

- Item 8.4 Development Application for Material Change of Use of Premises (Variation Request to Vary the Effect of the Sunshine Coast Planning Scheme 2014 - Rural Zone and Height of Buildings and Structures Overlay requirements) at 1 Banyandah Street North, Yandina
- Appendix A Conditions of Approval
-

APPLICATION DETAILS

Application No: MCU18/0292
Street Address: 1 Banyandah St North YANDINA
Real Property Description: Lot 266 RP 900854
Lot 4 SP 159592
Planning Scheme: Sunshine Coast Planning Scheme (29 June 2018)

APPROVAL DETAILS

Nature of Approval: Variation Approval
Type of Approval: Preliminary Approval for Material Change of Use (Variation request to vary the effect of the Sunshine Coast Planning Scheme 2014 – Rural Zone and Height of Buildings and Structures Overlay requirements)

CURRENCY PERIOD OF APPROVAL

Unless lawfully extended, the currency period for this development approval is 8 years starting the day that this preliminary approval first took effect (Refer to Section 85 “Lapsing of approval at end of currency period” of the *Planning Act 2016*).

INFRASTRUCTURE

Unless otherwise specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions for Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS**PLANNING****Nature and Extent of Approved Use**

1. A Variation Approval is granted over Lot 266 on RP900854 and Lot 4 on SP159592 in relation to a Material Change of Use to:
 - (a) Allow the area of land identified on the Approved Plan to have the effect of being located within the Low Impact Industry Zone of Zone Map ZM8 (Yandina Local Plan Area) of the *Sunshine Coast Planning Scheme 2014*
 - (b) Allow the area of land illustrated on the Approved Plan to have the effect of being located within the 12 metres Maximum Height of Buildings and Structures within Overlay Map OVM8H (Yandina Local Plan Area) *Sunshine Coast Planning Scheme 2014*
2. This Variation Approval does not vary nor override the *Sunshine Coast Planning Scheme 2014* (or subsequent planning scheme) except to the extent described above.

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3. This Variation Approval has no effect until the subdivision plan associated with Reconfiguring a lot approval (RAL18/0081) has been registered by the relevant titles authority.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	SARA – DSDMIP South East Qld (North) Regional Office PO Box 1129 Maroochydore Qld 4558 Mydas2 At (https://Prod2.Dev-Assess.Qld.Gov.Au/Suite/) Email: Seqnorthsara@dilgp.Qld.Gov.Au	State Transport Infrastructure – Transport Corridors and Future Corridors	The agency provided its response on 21 August 2019 (reference No. 1812 – 8808 SRA).

DEVELOPMENT PLANS

The following development plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
7606 Prop Subdivision		<i>Proposed Subdivision Plan</i> (as amended in red by Council, prepared by Skyline Surveyors	24/05/18

REFERENCED DOCUMENTS

Not applicable.

ADVISORY NOTES

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

Aboriginal Cultural Heritage Act 2003

1. 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

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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 Court, 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 Unit on 07 3247 6212 to discuss any obligations under the *ACH Act*.

PROPERTY NOTES

The following property note applies to Lot 266 on RP900854 and Lot 4 on SP159592

MCU17/2140 – Variation to Planning Scheme Provisions

1. *This property forms part of, and is in part governed by, a variation approval issued under the Planning Act 2016 (Council file reference MCU18/0292). Applicants and private certifiers must refer to the variation approval prior to undertaking development on the property.*

VARIATION APPROVAL

A variation approval under the *Planning Act 2016* has been granted. Variations from the planning scheme that are applicable to any future development application over the premises are identified in this approval.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Not Applicable

SUBMISSIONS

There were no properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided and attached.

INCONSISTENCY WITH EARLIER APPROVAL

Not applicable.

ENVIRONMENTAL AUTHORITY

Not applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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OTHER DETAILS

If you wish to obtain more information about Council's decision, please refer to the approval package for the application on Council's Development.i webpage at www.sunshinecoast.qld.gov.au, using the application number referenced herein.