

1. ASSESSMENT MANAGER CONDITIONS**MATERIAL CHANGE OF USE****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 metres above the finished ground level, the natural ground surface and 2 storeys.
4. Certification must be submitted to Council from a Licensed Surveyor which certifies that the building does not exceed the maximum height requirement of this Decision Notice.

Performance Bond

5. Security in the form of a cash bond or trading bank guarantee to the sum of **\$5000** must be submitted to Council, to secure performance of all conditions of this approval prior to the pre-start meeting for Operational Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit. Council reserves the right to call upon the bond or guaranteed sum to effect compliance with condition.

Building Appearance

6. 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 or adjoining properties.
7. 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.

Fencing and Walls

8. Street fencing must be articulated generally in accordance with the approved plans and the following:
 - (a) further fence articulation must be provided along the Nannygai street frontage between the swimming pool and the north east corner of the lot and;
 - (b) all articulated sections of the fence must be setback a minimum of 1m from the boundary.
9. The area of land between the fence and the front property boundary must be densely landscaped to screen any fencing from the street.

Clothes Drying Areas

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

Community Management Statement

11. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice.

Carparking

12. All vehicles must enter and leave the site in a forward direction.

Flood Immunity

13. The minimum floor level of all buildings constructed on the site must be in accordance with the Approved Plans.

Waste Management

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

Retention of Existing Trees

15. Existing trees in the road reserve must be retained, except for the palm trees indicated to be removed on the approved plans.

Acoustic Amenity

16. Any fixed plant and equipment* that causes either tonal (Leq) sound (e.g. from basement car-park exhaust, air conditioning unit or pool filtration unit), or impulse (Lmax) sound, must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the following levels for habitable rooms within dwellings:

- (a) 40 dB(A) Leq for living and work areas **OR** 45 (if near noisy/major roads)
- (b) 35 dB(A) Leq for sleeping areas **OR** 40 (if near noisy/major roads)
- (c) 45 dB(A) Lmax for all areas **OR** 55 (if near noisy/major roads)

Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 "Acoustics – Description and measurement of environmental noise – General procedures".

*(Refer to Advisory Note)

17. Certification must be submitted to Council from a qualified person* which certifies that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice.

*(Refer to Advisory Note)

Electricity and Telecommunication Services

18. An underground connection to reticulated electricity and telecommunication services must be provided to each dwelling unit in accordance with the standards and requirements of the relevant service provider and must be located within the lot it serving or within an easement for services.

19. Prior to commencement of use certifications must be submitted to Council from all relevant service providers which certify that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

UNITYWATER

20. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
21. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 15 litres per second.
22. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
23. The easternmost half of the duplex be serviced by the existing water service and meter.
24. A Separate 25mm PE water services must be installed to a common lot boundary with an independent meter installed outside the boundary of the lot in accordance with Unitywater and SEQ Standard Drawings to service the westernmost half of the duplex.
25. A 100mm conduit must be provided, where required, under Nannygai Street in accordance with Unitywater and SEQ Standard Drawings.
26. Water meters must be located on alternative boundaries to electrical pillars.
27. 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.
28. 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.
29. The applicant must adjust the level of the existing sewerage inspection opening as necessary to suit the proposed finished levels. Work must be undertaken by Unitywater at the owner's cost. Where the existing sewerage inspection opening point is located within a sealed or concreted parking area, a brass cap is required to be fitted.
30. A minimum clearance of 1.5 metres must be maintained between Unitywater sewers and proposed building envelopes, buildings and other structures.

DEVELOPMENT PERMIT FOR OPERATIONAL WORK**ENGINEERING****Prestart meeting**

31. Prior to any works commencing, a combined pre-start meeting for both engineering and landscaping works must be conducted. In this regard a joint prestart meeting must be organised with Council's delegate by contacting Council giving at least 5 business days notice. The prestart meeting must be attended by the:
- (a) Engineering Consultant,
 - (b) Principal Contractor,
 - (c) and all other relevant parties.
32. Prior to the prestart meeting written advice must be provided of the contractor's details (including provision of registered business name and ABN) and the proposed date of commencement of construction.

Engineer's Certification, Supervision and Works

33. All works must be constructed and work procedure undertaken in accordance with:
- (a) All relevant Council Planning Scheme Policies in particular Planning Scheme Policy No. 5 – Engineering Design Standards (The Noosa Plan) and guidelines.
 - (b) The latest version of the Healthy Waterways document "Water Sensitive Urban Design Technical Design Guidelines for South East Queensland" for all water quality devices to be constructed on site.
 - (c) Provision of the *Work Health and Safety Act* and such other legislation as is applicable to workplace health and safety
 - (d) The list of approved plans and conditions of this Decision Notice.
34. All operational 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.
35. The principal contractor must have all the appropriate insurance and public liability documentation to carry out the works. The principal contractor is also responsible to ensure that any subcontractors also have the appropriate insurance and public liability documentation.

