

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU15/0278
Street Address:	14 Henzell Street DICKY BEACH QLD 4551
Real Property Description:	Lot 122 RP 53611
Planning Scheme:	Caloundra City Plan 2004 (16 September 2013)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises (Duplex Dwelling)

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. INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "necessary infrastructure condition" for the provision of trunk infrastructure as defined under chapter 8 of the *Sustainable Planning Act 2009*.

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.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with 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 Operational Works*.

*(Refer to Advisory Note)

Building Height

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

Street Identification

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

Building Appearance

5. All air conditioning units or other mechanical equipment must be visually integrated into the design and finish of the building, or otherwise fully enclosed or screen such that they are not visible from the street frontages nor adjoining properties.
6. All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvers, glass panelling or the like.

Fencing and Walls

7. Any street fencing 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.
8. The area of land between the fence and the front property boundary must be densely landscaped to screen any fencing from the street.
9. A minimum 1.8m high solid screen fence is provided and maintained along the full length of any side or rear boundary.

Community Management Statement

10. 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.
11. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this decision notice.

Renewable Energy (Sustainable Design Code)

12. The development must implement the use of solar power or other renewable energy sources to supply part or all of the development's energy needs.

Clothes Drying Facilities

13. Each dwelling unit must be provided with a non-mechanical (natural) clothes drying area.

ENVIRONMENTAL HEALTH**Waste Management**

14. Refuse storage, removal and collection facilities must be provided in accordance with the following:
 - (a) provision of two (2) 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 0.36m² (600mm x 600mm) per bin.

ENGINEERING

External Works

15. Henzell Street must be upgraded for the length of its frontage to the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) removal of the existing property access and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage, including the provision of topsoil and turf where the existing verge is grassed.

Property Access and Driveways

16. A sealed access driveway must be provided from both Henzell Street and Tinbeerwah 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 standard drawing RS-049 and RS-050.

Car Parking

17. A minimum of 5 car parking spaces must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) crossfalls and gradients in accordance with Australian Standard AS2890: *Parking Facilities*.
18. 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.

Stormwater Drainage

19. 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*, and must include in particular collection and discharge of stormwater to Henzell Street.

Stormwater Quality Management

20. Stormwater quality treatment must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must incorporate measures for Stormwater Quality Management, including rain-water harvesting tanks as described in the *Development Design Planning Scheme Policy*.

Electricity and Telecommunication Services

21. Reticulated electricity and telecommunication services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

Water and Sewerage Services

22. An underground connection to reticulated water and sewerage must be provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).
23. A Certificate of Completion from the Northern SEQ Distributor–Retailer Authority (Unitywater) must be submitted to Council that certifies an underground connection to reticulated water and sewerage has been provided to the development site at the time of commencement of use.

Easements

24. 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.
25. 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.
26. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

Earthworks and Retaining Walls

27. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
28. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by an RPEQ where exceeding 1.0m in height. All retaining walls that are publicly accessible and exceed 1.0m in height must be fitted with a commercial grade safety fence.

LANDSCAPING

Landscaping Works

29. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval* and the requirements of the Caloundra Eastern Beaches Planning Area Code, the Duplex Dwelling Code and the Landscape Code and must include in particular:
- (a) the works shown on the approved landscape concept plan.
 - (b) a landscape design plan and planting schedule that demonstrates a relationship to the immediate site context, through function, form, texture and colour. The planting schedule must reflect, enhance and integrate with the architectural built form and the Dicky Beach coastal location.
 - (c) vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage.

- (d) provision of a total of 4 street trees; 2 street trees (25 litre Natspec compliant) within the Tinbeerwah Street road reserve and 2 street trees (25 litre Natspec compliant) within the Henzell Street road reserve. Location and species of street trees must be cognisant of line of sight requirements and infrastructure setback*.

*(Refer to Advisory Note)

30. 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.

6. REFERRAL AGENCIES

Not Applicable.

7. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
7027/DA/01	5	Site Plan, prepared by Blackburne Jackson Design	09/02/2015
7027/DA/03	5	Level 1 Floor Plan, prepared by Blackburne Jackson Design	09/02/2015
7027/DA/04	5	Level 2 Floor Plan, prepared by Blackburne Jackson Design	09/02/2015
7027/DA/05	5	Elevations, prepared by Blackburne Jackson Design	09/02/2015
7027/DA/06	5	Elevations, prepared by Blackburne Jackson Design	09/02/2015
7027/DA/100	1	Landscape Plan, prepared by Blackburne Jackson Design	09/02/2015
7027/DA/101	1	Landscape Plan, prepared by Blackburne Jackson Design	09/02/2015
7027/DA/102	1	Planting Palette Images, prepared by Blackburne Jackson Design	09/02/2015

The following plan requires amendment prior to becoming an approved plan:

Plan No.	Rev.	Plan Name	Date
7027/DA/02	3	Floor Plan Basement, prepared by Blackburne Jackson Design	21/10/2015
Amendments	1.	Amend driveway and retaining wall layout of Unit 1 to reflect revision 5 of Site Plan and Floor Plan Level 1	

8. REFERENCED DOCUMENTS

Not Applicable.

9. ADVISORY NOTES

PLANNING

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.

Other Laws and Requirements

4. This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the applicant's responsibility to ensure that it has obtained any other necessary approvals, licences or permits required under State and Commonwealth legislation or under Council local laws prior to carrying out the development. Information may be found in the “Laws & Permits” page of Council's website in relation to any further approvals, licences or permits that may be required from Council (www.sunshinecoast.qld.gov.au). For information about State and Commonwealth requirements please consult with these agencies directly.

Development Compliance Inspection

5. Prior to the commencement of the use, please contact Council's Development Audit & Response Unit to arrange a development compliance inspection.

Resubmission of Amended Plans Required

6. The conditions of this decision notice require resubmission of a plan to Council with amendments. Please address the amended plan to Council's Planning Assessment Unit with the Reference No. MCU15/0278 separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plan be resubmitted prior to lodgement of any Operational Works application. However, should the plan not be submitted, the applicant is advised that a preliminary approval for Operational Works may be issued in lieu of a development permit.

Infrastructure Charges

7. An infrastructure charges notice for Council's proportion of the infrastructure charge, applicable to this development approval, is attached. Unitywater may issue an infrastructure charges notice for their proportion of the infrastructure charge.

ENGINEERING**Pre-Design Meeting Services**

8. Council offers a free Pre-Design Meeting service specifically for Operational Works applications. Applicants are encouraged to utilise this service prior to the submission of their OPW application to ensure that their application is not held up by avoidable design issues. It is anticipated that the Pre-Design Meeting will ultimately assist in fast tracking the assessment of an Operational Works application once it is lodged with council as a result of design and application issues being resolved or substantially resolved prior to the application being submitted. For more information on this service or to book a Pre-Design Meeting please visit Council's website (<http://www.sunshinecoast.qld.gov.au/sitePage.cfm?code=prelodge-advise>) or contact (07) 5475 PLAN.

Co-ordination of Operational Works Assessment

9. 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.

LANDSCAPE**Qualified Person**

10. For the purpose of preparing an Operational Works 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.

Streetscape Species

11. To provide a continuity of streetscape, the following street tree species are proposed for inclusion in the subsequent Operational Works submission;
- (i) Tinbeerwah Street reserve; 2 x 25 litre Natspec compliant *Acronychia imperforata*
 - (ii) Henzell Street reserve, 2 x 25 litre Natspec compliant, *Melaleuca quinquenervia*

10. PROPERTY NOTES

Not Applicable.

11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

12. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Engineering Works & Landscaping)

13. SELF ASSESSABLE CODES

Not Applicable.

14. SUBMISSIONS

There were no submissions about the application.

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 or at council offices