

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	REC12/0112
Street Address:	31 Martins Drive and 3-7 Fishermans Road KULUIN
Real Property Description:	Lot 2 SP 223022 Lot 19 RP 233849 Lot 22 RP 861773
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Preliminary Approval under Section 241 of the *Sustainable Planning Act 2009* for Reconfiguration of a Lot - Residential (1 lot into 129 lots, plus road and conservation reserve, park and common property)

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 2 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 issue of a Development Permit for Reconfiguration of a Lot over the subject site.

Approved Plans

2. The development approved by this Preliminary Approval is generally as shown on 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 Reconfiguration of a Lot for the proposed development.

HYDRAULICS AND WATER QUALITY

3. Provide a revised development scheme in which the whole of proposed Stage 1, including the lake, is included in a community management scheme. The lake, all open space and internal roads within Stage 1 must be retained within the common property of the community title scheme.

4. Provide a hydraulic study (including proposed waterway crossing details) which demonstrates that the proposed channel within Stage 1 is able to convey the 1 in 100 year ARI flow for the local catchment and achieve sufficient freeboard to the adjacent lots in accordance with QUDM. Also demonstrate that the proposed waterway crossings and any additional augmentation proposed to the existing channel will not result in any off-site flood impacts for the local catchment flow.
5. Provide a stormwater management plan and amended layout as necessary in order to ensure that the pollutant load reduction targets are achieved through the incorporation of stormwater quality treatment devices within the development.

ENVIRONMENTAL HEALTH

Acoustic Amenity

6. Demonstrate compliance with the Code for Reconfiguring Lots; performance criteria P12 by the provision of an acoustic assessment which details the acoustic environment for lots 111-115 in relation to industrial noise and road traffic noise from Fishermans Rd. The assessment must provide recommendations in regard to acoustic mitigation measures which will be required to achieve the Qld State *Environmental Protection (Noise) Policy 2008 Schedule 1: Acoustic Quality Objective* for indoor and outdoor residential use areas. Mitigation measures may include acoustic barriers, building façade upgrades, shielding of outdoor areas with buildings, however any acoustic barriers must not exceed 2.4m in height.

LANDSCAPE AND ECOLOGY

Ecological Preservation

7. No clearing, cutting down, poisoning, lopping, pruning or soil/spoil dumping of native vegetation endemic to the subject site is permitted prior to the issue of a Development Permit over the subject site.

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 PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558	Railways	The agency did not provide a formal response within the required timeframe.

Concurrence	Department Of Environment & Heritage Protection Admin Officer - Permit & Licence Management Implementation & Support Unit GPO Box 2454 BRISBANE QLD 4001	Development in a Coastal Management District	The agency provided its response on 9 April 2013 (Reference No. 216575 / SOR/113679). A copy of the response is attached.
Advice	Department of Agriculture Fisheries & Forestry Southern Fisheries Centre PO Box 5083 SCMC NAMBOUR QLD 4560	Fisheries Habitat Area	The agency provided its response on 22 March 2013 (Reference No. 003/0002422 (# 421790))

A copy of any referral agency conditions is attached.

6. APPROVED PLANS

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
DD-01	F	<i>Context Plan</i> , prepared by Innovative Planning Solutions	24/06/2014
Amendments		1. Amend to the staging boundaries such that the entire park and bio-retention basin to the north of Lots 39, 77 and 89 are included in Stage 2.	
DD-04	F	<i>Lot Layout Plan</i> , prepared by Innovative Planning Solutions	24/06/2014
Amendments		<ol style="list-style-type: none"> 1. Amend to show the proposed staging boundaries. 2. Amend to show the lake, all open space and road reserve in Stage 1 as common property. 3. Amend to show Lot 130 as park to be dedicated to Council. 4. Amend to remove the proposed walking trails around the perimeter of the site. 5. Amend to increase the width of the open space area behind Lots 1 and 2 to have a minimum width of 6m. 	
DD-05	F	<i>Dimension Lot Plan (Stage 1)</i> , prepared by Innovative Planning Solutions	24/06/2014
Amendments		<ol style="list-style-type: none"> 1. Amend to show the proposed staging boundaries. 2. Amend to show the lake, all open space and road reserve in Stage 1 as common property. 3. Amend to show Lot 130 as park to be dedicated to Council. 4. Amend to remove the proposed walking trails around the perimeter of the site. Amend to increase the width of the open space area behind Lots 1 and 2 to have a minimum width of 6m. 	

Plan No.	Rev.	Plan Name	Date
DD-06	F	<i>Dimensions Lot Layout Plan (Stage 2), prepared by Innovative Planning Solutions</i>	24/06/2014
Amendments		1. Amend to show the proposed staging boundaries. 2. Amend to remove the proposed walking trails around the perimeter of the site.	

7. REFERENCED DOCUMENTS

Not Applicable.

8. ADVISORY NOTES

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

PLANNING

Other Laws and Requirements

1. This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licences or permits may be found in the "Laws & Permits" page of the Sunshine Coast Council website (www.sunshinecoast.qld.gov.au). For information about State and Federal requirements please consult with these agencies directly.

Nature and Extent of Approved Development

2. Should the outstanding matters raised in this approval be addressed to Council's satisfaction, Council may change the approval to a Development Permit through the Negotiated Decision Notice process.

Infrastructure Charges

3. Development charges associated with 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 payment.

Aboriginal Cultural Heritage Act 2003

4. 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 Reconfiguration of a Lot
- Development Permit for Operational Work

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 36 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.