

**APPENDIX A - CONDITIONS OF APPROVAL****1. APPLICATION DETAILS**

Application No:	MCU15/0135
Street Address:	55 & 59 Plaza Pde MAROOCHYDORE QLD 4558
Real Property Description:	Lots 1 & 2 SP 255792
Planning Scheme:	Sunshine Coast Planning Scheme (9 March 2015)

**2. DECISION DETAILS**

The following type of approval has been issued:

Preliminary approval for material change of use of premises that varies the effect of the planning scheme (Section 242 of the *Sustainable Planning Act 2009*) - Mixed Use Development.

**3. RELEVANT PERIOD OF APPROVAL**

The relevant period for this development approval is 4 years starting the day that this development approval takes effect. (Refer to Section 341 "When approval lapses if development not started" of the *Sustainable Planning Act 2009*.)

This approval ends at the end of the relevant period for the Wises Farm Preliminary Approval (Council ref. MCU03/0039), on 12 August 2019. From 12 August 2019 onwards, the planning scheme in force for the local government area applies to the subject land.

**4. INFRASTRUCTURE**

Not Applicable.

**5. ASSESSMENT MANAGER CONDITIONS****PLANNING****When conditions must be complied with**

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

**Nature and Extent of Approved Use**

2. Preliminary approval (varying the effect of the Planning Scheme, being the Wises Farm Preliminary Approval, Council ref. MCU03/0039) is granted for a material change of use for Mixed Use Development.

3. This approval varies the effect of the Planning Scheme (being the Wises Farm Preliminary Approval, Council ref. MCU03/0039) for the life of the approval. The Sunshine Coast Planning Scheme 2014, Version 4, effective 03/08/2015, applies to the subject land for the life of the approval.
4. The owners of the land and/or any future body corporate management entity shall maintain a car parking register for the Kon-Tiki developments approved on the site (Council ref. MCU13/0137.01 and MCU14/0054). The car parking register shall, for the life of the development record the gross floor area\* of each tenancy within each building, the use\* of each tenancy, the corresponding number of on-site car parking spaces required\*\* for each tenancy, and the corresponding number of on-site car parking spaces allocated for each tenancy. The car parking register shall be made available to Council upon request at any time throughout the life of the development.

*\*(Gross floor area and use as defined under the Sunshine Coast Planning Scheme 2014, Version 4, effective 03/08/2015)*

*\*\* (Car parking requirement in accordance with the Sunshine Coast Planning Scheme 2014, Version 4, effective 03/08/2015.)*

## 6. REFERRAL AGENCIES

Not Applicable.

## 7. APPROVED PLANS

Not Applicable.

## 8. REFERENCED DOCUMENTS

Not Applicable.

## 9. ADVISORY NOTES

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

### **Aboriginal Cultural Heritage Act 2003**

1. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*. The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the *ACH Act*.

### Infrastructure Charging

2. Development charges associated with any future applications for Development Permits arising from this Preliminary Approval must be paid in accordance with the relevant instrument applicable at the time of subsequent approval/s and indexed until the time of payment.

### 10. PROPERTY NOTES

Not Applicable.

### 11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

A preliminary approval under *Sustainable Planning Act 2009* has been granted. The level of assessment and applicable codes for any development approval resulting from this approval are in accordance with the Sunshine Coast Planning Scheme 2014, Version 4, effective 03/08/2015.

### 12. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Material Change of Use (where code or impact assessable in accordance with the Sunshine Coast Planning Scheme 2014, Version 4, effective 03/08/2015).

### 13. SELF ASSESSABLE CODES

The following assessment criteria for self-assessable development related to the development approval issued under this Decision Notice must be complied with:

- the assessment criteria for self-assessable development identified in the Sunshine Coast Planning Scheme 2014, Version 4, effective 03/08/2015.

### 14. SUBMISSIONS

Not Applicable.

### 15. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

### 16. RIGHTS OF APPEAL

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

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step

will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

## 17. OTHER DETAILS

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