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PLANNING AND ENVIRONMENT COURT  
QUEENSLAND  
13 DEC 2011  
FILED  
BRISBANE

In the Planning and Environment  
Court  
Held at: Brisbane

No. 1890 of 2011

Between: **JILLAND PTY LTD (ACN 064 721 955)** Appellant  
**(TRADING AS PLANNING INITIATIVES)**  
**AS AGENT FOR**  
**NINA INVESTMENTS (QLD) PTY LTD**  
**(ACN 100 797 260) &**  
**ETNA INVESTMENTS (QLD) PTY LTD**  
**(ACN 100 797 635)**

And: **LOGAN CITY COUNCIL** Respondent

Before His Honour Judge Rackemann

Date of Hearing: 7 December 2011

Date of Order: 7 December 2011

FEE: \$53  
INIT: [Signature]  
REC: 3705462  
ENT: BK

**THIS MATTER HAVING** on this day come on for hearing by way of appeal against the decision of the Respondent to refuse a development application for a development permit for a material change of use for the purpose of a Shopping Centre in respect of land described as Lot 90 on SP208483 and situated at 1-13 Fifth Avenue, Marsden

**IT IS ADJUDGED THAT:**

1. The appeal be allowed; and



Judgment  
Filed on behalf of the Appellant  
Form PEC-7

**FINAL ORDER**

CONNOR O'MEARA  
Solicitors  
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1102639 judgment.docx

[Signature]

2. The development application be approved subject to the conditions attached hereto (contained in pages 1 to 11) and marked "A" and the plans attached hereto (contained in pages 12 to 13) and marked "B".

Filed on 07/12/2011

Filed by: Connor O'Meara Solicitors  
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"A"

## DEVELOPMENT CONDITIONS TO RESOLVE APPEAL NUMBER 1890 of 2011

**APPLICANT:** PLANNING INITIATIVES  
**APPLICATION NUMBER:** MCUI/66/2009  
**TYPE & DESCRIPTION:** Material Change of Use- Shopping Centre

### LAND

Development Conditions to apply to the following land:

**Street Address:** 1-13 Fifth Avenue, MARSDEN QLD 4132  
**Real Property Description:** Lot 90 SP 208483

### CONDITIONS OF DEVELOPMENT:

#### 1. GENERAL

##### Approved Documents

- 1.1. Undertake development generally in accordance with the following approved plan(s) of development; except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s):

Title	Plan Number	Rev/Amd't	Date	Prepared by
Site Plan & Amenities Plan	DA01	N	14/12/2010	Thomson Adsett
Elevations	DA02	C	21/12/2010	Thomson Adsett

##### Compliance Timing

- 1.2. Comply with all conditions of this development approval at no cost to Council and prior to the commencement of the use unless otherwise stated in a specific condition.

##### Terms

- 1.3. Interpret words and terms used in this development approval as having the meaning ascribed to them in the applicable planning scheme under which this development approval has been given unless otherwise stated in a specific condition.

#### 2. PROPERTY

##### Display Street Number

- 2.1. Provide street numbers with a minimum height of 300mm on the front façade of the building or on any advertising sign in a location and in a manner able to be easily seen by a person from the road frontage.

#### 3. LANDSCAPE AND AMENITY

##### Advertising generally

- 3.1. Do not install any advertising on site unless the advertising is;
- 3.1.1. exempt development under the applicable planning scheme; or
  - 3.1.2. self assessable development under the applicable planning scheme and the advertising complies with any applicable criteria; or
  - 3.1.3. explicitly allowed for in this development approval or any other development approval applicable to the site that has not lapsed where approval for advertising was specifically sought and was not an artistic note, reference or sketch on the approved plan(s) of development.

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- 3.2. Maintain all advertising in a clean and tidy state. Any damaged signs must be replaced or repaired to the same state as when originally installed within 20 business days of the damage having occurred.
- 3.3. Do not install bunting in the development at any time.
- 3.4. Ensure that any electricity or other similar service connections to the advertising device is concealed from public view.
- 3.5. The advertising device is to;
  - 3.5.1. be static;
  - 3.5.2. not involve flashing lights or audible noises.
- 3.6. Undertake landscaping works on site in accordance with the Landscape Development Manual 2010, consistent with the approved Plan(s) of Development and modified as follows:
  - 3.6.1. Provide medium to large screening trees at 4 metres centre to the landscape buffer along the northern boundary to ensure screening of the proposed building from the adjacent residence.
- 3.7. Obtain a Compliance Certificate (documents) from Council that the documents have been prepared in accordance with the conditions of this and any other relevant approval.
- 3.8. Obtain a Compliance Certificate (works) from Council that the works have been done on site in accordance with the conditions of this and any other relevant approval or if not done have been bonded to ensure their compliance.

#### 4. ENVIRONMENT, HEALTH AND OPERATION

##### Amenity - General

- 4.1. Undertake the use so that there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, waste water, waste products, grit, oil or otherwise.

##### Refuse Storage Area

- 4.2. Provide a refuse storage area located as shown on the approved plan(s) of development. This storage area must be;
  - 4.2.1. impervious, drained and provided with a hose cock;
  - 4.2.2. enclosed so the area is able to be secured after hours;
  - 4.2.3. located in accordance with crime prevention through environmental design principles so as not to create a natural ladder;
  - 4.2.4. illuminated for night time use;
  - 4.2.5. screened from view from public land with a maximum transparency of 20%.

##### Lighting Emissions

- 4.3. Provide certification from a suitably qualified lighting installation technician/engineer that all on site lighting (particularly outdoor lighting) complies with *AS4282:1997 Control of Obtrusive Effects of Outdoor Lighting* and Schedule 3 Part 1 Table 1.3 of the *Logan Planning Scheme 2006*.

