beds.
  - (g) Provision of permanent pedestrian cross over strips (i.e. pavement, pavers) to car park shade tree beds to facilitate pedestrian movement, in order to prevent mulch compaction in beds.
  - (h) Provision of root barriers to all car park shade trees adjacent to any storm water treatment devices to prevent tree root infiltration of storm water media or pipes.
  - (i) Provision of 12 x 100 litre local native species adjacent to the southern portion of the Masters Home Improvement building and proposed entry awning.
  - (j) removal 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) Undesirable species as listed in *Planning Scheme Policy 3 Landscaping Plants and Guidelines* *\*(Refer to Advisory Note)*
21. 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.
22. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

### **Treatment of Temporarily Vacant Land**

23. Where some or all of the land remains vacant or undeveloped for more than 3 months, the following works must to be carried out:
- (a) the site must be graded (to the same level as the adjoining footpath wherever practicable) and turfed.
  - (b) the site must be landscaped with perimeter planting consisting of advanced specimens of fast growing tree species.
  - (c) drainage must be provided to prevent ponding.
  - (d) the site must be maintained so there is no sediment run-off onto adjacent premises, roads or footpaths.
  - (e) the site must be maintained to ensure no nuisance to adjacent premises, roads or footpaths.
  - (f) where fencing is installed to secure boundaries:
    - (i) the fencing must be durable and not capable of being pushed or blown over.
    - (ii) the fencing type must not detract from local amenity (barbed wire is not acceptable).
    - (iii) vandalism must be promptly repaired and any graffiti removed.

### **Retention of Existing Trees**

24. Existing trees in the covenant area and in the road verge must be retained in accordance with an Arborist Report submitted for operational works for the development prepared by a qualified person and referenced in a Development Permit for Operational Works.

## **FAUNA MANAGEMENT**

### **Fauna Management Plan**

25. Prior to the commencement of any works over the subject land, a detailed Fauna Management Plan (FMP) must be lodged and approved by council delegate.
26. The FMP must include the following information:
- (a) Staging of the clearing,
    - (i) areas to be cleared.
    - (ii) proposed dates for clearing.
    - (iii) if fauna spotter presence is needed in each and every stage.
  - (b) The Fauna Spotter is to:
    - (i) Provide a copy of the QPWS Rehabilitation Permit of the fauna spotter catcher.
    - (ii) An assessment of the fauna likely to be impacted,
    - (iii) Ensure the clearing is conducting in a lawful manner.
    - (iv) Contact details of the nearest wildlife animal specialist veterinarian or other appropriate party to humanely deal with injured wildlife.

- (v) Provide comment on the clearing with relation to the provision contained within SEQ Koala Conservation State Planning Regulatory provisions Table 7 , column 2, parts 4 -7.

### **Clearing of vegetation**

- 27. Prior to the commencement of any works over the subject land, a Vegetation Management Plan must be lodged with any operational works permit application. The plan must document the following items:
  - (a) Vegetation removal, tree felling and lopping must be undertaken in an environmentally sensitive manner that avoids damaging surrounding vegetation, trees and habitat.
  - (b) Cleared vegetation is to be suitably processed by one of the following methods and removed from the site:-
    - (i) Processing through a woodchipper or shredder. The resulting mulch is to be stockpiled loose in heaps of less than 1000 cubic metres, less than 2.5 metres high with a minimum of 10 metres between edges of heaps.
    - (ii) Disposal for firewood.
    - (iii) Disposal for landscaping purposes
    - (iv) Transport to alternative site for breaking down materials provided that all necessary permits have been obtained to allow the alternate site to be used for this purpose
    - (v) Re-use for construction materials
    - (vi) Environmental weed species (camphor laurel, lantana) cleared from the site shall not be mulched, with the material to be removed from the site and disposed of in a Council approved refuse tip.
    - (vii) Disposal of cleared vegetation by burning or burying is not permitted.

## **CIVIL ENGINEERING UNIT**

### **Easements**

- 28. Prior to the commencement of use, a 9 metre wide easement for access purposes must be registered against the title of Lot 1 SP222982 in favour of Lot 2 SP222982 over the land area along the southern boundary of Lot 1 SP222982.

