

CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	REC12/0044 & MCU12/0044
Street Address:	30-32 Toral Dr BUDERIM QLD 4556
Real Property Description:	Lot 8 RP 233840 Por 351
Planning Scheme:	Maroochy Plan 2000 (8 August 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit to Reconfigure a Lot (1 Lot into 5) & associated access easements
- Preliminary Approval Overriding the Planning Scheme for Material Change of Use of Premises (Dual Occupancy) to change the level of assessment from impact to self assessable

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is four (4) years starting the day that this development approval takes effect.

4. ASSESSMENT MANAGER CONDITIONS

DEVELOPMENT PERMIT TO RECONFIGURE A LOT (1 LOT INTO 5) & ASSOCIATED ACCESS EASEMENTS

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. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*.

*(Refer to Advisory Note)

3. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.

Boundary Encroachments

4. Certification must be submitted to Council from a Licensed Surveyor which certifies that:
 - (a) the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice

- (b) all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement
- (c) all utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve or alternatively included within an easement
- (d) all retaining walls and structures are fully contained within the lot they retain
- (e) any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

ENGINEERING

External Works

5. Toral Drive must be upgraded for the length of its frontage to the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) construction of a pedestrian footpath in accordance with the conditions of this Decision Notice
 - (b) removal of the existing property access and reinstatement of the kerb and verge area to match the balance of the site frontage, including the provision of topsoil and turf for the grassed verges
 - (c) installation of street lighting to P4 Standard.

Property Access and Driveways

6. A commercial grade driveway must be constructed to serve Lots 2, 3, 4 and 5. The works must be undertaken in accordance with an Operational Works approval.
7. The residential driveway to Lot 1 must be constructed to ensure that available on street parking is maximised. The works must be undertaken in accordance with an Operational Works approval and IPWEAQ standard drawing SEQ R-050. The location of the driveway must be as shown on the Approved Plans.
8. Vehicle access to Lot 1 is limited to the constructed driveway from Toral Drive only (required by the above condition). A clause must be included in the contract of sale for Lot 1 which requires vehicle access to be from the constructed driveway only, and which prohibits the driveway from being relocated to Easement A without Council agreement.

Visitor Car Parking

9. A minimum of 2 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:
 - (d) visitor parking spaces are to be clearly marked for that purpose and accessible at all times for visitor use
 - (e) compliant crossfall and longitudinal gradient for parking space located on the access driveway
 - (f) provision of lighting with intensities to satisfy the requirements of Australian Standard AS1158: *Public Lighting Code*.
10. 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.

Electricity and Telecommunication Services

11. An underground connection to 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.
12. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
13. 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

14. 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. 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.
15. Draft easement documentation must be submitted to Council for endorsement.
16. 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

17. 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.

Damage to Services and Assets

18. Any damage caused to existing services and assets above or below the ground including vegetation and grass 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.

HYDROLOGY

Flood Immunity

19. The existing constructed channel which is located along the southern site boundary within easement is to be augmented as follows:
 - (a) A 4.5m wide concrete maintenance access track is to be provided adjacent to the channel for the full length of the property and is to be located above the 1 in 1 yr ARI flood level and must not reduce the existing hydraulic capacity of the channel
 - (b) A levee is to be provided on the development side of the channel which incorporates surface levels which are a minimum of 400mm above the predicted 1 in 100 year ARI flood level within the channel as predicted in the Drainage

Assessment Report referenced in this decision notice. The design of the levee is to be certified by a geotechnical engineer.

- (c) The channel, maintenance access track and levee must be fully contained within an easement for drainage purposes in favour of Council and registered against the titles of the created lots. The easement must be granted at no cost to Council. The wording of the easement documentation must be in accordance with Council's standard easement document.
 - (d) The works must be continued a sufficient distance upstream and downstream within the existing easement but external to the site to tie into the existing channel profile
20. A table listing the applicable 1 in 100 year ARI flood levels applicable to each lot must be provided for Council's records based on the Drainage Assessment Report referenced in this decision notice. The table must be accompanied by certification from a qualified person which certifies that the levels are based on the latest study referenced by Council's relevant Development Permits and incorporates all amendments.