*Certification is to be provided to Council prior to the commencement of use.*

##### Acoustics

- 4.4. Pickups/Deliveries, trolley collection and forklift operations are to be limited to 7:00am to 8:30pm Monday to Friday and 8:00am to 7:30pm on Saturdays. There are to be no pickups/deliveries, trolley collection and forklift operations on Sundays or public holidays.
- 4.5. Limit garbage collection and service vehicles (e.g. grease trap collection vehicle) to between the hours of 7:00am to 6:00pm Monday to Friday.
- 4.6. Finish all driving surfaces with paints or other finishes that reduce tyre noise (low -squeal surfaces).

- 4.7. Secure and maintain drainage grates over trafficable areas to prevent rattling.
- 4.8. All onsite noise and noise from mechanical plant are to comply with Table 1:

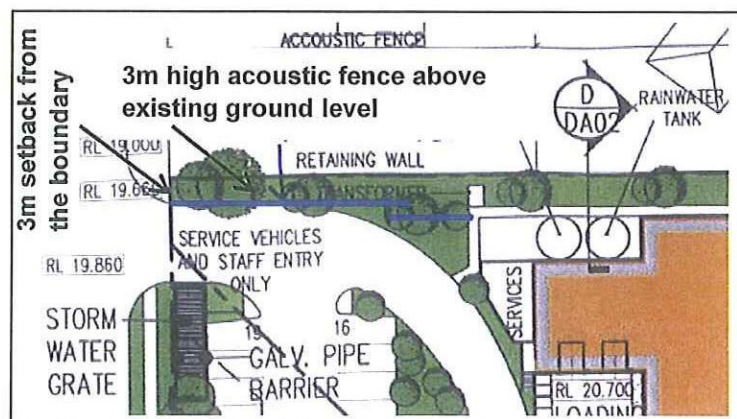
Table 1: Noise Level Limits (TTM Acoustic Report)

Time Period	Noise Limits at one metre to three and a half metres from the façade of any neighbouring noise sensitive place measured as the Adjusted Maximum Sound Pressure Level $L_{A_{Max,adj}}$	Noise Limits at one metre to three and a half metres from the façade of any neighbouring non-noise sensitive place measured as the Adjusted Maximum Sound Pressure Level $L_{A_{Max,adj}}$
Day 7:00am – 6:00pm	52.5dB(A) or Background plus 5dB(A) whichever is the lesser.	57.5dB(A) or Background plus 10dB(A) whichever is the lesser.
Evening 6:00pm – 10:00pm	48.0dB(A) or Background plus 5dB(A) whichever is the lesser.	53.0dB(A) or Background plus 10dB(A) whichever is the lesser.
Night 10:00pm – 7:00am	42.5dB(A) or Background plus 3dB(A) whichever is the lesser.	47.5dB(A) or Background plus 8dB(A) whichever is the lesser.

\* The limits in Table 1 have been sourced from Tables 4.3 and 4.4 of the acoustic report (Ref: 1992) prepared by Air Noise and Environment Pty Ltd dated 29 July 2008

- 4.9. Ensure that all Plant and Equipment comply with Section 6.2 of the acoustic report (Ref: 1992) prepared by Air Noise and Environment Pty Ltd dated 29 July 2008.
- 4.10. Ensure that all Restaurants and Cafes comply with Section 6.3 of the acoustic report (Ref: 1992) prepared by Air Noise and Environment Pty Ltd dated 29 July 2008.
- 4.11. Undertake the development in general accordance with the recommendations of the acoustic report listed in the approved documents, including the following:
  - 4.11.1. Construct the identified acoustic fencing as outlined in Figure 1. The acoustic fence is to have the following basic specifications:
    - 4.11.1.1. A maximum of three (3) metres above the existing ground level and setback a minimum of three (3) metres from the northern boundary;
    - 4.11.1.2. A minimum surface mass density of 12 kg/m<sup>2</sup>; and
    - 4.11.1.3. Free from holes, gaps and rattle.

Figure 1: Location of Acoustic Fencing



- 4.12. Ensure only broadband reversing/warning beepers are used by all on-site vehicles (forklifts, lifters etc).
- 4.13. Undertake the activity by such reasonable and practicable means necessary to avoid, minimise or manage (in that order) the emission or likelihood of emission of noise that constitutes an intrusive noise. Conduct the activity in a manner that:

- 4.13.1. Achieves the noise emission standards outlined in the applicable planning scheme and local laws, and;
  - 4.13.2. Is in general accordance with the Environmental Protection Act 1994 and Environmental Protection (Noise) Policy 2008, and;
  - 4.13.3. Does not allow the unreasonable emission of noise to the environment.
- 4.14. In the event of a noise complaint regarding the operation of the activity, conduct an appropriate investigation to determine whether the operation of the activity has exceeded the noise emission standards outlined in the applicable planning scheme and/or local laws, and whether the activity is operating in general accordance with the above environmental protection legislation.
- 4.15. If the noise emission standards outlined above have been exceeded or the activity may be considered to not be operating in general accordance with the *Environmental Protection Act 1994* and *Environmental Protection (Noise) Policy 2008*, prepare and submit a Transitional Environmental Program (TEP) to Council for approval within one month of the noise complaint being received. The TEP must address all relevant sections of the *Environmental Protection Act 1994*, particularly section 331. The TEP must include, but is not restricted to;
- 4.15.1. Objectives of the program;
  - 4.15.2. Measures to be implemented to achieve the objectives.;
  - 4.15.3. Appropriate performance indicators at intervals of less than 6 months; and
  - 4.15.4. Provisions for monitoring and compliance recording.
- 4.16. The TEP must demonstrate how compliance with the noise emission criteria outlined above will be achieved, and include a timetabled implementation plan. Once approved, the use must operate in accordance with the approved TEP.