### **Site Access and Driveways**

- 29. A sealed access driveway must be provided from Hofmann Drive and the Eenie Creek Road service road to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval.

### **Parking**

- 30. A minimum of 240 car parking and 25 motorcycle spaces must be provided and marked within stage 1, 34 car parking and 3 motorcycle spaces must be provided and marked within stage 2. The works must be undertaken in accordance with an Operational Works approval.
- 31. Motorcycle parking is to be provided in a location close to the entrance of the buildings.

32. 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**

33. 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.

### **Pedestrian and Bicycle Facilities**

34. 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 2.5 metre wide footpath within the Hofmann Road verge extending from the existing footpath adjacent to the roundabout at the entrance to the site to the existing footpath adjacent to the next roundabout to the northeast.
  - (b) pedestrian pathways extending through the middle of the carpark generally in accordance with the approved plans.
  - (c) 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.
  - (d) signage and lighting at strategic locations to direct people to building entries and public toilet facilities.
  - (e) pedestrian refuge areas at strategic locations within the carpark to ensure safe and convenient congregating of pedestrians waiting to cross major access driveways
  - (f) a total of 30 bicycle parking spaces for stage 1, and 10 bicycle parking spaces for stage 2, which are to be located close to the entrance of the building.
  - (g) end of trip facilities involving 15 lockers, 2 showers and change rooms for stage 1, and 5 lockers, 1 shower and change rooms for stage 2.

## **HYDRAULICS & WATER QUALITY**

### **Stormwater Drainage**

35. 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 QUDM, and must include in particular:
- (a) the works described in section 3 and 5 of the Site Based Stormwater Management Report listed in this Decision Notice.
  - (b) collection and discharge\* of stormwater to Hoffman Drive.
  - (c) extension of the site stormwater system to accommodate stormwater from the external catchment as nominated and shown in section 4 of the site based stormwater management report.
  - (d) Design calculations and comments outlining how external stormwater flows will be managed through the site from the external upstream catchment as proposed in section 4 of the site based stormwater management plan. Any final design must include:

- (i) a site based drainage system which accepts and conveys existing minor flows from Eenie Creek Road, Commerce Court and existing industrial development to the west. Detailed design calculations must be submitted with a concurrent operational works application which demonstrates no additional afflux on upstream private and public land.
  - (ii) a site based drainage system which accepts and conveys external upstream major flows up to and including the 1% AEP flood event, without increasing afflux to existing upstream private and public land.
  - (iii) analytical justification that demonstrates design flows can enter any proposed underground drainage system under appropriate blockage conditions.
  - (iv) potential effects of flows in excess of the design flow including the consequences of the Probable Maximum Flood.
  - (v) allowances made in the design for debris blockages of the inlet.
  - (vi) potential effects of debris blockages in excess of that allowed for in the design.
  - (vii) an easement for drainage purposes to be registered against the title of the property in favour of Council over the land and drainage system which conveys external flows through the site. The easement must be granted at no cost to council.
- (e) the use of gravity stormwater drainage and not surcharge pits.  
 \*(Refer to Advisory Note)

### **Stormwater Quality Management**

36. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland*, and must include in particular:
- (a) stormwater quality treatment devices of a size and location generally in accordance with those shown in section 5 of the of the Site Based Stormwater Management Plan listed in this Decision Notice.
  - (b) bioretention devices which:
    - (i) are designed generally in accordance with IPWEQA Standard Drawing No. WSUD-001.
    - (ii) incorporate a coarse sediment forebay (in addition to the required filter media surface area), which is sized in accordance with the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* and designed generally in accordance with IPWEQA Standard Drawing No. WSUD-005.
    - (iii) have safe, unobstructed and all weather access from the road frontage for maintenance purposes, particularly for the coarse sediment forebay.
    - (iv) are provided with a high flow bypass to ensure that flows which exceed the treatment capacity of the device are bypassed in order to avoid damaging of the filter media or subjecting the filter media to excessive sediment loads.
    - (v) are provided with a free-draining outlet from the sub-soil drainage system.
    - (vi) treat stormwater from all developed catchments (including roof and carpark catchments) prior to discharge.



