

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU15/0279
Street Address:	20 Minyama Island Minyama
Real Property Description:	Lot 3 RP 838131
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. 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 8.5m above natural ground level.

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.

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 screened 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. A solid screen fence must be maintained along the full length of each side boundary.
8. Any street fencing and walls must not exceed a maximum height of 1.2m.
9. The front fence of the proposed dwelling should be of a consistent design, material and landscaping palette to the existing fence in front of the existing dwelling.

Clothes Drying Facilities

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

Community Management Statement

11. 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.
12. 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)

13. 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.

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**Car Parking**

15. A minimum of 3 car parking spaces must be provided for the new dwelling. 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;
- (b) crossfalls and gradients in accordance with Australian Standard AS2890: *Parking Facilities*.

16. 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

17. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge.
18. The development must prevent any increase or concentration of runoff onto neighbouring properties.
19. The development must not adversely impact on the existing drainage condition on other properties (e.g. by blocking or interfering with natural overland flows).

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. 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.

Water and Sewerage Services

22. 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 application for commencement of use.

Easements

23. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site (including sanitary sewer mains) must be placed within an easement registered against the title of the property.
24. 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.
25. 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

26. 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.
27. 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

28. Provide a street tree (*Cupaniopsis anacardioides*) within the Pandanus Court frontage immediately in front of the proposed development. The street tree must:
- Meet *Specifying Trees – a guide to assessment of tree quality* (NATSPEC)* (Refer advisory notes).
 - Be located in accordance with engineering requirements for safe vehicle and pedestrian sight lines.
 - Be located at an appropriate distance from services and utilities so as to ensure there is no conflict or interference.
29. Planting adjacent to the new section of front fence should be consistent with existing planting adjacent to the front fence of the existing dwelling.
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.

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
15255-A1	-	Site Plan & Ground Floor, prepared by Paul Clout Design	26/11/15
15255-A2	-	Level 1 & Roof Plan, prepared by Paul Clout Design	26/11/15
15255-A3	-	Sections, prepared by Paul Clout Design	26/11/15
15255-A4	-	Elevations, prepared by Paul Clout Design	26/11/15

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

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 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*.

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.

Infrastructure Charges

4. 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.

LANDSCAPING

5. Qualified Person, for the purpose of undertaking, supervising tree works and preparing arboriculture certification, is considered to be a person with a minimum three years current experience with *Specifying Trees – a guide to assessment of tree quality* (NATSPEC) assessment and either:
- (a) International Society of Arboriculture (ISA) certification; or
 - (b) A Diploma of Arboriculture.

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 nineteen 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.