#### **Stormwater Quality**

- 4.17. Implement the recommendations of the Stormwater Quality Management Plan located within the approved plans of development subject to detailed design and except as altered by the conditions of this development approval.
- 4.18. Submit to Council for approval a final Detailed Stormwater Quality Management Plan (DSQMP) including all stormwater infrastructure, relevant landscaping and engineering designs as a part of any operational works application. The final detailed stormwater management plan and designs are to be in accordance with the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* (WSUD TDG), the *Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands* (C&E guidelines) and IPWEAQ Standard Drawings numbers WSUD-001 to WSUD-012 and must include:
- 4.18.1. detailed calculations for each treatment measure and completed copies of the applicable Design Calculation Summary checklists from the WSUD TDG; and
  - 4.18.2. a completed copy of the relevant design assessment checklist from the WSUD TDG for each treatment measure certified by the stormwater quality system designer; and
  - 4.18.3. an Operational Management and Maintenance Plan (OMMP) as a separable section of the DSQMP to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. The OMMP must include a plan showing the location of the individual components of the system.
- 4.19. Implement the approved Detailed Stormwater Quality Management Plan (DSWMP) and Operational Management and Maintenance Plan (OMMP) in perpetuity. Maintain;
- 4.19.1. copies of the most recent approved amendment of the DSWMP and OMMP on site; and
  - 4.19.2. monthly inspection records that are to be available to Council on written request.
- 4.20. Make all necessary improvements immediately upon awareness of any deficiencies in the treatment measures detailed in the DSWMP and the OMMP.

## 5. ENGINEERING

### Sediment & Erosion Control

- 5.1. Provide to Council an Erosion and Sediment Control Plan designed in accordance with the International Erosion Control Association (Australasia) Best Practice Erosion and Sediment Control Guidelines (2008) prior to the commencement of any works on site or prior to the submission to Council of any application for operational works, whichever occurs first. Install, monitor and amend where necessary the erosion and sediment control measures during all phases of the development to ensure all reasonable and practicable measures are taken to prevent environmental harm.

### General - Engineering

- 5.2. Construct all works in accordance with the approved plan(s) of development and in accordance with the Council's adopted standards.

### General – Submission of As Constructed drawings

- 5.3. Submit to Council 'As Constructed' drawings in accordance with Part 3, Division 6 of Logan Planning Scheme Policy No. 5 including an asset register, checked by a Registered Professional Engineer Queensland (RPEQ-Civil), certifying that the works have been completed in accordance with the Council's adopted standard(s).

### Rectification

- 5.4. Be responsible for the full cost of any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

### Stormwater Quantity

- 5.1. Connect the development to the existing stormwater system at no cost to Council.
- 5.2. Provide stormwater drainage for the development in accordance with the Queensland Urban Drainage Manual (QUDM) and the applicable planning scheme. Where there is any inconsistency, the applicable planning scheme takes precedence.

#### Further Advice:

*Submit routing calculations including inlet and outlet hydrographs and demonstrate that interim solutions are satisfactory.*

- 5.3. Stormwater design to be generally in accordance with OPUS QANTEC McWILLIAM Site based stormwater management plan dated July 2008. Further specific details may be required at operational works stage of this development.
- 5.4. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- 5.5. Design and construct stormwater drainage to ensure that the development will achieve 'no worsening' as described in the Queensland Urban Drainage Manual (QUDM) and not;
  - 5.5.1. make material changes to the pre-development overland flows; or
  - 5.5.2. Increase the pre-development duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves and the like. This must be based on design storms of Q2, Q5, Q10, Q20, Q50 and Q100.
- 5.6. Design and construct stormwater drainage that provides;
  - 5.6.1. for stormwater infrastructure to be included in easements where the infrastructure is located in downstream properties;
  - 5.6.2. a network that commands the whole of the site and provides for external upstream catchments in their fully developed state;
  - 5.6.3. pipeline connections to the upstream catchment;

- 5.6.4. upgrades of the downstream stormwater infrastructure required to convey design flows to the lawful point of discharge;
- 5.6.5. for any existing or proposed Council drainage scheme for a catchment that the site is located within;
- 5.6.6. a stormwater design, checked and certified by a Registered Professional Engineer of Queensland (RPEQ) for a major storm recurrence interval of INPUT – 50 years. The design must have a minimum freeboard determined in accordance with the requirements of;
  - 5.6.6.1. Table 9.03.1 of the Queensland Urban Drainage Manual (QUDM) for overland flow paths; and
  - 5.6.6.2. Table 5.06.1 of the Queensland Urban Drainage Manual (QUDM) for detention basins and an underground drainage network designed to cater for the minor storm recurrence interval of 10 years.

#### **Stormwater Quantity - Lawful Point of Discharge**

- 5.7. Lawful point of discharge for the development is the easement adjoining the southern and western boundaries of the site.
- 5.8. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

#### **Stormwater Quantity**

- 5.9. Obtain a development permit for operational works (stormwater management) prior to the commencement of any works on site. Undertake stormwater management on site in accordance with the development permit.
- 5.10. Obtain a Compliance Certificate from Council that stormwater management has been done on site in accordance with the conditions of this and any other relevant approval issued by Council.
- 5.11. Submit to Council, a Compliance Certificate from a Registered Professional Engineer Queensland (RPEQ), certifying that stormwater management has been undertaken on site in accordance with the conditions of this and any other relevant approval issued by Council.

