

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	REC12/0090
Street Address:	35 Kondalilla Falls Road FLAXTON
Real Property Description:	Lot 58 RP141642
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguration of a Lot (1 into 2)

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 works required by the conditions of this Decision Notice must be completed prior to submission of the subdivision plan to Council for compliance assessment.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

Plan of Development

3. All future dwellings on the approved lots must be sited and constructed in accordance with the approved building envelopes and dwelling controls (i.e. the "Plan of Development") shown on the Approved Plans. A copy of the approved Plan of Development must be included in the contract of sale for the approved lots, together with a clause which requires future dwellings to be constructed in accordance with it.

ENGINEERING

Stormwater Drainage

4. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

Electricity and Telecommunication Services

5. A connection to reticulated electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.
6. 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

7. 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.

5. REFERRAL AGENCIES

Not Applicable.

6. APPROVED PLANS

Plans Requiring Amendments

Plan No.	Rev.	Plan Name	Date
Drawing No. DA-02	-	<i>Proposed Lot Reconfiguration Plan, drawn by 'S C' and prepared for Innovative Planning Solutions</i>	15 September 2012
Amendments Required:		1. Provide an amended plan showing a Building Envelope on both lots showing all proposed buildings and sewage disposal areas.	

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*.

Equitable Access and Facilities

2. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:
 - (a) the *Disability Discrimination Act 1992* (Commonwealth); and
 - (b) *Anti-Discrimination Act 1991* (Queensland).

Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission “Advisory Notes on Access to Premises” and AS 1428.2;
- (b) applicants should be aware that a “Disability Standard on Access to premises” is currently being developed and most likely will impose changes on the Building Code of Australia; and
- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

Aboriginal Cultural Heritage Act 2003

3. 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*.

Resubmission of Amended Plans Required

4. The conditions of this Decision Notice require resubmission of plans to Council with amendments. Please address the amended plans to Council's Planning Assessment Branch with the Reference No. REC12/0090. To avoid delays and assessment issues with the Building Works application, it is recommended the plans be resubmitted prior to lodgement of any Building Works application.

9. PROPERTY NOTES

REC12/0090 – POD PACKAGE – Plan of Development

The following notation applies to approved lots 1 and 2:

To ensure the amenity of this lot and its neighbours is maintained, all building work must be sited and constructed in accordance with the approved Plan of Development applying to the lot (refer to Council Approval REC12/0090). The private certifier must satisfy itself that the proposed building work complies with both the planning scheme and the approved Plan of Development.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable

12. SELF ASSESSABLE CODES

Code for Detached Houses and Display Homes

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 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.