Construction Management Plan

36. A Construction Management Plan must be submitted and approved prior to any works commencing on the site. The Construction Management Plan must specifically address but not limited to the following requirements:
- (a) Traffic Management during all aspects of the construct phase including:
 - i. A Traffic Management Control Plan in accordance with Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to commencement of construction.
 - ii. Maintenance of safe pedestrian and cyclists access across the frontages of the site both during daily construction and after daily construction has ceased.
 - iii. Ensuring that no hindrance or interruptions to the access to the adjoining properties and traffic flows or to public roads during the construction phase.
 - iv. Minimising impact on the availability of on-street parking
 - v. Details on the location of external fill sites and sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of

- usage. NB any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense.
- (b) Proposed fencing to the construction area where required.
 - (c) Maintenance and protection of water quality and existing drainage lines through the implementation of appropriate erosion and sediment control measures (eg silt fences, fibre rolls etc), particularly along the kerb & channel, near any stormwater drainage inlets and as may be advised by the supervising engineer or at the prestart meeting.
 - (d) Procedures and measures to minimise adverse environmental impact on other properties and roads users including noise and dust emission.
 - (e) Establishment of a communication protocol with the adjoining owners and interested parties to advise of construction times, impacts on traffic and services and other relevant issues.
 - (f) Identification of complaint management procedures including:
 - i. Contact details for the on-site manager be provided to Council and clearly displayed at the site.

Excavation and Filling

- 37. All earthworks associated with this permit must be undertaken in compliance with the provisions of AS 3798 "*Guidelines on Earthworks for Commercial and Residential Developments*", with soil compaction carried out in accordance with Council's standards and supervised by a suitably qualified and registered engineer.
- 38. Cut, fill and other stored material must be contained wholly within the site.
- 39. All retaining walls must be designed and supervised by a professional registered engineer.
- 40. The slab, retaining walls, waterproofing and pump out method associated with the underground storage must be designed and certified by an RPEQ and the certification must be submitted to Council.

Damage and alterations to Services and Assets

- 41. Any damage caused to existing services and assets above or below the ground must be repaired:
 - where the damage would cause a hazard to pedestrian or vehicle safety, immediately;
 - or
 - 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 submission to Council.
- 42. The supervising engineer must ensure that the works have been inspected and confirm their acceptability at the completion of construction. Where municipal works are involved, such confirmation must be submitted for the respective hold points prior to any site inspection by Council officers. NB If Council officers are required to undertake additional inspections of the same works; a reinspection fee will be applicable in accordance with Council's Fees and Charges Register applicable at the time.
- 43. Any construction works to be undertaken in the vicinity of public or Council's existing infrastructure must not adversely affect the integrity of the infrastructure. All costs

associated with repair, replacement or alteration to existing infrastructure shall be met by applicant in accordance with the relevant policies and guidelines.

44. The alignment and level of any services/assets above or below ground, likely to be affected by the proposed development, must be identified prior to the pre-start meeting for Operational Works. Any conflict between the development and an existing or proposed service must be referred to the relevant service authority for determination.

Driveway, Parking, Pathway and Frontage Works

45. Sealed access driveways and parking areas must be provided on site generally in accordance with the approved plans and the engineering details recommended by the supervising engineer. The works must include in particular:
- (a) driveway crossovers in accordance with standard drawing SEQ R-050.
 - (b) the driveway from the Nannygai Street frontage must be generally at a 90 degree angle to the alignment of the kerb line.
 - (c) be in compliance with the relevant sections of AS2890.1 and be certified by an RPEQ.
46. A 2.0m wide concrete pathway must be provided along the frontage of the site to Nannygai Street in compliance with standard drawing SEQ R-065, at alignment to avoid conflict with existing services and trees, and must smoothly connect to the existing concrete footpath along Lake Weyba Drive. The works must also include upgrading the pram ramp to the current standards and to match the width of the new footpath where required.
47. All pavements for pathway, driveways and parking areas must be designed and constructed to ensure pedestrian safety by using non-slip materials, to produce an evenly graded surface finish with smooth transition to existing surfaces, and must be in accordance with the *Disability Discrimination Act 1992* and in compliance with the relevant sections of Australian Standard 1428.1 *Design for Access & Mobility*. Expansion and contraction joints must provide a flush finish with no trip hazard.
48. All redundant access crossovers to the site must be removed and reinstated to Council's standards.
49. Any existing damaged kerb and channel along the frontage of the site must be replaced according to Council's requirements.