#### **Vehicle Access – New Crossovers**

- 5.12. Construct a reinforced concrete industrial crossover between the property boundary and the edge of the road pavement, having a minimum width of 6.0 metres, in accordance with IPWEAQ Drawing No. R-0051.
- 5.13. Construct any new crossover in the location(s) shown on the approved plan(s) of development amended as follows;
  - 5.13.1. the edge of the crossover must be no closer than 0.5 metres to any built infrastructure including any stormwater gully pit, manhole, service infrastructure (eg. power pole, telecommunications pit), road infrastructure (eg. street sign, bus stop, street tree, etc);
  - 5.13.2. the edge of the crossover is not to be within 12 metres (measured from the cadastral boundary) of an intersection of roads.

#### **Parking – directional signage**

- 5.14. Line mark the car park aisles and driveways within the development with directional arrows on the pavement consistent with the directions shown on the approved plan(s) of development a minimum distance of every 20 metres and in accordance with AS 1742.11 Manual of Uniform Traffic Control Devices - Parking Controls.
- 5.15. Install at the proposed service vehicle and staff entry, R2-17A (450mm x 750mm) 'One Way' signage as specified in and in accordance with AS 1742.11 Manual of Uniform Traffic Control Devices – Parking Controls.

### **Parking and Access - General**

- 5.16. Provide a minimum of 238 car parking spaces including a minimum of 5 disabled car parking spaces on the site.
- 5.17. Provide at least one emergency vehicle car parking space adjacent to each pedestrian entrance into the development.
- 5.18. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - *Parking Facilities - Off Street Car Parking* except where stated otherwise in the applicable planning scheme.
- 5.19. All car parking spaces must be laid out, paved, line marked, signposted, drained and maintained in accordance with the applicable planning scheme and Australian Standard 2890.1 and Australian Standard 2890.2
- 5.20. Design all disabled car parking spaces in accordance with Australian Standard AS 2890.6.
- 5.21. Ensure access to car parking spaces, bicycle spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

### **Parking and Access - Servicing**

- 5.22. Provide loading bay facilities for an Articulated Vehicle in the location generally shown on the approved plan(s) of development that are designed in accordance with Australian Standard 2890.2 – Off-street commercial vehicle facilities except where stated otherwise in the applicable planning scheme.
- 5.23. Design along the route to and from all loading bay facilities and the external road network, all access driveways, circulation driveways, parking aisles and the like with a layout that accommodates the turning movements of an Articulated Vehicle and ensure that these vehicles are able to enter and exit the site in a forward direction.
- 5.24. Demonstrate turning movements for an Articulated Vehicle on any drawings or plans submitted to the Council as a part of a development application for operational works.
- 5.25. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.
- 5.26. Design all bus parking facilities in accordance with Australian Standard AS 2890.4 Parking facilities - Bus parking facilities.

### **Parking and Access - Bicycle**

- 5.27. Provide a minimum of 12 bicycle parking spaces, including rail-type locking facilities for each parked bicycle, on site. The spaces are to be located a maximum of 25 metres from any pedestrian entrance into the development.
- 5.28. Design all bicycle parking spaces and rail-type locking facilities in accordance with Australian Standard AS 2890.3 Parking facilities - Bicycle parking facilities, except where stated otherwise in the applicable planning scheme.

### **Earthworks**

- 5.29. Obtain a development permit for operational works (earthworks) prior to the commencement of any works on site. Do earthworks on site in accordance with the development permit.
- 5.30. Obtain a Compliance Certificate from Council that the works have been done on site in accordance with the conditions of this and any other relevant approval or if not done have been bonded to ensure their compliance.

### **Earthworks – Carrying out Earthworks**

- 5.31. Carry out earthworks in accordance with AS3798-1996 – Guidelines on earthworks for commercial and residential developments.
- 5.32. Supervise bulk earthworks to Level 1 and have a frequency of field density testing done in accordance with Table 8.1 of AS 3798-1996.

- 5.33. Do not place earth fill adjacent or in proximity to any site boundary unless;
  - 5.33.1. the fill is retained on the boundary with the agreement of the adjoining land owner; or
  - 5.33.2. the fill is retained no closer than 750mm from the site boundary; or
  - 5.33.3. the slope of any batter within 750mm from the side or rear boundary is no steeper than 1 in 10 and the front boundary is no steeper than 1 in 6;
  - 5.33.4. adjoining properties are not adversely affected with respect to a loss of privacy and safety (caused by the ability for example to look over boundary fences) and changes in the natural drainage pattern as a result of the works.
- 5.34. Ensure that each lot is self draining and grassed.
- 5.35. Do not place earth fill on any existing adjoining parkland or land required by Council as parkland unless otherwise approved by Council in writing.

#### **Earthworks – Retaining structures**

- 5.36. Design and construct all retaining walls and associated footings;
  - 5.36.1. in accordance with Australian Standard 4678 - 2002 Earth Retaining Structures;
  - 5.36.2. without encroachment onto adjoining properties or public land; and
  - 5.36.3. with the retaining wall wholly located within the allotment being retained.
- 5.37. Ensure the inspection of the retaining structure(s) by a Registered Professional Engineer Queensland (RPEQ) at the following stages:
  - 5.37.1. Footing stage (including excavation and reinforcement); and
  - 5.37.2. At the time of installing drainage behind the wall (including geo-fabric, backfill and perforated pipe).
- 5.38. Do not construct retaining walls between any;
  - 5.38.1. existing or proposed parkland; and
  - 5.38.2. existing or proposed road reserve
 unless otherwise approved by Council in writing.

