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## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No:	MCU13/0044
Street Address:	1 Crows Ash Place KULUIN
Real Property Description:	Lot 12 SP223655
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)

### 2. DECISION DETAILS

The following type of approval has been issued:

Development Permit for Material Change of Use of Premises to establish a Dual Occupancy & Operational Works (Stormwater, Earthworks, Landscaping & Driveway)

### 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 Appearance

3. 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 nor adjoining properties.
4. 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
  - (b) 1.2m otherwise.

##### Clothes Drying Areas

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

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### **Bin Areas**

6. Each dwelling unit must be provided with access to an outdoor bin area which is screened from public view.

### **UNITYWATER**

#### **Fire Fighting**

7. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
8. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.

#### **Water Meters**

9. 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 Standard Drawing SCW 361.
10. Water meters must be located on alternative boundaries to electrical pillars.
11. 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 Standard Drawing SCW 361.

#### **Sewer Mains**

12. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from a sewer manhole chamber or sewer inspection opening.

#### **Clearance from Infrastructure**

13. 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.
14. 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.

### **LANDSCAPING**

#### **Landscaping Works**

15. The development site must be landscaped. The works must be undertaken in accordance with this approval and the approved landscape plans.
16. All landscape works must be established and maintained in accordance with horticultural best practice to allow for healthy, sustained and vigorous plant growth.

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17. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.
  18. All landscape works must be supervised by a landscaping consultant and must be undertaken by a contractor experienced in landscape works.
  19. Horticulture General: The following requirements apply to all landscape works:
    - (a) All tree stock associated the landscape works must conform to the criteria outlined in NATSPEC Guide: Specifying Trees. Certification is to be presented
    - (b) Minimum soil depths of planting areas to ensure adequate growing conditions.
  20. Turf verge: The applicant must ensure the turf verge is:
    - (a) sustainable for local conditions without requiring irrigation
    - (b) Free of debris
    - (c) level with adjoining surfaces
    - (d) Free of pests, diseases and weeds
  21. Certification: A suitably qualified landscaping consultant\* must submit to Council that all works have been carried out in accordance with the approved plans and conditions of the decision notice prior to the commencement of the use.
  22. Easement W notated on the approved plans is to be turfed only and remain clear of any other infrastructure for drainage purposes.

## **ENGINEERING**

### **Site Access and Driveways**

23. One sealed access driveway must be provided from Crows Ash Place and another from Boxwood Avenue 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) The driveway crossovers shall be constructed in accordance with IPWEAQ standard drawing SEQ R-050
  - (b) The driveways shall be constructed a minimum of 5.0 metres wide to permit 2 cars to park or 1 car to be parked and another to pass to access the garage.

### **Stormwater Drainage**

24. 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 must include in particular:
  - (a) the works shown on the Approved Plans.
  - (b) cut off drains at the rear of the property between the existing retaining wall and the proposed new retaining wall.

### **Easements**

25. This site contains a drainage easement at the rear adjacent to the existing retaining wall. The purpose of this easement is to accommodate stormwater drainage infrastructure and also to provide for an overland flow path for surface stormwater. No impediments to the overland flow of stormwater may be built within this easement.
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.

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### **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.

### **Damage to Services and Assets**

28. Any damage caused to existing services and assets above or below the ground must be repaired:
- (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.

### **Prior to Commencement of Construction**

29. All works must be supervised by a Registered Professional Engineer of Queensland (RPEQ) competent in civil works and must be undertaken by a nominated principal contractor experienced in the construction of civil works.
30. Any damage to the external road pavement as direct consequence of construction activities associated with this approval must be remedied by the applicant at the applicant's cost. In this regard, the road surface of the street network across the frontage of the site must be photographed prior to any works commencing on site and a condition report submitted and agreed to prior to the pre-start meet.