Stormwater - Discharge to Approved Stormwater System

50. Stormwater drainage disposal must be generally in accordance with the approved plans and as recommended by the supervising engineer. Stormwater must be collected and discharged by way of sealed underground pipe directly to the approved connection point. Where no underground stormwater system exists, connection must be made to the street channel via an approved galvanised metal kerb adaptor that suits the profile of the existing kerb.
51. All works associated with this permit must not adversely impact on the exiting drainage conditions on other properties (eg by blocking or interfering with natural overland flows), where necessary long-term stormwater provisions must be provided on the development site in accordance with the supervising engineer recommendations to cater for flows from adjoining properties to prevent any additional stormwater ponding on these properties.

Completion of Works, Certification and Maintenance Period

52. Upon completion of the works a certificate must be issued by a RPEQ certifying that the works, including the internal engineering works, have been constructed in accordance with the applicable standards, the approved plans, and in compliance with the conditions of the approval. The works must be supervised by the Engineer in a planned and timely manner to ensure the integrity of the certification is upheld.
53. As Constructed drawings for all municipal and public assets shall be lodged in both hardcopy and ADAC digital format in GDA94 Zone 56 coordinate values. As constructed drawings will be required prior to works being accepted On Maintenance. The GDA co-ordinates and AHD levels of all permanent survey marks existing and installed shall be provided.
54. All municipal works must be accepted 'On Maintenance' by Council in accordance with the relevant codes and guidelines. A minimum maintenance period of 12 months will apply to all municipal works and thereafter until such time as the works are performing in accordance with the approved design.

LANDSCAPE & ECOLOGY**Landscaping**

55. The site must be landscaped in accordance with The Noosa Plan's Planning Scheme Policy PSP 3 – Landscaping Plants and Guidelines. In this regard a species list must be submitted to council prior to the pre-start meeting for Operational Works.
56. Landscaping must be undertaken generally in accordance with the approved landscaping plan and must include:
 - (a) A garden bed a minimum of 0.75m wide along the southern boundary between the built to boundary garages. The garden must include screening vegetation:
 - i. with a mature height of not less than 4m
 - ii. with a minimum pot size of 200mm
 - iii. planted at a maximum of 2m centres.

Prior to Commencement of Construction

57. Existing Street trees: All existing Street trees within the road reserve must be retained and protected during construction in accordance with Australian Standard AS4970-2009 *Protection of trees on development sites* except for the palm trees identified on the approved plans for removal.

During Construction

58. Fencing: All fencing associated with this development must comply with the following:
 - (a) be wholly located within the development lot
 - (b) be of a quality and life expectancy commensurate with the building
 - (c) be designed and installed in accordance with engineering and safety requirements
59. Landscape General - The following requirements apply to all landscape works:
 - (a) All imported topsoil or ameliorated site soil complies with Australian Standard AS4419 and/or is appropriate for the proposed plant species
 - (b) All tree stock must conform to NATSPEC criteria as outlined in Specifying Trees: a guide to assessment of tree quality

- (c) Mulch is to be aged, comprised of leaf and limb of varying sizes, free of foreign matter including, anthropogenic waste, rock, soil / sediment contamination and applied to ensure 100mm in depth
 - (d) All necessary measures must be taken to prevent fire ants (or any stages of the fire ants life cycle) entering the work site. If fire ants are suspected, the applicant must contact the Department of Primary Industries & Fisheries Call Centre on 132523
 - (e) Landscaping must not obstruct overland flow paths and must include adequate drainage to minimise ponding. Mulch or any floatable material must not be located in swales or overland flow paths
 - (f) Landscaping must not encroach onto kerb and channel, footpaths, pedestrian or vehicular / circulation areas
 - (g) Landscaping must not restrict access to service meters
60. Landscaping of Road Reserves - The following requirements apply to landscaping within road reserves:
- (a) Permanent ornamental lighting must not be installed within road reserve
 - (b) Permanent irrigation must not be installed on road reserve.
 - (c) Vegetation must not be subjected to any hedging maintenance regime and must be allowed to grow to its natural form.
61. Turf (verge): The applicant must ensure turf is in accordance with the following:
- (a) Turf species to be sustainable for local and design conditions without requiring irrigation
 - (b) Turf is easily accessible and navigable by ride-on mowers with cutting decks of 2.1 metres wide
 - (c) A maximum slope of 1 in 4 (25%)
 - (d) Be free of rocks and debris
 - (e) Turf is rolled and joined smoothly and level with adjoining surfaces
 - (f) Turf is pest, weed and disease free.

Following Construction

62. Ongoing maintenance: The site must be maintained to aesthetically compliment the surrounding local area for the life of the development. The maintenance must include:
- (a) Regular mowing, weeding and fertilising of turf verge
 - (b) Replenishing of mulch to 100mm depth, fertilising and aeration of landscape areas
 - (c) Cleaning of all external surfaces including prompt removal of graffiti
 - (d) Replacement of dead or poorly performing plants
 - (e) Inspection and assessment of all vegetation such that it does not adversely affect adjoining property or pedestrians
 - (f) Remedial action if any vegetation poses a health or safety risk to site users or adjoining property.