#### **Construction Management - Plan**

- 5.39. Develop a Construction Management Plan (CMP), that addresses all activities associated with construction of the development (in Building Works, Operational Works and Plumbing and Drainage Works), that complies with all other conditions of this approval and includes but is not limited to the following items:
  - 5.39.1. Hours of construction;
  - 5.39.2. Vehicle access (including responsibility for maintenance of a defined cartage route) during construction hours;
  - 5.39.3. Traffic management (including loading, unloading and cartage routes);
  - 5.39.4. Parking of vehicles (including on site workers and delivery vehicles);
  - 5.39.5. Maintenance of safe pedestrian movement across the site's frontage(s) including people with disabilities;
  - 5.39.6. On-site dust and noise management so as not to cause a nuisance to the amenity of the surrounding area;
  - 5.39.7. Building waste and refuse disposal;
  - 5.39.8. Presentation of an information sign including contact details to the frontage;
  - 5.39.9. Tree management;
  - 5.39.10. Park management;

- 5.40. The CMP must be:
- 5.40.1. prepared and signed by a Registered Professional Engineer Queensland (RPEQ) (or an alternative person determined by Council as being suitably qualified to prepare such a plan) as being in accordance with the applicable planning scheme and this development approval; and
  - 5.40.2. submitted to Council for compliance assessment under the *Sustainable Planning Act 2009*; and
  - 5.40.3. approved by Council.
- 5.41. Implement the approved Construction Management Plan at all times during construction of the development.
- 5.42. Ensure a legible copy of the approved Construction Management Plan and approval conditions is available on site at all times during construction and earthworks.

#### **Construction Management - General**

- 5.43. Advise Council in writing of the name of the responsible contractor and that the contractor has received a notice of appointment of principal contractor under the provisions of the *Workplace Health and Safety Act 1995*.
- 5.44. Ensure that all works required by this approval are completed and the works accepted "On Maintenance".
- 5.45. Do not permit the use of reticulated water for construction purposes while Level 4 or higher water restrictions are in place within the city of Logan. Only recycled water obtained from Council's sewerage treatment plant at Loganholme or any similar approved source must be used for construction purposes while Level 4 or higher water restrictions are in place.

#### **Traffic**

- 5.46. Main access driveway on Fifth Avenue is to be designed to minimise unprotected crossing distance for footpath users. A minimum 2m wide median is to be provided on the driveway consisting of chevron marking and minimum 1m wide raised island (aligned with the north side of the median) with 2m long pedestrian gap (aligned with adjacent footpaths).
- 5.47. Existing parking lane edge line is to be tapered at the main driveway, with redundant edge line to be replaced with a continuity line.
- 5.48. Yellow no stopping lines are to be installed along the Fifth Avenue parking lanes between Browns Plains Road and start of main driveway (east kerb) and 10m north of main driveway (west kerb).

#### **Bus Bay and Bus Shelter Construction**

- 5.49. Remove the existing bus shelter on Browns Plains Road and in its place construct a single bus shelter along the Browns Plains frontage of the site in accordance with Translink Drawing Number TL-001, titled 'Bus Stop Guidelines', dated 14/11/2006.
- 5.50. Provide appropriate yellow line marking along the frontage of the bus zone in accordance with Translink Drawing Number TL - R02, titled 'Bus Stop Guidelines - Regular Stop', dated 13/10/2006.
- 5.51. Install 'no parking' signs to prevent cars parking within the bus zone.

#### **Plumbing & Drainage**

- 5.52. Submit a plumbing & drainage application to demolish the existing structures and cap off the sewer and water services.

### **6. ALLCONNEX CONDITIONS**

#### **General Conditions**

- 6.1. Provide written authority at the time of submission of Operational Works plans to allow Allconnex Water officers to enter the land at all reasonable times in order to carry out inspections in relation to this approval.

## **Wastewater**

- 6.2. Connect the development to Allconnex Water's wastewater system, prior to the commencement of the use, at the applicant's cost;
- 6.3. Ensure that the size of the property service connection shall be 150mm, unless otherwise approved by Allconnex Water;
- 6.4. Ensure that the distance between any part of any proposed building and the existing/proposed wastewater infrastructure is not less than 2.0 metres;
- 6.5. Ensure that the adequate access to Allconnex Water's existing wastewater infrastructure within the development site is available at all times;
- 6.6. The design and construction standard of the required wastewater reticulation infrastructure must be in accordance with Logan Planning Scheme 2006;
- 6.7. Ensure that all live connections to the existing wastewater main or a manhole (MH) are to be performed by Allconnex Water at the applicant's cost.
- 6.8. Relocate the existing wastewater main generally in accordance with the Site Plan 9424-DA01-N, prepared by Thomson Adsett dated 14.12.2010, at the applicant's cost.
- 6.9. Obtain a development permit for operational work (works for infrastructure) for any works where the wastewater infrastructure assets are to be owned and/or maintained by Allconnex Water;
- 6.10. Following issue of development permit for Operational Works, a Private Works application must be lodged with Allconnex Water to obtain a quotation for the installation of wastewater property connection for the development. Upon payment of the quotation, Allconnex Water will install the wastewater property connection.
- 6.11. Any redundant wastewater house connections within the site or servicing the development must be capped and sealed at the applicant's cost. The applicant must provide written evidence that this has occurred prior to acceptance of the works 'on-maintenance'. Any redundant pipe work must be removed from the site.

## **7. Water Supply Reticulation**

- 7.1. Connect the development to Allconnex Water's water supply system, prior to the commencement of the use, at the applicant's cost;
- 7.2. Ensure that all live connections to the existing water main are to be performed by Allconnex Water at the applicant's cost. Lodge a Private Works application with Allconnex Water to obtain a quotation for the installation of property service connection and meter installation for the development. Upon payment of the quotation, Allconnex Water will install the property service connection and water meter at the point of water supply to the development site in accordance with Allconnex Water standards.
- 7.3. Ensure that any redundant water meter connection within the site or servicing the development must be removed by Allconnex Water at the applicant's cost. The applicant must provide written evidence to Allconnex Water that this has occurred prior to the earlier of acceptance of any works 'On Maintenance'.

