

APPENDIX A - CONDITIONS OF APPROVAL**1. APPLICATION DETAILS**

Application No:	REC13/0171
Street Address:	187 Ocean Vista Dr MAROOCHY RIVER QLD 4561
Real Property Description:	Lot 99 RP 912954
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 (1 Lot into 2 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 Advisory Notes)
3. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.

Plan of Development

4. All future buildings on Lot 2 must be sited and constructed in accordance with the approved building envelope and dwelling controls (ie. 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 Lot 2, together with a clause which requires any future buildings to be constructed in accordance with it.

Boundary Encroachments

5. Certification must be submitted to Council from a cadastral 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 and telecommunications) 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 retaining walls and structures are fully contained within the lot they retain
 - (f) any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

CIVIL ENGINEERING

Site Access and Driveways

6. A sealed access driveway must be provided from Ocean Vista Drive to natural surface at the approved building envelope. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) a driveway crossover and profile in accordance with Council standard drawing R-0050
 - (b) a crossover to be located as close as practical to the western boundary of the site
 - (c) an internal component of the driveway that generally aligns with natural contours
 - (d) a driveway to provide parking for 2 cars on-site and allow entry and exit in a forward direction. These parking spaces must be in addition to the parking required by the planning scheme for a detached dwelling
 - (e) consideration of drainage works that comply with the stormwater management conditions of this Decision Notice
 - (f) compliance with all applicable recommendations contained in section 7 of the Geotechnical Investigation Report listed within this Decision Notice.
7. Vehicle access to the site is limited to the constructed driveway only. A clause must be included in the contract of sale for Lot 2 which requires vehicle access to be from the constructed driveway only, and which prohibits the driveway from being relocated without Council agreement.

Electricity and Telecommunication Services

8. 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.

9. 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.
10. 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.

Geotechnical Stability – Future Dwelling Requirements

11. All future dwellings on the approved lots must be sited and/or constructed in accordance with the recommendations contained in section 7 of the Geotechnical Investigation Report listed within this Decision Notice, unless varied by a site specific investigation for a particular house lot.

Earthworks and Retaining Walls

12. All earthworks must be undertaken in accordance with the provisions of Australian Standard AS3798: *Guidelines on Earthworks for Commercial and Residential Developments*.
13. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by an RPEQ where exceeding 1.0m in height. All retaining walls that are publicly accessible and exceed 1.0m in height must be fitted with a commercial grade safety fence.

Stormwater Management

14. The site must be provided with a stormwater drainage system including extension of the site stormwater system to accommodate stormwater from external to the site, including registration of drainage easements.
15. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

ECOLOGY

Ecological Preservation

16. Vegetation protection covenants must be registered against the titles of Lots 1 and 2 pursuant to Section 97A of the *Land Title Act 1994* over the land area defined by the following:
 - (a) the blue hatched rectangles (including the missing scallop on the north western boundary) on Drawing No.HAL2013-10 EAR-F2 of the Ecological Assessment Report listed within this Decision Notice
 - (b) a 12 metre wide buffer fronting the entire frontage of Lot 2, and
 - (c) a 7 metre wide buffer between the building envelope and the western boundary of proposed Lot 2.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 Council as Covenantee
 - (c) reference Queensland Land Title Registry Standard Terms Document No. 715219876.
17. If a provision included in the covenant document is requisitioned or refused registration by the relevant titles authority, a substitute provision must be included in the document which as nearly as practicable addresses the objective sought by the requisitioned or refused provision. The wording of the substitute provision must be agreed by Council.
18. The following activities must not be carried out within the vegetation protection covenants located within Lots 1 and 2, without the prior written approval of Council:
- (a) clearing, cutting down, poisoning, lopping or pruning of native vegetation which is indigenous to, or planted within, the covenant area
 - (b) soil/spoil dumping and/or compacting
 - (c) soil excavation, other than for planting indigenous native plants.
- The following exceptions apply:
- (a) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003, and any Council Listed Environmental Weeds, Exotic Grasses and other plants identified in writing by Council
 - (b) indigenous native trees which pose a well-founded threat to persons or property as approved in writing by Council
 - (c) controlled bushfire burns to maintain ecological processes subject to submission of a Bushfire Management Plan and agreed in writing by Council.
19. The following works must be undertaken within the vegetation protection covenants within Lots 1 and 2:
- (a) Installation of permanent survey markers at 15 metre intervals, along the interface of each building envelope and the respective vegetation protection covenant (one to each boundary and one centrally located).
20. The land area to be protected by vegetation protection covenants on Lots 1 and 2 must be rehabilitated and cleared of all weed species as listed in the following standards and legislation:
- (a) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003
 - (b) Maroochy Pest Management Plan 2006-2010 pest species of significance in Group 1, 2 & 6
- The works must be undertaken in accordance with an Operational Works approval.
21. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) Revegetation of existing cleared areas within the vegetation protection covenants on Lots 1 and 2 to “off-set” the clearing within the Lot 2 building envelope
 - (b) Revegetation works to a minimum (average width) of 12 metres to the entire frontage of Lot 2 being exclusive of the entrance driveway
 - (c) Revegetation works within a 7 metre wide buffer between the building envelope and the western boundary of proposed Lot 2
 - (d) The use of low flammability species in accordance with the Bushfire Hazard Assessment & Management Plan report listed within this Decision Notice.
- The revegetation works are to match as close as possible the endemic Regional Ecosystem RE12.12.12 and must include at least 5 x *Corymbia intermedia* (Pink

