

Officer: Bryce McKay
Direct Telephone: 5475 9812
Our Reference: RAL19/0005
Your Reference: 180306

14 July 2020

Parker Property Ningi Pty Ltd
C/- Adams & Sparkes Town Planning & Development
PO Box 1000
BUDDINA QLD 4575

Dear Sir/Madam

NEGOTIATED DECISION NOTICE – RAL19/0005 – 41 GLENBROOK DR NAMBOUR

I refer to the representations you made with respect to the original decision notice issued by council on 29 April 2020 for the following:

- Development Permit to Reconfigure a Lot (1 Lot into 53 Lots and drainage reserve)

In relation to your representations, council decided on 13 July 2020 to:

- A. Change Conditions 2, 5, 12, 17, 24, 30 and 42
- B. Disagree to change Condition 40
- C. Delete Condition 36
- D. Delete Advisory Note 3
- E. Amend the Property Notes
- F. Amend the list of Approved Plans
- G. Amend the list of Referenced Documents
- H. Delete the requirements for amendments to the Approved Plans

A copy of the development approval including the above changes granted by this negotiated decision notice is attached and replaces the original development approval issued.

A copy of the relevant appeal provisions is also attached.

Please note, if the application required referral to a concurrence agency, you may still be required to make a separate application under the *Planning Act 2016* to request consequential changes to the referral agency conditions where applicable.

Should you have any further queries in relation to this decision, please do not hesitate to contact Bryce McKay on the above number.

Yours faithfully



KATRINA PATEY
PRINCIPAL DEVELOPMENT PLANNER

DECISION NOTICE HISTORY

RAL19/0005 - Original Decision Notice - 29 April 2020

RAL19/0005 - Negotiated Decision Notice - 13 July 2020

- Change Conditions 2, 5, 12, 17, 24, 30 and 42
- Disagree to change Condition 40
- Delete Condition 36
- Delete Advisory Note 3
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- Delete the requirements for amendments to the Approved Plans

Enc: Development Approval as changed by this Negotiated Decision Notice
Approved Plans
Appeal Rights

Cc: Unitywater
townplanning@energex.com.au

Development Approval

APPLICATION DETAILS

Application No:	RAL19/0005
Street Address:	41 Glenbrook Drive, NAMBOUR
Real Property Description:	Lot 2 SP 273404
Planning Scheme:	Sunshine Coast Planning Scheme (10 December 2018)

APPROVAL DETAILS

Nature of Approval:	Approval with conditions
Type of Approval:	Development Permit to Reconfigure a Lot (1 Lot into 53 Lots and drainage reserve)

CURRENCY PERIOD OF APPROVAL

Unless lawfully extended, the currency period for this development approval is 6 years starting the day that this development 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

When conditions must be complied with

1. Unless otherwise stated, all works required by the conditions of this decision notice as relevant to each particular stage must be completed prior to submission of the subdivision plan to council for the particular stage.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this development approval.
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 cadastral surveyor which certifies that:
 - (a) the boundary clearances for any existing buildings that are to remain on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, (unless varied by this Decision Notice), where boundary

- clearances for buildings other than class 1 or 10 buildings are to be determined by a building certifier
- (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 dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot
 - (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.

Completion of Works

- 4A. The applicant must ensure that all necessary infrastructure works (including roadworks, water supply and sewerage, parks, landscaping, pathways, bridges and stormwater) and road/easement dedications are completed prior to endorsement of the plan of subdivision as relevant to each particular stage.

Fencing

5. New** fencing must be provided as follows:
- (a) A 1.8m high solid screen fence must be provided along:
 - (i) the full length of the northern boundary of Lot 14 (where it adjoins Lot 18 RP865282) and Lots 15-23
 - (ii) the full length of the eastern boundaries of Lots 23 and 24.

***Note - where there is existing fencing provided along the full length of the boundaries mentioned in (a) above, such fencing may be retained in lieu of providing new fencing if the following circumstances apply:*

- A. *the existing fencing is in good condition (undamaged and structurally sound); and*
 - B. *the existing fencing would not be compromised by development works.*
6. The provision of fencing may be staged in accordance with the staging on the approved plans.

Subdivision Staging

7. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage are constructed with that stage, subject to Council's endorsement of a revised staging plan.

Sunset Clause for Completion of Approved Development

8. Unless lawfully extended, the currency period for this development approval is 6 years starting the day that this development approved first took effect (refer to Section 85 “Lapsing of approval at end of currency period” of the Planning Act 2016).

