

## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No:	MCU13/0265
Street Address:	2-10 Galah Place MOUNTAIN CREEK
Real Property Description:	Lot 2001 SP 231383
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 (22 Multiple Dwelling Units)

### 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.

#### Street Identification

3. 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.

#### Building Appearance

4. 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.

5. All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvers, glass panelling or the like, except where required to satisfy any privacy condition of this Decision Notice.

### **Clothes Drying Areas**

6. Each dwelling unit must be provided with access to an outdoor clothes line which is screened from public view.
7. Each dwelling unit must be provided with access to a clothes drying facility. Any outdoor clothes line must be screened from public view.

### **Communal Recreation Area/s**

8. Communal recreation area/s must be provided as shown on the approved *Communal Facilities plan*.

### **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 and, in particular, must include the following additional clauses:
  - (a) The private pedestrian linkages from the residential dwellings to the public pedestrian pathway are the maintenance responsibility of the residential owner.

### **INFRASTRUCTURE POLICY**

11. 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**

12. Sealed access driveways must be provided from Hibbertia Street and Galah Place to all parking and manoeuvring areas of the development as part of Stage 1 approved under application MCU14/0029. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - (a) Driveway crossovers in accordance with standard drawings R-051
  - (b) A driveway width of at least 6.3m from Hibbertia Street
  - (c) A boom gate or similar structure to limit the Galah Place to service vehicle exit only.

### **Car Parking**

13. A minimum of 130 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) A minimum garage door opening width of 2.7m for all 6.3m wide aisles
  - (b) Turn around areas, compliant with AS2890, for blind aisles, including blind aisles at stage boundaries
  - (c) A minimum of 39 spaces in Stage 3.
14. 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.

### **Security Access to Carpark**

15. Where access to the carpark is proposed to be restricted by a security gate, provision must be made for queuing of vehicles clear of the roadway while waiting for the security gate to open. Any security gate must ensure access to onsite parking is maintained for visitor at all times.

### **Service Vehicles**

16. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval, generally in accordance with the approved plans as part of Stage 1 (Council Ref MCU14/0029).

### **Pedestrian and Bicycle Facilities**

17. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - (a) A 1.5 metre wide concrete footpath within the road verge of Galah Place, from the existing footpath at Brightwater Boulevard to the existing footpath within the adjoining reserve
  - (b) Adequate separation of all specific pedestrian routes from vehicle access and manoeuvring areas, and clear demarcation by pavement marking, signposts or changes in surface materials or levels
  - (c) Pedestrian pathways between the "Mail & Signage" and the manager's office, generally as shown on the approved plans
  - (d) Pedestrian pathways between the proposed car parking area and the building/facilities, generally as shown on the approved plans
  - (e) Signage and lighting at strategic locations to direct people to building entries.
  - (f) A total of 6 class 3 bicycle parking spaces in Stage 3.

### **Stormwater Drainage**

18. 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 collection and discharge of stormwater to the existing pit in the north eastern corner of the site, unless:
- (a) Stormwater drainage calculations are provided as part of any operational works application demonstrating that the existing drainage system has sufficient capacity downstream of the alternative point of discharge to accommodate the proposed increase in stormwater discharge, or
  - (b) Stormwater drainage calculations are provided as part of any operational works application demonstrating that the volume of stormwater discharged at the alternative point of discharge does not exceed predevelopment levels.

### **Electricity and Telecommunication Services**

19. Underground reticulated electricity and telecommunication services must be provided to each lot in accordance with an approval for Operational Works and the standards and requirements of the relevant service provider.
20. 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**

21. 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.
22. 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.
23. 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**

24. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site.

## **ENVIRONMENTAL HEALTH**

### **Waste Management**

25. Refuse storage, removal and collection facilities must be provided in accordance with the approved plans and the following:
- (a) Provision of a minimum of 1100L low noise bulk bins for the site

- (b) Provision of separate bins for general and recyclable with an equal number of each being provided
- (c) Collection by service vehicles from within the site only, and not from the kerbside
- (d) Provision of a communal hardstand impervious area for the permanent storage location and service collection of bulk bins, having minimum dimensions of 1.5 m<sup>2</sup> (1100mm x 1300mm) per bin
- (e) 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
- (f) 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 1m<sup>2</sup>

### Acoustic Amenity

- 26. Acoustic measures and treatments must be incorporated into the development in accordance with section 6, 7 & 8 of the noise impact assessment listed within this Decision Notice.
- 27. Certification must be submitted to Council from a qualified person\* which certifies that the development has been constructed in accordance with section 6, 7 & 8 of the noise impact assessment listed within this Decision Notice.  
\*(Refer to Advisory Note)

### Outdoor Lighting Devices

- 28. 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*".

