

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	REC13/0166
Street Address:	32 Garrad Rd, 12 Garrad Rd and 55 Atkinsons Rd WOOMBYE QLD 4559
Real Property Description:	Lot 17 SP 101368 and Lots 6 and 7 SP 199344
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)

2. DECISION DETAILS

The following type of approval has been issued:

Development Permit to Reconfigure a Lot (3 Lots into 3 Lots)

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. 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 existing and proposed utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible
- (d) all existing effluent disposal areas are wholly located within the lot they serve and comply with the boundary setback requirements of *the Plumbing and Drainage Act 2002* and associated codes and requirements
- (e) all dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot
- (f) all retaining walls and structures are fully contained within the lot they retain
- (g) any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties
- (h) any other improvements or structures (e.g. agricultural equipment, netting structures and the like) are contained entirely within the boundaries of the lot they are associated with.

Maintenance of Access Easement to Lot 16 SP 101368

- 5. Minimum 10m wide access easements must be registered against the titles of proposed Lot 1 and 2 in favour of Lot 16 SP101368. The easements must be located adjacent to the western boundary of the site for the full length of proposed Lot 2 and through proposed Lot 1 north from the southern boundary for a minimum length of 10 metres

CIVIL ENGINEERING

Site Access and Driveways

- 6. A sealed access driveway must be provided from Atkinsons Road to proposed Lot 2. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) a sealed driveway crossover generally in accordance with Council standard drawing IPWEAQ R-050
 - (b) a sealed driveway a minimum three (3.0) metres wide on a five (5.0) metre formation for the full length of each access easement proposed through Lot 1 to cater for Lot 2 including underground service conduits (as required) for all utility services
 - (c) relocation of existing infrastructure within the easement as necessary to accommodate the driveway
 - (d) cut and fill batters required to provide the sealed driveway must to be fully contained within the access easement
 - (e) the driveway must be constructed with either reinforced concrete or with compacted gravel pavement with a two coat bitumen or AC seal. The final pavement design will be endorsed as part of the Operational Works approval.

7. Vehicle access to Lot 3 is limited to established access points along Garrad Road only. A clause must be included in the contract of sale for Lot 3 which prohibits vehicle access being taken from Nambour Connection Road.

Stormwater Drainage

8. 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

9. 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.
10. 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.
11. 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

12. Easements for drainage purposes must be registered in favour of:
 - (a) Lot 1 against the title of Lot 3, to provide a lawful point of stormwater discharge from Lot 1, and
 - (b) Lot 2 against the title of the adjacent property of Lot 16 on SP101368 to provide a lawful point of stormwater discharge from Lot 2.The easement within Lot 16 on SP101368 will be required to be granted in conjunction with the plan sealing process associated with this approval.
13. 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.
14. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

Geotechnical Stability

15. All subdivisional works must be carried out in accordance with a Geotechnical Report (or part thereof) prepared by a qualified person* and endorsed through an Operational Works approval. The Geotechnical Report must include a site-specific geotechnical investigation for proposed Lot 2 which identifies the building foundation requirements and stability considerations necessary for each future dwelling (and their associated ancillary structures) to maintain the stability of the dwelling in the long term. The report must include a certificate of stability which certifies, verbatim, that: *"the lot is stable, can*

be safely built upon, and has a factor of safety in excess of 1.5, both prior to the development and in the long term"

**(Refer to advisory Note)*

ENVIRONMENTAL HEALTH

Agricultural Buffers

16. A continuous agricultural buffer must be provided as identified on the Approved Plans. The vegetated sections of the buffer as shown on the approved plans must be densely planted in accordance with an Operational Works approval. The buffer must be established and maintained in accordance with an Operational Works approval and the requirements in Appendix 2 of Guideline 2: *Separating Agricultural and Residential Land Uses* for State Planning Policy 1/92.
17. An agricultural buffer covenant must be registered against the titles of the properties over the area identified as agricultural buffer on the Approved Plans pursuant to Section 97A of the *Land Title Act 1994*. The covenant document and a survey plan must be submitted to Council for endorsement prior to lodgement with the relevant titles authority for registration of title. The covenant document must:
 - (a) incorporate the requirements of this Decision Notice
 - (b) include Sunshine Coast Regional Council as Covenantee
 - (c) reference Queensland Land Title Registry Standard Terms Document No. 715219874.
18. The obligations of the registered covenants must be complied with by the applicant and all successors in title.