ENGINEERING

External Works

9. Where connecting to the two existing road stubs along Glenbrook Drive, the following works must be undertaken in accordance with an operational works approval and, unless otherwise agreed with Council, must include in particular:
- (a) Construction of a pedestrian footpath in accordance with the conditions of this development approval
 - (b) Provision of a driveway crossover that is same or better than the existing access driveway to Lot 0 BUP105282 in a manner that does not disadvantage that property, with “better” taken to mean the following:
 - (i) closer to compliance with Standard Drawings RS-049 and RS-50; and
 - (ii) if varying from the existing material type and/or surface finish, that written acceptance of the proposed material and/or finish is obtained from the owner of Lot 0 BUP105282.
 - (c) Where necessary, installation of Rate 3 street lighting of the appropriate category at the Road A and Jack Street intersections with Glenbrook Drive.
 - (d) Provision of appropriate pavement markings and signage in accordance with MUTCD at:
 - (i) the Road A intersection with Glenbrook Drive (with vehicle priority maintained along Glenbrook Drive), and
 - (ii) the Jack Street intersection with Glenbrook Drive (with vehicle priority maintained along the Jack Street / Eastern Glenbrook Drive route and not along the western extension of Glenbrook Drive).
10. Where extending Nichols Street, the following works must be undertaken in accordance with an operational works approval and, unless otherwise agreed with Council, must include provision of a compliant crossover and driveway for all existing access driveways serving external lots that are impacted by the proposed road extension, in a manner that does not disadvantage each of those properties.

New Roads

11. The new roads shown on the Approved Plans must be constructed in accordance with the conditions of this development approval and dedicated as road reserve at no cost to Council.
12. New Roads A, B, C and the extensions to Glenbrook Drive and Nichols Street as shown on the Approved Plans must be constructed. The works must be undertaken in accordance with an operational works approval and, unless otherwise agreed with Council, must include in particular:
- (a) For Road A, a design standard matching that of an Access Street in accordance with Council's *Planning scheme policy for the transport and parking code*, including in particular:
 - (i) a minimum road reserve width of 16.5m
 - (ii) a minimum carriageway width of 6.0m, unless a speed environment less than 40kph can be demonstrated through traffic calming or other means; otherwise the minimum carriageway width may be 5.5m

- (iii) availability of on-street parking potential equivalent to 2 spaces for every 3 lots, in proximity to the lots being served, and
 - (iv) installation of Rate 3 street lighting of the appropriate category.
- (b) for Roads B, C and the extensions to Glenbrook Drive and Nichols Street, a design standard matching that of an Access Place in accordance with Council's *Planning scheme policy for the transport and parking code*, including in particular:
- (i) minimum road reserve widths as shown on the Approved Plans
 - (ii) availability of on-street parking potential equivalent to 2 spaces for every 3 lots, in proximity to the lots being served, and
 - (iii) Installation of Rate 3 street lighting of the appropriate category.
- (c) provision of barrier (B1) kerb adjacent to all parks or reserves
- (d) Road B reserve (minimum 12m width north of Road A and 14m width south of Road A) must extend to the development boundary with Lot 4 RP188606, including a minimum carriageway width of 5.5m extended sufficiently north and south of Road A to allow for a 3-point turn manoeuvre of a Waste Collection Vehicle (WCV) at the end of Road A and for the provision for on-street parking as required by Condition 12 (b) (ii)
- (e) for Road C and the extension to Nichols Street, termination in a cul-de-sac in accordance with Council's *Planning scheme policy for the transport and parking code*
- (f) for the extension to Glenbrook Drive, termination in a turning area of sufficient size to accommodate the 3-point turn manoeuvre of a Waste Collection Vehicle (WCV), and
- (g) construction of pedestrian footpaths in accordance with the conditions of this development approval.
13. A new intersection must be constructed joining Road A and Road B. The works must be undertaken in accordance with an operational works approval and, unless otherwise agreed with Council, must include vehicle priority maintained on Road A.
14. A new intersection must be constructed joining Road A and Road C. The works must be undertaken in accordance with an operational works approval and, unless otherwise agreed with Council, must include vehicle priority maintained on Road A. The intersection must be located with sufficient separation from the Road A/Glenbrook Drive intersection in accordance with the relevant standards.
15. A temporary sealed turnaround facility must be constructed fully within road reserve at the end of each road left temporarily incomplete as a result of the development staging. The temporary turnaround facilities must be in accordance with an operational works approval and must be of sufficient size to accommodate the 3-point turn manoeuvre of a Waste Collection Vehicle (WCV).