## FURTHER ADVICE TO APPLICANT

In relation to the application, the applicant is further advised:

1. The relevant period for this approval is in accordance with Section 341 of the *Sustainable Planning Act 2009*.
2. Authorised persons of the Council may enter the premises the subject of this approval at any reasonable time to ascertain whether the above conditions have been complied with (and/or whether the above requirements have been carried out).
3. All site works and earthworks must be carried out in accordance with the Standard Drawings and policies in the assessable Planning Scheme.
4. No works shall be commenced on works which will ultimately revert to Council or on adjacent roads or drainage schemes until Council has been advised in writing, of the name of the responsible contractor and that the contractor has received from Council a notice of appointment of principal contractor under the provisions of the *Workplace Health and Safety Act 1989*.
5. Landscape Compliance Advice
  - The applicant must submit a landscape plan and documentation, prepared by a Corporate Member of the Australian Institute of Landscape Architects (or other suitably qualified and experienced professional deemed suitable on demonstration of project experience and document skills to Council) as part of a development application for Compliance Assessment - Landscaping in accordance with the LCC Landscape Development Manual 2010 and include the following:
    - Provide landscape areas and shade trees to car parks in accordance with the Landscape Development Manual 2010. (1 shade tree per 2.5 car spaces and a minimum 2.25m<sup>2</sup> of landscaped area is to be provided per shade tree).
    - Provide visual delineation of hardstand areas for the driveway and the pedestrian linkage. The applicant is requested to provide material and finishes to be used for these areas.
    - Locate 150mm high barrier kerbing or wheel stops on the landscape plan to separate all parking areas from landscape and pedestrian areas.
    - Locate existing and any proposed fencing on the landscape plan and indicate the type, height and style.
    - Ensure levels to all external areas are graded to ensure no ponding.
    - Locate concrete garden edging between all garden, turf and gravel areas and
    - Provide an automatic inground irrigation system to all garden areas that while water restrictions are in place uses harvested stormwater or recycled water.

### **The applicant and owner be further advised:-**

It is the owner's and occupants responsibility under the *Environmental Protection Act 1994* to advise the Chief Executive of the Environmental Protection Agency, of any Notifiable Activity conducted on the site or contamination or suspected contamination which may cause a hazard to human health or the environment within 30 days of becoming aware of the operation of a Notifiable Activity on the site or of any contamination or suspected contamination. The Chief Executive, pursuant to the Act, is empowered to require that the development complies with the provisions of the Act, including the preparation of site investigation reports and if necessary the remediation of the site at the owners expense.

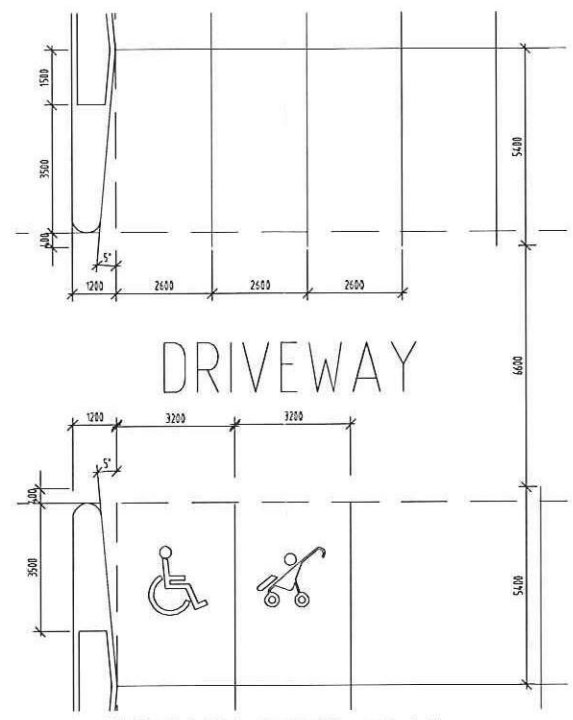
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SCHEDULE		SITE DESCRIPTION:	
SUPERMARKET	3207m <sup>2</sup>	Site Address -	1-13 Fifth Avenue,
SPECIALTY SHOPS	1418m <sup>2</sup>		Marsden, QLD 4132
	4625m <sup>2</sup>		
CARPARKS	238 (5.14/100m <sup>2</sup> )	RPD -	Lot 68 on RP 216058
BICYCLES	12	Site Area -	1.6 Hectares

