

## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No:	MCU14/0036
Street Address:	23 Lamatia Drive MOUNTAIN CREEK
Real Property Description:	Lot 1076 SP 239519
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)

### 2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for a Material Change of Use (Dual Occupancy)

### 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.

##### **Building Height**

3. The maximum height of the development must not exceed 8.5 metres above ground level.

##### **Building Appearance**

4. All air conditioning units or other mechanical equipment must be located at ground level, or otherwise fully enclosed or screened such that they are not visible from the street frontages or adjoining properties.

##### **Fencing and Walls**

5. The area of land between the fence and the front property boundary must be densely landscaped to screen any fencing from the street.

6. Any street fencing and walls must not exceed a maximum height of:
- (a) 1.8m, where at least 50% of the fence or wall is transparent, or
  - (b) 1.2m otherwise.

**Protection of Privacy**

7. To ensure privacy is protected between adjoining properties, the windows located on the upper level of the building on the eastern and western boundaries must either:
- (a) have a minimum window sill height of 1.5 metres above floor level
  - (b) be fitted with opaque glazing
  - (c) be fitted with a fixed external screen.

**Community Management Statement**

8. 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.
9. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice.

**INFRASTRUCTURE POLICY**

10. The applicant must, before the commencement of the use, comply with:
- (a) the infrastructure charges obligations set out in the infrastructure agreement for the land between Lensworth Buddina Pty Ltd and Maroochy Shire Council, executed on 19 November 2003 as a part of the Preliminary Approval issued on 8 March 2004 (Council Ref MCU00/0222); and
  - (b) Conditions 1 and 2 of the Preliminary Approval issued on 8 March 2004 (Council Ref MCU00/0222).

**ENGINEERING****Site Access and Driveways**

11. A sealed access driveway must be provided from Lamatia Drive 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 standard drawing SEQ R-050
  - (b) a driveway width of 6.0 metres,

**Car Parking**

12. A minimum of 6 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval.
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.

**Telecommunication Services**

14. 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.

15. 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.

**Damage to Services and Assets**

16. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner at the following times:
- (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.

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.

**HYDRAULICS & WATER QUALITY****Stormwater Drainage**

17. 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 the Queensland Urban Drainage Manual.

**LANDSCAPE & ECOLOGY****Landscaping Works**

18. The development site must be landscaped and must include in particular:
- (a) a 3 metre wide landscaping strip along the Lamatia Drive frontage of the subject site, exclusive of the access driveway, generally uncompromised by infrastructure items
  - (b) vegetated screening of the built form from Lamatia Drive, designed such that 50% of the built form will be screened at maturity
  - (c) vegetated screening of bin storage areas and the like from the road frontage
  - (d) provision of 1 street tree within the road reserve for every 8 metres of road frontage
19. All landscape works must be established and maintained in accordance with the approved design for the life of the development, and in a manner that ensures 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
20. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

**ENVIRONMENTAL HEALTH****Waste Management**

21. Refuse storage, removal and collection facilities must be provided in accordance with the following:
- (a) provision of two 240L wheelie bins for each dwelling unit

- (b) provision of separate bins for general and recyclable waste for each dwelling unit, with an equal number of each being provided
- (c) collection by service vehicles from the kerbside
- (d) provision of a hardstand impervious area within the private open space area of each unit for the permanent storage location of the bins, having minimum dimensions of 0.36 m<sup>2</sup> (600mm x 600mm) per bin.

## UNITYWATER

- 22. Reticulated water supply and sewerage must be provided to the development.
- 23. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
- 24. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.
- 25. Separate 25mm PE water services must be installed to a common lot boundary with independent meters installed outside the boundary of the lot in accordance with Unitywater and SEQ Standard Drawings.
- 26. 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 parking area, a brass cap is required to be fitted.
- 27. Water meters must be located on alternative boundaries to electrical pillars.
- 28. 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.
- 29. Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 meters from Unitywater water supply and sewerage infrastructure.
- 30. 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.
- 31. 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
2 of 14	Nil	<i>Site Plan</i> , prepared by National Building Solutions.	19/03/2014
3 of 14	Nil	<i>Lower Level Plan</i> , prepared by National Building Solutions.	19/03/2014
4 of 14	Nil	<i>Upper Level Plan</i> , prepared by National Building Solutions.	19/03/2014
5 of 14	Nil	<i>Front Elevation, Left Elevation</i> , prepared by National Building Solutions.	19/03/2014
6 of 14	Nil	<i>Right Elevation, Rear Elevation</i> , prepared by National Building Solutions.	19/03/2014

## 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:

### PLANNING

#### Infrastructure Contributions

1. This development permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Councils "Adopted Infrastructure Charges Resolution (No.1) 2011" under the State Planning Regulatory Provision (Adopted Charges) and the "Sustainable Planning Act 2009".
2. This development permit will trigger a "Notice of Financial Contribution" to be issued in accordance with the Infrastructure Agreement noted in Condition 10 of this approval.

#### Equitable Access and Facilities

3. 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**

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 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*.

**Qualified Person**

5. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 3 years current experience in the field of landscape design.

**UNITYWATER**

6. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicant’s cost.
7. A 150mm diameter watermain is located within the road boundary fronting the development site in Lamatia Drive. 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 Building Work

**12. SELF ASSESSABLE CODES**

Not Applicable.

**13. SUBMISSIONS**

There were 41 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](http://www.sunshinecoast.qld.gov.au) or at council offices.