Property Access and Driveways

16. Where encumbered by retaining walls or other physical barriers that limit the potential driveway location for a lot to a frontage of less than 10m, a residential driveway must be constructed to that lot. The works must be undertaken in accordance with an operational works approval and standard drawings RS-049 and RS-050.

Pedestrian and Bicycle Facilities

17. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an operational works approval and must include in particular:
 - (a) a minimum 1.8m wide footpath along one side of Road A (including extension of the footpath to Glenbrook Drive), and
 - (b) an inter-block drainage reserve widened to a minimum width of 5m (or a greater width sufficient to accommodate drainage, scour protection where steep and an informal path) as per the required plan amendments connecting Road B to the western extension of Glenbrook Drive.

Utility Services

18. Underground 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.
19. An underground connection to reticulated water and sewerage must be available and provided to each lot in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).
20. Certification must be submitted to Council from all relevant service providers which certifies that the development has met the requirements of development approval and all applicable legislation at the time of construction.

Geotechnical Stability – Subdivisional Requirements

21. All subdivisional works must be carried out in accordance with the recommendations contained in Section 4 of the *Report on Geotechnical Investigation* listed within this development approval.
22. All subsequent geotechnical reports must certify that the report authors have reviewed the *Report on Geotechnical Investigation* listed within this development approval.
23. Certification must be submitted to Council from a qualified person*. The certification must certify that the subdivisional works have been constructed in accordance with the recommendations contained in Section 4 of the *Report on Geotechnical Investigation* listed within this development approval.
*(Refer to Advisory Note)
24. (A) All future dwellings on the approved Lots 25-27 and 43-53 must be sited and/or constructed in accordance with the recommendations contained in Section 4 of the Report on Geotechnical Investigation listed within this development approval, unless varied by a site specific investigation for a particular house lot.

(B) A geotechnical covenant must be registered against the title of Lots 49 and 50 pursuant to Section 97A of the Land Title Act 1994. The covenant document and a survey plan must be lodged with Council for endorsement prior to submission with the relevant titles authority for registration of title. The covenant document must include Sunshine Coast Regional Council as Covenantee and include the following words:

For the purpose of the preservation of the allotment and any building to be constructed on the allotment so that it may be used for residential purposes without risk of subterranean soil movement that could render the allotment unfit for residential use:

- (a) all buildings must be sited and constructed in accordance with the recommendations contained in Section 4 of the Report on Geotechnical Investigation attached to Council approval RAL19/0005, and any subsequent geotechnical report relating specifically to the allotment.*
- (b) no dwellings are permitted in the exclusion areas identified on the approved plans.*
- (c) prior to any development approval for building works and associated earthworks for the allotment, the owner must obtain certification from a registered professional engineer experienced in geotechnical investigation stating that the proposed works are appropriate to the site.*
- (d) prior to undertaking earthworks on the proposed lot not being associated with (b) above, the allotment owner must be responsible for obtaining certification from a registered professional engineer experienced in geotechnical investigation stating that the proposed works are appropriate to the site.*
- (e) the certification described in (b) and (c) above must make due reference to the reports referred to in (a) above.*
- (f) this covenant is made under section 97A(3)(a) in favour of Sunshine Coast Regional Council of the Land Titles Act 1994".*

Earthworks and Retaining Walls

- 25. All fill and associated batters must be undertaken in accordance with an operational works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
- 26. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by a Registered Professional Engineer of Queensland (RPEQ) where exceeding 1m in height. All retaining walls that are publicly accessible and exceed 1m in height must be fitted with a commercial grade safety fence.

Easements (general)

- 27. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site must be placed within an easement registered against the title of the property.
- 28. 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.
- 29. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

HYDROLOGY

Stormwater Drainage

30. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and *Queensland Urban Drainage Manual* and must include in particular:
- (a) the works shown in the stormwater management report listed in this development approval, with the exception of the following:
 - (i) Update the model parameters to achieve an acceptable comparison of peak flow rates between Rational Method and XP-Rafts model.
 - (ii) Identify the emergency spillway for combined Basin 1 demonstrating constructability and functionality. Include stage vs discharge and stage vs storage relationship.
 - (iii) Identify pits and pipes for stormwater drainage system in the proposed drainage easements and drainage reserves.
 - (iv) Include stormwater drainage layout plan in the report.
 - (b) collection and discharge of stormwater to a lawful point of discharge, including the provision of level inter-allotment drainage and/or provision of kerb adapters for all new lots.
 - (c) cut off drains where necessary.
 - (d) the use of gravity stormwater drainage and not surcharge pits.