5. REFERRAL AGENCIES

Not Applicable.

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
52453 Sheet 1 of 2	A	<i>Proposed Boundary Realignment between Lot 17 on SP101368 & Lots 6 & 7 on SP199344</i> , prepared by Murray and Associates	26/11/13
Amendments		1. Amend to remove the proposed 10 metre wide easement within Lot 1 to benefit Lot 3 and extend the agricultural buffer within Lot 1 to the western boundary of the site.	
52453 Sheet 2 of 2	A	<i>Proposed Boundary Realignment between Lot 17 on SP101368 & Lots 6 & 7 on SP199344</i> , prepared by Murray and Associates	26/11/13

Amendments

1. Amend to remove the proposed 10 metre wide easement within Lot 1 to benefit Lot 3 and extend the agricultural buffer within Lot 1 to the western boundary of the site.

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:

PLANNING**Other Laws and Requirements**

1. This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licences or permits may be found in the "Laws & Permits" page of the Sunshine Coast Council website (www.sunshinecoast.qld.gov.au). For information about State and Federal requirements please consult with these agencies directly

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. REC13/0166, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plans be resubmitted prior to lodgement of any Operational Works application. However, should the plans not be submitted, the applicant is advised that a Preliminary Approval may be issued in lieu of a Development Permit.

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*.

CIVIL ENGINEERING

Building and Construction Industry (Portable Long Service Leave) Levy

4. 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.

(Note: The non-payment of the Portable Long Service Leave Levy (if applicable) may cause a Preliminary Approval to be issued for an Operational Works Permit if the matter is not resolved by the completion of the Decision Period. It is recommended to make payment at the time of the application, if payment is applicable to the scope of the works)

Co-ordination of Operational Works Assessment

5. Additional application fees apply to Operational Work 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.

Qualified Person

6. For the purpose of preparing a Geotechnical Report, and for certifying geotechnical stability for the development, a qualified person is considered to be a person who:
 - (a) is a Registered Professional Engineer of Queensland (RPEQ); and
 - (b) has a degree in civil engineering or engineering geology; and
 - (c) has a minimum of 5 years experience in the field of geotechnical engineering or engineering geology.

Preparation of a Preliminary Construction Management Plan

7. A preliminary Construction Management Plan must be submitted with the Operational Works application and must address the following:
 - (a) appropriate traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD)
 - (b) provision for safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased.
 - (c) it is acknowledged that the preliminary 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.

9. PROPERTY NOTES

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

REC13/0166 - Geotechnical Stability

1. *The following notation applies to approved Lots 1 and 2:*

To ensure the geotechnical stability of this lot is maintained, all buildings and structures must be sited and/or constructed in accordance with the geotechnical conditions of Council Approval REC13/0166 and associated Operational Work approvals.

REC13/0166 - Agricultural Buffer

2. *The following notation applies to approved Lots 1 & 2:*

An agricultural buffer has been established on this lot to help mitigate any impact (eg. spray drift, noise etc) from current and future agricultural activities located nearby. The owner is responsible for the maintenance of the agricultural buffer in accordance with Appendix 2 of Guideline 2: *Separating Agricultural and Residential Land Uses* for State Planning Policy 1/92 and the terms of the agricultural buffer covenant registered over the lot.

REC13/0166 – Property Access Driveway

The following notation applies to approved Lot 3

3. To ensure the safety and efficiency of the road network, vehicle access to this lot must be from Gerrard Road only (refer to Council Approval REC13/0166). No direct access is permitted from Nambour Connection Road.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Driveway and Landscaping)

12. SELF ASSESSABLE CODES

The following codes for self-assessable development related to the development approval issued under this Decision Notice must be complied with.

For Detached House:

- Code for Detached Houses and Display Homes

13. SUBMISSIONS

There were 6 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 or at council offices.