

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU14/0051
Street Address:	47 Nelson Street Golden Beach QLD 4551
Real Property Description:	Part of Lot 1 RP 155797
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises (Six (6) Multiple Dwelling Units)

3. RELEVANT PERIOD OF APPROVAL

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

4. ASSESSMENT MANAGER CONDITIONS

PLANNING

When conditions must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.
2. The use must not commence until related approval, Development Permit REC14/0026 has been completed, the subject lot subdivided into 2 lots and the relevant land titled.

Approved Plans

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

Street Identification

4. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the building name.

Sunset Clause for Completion of Approved Development

5. Pursuant to s342 of the *Sustainable Planning Act 2009*, this development approval lapses if the whole of the approved use has not happened by 24 August 2020.

Building Appearance

6. All air conditioning units or other mechanical equipment must be located at ground level or otherwise fully enclosed or screen such that they are not visible from the street frontages nor adjoining properties.

Fencing and Walls

7. Any fencing on the front boundary must:
 - (a) not exceed a maximum height of 1.2m; and
 - (b) be of open construction.

Clothes Drying Areas

8. Each dwelling unit must be provided with access to an outdoor clothes line which is screened from public view.

Community Management Statement

9. Any proposed Community Management Statement required for the development pursuant to the *Body Corporate and Community Management Act 1997* must be submitted to Council for endorsement at the same time as submission of the Building Format Plan (or similar) to Council for compliance assessment.
10. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice.

ENGINEERING**Site Access and Driveways**

11. A sealed access driveway must be provided from Nelson Street to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) A driveway crossover in accordance with IPWEAQ Std Dwg SEQ R-051; and
 - (b) A driveway width of 6m to the property boundary.
12. A minimum of 13 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) 1 visitor parking space within the total, clearly marked for that purpose and accessible at all times for visitor use; and
 - (b) crossfalls and gradients in accordance with Australian Standard AS2890: *Parking Facilities*.
13. 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.
14. Access ways and car parking areas must not be constructed of highly reflective and easily stained plain concrete. The design must incorporate a selection of paving materials including brick, clay or concrete pavers, exposed aggregate, stamped pigmented concrete or bitumen, constructed to specified standards.

15. Alternative materials, patterns, or threshold treatments must be used to articulate the pavement treatment of vehicle movement areas.
16. Paving treatments must be varied on main driveway systems, visitor car parking bays, unit forecourts, and entry to the development site from Nelson Street.

Telecommunication Services

17. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
18. Certification must be submitted to Council from all relevant service providers which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

Easements

19. 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.
20. 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. Draft easement documentation must be submitted to Council for endorsement.
21. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

HYDRAULICS & WATER QUALITY

Stormwater Drainage

22. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge.

LANDSCAPE & ECOLOGY

Landscaping Works

23. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval and the Sunshine Coast Council landscape materials palette.

ENVIRONMENT

Waste Management

24. Refuse storage, removal and collection facilities must be provided in accordance with the following:
- provision of two 240L wheelie bins for each dwelling unit
 - collection by service vehicles from the kerbside
 - provision of a communal hardstand impervious area for the permanent storage location of all wheelie bins, having minimum dimensions of 0.36 m² (600mm x 600mm) per bin and located no closer than 3m to the site frontage
 - provision of a 1.8m high purpose built enclosure to the communal bin store, which is screened from the street and adjoining properties by landscaping
 - provision of a level area at the kerbside for the temporary storage of bins on collection days, having minimum dimensions of 0.36 m² (600mm x 600mm) per bin and
 - provision of a wash-down area in the vicinity of the permanent storage location fitted with a hosecock and a drain connected to the sewer that has a stormwater catchment area of no more than 1m².

Vehicle Wash Bay

25. A vehicle wash bay is to be provided generally in accordance with the approved plan and lawfully drained to sewer in accordance with Unitywater trade waste policy. The vehicle wash bay catchment area shall be at least 2.6m wide x 5.4m long, preferably 3.2m wide x 6.0m long. The vehicle wash bay catchment area shall be clearly line marked.

Acoustic Amenity

26. Any fixed plant and equipment* that causes either tonal (L_{eq}) sound (e.g. from basement car-park exhaust, air conditioning unit or pool filtration unit), or impulse (L_{max}) sound, must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the following levels for habitable rooms within dwellings:
- 40 dB(A) L_{eq} for living and work areas
 - 35 dB(A) L_{eq} for sleeping areas
 - 45 dB(A) L_{max} for all areas

Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 "Acoustics – Description and measurement of environmental noise – General procedures".