Blood-wood), 3 x *Eucalyptus tereticornis* (Qld Blue Gum) 2 x *Eucalyptus siderophloia* (Grey Ironbark) and 10 x *Macaranga tanarius* (Macaranga).

22. Vegetation approved for removal must be checked for nesting wildlife by a suitably experienced, qualified and registered wildlife spotter/catcher prior to and during all vegetation clearing works.
23. The wildlife spotter/catcher must remain on site for the duration of all vegetation clearing works and must report to Council upon the commencement and completion of all vegetation clearing works. All fauna rescued prior to and during vegetation clearing works are to be relocated in accordance with the provisions of the *Nature Conservation Act 1992*. Vegetation approved for removal must be undertaken in accordance with an Operational Works approval.
24. Four permanent artificial wildlife nesting boxes of mixed sizes are to be placed within the vegetation protection covenants on Lots 1 and 2. These boxes must be placed at least two weeks prior to the commencement of vegetation clearing works. The works must be undertaken in accordance with an Operational Works approval.
25. All native bee hives of the genera *Tetragonula* (syn *Trigona*) and/or *Austroplebelia* are to be recovered during vegetation clearing works for relocation into the Vegetation Protection Covenants (if still intact) or offered (if damaged) for "boxing up" by native bee keepers/clubs.

Bushfire Management – Future Dwelling Requirements

26. Any future dwelling on approved Lot 2 must be established in accordance with the recommendations contained under Section 6 of the Bushfire Hazard Assessment & Management Plan report listed within this Decision Notice. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) an asset protection zone
 - (b) adequate water supply for firefighting purposes
 - (c) the use of low flammability species for all landscape works.
27. The asset protection zone for approved Lot 2 must be kept free of the following at all times:
 - (a) Tall grass understorey (grass is to be no higher than 50mm)
 - (b) A continuous canopy of understory of shrubs and small trees
 - (c) large trees that have continuous or overlapping canopies with other large trees;
 - (d) trees that overhang dwellings or structures
 - (e) dead branches and loose bark
 - (f) woodpiles, combustible material storage areas, large quantities of garden mulch or any other form of stacked flammable materials.
28. Prior to the construction of any dwelling on Lot 2, certification must be submitted to Council from a qualified person* which certifies that the bushfire management conditions of this Decision Notice have been complied with.
*(Refer to Advisory Note)

PLUMBING

29. The effluent disposal system installed on Lot 2 must be an advanced secondary treatment facility and must be designed and installed in accordance with the following:
- (a) it must have a minimum 5000 litre wet weather storage capacity standard water reduction plumbing fixtures installed
 - (b) the recovered spoil from the land application area must be utilised as minimum 300mm high retention mounds/swales situated across the contour of the land application area, as recommended in the Geotechnical Investigation report listed in this Decision Notice
 - (c) heavy droplet surface irrigation emitters must be utilised via a pressure compensating drip line placed on the ground and covered with mulch to a depth of 200mm
 - (d) The land application area must be supplementally planted with nutrient tolerant species to assist with uptake of all generated effluent and stabilisation of the land application area
 - (e) a minimum of 6m wide densely planted nutrient filtration zone must be positioned at the base of the land application area.