UNITYWATER**During Construction**

63. Water meters must be installed to each lot of the development in accordance with Unitywater requirements and SEQ Standard Drawings.
64. Electrical pillars must be located on alternative boundaries to water meters.

65. A minimum horizontal clearance of 1.0 metre must be maintained between stormwater pipes greater than 225mm diameter and Unitywater water supply or sewerage infrastructure.
66. Stormwater retention systems and gross pollutant traps must maintain a minimum of 1.5 metres horizontal clearance from a sewerage main or sewer house connection point.
67. A minimum of 0.5 metres separation must be maintained between the outermost edge of sewer access chambers or sewerage mains and the property boundary.
68. Proposed 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.
69. During the maintenance period the applicant must carry out necessary repairs to: defects and/or damage of road works; drainage and associated work; water supply and sewerage reticulation and pump stations and associated equipment. These repairs include damage and/or alterations caused by third parties carrying out works within the development.
70. Construction works undertaken in the vicinity of Unitywater's existing water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration to existing infrastructure must be met by the applicant.
- Prior to Council Signing the Plan of Survey**
71. A water meter record sheet must be completed and submitted to Unitywater prior to works being accepted on-maintenance.

2. REFERRAL AGENCIES

Not Applicable.

3. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
23135-OW2		Site Drainage, prepared by SCG Consulting Engineers	July 2013
WD01	D	Site Plan, prepared by Robinson Architects	01-11-13
WD02	D	Landscape Plan, prepared by Robinson Architects	01-11-13
WD03	D	Ground Floor Plan, prepared by Robinson Architects	01-11-13
WD04	D	Upper Floor Plan, prepared by Robinson Architects	01-11-13
WD05	D	Sub Floor Plan, prepared by Robinson Architects	01-11-13
WD06	D	Roof Plan, prepared by Robinson Architects	01-11-13
WD07	D	Street Elevations, prepared by Robinson Architects	01-11-13
WD08	D	Elevations 1 & 2, prepared by Robinson Architects	01-11-13
WD09	D	Elevations 3 & 4, prepared by Robinson Architects	01-11-13
WD10	D	Section E 1-100, prepared by Robinson Architects	01-11-13

4. REFERENCED DOCUMENTS

Not Applicable.

5. ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

ENVIRONMENT**Qualified Person**

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

Noise

2. The applicant is advised to ensure that during the detailed building design and construction phase, including the design, selection and installation of fixed plant and equipment, A/C units and refrigeration plant, mechanical exhausts, acoustic enclosures/plant rooms and the like, that the ongoing advice and design input of a qualified acoustic consultant is sought and implemented to ensure that the operation of such plant and equipment complies with statutory and planning noise limits. Mechanical plant and equipment must be provided with appropriate acoustic enclosures/screening and located away from adjacent noise sensitive premises.

ENGINEERING**Engineering Certification**

3. Council has undertaken a general audit check of the Operational Works drawings in relations to the proposed works. A detailed check of the design, calculations and drawings has not been undertaken, as they should be certified by a RPEQ. The RPEQ bears full responsibility for all aspects of the engineering design and their implementation.

GENERAL**Equitable Access and Facilities**

4. 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

5. 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*.

UNITYWATER

6. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicant's cost.
7. A 100mm diameter AC water main is located within the road boundary fronting the development site in **Lake Weyba Drive**. Construction works, heavy traffic crossing the main, excessive vibration and excavation close to the main may cause damage to the pipe. Extreme care is required when working close to this infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.
8. Connection of the proposed works to existing water supply and sewerage reticulation can only be performed by Unitywater. A quotation for such works will be prepared upon request.
9. Unitywater currently requires the installation of Elster PSM 50100/39 dual check meters. Water meters may be purchased direct from "Elster" and installed by the developer, or Unitywater can provide the meters and undertake the works.
10. Where connection to the existing reticulation system is required, the depth of the existing pipework must be determined prior to initiation of works to ensure that the connection can be made without the use of vertical bends. Approval from Unitywater must be obtained where minimum pipe cover cannot be maintained.
11. Unitywater is not responsible for alterations to existing services that may be required when Unitywater is connecting new water mains to the live water network. This may involve negotiations with other service authorities.

6. PROPERTY NOTES

Not Applicable.

7. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

8. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work (All Building Work)
- Compliance Certificate for Document (Plan Sealing)

9. SELF ASSESSABLE CODES

Not Applicable.

10. SUBMISSIONS

Not Applicable.

11. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

12. 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”.

13. 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.