### **General Engineering**

31. The supervising Engineer (RPEQ) must ensure that the works have been inspected and confirm their acceptability at the completion of construction.
32. The driveway crossover must be constructed in accordance with Council standard drawings R-050 (current version).

### **Excavation and Filling**

33. All earthworks shall be undertaken in accordance with the provisions of AS 3798 'Guidelines on Earthworks for Commercial and Residential Development', with geotechnical testing undertaken in accordance with Section 8 of the Standard, and to a minimum of 'Level 2' as defined in Appendix B.
34. Contaminated material must not be used as fill on the site. Any filling must be undertaken using the following inert materials only:
- (a) Bricks/pavers/ceramics.
  - (b) Concrete (including embedded steel reinforcing rods), pulverised to a maximum 300mm nominal size.
  - (c) Clean earthen fill.

### **Prior to Commencement of Use**

35. RPEQ certification must be submitted to Council for all internal engineering works and must certify that such works have been undertaken and completed in accordance with the approved plans, specifications and to Council's requirements.

## 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
Drawing No. 8602	B	<i>Site Plan</i> , prepared by P.J. Burns Construction	9 April 2013
Drawing No. 8602	B	<i>Floor Plan</i> , prepared by P.J. Burns Construction	9 April 2013
Drawing No. 8602	B	<i>Elevations</i> , prepared by P.J. Burns Construction	9 April 2013
Drawing No. ED 13110 OPW-01	A	<i>Planting Plan</i> , prepared by Element Design Landscape Architecture (as amended by Council)	20 February 2013
Drawing No. ED 13110 OPW-02	A	<i>Details and Specification Plan</i> , prepared by Element Design Landscape Architecture	14 February 2013
Drawing No. 13-0095-F1 Sheet 1	A	<i>Civil Works</i> , prepared by Lindsay Consulting Pty Ltd	14 March 2013

## 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:

### Infrastructure Charges

1. 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*.

### Water Main Connection

2. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicants cost.

### Qualified Person

3. For the purpose of certifying landscape works, 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.

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4. For the purpose of certifying NATSPEC compliance tree stock, a qualified person is considered to be a person with either:
- (b) ISA certification; or
  - (c) a Diploma of Arboriculture in addition to a minimum of 3 years current experience in the field of arboriculture.

### **General Engineering**

5. Council has only undertaken an audit check of the Operational Works drawings in relations to the proposed works. A detailed check of the calculations and drawings has not been undertaken as they have been certified by a RPEQ. The RPEQ bears full responsibility for all aspects of the engineering design. Council reserves the right to require further amendments and/or additions at a later date, should design errors become apparent.

### **Prior to Commencement of Use**

6. Council will inspect the works associated with the development when an application for Community Management Statement (CMS) is submitted to Council. Particular attention will be given to the road reserve and the street trees provided. It is recommended that the applicant thoroughly read the conditions associated with these works and ensure that compliance is achieved to save delays at the CMS stage. It is advised that the applicant ensure that the street trees purchased comply with NATSPEC as outlined in the street tree conditions to avoid rejection of the trees by Council.

### **Integrated Water Management Guidelines**

7. The applicant is advised that when addressing the requirements of Council's Integrated Water Management Code and Section 7 of Planning Scheme Policy No. 5 – Operational Works, reference should also be made to Council's Integrated Water Management Guidelines for further guidance on stormwater management outcomes.

### **Lawful Point of Discharge**

8. The applicant is advised that a lawful point of discharge for the development will need to be determined and demonstrated as part of a detailed design solution included with the Operational Works application.

### **Equitable Access and Facilities**

9. 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**

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10. 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**

1. This site has an overland flow and a drainage easement located at the rear adjacent to the western boundary. It is an obligation of all property owners to keep this easement clear of any built structure that could obstruct overland flows of stormwater. Landowners are advised that the easement shall maintain an elevation set that any water overflowing into the easement is directed to the street.

## **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**

Not Applicable.

## **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

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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.