37. Permanent educational signage must be erected to educate the customers to the development about the function of the bioretention device(s). The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval. *\*(Refer to Advisory Note)*

### **Vegetated Devices**

38. All stormwater quality treatment devices must be maintained in accordance with the *Water by Design (2009) Maintaining Vegetated Stormwater Assets (Version 1)*. The approved Operational Works drawings for the stormwater quality treatment system and detailed life cycle costing of the system must be attached as an addendum to this document. Records of all maintenance activities undertaken must be kept and made available to Council upon request.

### **Rainwater Harvesting**

39. Operating rainwater collection tanks must be provided for the development. The tanks must be provided in accordance with an Operational Works approval and must include in particular:
- (a) the details identified in section 5 of the Site Based Stormwater Quality Management Plan listed in this Decision Notice
  - (b) a total tank capacity of 50 000 litres
  - (c) a rainwater collection catchment of 80% of the building roof area
  - (d) re-use of harvested rainwater for internal non-potable uses and outdoor uses.
40. Certification must be submitted to Council from a qualified person\* which certifies that the rainwater collection tank and associated reticulation have been installed in accordance with the requirements of this Decision Notice. *\*(Refer to Advisory Note)*

### **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. 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.
42. 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 undertaken in accordance with an Operational Works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.

### **Damage to Services and Assets**

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

- (a) where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
- (b) where otherwise, upon completion of the works associated with the development.
- (c) Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

## UNITYWATER

### Water and Sewerage

- 46. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
- 47. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater standards and requirements and remain accessible at all times for reading and maintenance purposes.
- 48. Water meters must be located on alternative boundaries to electrical pillars.
- 49. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from sewer manhole chambers and inspection openings.
- 50. The applicant must adjust the level of the existing sewerage inspection opening as necessary to suit the proposed finished levels. Work must be undertaken by Unitywater at the owner's cost. Where the existing sewerage inspection opening point is located within a sealed or concreted area, a brass cap is required to be fitted.
- 51. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
- 52. Redundant sewer pipes within the development site must be removed or slurry filled.
- 53. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.
- 54. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

## 5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department Of Transport & Main Roads	State Controlled Road, Public Passenger Transport	The agency provided its response on 13 November 2012. A copy of the response is attached.

		Railways	
Concurrence	Department Of Environment & Heritage Protection	Contaminated Land Coastal Management Matters	The agency provided its response on 7 June 2012. A copy of the response is attached.

Advice	Department Of Environment & Heritage Protection	Wetlands Acid Sulfate Soils	The agency provided its response on 7 June 2012. A copy of the response is attached.
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## 6. APPROVED PLANS

The following plans are Approved Plans for the development:

### Approved Plans

Plan No.	Rev.	Plan Name	Date
2869 DA-03	D	<i>Site Plan</i> , prepared by Leffler Simes Architects	21/09/2012
2869 DA-04	C	<i>Floor Plan</i> , prepared by Leffler Simes Architects	21/09/2012
2869 DA-05	C	<i>Roof Plan</i> , prepared by Leffler Simes Architects	21/09/2012
2869 DA-020	D	<i>Site Plan - Stage 1</i> , prepared by Leffler Simes Architects	21/09/2012
2869 DA-21	A	<i>Tenancy Floor Plan and Elevations</i> , prepared by Leffler Simes Architects	21/08/2012

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

### Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
2869 DA-06	C	<i>Elevation</i> , prepared by Leffler Simes Architects	21/09/2012
2869 DA-08	D	<i>Sections</i> , prepared by Leffler Simes Architects	21/09/2012
<b>Amendments</b>		<ol style="list-style-type: none"> <li>1. The maximum height of the Masters Home Improvement building (comprising the retail, timber and receiving areas) must not exceed 10 metres above ground level and finished floor levels.</li> <li>2. The maximum height of the mechanical plant shall comply with this height restriction of 10m, with the redesign of the roof form, or relocated to the west of the building at ground level.</li> <li>3. The roof form proposed over the garden centre area of the Masters Home Improvement Building shall not exceed 9m above ground level and finished floor levels,</li> </ol>	

including a 10 degree pitch.