## LANDSCAPING

### Landscape Works

- 29. The development site must be landscaped\*. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - (a) The existing landscape between the pedestrian path and the development must be refurbished and/or protected to complement the local environment and assist in providing shade and visual relief to the built form. Details are to be submitted with an Operational Works Application
  - (b) Provide vegetated screening of the development from Attenuata Drive and Brightwater Boulevard, designed such that a minimum 50% of the built form will be screened from the street at maturity
  - (c) A permanent fence must be constructed along the entire frontage of the development. The fence must be constructed in accordance with an Operational Works approval and must be a minimum of 1.2 metres high and a minimum of 50% permeable
  - (d) Vegetated screening of any, bin storage areas and the like from the road frontage
  - (e) Provision of 1 street tree within the road reserve for every 7 metres of road frontage.

30. All landscape works must be established and maintained in accordance with horticultural best practice with construction techniques that allow for healthy, sustained and positive plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.
31. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

## UNITYWATER

32. 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).
33. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.
34. 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.
35. Water meters must be located on alternative boundaries to electrical pillars.
36. The level of the existing sewer manholes must be adjusted to suit the proposed finished surface levels. Work must be undertaken by Unitywater at the applicant's cost.
37. 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.
38. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres 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. 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.
41. All internal water supply and sewerage infrastructure within the development site including sewerage pipes, sewerage access chambers and water supply pipes remains the responsibility of the relevant community title Body Corporate.

42. The applicant must ensure that the community title management statement for a community title scheme within the precinct identifies that the community title scheme is responsible for the ownership, operation, maintenance and repair of all internal water supply and sewerage infrastructure within that precinct or sub precinct.
43. 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
B01		<i>Indicative Staging Plan, Site Plan</i> , prepared by Elenel Design	22/10/13b
B02b	b	<i>Site Plan</i> , prepared by Elenel Design	06/03/14
B03		<i>Typical Type 'A' floor plan</i> , prepared by Elenel Design	22/10/13
B04		<i>Typical Type 'B' floor plan</i> , prepared by Elenel Design	22/10/13
B05		<i>Typical Type 'C' floor plan</i> , prepared by Elenel Design	22/10/13
B011		<i>Indicative Type 'A' elevations</i> , prepared by Elenel Design	11/10/13
B12		<i>Indicative Type 'B' elevations</i> , prepared by Elenel Design	22/10/13
B12		<i>Indicative Type 'C' elevations</i> , prepared by Elenel Design	22/10/13

## 7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

### Referenced Documents

Document No.	Rev.	Document Name	Date
7143R01V01		<i>Noise Impact Assessment</i> , prepared by ASK Consulting Engineers	17/12/13

## 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 11 of this approval.

#### Other Laws and Requirements

3. 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 Federal 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](http://www.sunshinecoast.qld.gov.au)).

#### Development Compliance Inspection

4. Prior to the commencement of the use, please contact Council's Development Audit & Response Unit to arrange a Development Compliance Inspection.
5. 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.

### ENVIRONMENTAL HEALTH

6. For the purpose of certifying acoustic treatments for the development, a qualified person is considered to be either:
  - (a) a Registered Professional Engineer of Queensland;
  - (b) an environmental consultant with a minimum of 3 years current experience in the field of acoustics.



## ENGINEERING

### Building and Construction Industry (Portable Long Service Leave) Levy

7. The QLeave levy must be paid prior to the issue of a development permit where it is 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.

### Community Title Scheme - Private Infrastructure

8. All private infrastructure for the development must be designed to meet the planning scheme requirements unless otherwise agreed by the relevant authority.

## LANDSCAPING

### Preparation of a Landscape Plan

9. All landscape works required by this approval must be demonstrated on a detailed Landscape Plan submitted to Council for Operational Works approval. The detailed Landscape Plan must:
  - (a) be prepared by a qualified person\* and submitted in A3 size.
  - (b) be of a scale suitable for clear interpretation at A3 size.
  - (c) show all existing and proposed services including power, drainage, water and sewerage.
  - (d) include contextual information of the site including adjoining roads, land uses and photographs of site.
  - (e) show the extent and type of works, including hard surfaces, landscape structures, signage, amenity lighting, irrigation, fencing, edging, plantings and turf.
  - (f) include a plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting.
  - (g) include a north point, scale and legend as well as the name, contact details and qualifications of the landscape consultant who prepared the plan.  
*\*(Refer to Advisory Note)*

### Qualified Person

10. 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

11. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicant's cost.

**GENERAL****Equitable Access and Facilities**

12. 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**

13. 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****MCU13/0265 - Private Pedestrian Pathways**

1. The private pedestrian linkages from the residential dwellings to the public pedestrian pathway, as approved under MUC13/0265, are the maintenance responsibility of the residential owner.

**10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work
- Development Permit for Reconfiguration of a Lot (Staging)
- Development Permit for Building Work

**12. SELF ASSESSABLE CODES**

Not Applicable.

**13. SUBMISSIONS**

There were 24 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.