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## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No:	PBA17/0007
Street Address:	Units 1 & 2 / 6 Point Cartwright Drive BUDDINA
Real Property Description:	Lot 1 & 2 BUP 6796
Planning Scheme:	Sunshine Coast Planning Scheme 2014 (15 August 2016)

### 2. DECISION DETAILS

The following type of approval has been issued:

- Preliminary Approval for Building Works Assessable against the Planning Scheme (Extensions to Dual Occupancy Exceeding Maximum Building Height)

### 3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is [insert number here] years starting the day that this development approval takes effect.

### 4. INFRASTRUCTURE

Unless an application to extend the relevant period is approved by Council, this Preliminary Approval for Building Work will lapse if a building development application for the development has not been approved by 12 October 2019.

### 5. 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. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice approved by Council prior to the issue of any Development Permit for Building Works\*.

*\*Refer to advice note*

### **Building Height**

3. The maximum height of the development must not exceed 9.61m metres above natural ground level.
4. Certification must be submitted to Council from a Cadastral Surveyor which certifies that the building does not exceed the maximum height requirements of this Decision Notice.

### **Parking**

5. At least two on site covered car parking spaces per dwelling must be provided.

## **URBAN DESIGN**

### **Shading**

6. Shading must be provided to glazing of the dual occupancy by the following:
  - (a) a permanently fixed overhang with a minimum overhang width of 600mm on all elevations;
  - (b) on the East and South Elevations:
    - (i) a permanently fixed vertical element with a minimum extrusion width of 300mm on the southern edge of the fenestrations; or
    - (ii) a permanent external assembly containing adjustable shading devices or fixed screens with a maximum transparency of 25%.
  - (c) a permanently fixed vertical element with a minimum extrusion width of 300mm on the western edge of the fenestrations on the South Elevation.

### **Protection of Privacy**

7. To ensure privacy is protected between adjoining properties, the windows located on the eastern and western building face above the second storey must either:
  - (a) have a minimum window sill height of 1.5m above floor level
  - (b) be fitted with translucent glazing below 1.5m above floor level
  - (c) be fitted with a fixed external screen.

### **Fencing**

8. Fencing must not obscure the visibility of the path from the front boundary to the front entry door. Fencing located between the front entry door and the front boundary must be transparent and allow for casual surveillance of the front entry door location from the front boundary.

## **LANDSCAPE**

### **Landscaping Works**

9. The landscaping areas shown on the approved plans must be maintained for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.

**6. REFERRAL AGENCIES**

Not Applicable.

**7. APPROVED PLANS**

The following plans are Approved Plans for the development:

**Plans Requiring Amendment**

Plan No.	Rev.	Plan Name	Date
0001 A101	DA2	<i>Site Plan</i> 3 Storey Duplex 6 Point Cartwright Dr Buddina, drawn by R Phillips for D Bignell	08-02-2017
0001 A105	DA2	<i>North Elevation</i> 3 Storey Duplex 6 Point Cartwright Dr Buddina, drawn by R Phillips for D Bignell	08-02-2017
0001 A106	DA2	<i>South Elevation</i> 3 Storey Duplex 6 Point Cartwright Dr Buddina, drawn by R Phillips for D Bignell	08-02-2017
0001 A107	DA2	<i>West Elevation</i> 3 Storey Duplex 6 Point Cartwright Dr Buddina, drawn by R Phillips for D Bignell	08-02-2017
0001 A108	DA2	<i>East Elevation</i> 3 Storey Duplex 6 Point Cartwright Dr Buddina, drawn by R Phillips for D Bignell	08-02-2017
0001 A102	DA1	<i>Existing Level 1 &amp; 2 Floor Plans</i> 3 Storey Duplex 6 Point Cartwright Dr Buddina, drawn by R Phillips for D Bignell	Summer 2016
0001 A103	DA1	<i>New Level 3 Floor Plan</i> 3 Storey Duplex 6 Point Cartwright Dr Buddina, drawn by R Phillips for D Bignell	Summer 2016
0001 A109	DA1	<i>Façade Angle U1</i> 3 Storey Duplex 6 Point Cartwright Dr Buddina, drawn by R Phillips for D Bignell	Summer 2016
0001 A110	DA1	<i>Façade Angle U2</i> 3 Storey Duplex 6 Point Cartwright Dr Buddina, drawn by R Phillips for D Bignell	Summer 2016
<b>Amendments</b>		1. For the third storey, demonstrate a minimum 2.5m setback from any side or rear boundary.	

**8. REFERENCED DOCUMENTS**

Not Applicable.

**9. ADVISORY NOTES**

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

### Infrastructure Charges

1. The future Building Works associated with this preliminary approval may be subject to additional infrastructure charges

### Resubmission of Amended Plans Required

2. The conditions of this decision notice require resubmission of plan to council with amendments. Please address the amended plan to council's planning assessment unit with the reference PBA17/0007.

### Other Laws and Requirements

3. 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 Commonwealth 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](http://www.sunshinecoast.qld.gov.au)). For information about State and Commonwealth requirements please consult with these agencies directly.

### Equitable Access and Facilities

4. 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

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 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*.

**10. PROPERTY NOTES**

Not Applicable.

**11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**12. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Building Works

**13. SELF ASSESSABLE CODES**

- Dual Occupancy Code

**14. SUBMISSIONS**

There were 3 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.

**15. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME**

The Assessment Manager considers the decision conflicts with the planning scheme and the following are sufficient grounds to justify the decision despite the conflict:

1. The additional building height has a negligible impact on the neighbouring properties.
2. The additional building height has no adverse impact on the street character in this section of Point Cartwright Drive, given the type and scale of structures that are already established.

**16. 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”.

**17. 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](http://www.sunshinecoast.qld.gov.au), or at Council Offices.

- Item 8.1.1**    **Development Application for preliminary approval for building works  
(Extension to Dual Occupancy exceeding maximum building height) at 6 Point  
Cartwright Drive, Buddina**
  - Appendix A**    **Conditons of Approval**
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