Stormwater Management

21. 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 the Queensland Urban Drainage Manual, and must include in particular:
- (a) the works shown on the Approved Plans listed in this Decision Notice with the exception of the following:
 - (i) Provide an amended drainage design which incorporates underground detention storage as part of the inter-allotment roofwater drainage system. Provide supporting calculations demonstrating that the proposed detention devices will achieve no increase in peak flowrates discharged to the existing drainage system in Toral Dve. The calculations are to be based on a specific stage-discharge relationship for the storage and outlet design.
 - (b) collection and discharge of stormwater to Toral Drive including the provision of Level 2 interallotment drainage to each lot
 - (c) the use of gravity stormwater drainage and not surcharge pits.
 - (d) stormwater quality treatment devices of a size and location generally in accordance with those shown in the Approved Plans listed in this Decision Notice. However it is acknowledged that in providing underground stormwater detention, bypass of the bioretention system by some roofs may be necessary and this is accepted.
22. All stormwater quality treatment devices must be maintained in accordance with the Water by Design (2009) Maintaining Vegetated Stormwater Assets (Version 1).
23. Permanent educational signage must be erected to educate the residents of the development about the function of the bioretention device. The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval and the details shown in the Approved Plans listed in this decision notice.

LANDSCAPE

Stabilisation of the Drainage Channel

24. As part of the Operational Works for the development a stabilisation plan must be provided, for approval by Council, that covers the area of the drainage channel. The plan must be in accordance with Maroochy Plan Planning Scheme Policy No. 3 – Rehabilitation. Species utilised must not impede the conveyance capacity of the channel.

UNITYWATER

25. Reticulated water must be provided to each lot in the development. This must include:
- (a) Ensuring that existing internal water pipes are wholly contained within the lot they will serve.
 - (b) Construction of a 150mm diameter watermain on the northern side of Toral Drive from the existing 200mm diameter watermain on Stringybark Road to the development and for the full frontage of the development.
 - (c) An approved water meter for each lot in accordance with Unitywater Standard Drawings SCW 350,355 and 360.
 - (d) Provision of water services from the 100mm diameter water main within Toral Drive to service all lots in accordance with Unitywater Standard Drawings SCW 350, 355 and 360.
 - (e) The provision of water service pipework for the full length of the access easement serving lots 2 - 5 (25mm NB minimum).
 - (f) Water meters located on alternative boundaries to electrical pillars.
26. Reticulated sewerage must be provided to each lot in the development. This must include:
- (a) Ensuring existing sewer house drains are wholly contained within the Lot they will serve.
 - (b) Extension of the existing 225mm diameter Unitywater sewer main on the eastern side of Stringybark Road to the development site.
 - (c) Provision of sewerage infrastructure to upstream property boundaries to enable future mains extensions.
27. Written approval to enter and construct must be obtained from the owners of properties through which external sewers will traverse, and be submitted with lodgement of the associated development application for Operational Works.
28. A 3.0 metre wide easement must be provided over all Unitywater sewers located in private property. A 4.0 metre wide easement must be provided over Unitywater sewers greater than 3.0 metres deep (where approved by Unitywater). Easements must be located centrally over the main. Sewers on side boundary alignments may require easements within adjacent properties.
29. Stormwater retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
30. 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 Unitywater approved varieties.
31. 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.

PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE OF PREMISES (DUAL OCCUPANCY) TO CHANGE THE LEVEL OF ASSESSMENT FROM IMACT TO SELF ASSESSABLE

PLANNING

Nature and Extent of Approved Use

32. Preliminary Approval (Overriding the Planning Scheme) is granted for a Material Change of Use for a Dual Occupancy on Lot 1 as identified on the approved plans (this approval can only proceed following the creation of the lots approved by the reconfiguration approval detailed above).

33. The maximum height of the development must not exceed 8.5 metres above natural ground level.
34. This approval overrides the planning scheme pursuant to s242 of the *Sustainable Planning Act 2009* for the life of the approval to the extent that the following Supplementary Table of Assessment replaces planning scheme in declaring the level of assessment for development to the extent stated within that document:

Purpose	Column 1 Circumstances under which material change of use is self assessable	Column 2 Circumstances under which material change of use is code assessable	Column 3 Applicable Maroochy Plan 2000 Codes
Dual Occupancy	Where on Lot 1 as identified on the approved plans: (i) building height is not more than 8.5 metres and not more than 2 storeys; and (ii) complying with all Acceptable Measures of the Code for Development and Use of Dual Occupancy, the Code for Transport, Traffic and Parking and Code for Landscaping Design (Element 9:A2.1 and A2.2)	Where on Lot 1 as identified on the approved plans: (i) building height is not more than 8.5 metres and not more than 2 storeys; and (ii) not complying with the Acceptable Measures of the Code for Development and Use of Dual Occupancy, the Code for Transport, Traffic and Parking and Code for Landscaping Design (Element 9:A2.1 and A2.2)	<ul style="list-style-type: none"> • Development and Use of Dual Occupancy • Code for Transport, Traffic and Parking • Code for Landscaping Design (Element 9: A2.1 and A2.2)

4. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Type	Referral Agency	Referral Trigger	Response
Concurrence	Department Of Transport & Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558	State - controlled Road Matters	The agency provided its response on 2 May 2012 (Reference No. TMR12-002519). A copy of the response is attached.
Concurrence	Department of Local Government and Planning PO Box 15009 CITY EAST QLD 4002	S242 Preliminary Approval	The agency provided its response on 24 April 2012 (Reference No. F11/I0772/2). A copy of the response is attached.
Advice	Department Of Environment & Resource Management GPO Box 2454 BRISBANE QLD 4001	Wetlands	The agency provided its response on dated 20 April 2012 (Reference No. 371869)

6. APPROVED PLANS

The following plans require amendment prior to becoming Approved Plans for the development:

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
9444-12131		Subdivision Proposal for Lot 8 on RP233840 prepared by Land Title Solutions	28/03/2011
Amendments	Widen existing Easement H to fully contain a 4.5m wide maintenance access track adjacent to the existing channel.		

Plan No.	Rev.	Plan Name	Date
2597-2	A	Subdivision on-site stormwater management prepared by Construction Hydraulic	26/04/12
2597-3	-	Subdivision stormwater details	20/03/12
Amendments	Provide an amended drainage design which incorporates underground detention storage as part of the inter-allotment roofwater drainage system. Provide supporting calculations demonstrating that the proposed detention devices will achieve no increase in peak flowrates discharged to the existing drainage system in Toral Dve. The calculations are to be based on a specific stage-discharge relationship for the storage and outlet design.		

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
CIV0864	-	Drainage Assessment Report prepared by Contour Consulting Group	November 2012

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

Nature and Extent of Approved Development

1. The applicant is advised that this development approval comprises:
 - (a) Development Permit to Reconfigure a Lot (1 Lot into 5) & associated access easements
 - (b) Preliminary Approval for Material Change of Use of Premises (Dual Occupancy) in accordance with section 242 of SPA

Resubmission of Amended Plans Required

2. 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. REC12/0044, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plan/s be resubmitted prior to lodgement of any Operational Works application. However, should the plan/s not be submitted, the applicant is advised that a Preliminary Approval may be issued in lieu of a Development Permit.

Infrastructure Charges

3. 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*.

ENGINEERING

Building and Construction Industry (Portable Long Service Leave) Levy

3. From 1 January 2000, the Building and Construction Industry (Portable Long Service Leave) Levy must be paid prior to the issue of a development permit where one is required for the 'Building and Construction Industry'. This applies to Building Works, Operational Works and Plumbing and Drainage Works applications, as defined under the *Sustainable Planning Act 2009*, where the works are \$80,000 or more and matching the definition of 'Building and Construction Industry' under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. Should you require clarification in regard to the amendments to the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.

Co-ordination of Operational Works Assessment

4. To assist Council to undertake an integrated assessment of the Operational Works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme. Additional application fees apply to applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

Preparation of a Preliminary Construction Management Plan

5. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
 - (a) traffic management during all aspects of the construction phase including:
 - (i) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
 - (ii) maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased
 - (iii) development
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures

- (c) details on the location of external fill sites/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
- (d) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

Lawful Point of Discharge

- 6. 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.

UNITYWATER

- 7. Connection to the Unitywater live water supply and live sewerage system must be undertaken by Unitywater at the applicants cost.

GENERAL

Aboriginal Cultural Heritage Act 2003

- 8. 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

The following property notes will be placed against the subject property in Council's property record system:

REC12/0044 & MCU12/0044 – Variance to Planning Scheme Provisions

The following notation applies to Lot 1:

This property forms part of, and is in part governed by, a Preliminary Approval (Overriding the Planning Scheme) issued under the *Sustainable Planning Act 2009* (Council file reference REC12/0044 & MCU12/0044). The Preliminary Approval contains a supplementary table of assessment that replaces the planning scheme in declaring the level of assessment for development to the extent stated within the table. Applicants and private certifiers must refer to the Preliminary Approval prior to undertaking development on the property.

REC12/0044 & MCU12/0044 – Access

The following notation applies to Lot 1:

All vehicular access must be from the constructed driveway along Toral Drive, access from Easement A is not permitted without Council agreement.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

A preliminary approval under section 242 of the *Sustainable Planning Act 2009* has been granted. The level of assessment and applicable codes for any development approval resulting from this approval are identified in the approval and the conditions.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Material Change of Use (Dual Occupancy) – where not complying with the Self Assessable provisions specified in the Tables of Development Assessment listed in this Decision Notice.
- Development Permit for Operational Works (Dual Occupancy and Subdivision Works)
- Development Permit for Building Work

12. SELF ASSESSABLE CODES

Self assessable development is to be undertaken in accordance with the relevant codes specified in the Tables of Development Assessment listed in this Decision Notice.

13. SUBMISSIONS

There was one properly made submission 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.

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.