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
6172PropB		<i>Proposed Subdivision Over Lot 99 on RP912954 187 Ocean Vista Drive, Maroochy River, prepared by Skyline Surveyors</i>	11/03/14
Amendments		<ol style="list-style-type: none"> 1. Include the words "Plan of Development" in the title of the plan. 2. Amend the building envelope on proposed Lot 2 to show: <ol style="list-style-type: none"> (a) a 12m front setback (b) a minimum 7m side setback to the western property boundary (c) a minimum 2m side setback to the common property boundary with proposed Lot 1. 3. Remove the words "15x20" from the building envelope annotation and instead show setback dimensions to describe the location and size of the envelope. 4. Show an indicative driveway alignment as per the conditions of this Decision Notice. 5. Amend to accurately plot the asset protection zone around the building envelope on proposed Lot 2 in accordance with the recommendations of the Bushfire 	

	<p>Hazard Assessment referenced in this Decision Notice, except that the asset protection zone should not extend to the western side property boundary.</p> <p>6. Provide annotations that prescribe the following dwelling requirements for all future buildings on proposed Lot 2:</p> <p>(a) All buildings must be constructed on piled footings, and not slab on ground.</p> <p>(b) All buildings must be finished in non-reflective colours and materials.</p> <p>(c) All buildings must be finished in subdued shades of green or brown so as to visually integrate with the surrounding vegetation when viewed from a distance.</p> <p>(d) All buildings and structures must be constructed in accordance with the recommendations of both the Geotechnical Investigation report and the Bushfire Hazard Assessment & Management Plan report referenced in Council approval REC13/0171.</p>
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7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
13004-001	0	<i>GEOTECHNICAL INVESTIGATION Proposed Subdivision, 187 Ocean Vista Drive, Maroochy River</i> , prepared by Tectonic	8/11/2013
HAL2013-10BMP		<i>Bushfire Hazard Assessment & Management Plan</i> , prepared by North Coast Environmental Services	16/12/2013
HAL2013-10EAR		<i>Ecological Assessment Report</i> , prepared by North Coast Environmental Services	16/12/2013

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

- 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 a plan to Council with amendments. Please address the amended plan to Council's Planning Assessment Branch with the Reference No. REC13/0171 separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plan be resubmitted prior to lodgement of any Operational Works application. However, should the plan 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*.

Waste Water Treatment and Disposal System

4. The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the conditions of this Decision Notice and the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 "*On-site Domestic Wastewater Management*". Where a development exceeds the accommodation or use of 21 or more equivalent persons a copy of an Operator's Licence from The Department of Environment & Heritage Protection will also be required.

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*.

CIVIL ENGINEERING**Co-ordination of Operational Works Assessment**

6. 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

7. 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.

LANDSCAPE AND ECOLOGY**Qualified Person**

8. 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.
9. For the purpose of preparing a Rehabilitation Plan, a qualified person is considered to be a landscape architect or ecologist with a minimum of 3 years current experience in the field of landscape design.
10. For the purpose of certifying compliance with the bushfire requirements of this Decision Notice, a qualified person is considered to be an ecologist with a minimum of 3 years current experience in the field of bushfire assessment and management.

9. PROPERTY NOTES

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

REC13/0171 - POD PACKAGE - Plan of Development

1. The following notation applies to approved Lot 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 REC13/0171). The private certifier must satisfy itself that the proposed building work complies with both the planning scheme and the approved Plan of Development.

REC13/0171 - Property Access Driveway

2. The following notation applies to approved Lot 2:

To ensure that maximum sight distances can be achieved, vehicle access to this lot must be from the constructed driveway only unless otherwise approved by Council (refer to Council Approval REC13/0171)

REC13/0171 – Geotechnical Stability

3. The following notation applies to approved Lot 2:

To ensure the geotechnical stability of this lot is maintained, all buildings and structures must be sited and constructed in accordance with the geotechnical conditions of Council Approval REC13/0171 and associated Operational Work approvals.

REC13/0171 – Bushfire Management

4. The following notation applies to approved Lot 2:

To ensure the safety of people and property on this lot is maintained, all buildings and structures must be sited and constructed in accordance with the bushfire management conditions of Council Approval REC13/0171 and associated Operational Work approvals.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

Prior to submission of the subdivision plan to Council for compliance assessment:

- Development Permit for Operational Work (Driveway, Drainage and Rehabilitation)

Prior to construction of a future dwelling on Lot 2

- Development Permit for Operational Work (Vegetation clearing for the building envelope and asset protection zone)

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 Houses

- Code for Detached Houses and Display Homes

13. SUBMISSIONS

There were 43 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.