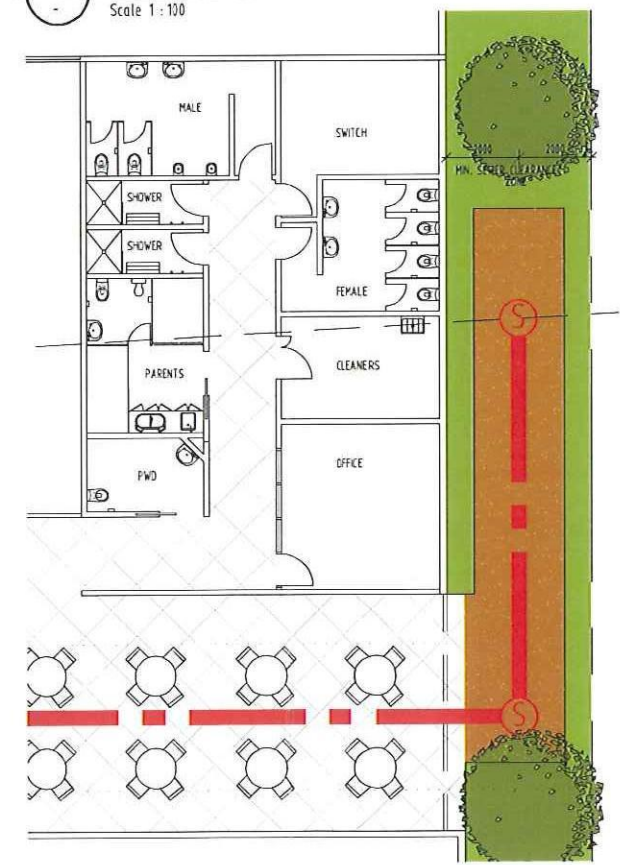
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-	11.03.2008	ISSUE FOR CLIENT REVIEW	MA
A	18.03.2008	ISSUE FOR CLIENT REVIEW	MA
B	28.04.2008	ISSUE FOR CLIENT REVIEW	MA
C	28.05.2008	ISSUE FOR DEVELOPMENT APPLICATION	MA
D	26.06.2008	ISSUE FOR CLIENT REVIEW	MA
E	30.06.2008	REVISED SITE BOUNDARY	MA
F	04.07.2008	AMENDED CARPARKING AND WALKWAY	MA
G	11.07.2008	REVISED CARPARKING AND BUILDING	MA
H	14.07.2008	REVISED TO MATCH CIVIL	MA
I	12.15.2009	REVISED FOR AIRLOCK	MA
J			MA
K	14.04.2010	REVISED ISSUE	MA
L	21.04.2010	REVISED ISSUE - SEWER PARKING UPDATED	MA
M	27.05.2010	SEWER LINE RELOCATION AND NEW MANHOLE SHOWN	MA
N	14.12.2010	CARPARK LIGHTING ANNOTATION ADDED	MA



01 SITE PLAN  
Scale 1:500



02 CARPARK DETAIL PLAN  
Scale 1:100



03 AMENITIES PLAN  
Scale 1:100

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Etna Investments and  
Nina Investments Pty Ltd

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Cnr Browns Plains Road  
and Fifth Avenue, Marsden

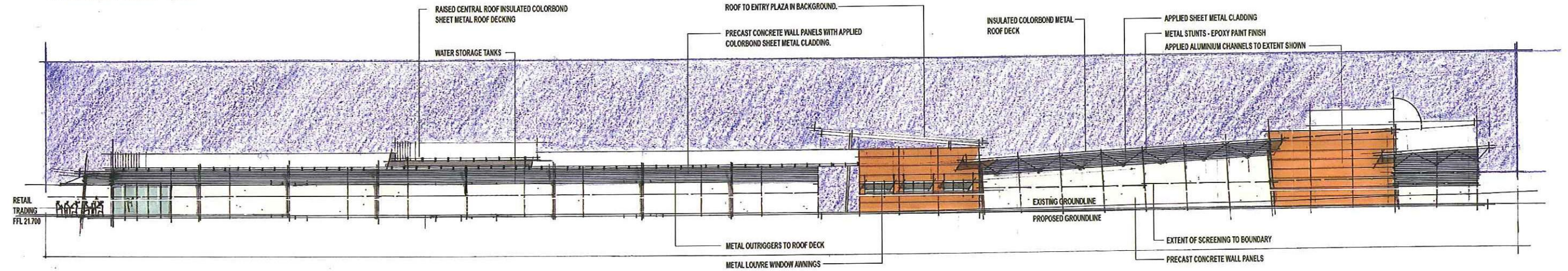
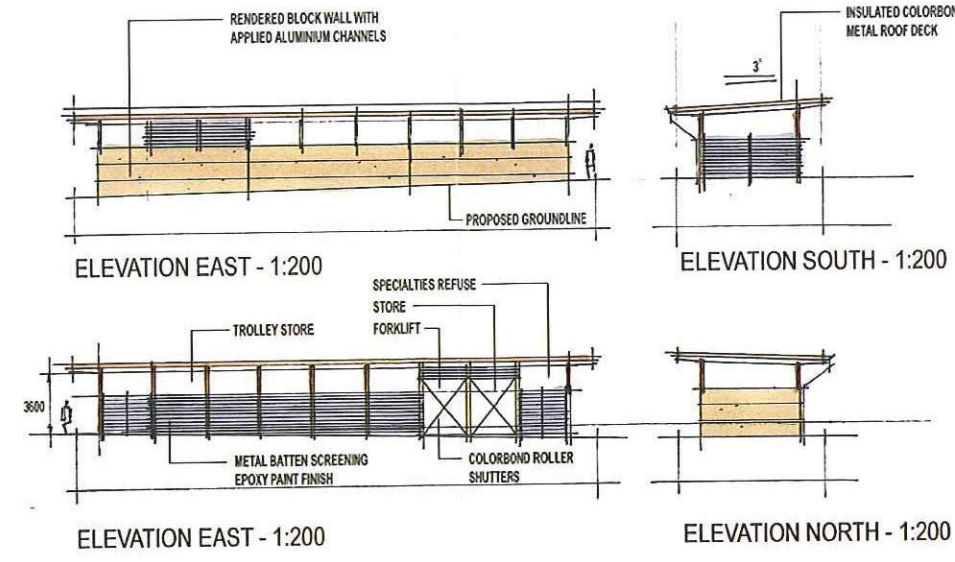
project description  
Ground Level

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checked	MA	drawn	AC
verified	//	checked	MA
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9424	DA 01	9424	DA 01
project number	sheet number	project number	sheet number
	N		N
	revision		revision

