

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

Application No:	MCU13/0253
Street Address:	34 Palm Creek Road, ILKLEY
Real Property Description:	Lot 4 SP 166619
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use (Detached House)

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 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.

Clearance to Infrastructure

3. Buildings and structures must be set back at least 1.5 metres horizontal clearance from the outermost projection of the structure to the nearest edge of any existing or proposed infrastructure.

Excavation and Filling

4. Cut and/or fill batters must not be within 1.5 metres of any property boundary, except cut and fill involving a change in ground level of less than 200mm that does not necessitate the removal of any vegetation.
5. Retaining walls and cut and/or fill batters must be located wholly within the lot.
6. All stored material must be:
 - (a) contained wholly within the site
 - (b) located in a single manageable area that does not exceed 50m²
 - (c) located at least 10 metres from any property boundary.

7. Fill must not involve use of contaminated material.
8. For excavation, no contaminated material is excavated or contaminant disturbed.
9. Waste materials must not be used as fill, including but not limited to:
 - (a) commercial waste
 - (b) construction/demolition waste
 - (c) domestic waste
 - (d) garden/vegetation waste
 - (e) industrial waste.
10. Filling and/or excavation must not occur within 1.5 metres of any utility services.

Undercroft Skirting

11. Undercroft skirting or screening (e.g. timber battens) must be provided to the full height of any undercroft areas of the approved dwelling (including car parking structures) that are higher than 3 metres above ground level at the perimeter of the building/structure.

Geotechnical Stability

12. All works must be carried out in accordance with the recommendations contained in section 2.0 of the Report #577528 by Geo Consulting, Lot 4 (5P 166619), No. 34 Palm Creek Road, Ilkley QLD 4554 dated 9 December 2013.
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.
14. Prior to the completion of the development, all site surfaces must be effectively stabilised using methods which have achieved effective short-term stabilisation and which will continue to achieve effective stabilisation in the medium to long-term (see Advisory Notes). For the purpose of this condition, an effectively stabilised surface is defined as one that does not, or is not likely to result in visible evidence of soil loss caused by sheet, rill or gully erosion or lead to sedimentation, or lead to water contamination.
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.

Water Supply

16. The approved dwelling must be serviced with a rainwater tank having a minimum storage capacity of no less than 40,000 litres.

5. REFERRAL AGENCIES

Not Applicable.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
2	wd-a	Site Plan, prepared by Seacove Homes	29 November 2013
4	wd-a	Floor Plan, prepared by Seacove Homes	29 November 2013
6	wd-a	Elevations 1, prepared by Seacove Homes	29 November 2013
7	wd-a	Elevations 2, prepared by Seacove Homes	29 November 2013
Order No 51078	-	Floor Plan and Elevations – Shed prepared by ShedTech	18 November 2013

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
577528		<i>Slope Stability/Landslide Risk for Lot 4 (5P 166619), No. 34 Palm Creek Road, Ilkley, prepared by Geo Consulting</i>	9 December 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**Property Driveway and Vehicle Crossover**

- The planning scheme declares Operational Work for the construction of a driveway and vehicle crossover to the property to be self-assessable against Element 12 of the Code for Development of Detached Houses and Display Homes. If the proposed driveway and vehicle crossover does not comply with each Acceptable Measure contained in Element 12 of the Code, a Development Permit for the work is required to be obtained from Council.

Erosion and Sediment Control

- As a general rule, a site is determined to have achieved effective short-term stabilisation, if at the time of commencement of use, methods of stabilisation are:
 - appropriate for slopes and slope lengths; and
 - are consistent with best practice environmental management practices such as in the Manual for Erosion and Sediment Control or the IECA Manual; and
 - stormwater runoff from the site is not currently, and is not likely to result in visible evidence of sedimentation or erosion, or lead to water contamination.

Equitable Access and Facilities

3. 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

4. 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

Not Applicable.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work

12. SELF ASSESSABLE CODES

- Code for the Development of Detached Houses and Display Homes (Element 12)
- Operational Works Code (Element 4, A1.1-A1.5 and A3.1-A3.3)
- Erosion and Sediment Control Code (A1.1(b))

13. SUBMISSIONS

Not Applicable.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

15. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

16. OTHER DETAILS

If you wish to obtain more information about council's decision, electronic copies are available on line at www.sunshinecoast.qld.gov.au or at council offices.