## 7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

### Referenced Documents

Document No.	Rev.	Document Name	Date
N-B9083.20	B	Site Based Stormwater Management Plan, prepared by OPUS International Consultants	05 October 2012

## 8. 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

1. 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

2. 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*.

### **Unitywater**

3. Connection to Unitywater live water mains must be undertaken by Unitywater at the applicants cost.
4. A Trade Waste permit is required prior to any stormwater, groundwater or sump pump discharge into Unitywater's sewerage system.
5. The rising main crossing the north eastern corner of the site is no longer in use. No diversion is required. Pipework may exist in the ground and will need to be removed or slurry filled. A redundant gravity sewer pipe may be located within the southern portion of the site requiring removal or slurry filling.

## **ENGINEERING**

### **Footpath Connectivity**

6. It is advised to enter into discussions with the owner of the Noosa Civic (Lot 3 SP246584), so as to complete a small portion of footpath adjacent to the office buildings within the western portion of their site adjoining the small roundabout along Hoffman Drive. This small section of unfinished pathway within private property, will provide connectivity to both the Noosa Civic Shopping Centre and the proposed development.

### **Building and Construction Industry (Portable Long Service Leave) Levy**

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

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

8. To assist Council to undertake an integrated assessment of the operational works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme. Additional application fees apply to applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

## **Preparation of a Preliminary Construction Management Plan**

9. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
- (a) traffic management during all aspects of the construction phase including:
    - (i) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
    - (ii) maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased
    - (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 Main Roads (DMR) for any works on State controlled roads
  - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
  - (c) works programme identifying key components of the works and their respective durations
  - (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues
  - (e) identification of complaint management procedures including:
    - (i) contact details for the on-site manager
    - (ii) dispute resolution procedures
  - (f) details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. **NB** any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense
  - (g) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

## **HYDRAULICS AND WATER QUALITY**

### **Qualified Person**

10. For the purpose of certifying that the design of the rainwater harvesting system is in accordance with the requirements of this decision notice, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ), builder or plumber.

### **Lawful Point of Discharge**

11. The applicant is advised that a lawful point of discharge for the development will need to be determined and demonstrated as part of a detailed design solution included with the Operational Works application.

### **Bioretention Basin Educational Signage**

12. 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 (insert name of receiving waters)”.*

### **Waste Management Operational Phase**

13. For the purpose of demonstrating compliance with the waste management condition, the applicant is requested to contact Council’s Waste Management Branch. The respective waste collection vehicles (i.e. for collection of 240l wheelie bins, 1100l and greater bulk bins) and their dimensions will be provided upon standard drawings when requested.

Note: Council’s Waste Contract does not include the supply of waste compactor equipment. Only the service of a compactor is provided under the contract by Council. Subsequently the applicant must ensure that any compactor intended for use by the development can be serviced utilising the Contractor provided Waste Compactor Servicing Vehicle.

### **9. PROPERTY NOTES**

Not Applicable.

### **10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

### **11. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work (External Works, Water and Sewerage Works, Carparking, Driveways, Stormwater Drainage Works, Landscaping, Vegetation Clearing and Fauna Management)
- Development Permit for Building Work

### **12. SELF ASSESSABLE CODES**

Advertising Devices Code.

### **13. SUBMISSIONS**

There were 8 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**

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

1. The proposal is similar to a Hardware store, which is identified as a consistent use within Precincts E5 & B3 of the Noosa Business Centre and will add to the choice and variety available to consumers, to the community's benefit.
2. The proposed development will not adversely impact upon the economic viability of the Noosa Business Centre or any other business centre within Noosa.
3. The proposal is generally consistent with the Noosa Business Centre Review 2009, which identifies hardware stores, garden centres and trade related showrooms within Precincts B3 & E5 as consistent uses.
4. The Home Improvement Store provides an appropriate transition in uses from the Noosaville Industrial Estate to the Noosa Business Centre.

## **15. RIGHTS OF APPEAL**

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

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

## **16. OTHER DETAILS**

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