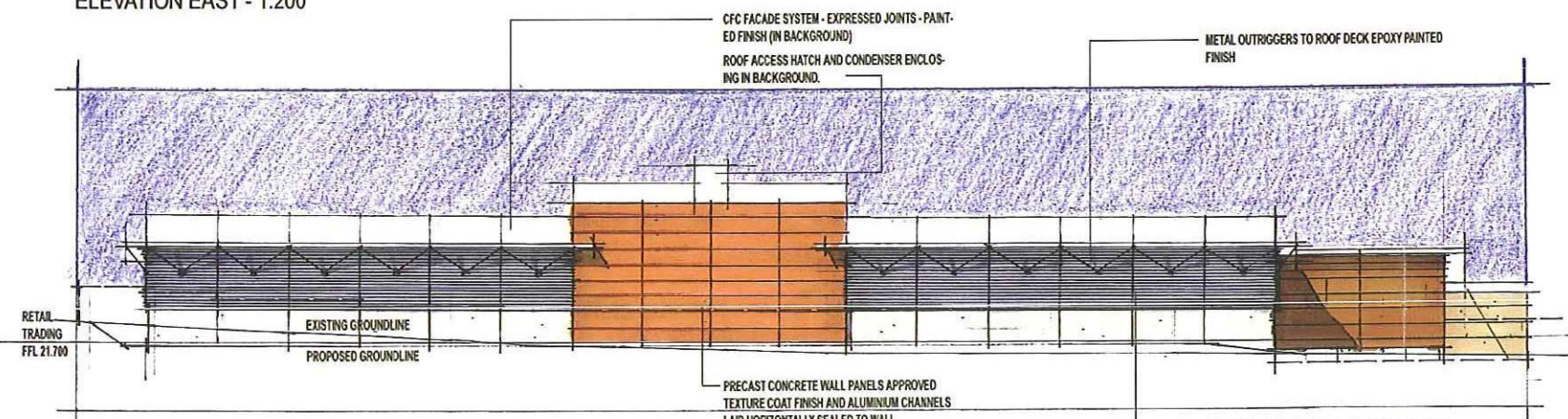
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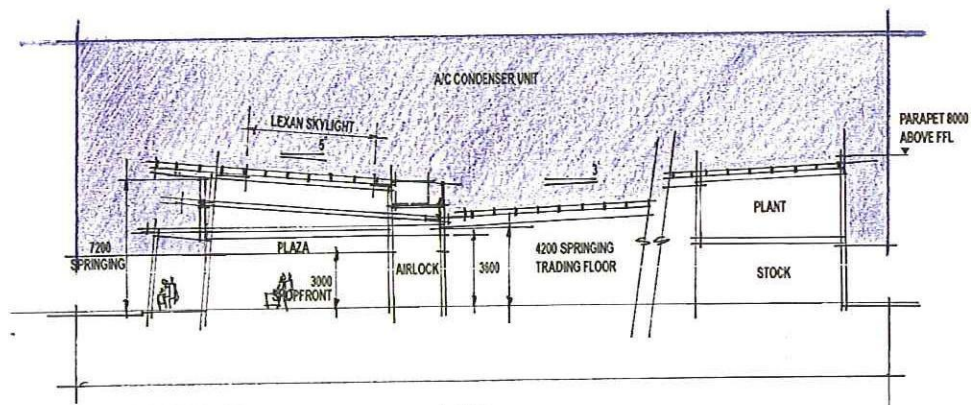
ELEVATION SOUTH - 1:200



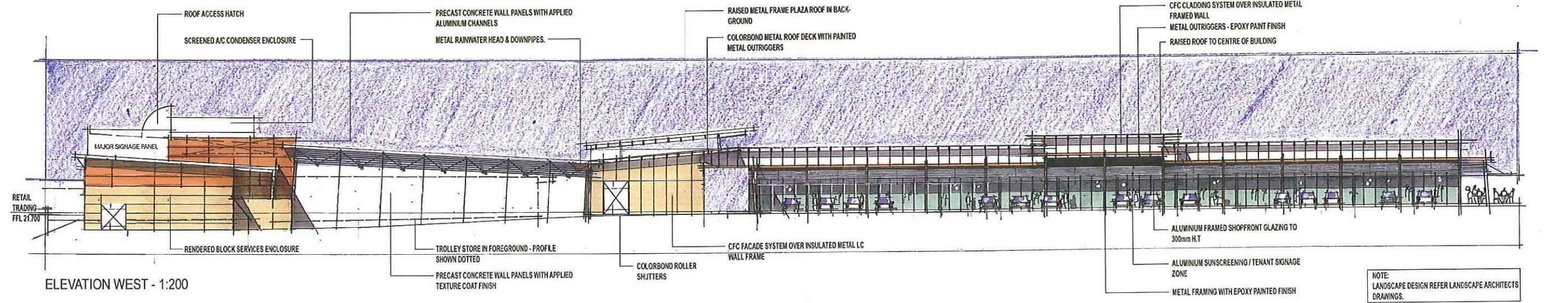
ELEVATION EAST - 1:200



ELEVATION NORTH - 1:200



CROSS SECTION (THRU ENTRY PLAZA) - 1:200



ELEVATION WEST - 1:200

REV	DATE	DETAILS	BY
A	24/02/2008	ISSUED FOR INFORMATION	MA
B	11/07/08	REVISED ELEVATIONS	MA
C	21/12/10	REVISED ELEVATIONS	MA

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South Coast Rockhampton Northern Rivers  
Kuala Lumpur Hong Kong Jakarta United Kingdom

Etna Investments and  
Nina Investments Pty Ltd

MARSDEN RETAIL DEVELOPMENT  
Crn Browns Plains Road and Fifth Avenue,  
Marsden

PROJECT DESCRIPTION	
ELEVATIONS	
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date	June 2008
scale	1:200
drawn	TL
checked	MA
rev fed	
rev	
9424	DA02
project number	sheet number
	revision

NOTE:  
LANDSCAPE DESIGN REFER LANDSCAPE ARCHITECTS DRAWINGS.