*(Refer to Advisory Note)

Lighting

27. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" using a control level of 1.

UNITYWATER

28. The following Unitywater conditions are applied in accordance with the Chapter 4c, part 7 and sections 135 and 140(c) *South East Queensland (Distribution and Retail) Restructuring Act 2009* and Unitywater's Interim Connections Policy. The conditions below form part of a water connection aspect which are taken to be a water approval for a staged connection. You are entitled to appeal against the water connection aspects of this application in accordance with section 99BRAY and Chapter 4c, part 4, Divisions 1 and 2 of the *South East Queensland (Distribution and Retail) Restructuring Act 2009*.

Unitywater can be contacted as follows:

Phone: 1300 0 Unity (1300 086 489)

Email: Development.Services@unitywater.com

Web: www.unitywater.com.

29. Reticulated water supply and sewerage must be provided to the development.
30. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (e.g. valves, fire hydrants and sewer access chambers).
31. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.
32. 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 requirements and remain accessible at all times for reading and maintenance purposes.
33. Water meters must be located on alternative boundaries to electrical pillars.
34. Sub meters must be provided at the boundary of each title to be administered by a body corporate.
35. The existing 100mm diameter asbestos concrete watermain in Nelson Street must be replaced for the full frontage of the development site with u-PVC pipes. The replacement works must be completed prior to placing construction materials/site offices over or adjacent to the water main alignment.
36. Easements of between 3 and 10 metres must be provided over all Unitywater sewers located within property boundaries in accordance with the SEQ standards. Easements shall be centred over the pipe. Easement terms shall be the most current registered dealing held by the Department of Natural Resources & Mines and shall not be altered or amended.
37. Buildings and other structures must maintain a minimum clearance of 1.5 meters from Unitywater sewer mains, and 1.0 meter from a sewer manhole chamber or sewer inspection opening.
38. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 meters from Unitywater water supply and sewerage infrastructure.

39. 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.
40. 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

Not Applicable.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
2013774	A	<i>Site Plan</i> , prepared by Linea Design & Drafting	28 May 2014
2013774	A	<i>Nelsons Street and Parklands View (Elevations)</i> , prepared by Linea Design & Drafting	28 May 2014
2013774	A	<i>Western Elevation and Eastern Elevation</i> , prepared by Linea Design & Drafting	28 May 2014
2013774	A	<i>Floor Plan Unit 1 & 2</i> , prepared by Linea Design & Drafting	28 May 2014
2013774	A	<i>Lower Floor Plan and Upper Floor Plan Units 3 - 6</i> , prepared by Linea Design & Drafting	28 May 2014

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:

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 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*.

Easements and Future Works over External Land

3. Should the conditions of this Decision Notice require easements or works to be undertaken over land external to the site, Council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to advancing to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over Council owned or controlled land, please liaise directly with Council’s Property Management Branch and note that compensation may be payable.

Nature and Extent of Approved Development

4. The assessment of this development was based on a proposal having site cover of 0.1438ha, as depicted on the Approved Plans.

Infrastructure Charges

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

ENGINEERING**Building and Construction Industry (Portable Long Service Leave) Levy (“QLeave”)**

6. The QLeave levy must be paid prior to the issue of a development permit for Operational Works where required. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. QLeave contact: 1800 803 481 (free call) or (07) 3212 6855.

Co-ordination of Operational Works Assessment

7. Additional application fees apply to Operational Work applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

UNITYWATER

8. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicant's cost.
9. A 100mm diameter watermain is located within the road boundary fronting the development site in Nelson Street. Construction works, heavy traffic crossing the main, excessive vibration and excavation close to the main may cause damage to the pipe. Extreme care is required when working close to this infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

9. PROPERTY NOTES

Not Applicable.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works (Water and Sewerage Works, Driveways, Stormwater Drainage Works and Electrical Reticulation)
- Development Permit for Operational Works (Landscaping Works)
- Development Permit for Building Work

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

Not Applicable.

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. Multiple dwelling units reduce the risk of unreasonable impacts on the surrounding predominantly residential area, by way of noise, light and odour nuisance, which could arise from the operation of a community use.
2. The proposed development is contiguous with existing residential development to immediate east of the site and on the opposite side of the road.
3. The development is located in a well serviced area, close to facilities and provides a built form that blends with the prevailing residential character
4. The development will further activate part of the southern edge of Westminster Park.

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.