Stormwater Quality Management

31. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval, and include stormwater quality treatment devices of a size and location generally in accordance with those shown in section 4 of the stormwater management plan listed in this development approval, with the exception of the following:
- (a) industry standard safety fence must be installed around the combined basins, and
 - (b) extended detention component of the bioretention basin must not be considered in the detention volume for peak flow mitigation purposes.
32. Permanent educational signage* must be erected to educate the residents of the development about the function of the bioretention device(s). The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval.
- *(Refer to Advisory Note)

Flood Immunity

33. The surface levels of all lots, excluding drainage reserves, must be constructed to provide flood immunity. The works must be undertaken in accordance with an Operational Works approval and must include in particular surface levels that are consistent with the requirements of the *Flood hazard overlay code*.

Easements (drainage)

34. Easements for drainage purposes must be registered in favour of Council against the title of all lots identified on Stormwater Drainage Layout Plan (Ref Plan: Stormwater Drainage Layout Plan Drawing no: C3602- SKS300, SKS301 & SKS302-D) except Swale 12. The easements must be a minimum 4m wide but of sufficient width to fully contain the 1% Annual Exceedance Probability (AEP) flows from the local catchment encompassing the development (individual easement width can be identified on drawing titled 'Swale Longitudinal and Typical Sections, sheet

1 to 9 of 9, dwg no: C3602-SKD300 to 308-B). The easements must be granted prior to Council sealing the relevant survey plan/s.

Transfer of Land to Council

35. The land area identified by 'Proposed road or drainage reserve' (intended as drainage reserve to convey stormwater) identified on Stormwater Drainage Layout Plan, Ref Plan: *Stormwater Drainage Layout Plan Drawing* no: C3602- SKS300, SKS301 & SKS302-D (as amended) must be transferred to Council in fee simple for drainage purposes. The land to be transferred is "non-trunk infrastructure" for the purposes of the *Planning Act 2016* submit amended plan replacing 'proposed road reserve' by 'proposed drainage reserve'
36. Deleted.
37. The land area to be transferred must be unencumbered by services such as pump stations, services easements or similar operational uses.
38. The land owner/developer must be responsible for all costs associated with the transfer of the land, including the requirement to obtain a valuation for the land from a registered property valuer and to pay all transfer duty upon transfer.
39. One original signed and 'stamped' Queensland Titles Registry Form 1 Transfer and Form 24 must be lodged with Council for endorsement prior to the registration of title, together with a survey plan and a copy of the land valuation.

LANDSCAPE

Landscape Works

40. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) a landscape plan which accords with the engineering layout
 - (b) details of soil media composition, volume and surface area to provide positive sustainable plant growth in accordance with Planning Scheme Policy for development Works, specifically Table SC6.14.7C for all municipal land
 - (c) provision of one (1) street tree within the road reserve for every six (6) metres of road frontage. Street trees must be in a designated planting corridor free of infrastructure with a minimum width of 1.5 metres, and
 - (d) all proposed 4m, 4.5m, 5m and 6m wide drainage reserves (except for swale 1 connecting Road B to the western extension of Glenbrook Drive, which must be turfed) between residential Lots, must be planted out, with a low maintenance palette of native shrubs and tufting grasses. The density and species of planting is to provide a low maintenance sustainable outcome whilst allowing for the designed flood event.

ECOLOGY

Vegetation Offsets

41. Prior to any vegetation clearing on site, the applicant must have secured vegetation offsets for all vegetation to be cleared, in accordance with the *Biodiversity, waterways and wetlands overlay code*, and the *Planning scheme policy for biodiversity offsets* endorsed through an operational works.

- (a) The applicant must provide to council for approval a detailed Offset Rehabilitation Plan for the vegetation offsets in accordance with the *Biodiversity, waterways and wetlands overlay code*, and the *Planning scheme policy for biodiversity offsets*. The Rehabilitation Plan/s must include a species palette incorporating the species selection of native plant species endemic to the subject Regional Ecosystem. The proposed works within the land to be rehabilitated must be included in an application for operational works, or,
- (b) Should the applicant agree to pay Council a monetary sum for the provision of offsets to be provided by Council, the amount must be agreed in writing by Council and paid in full prior to any vegetation clearing on site. This contribution amount includes all costs associated with the necessary rehabilitation and maintenance, along with the market value of the associated land and is in accordance Planning scheme policy for biodiversity offsets.

Fauna Management Plan

42. Vegetation must only be removed or disturbed in accordance with a fauna management plan (or part thereof) prepared by a qualified person* and endorsed through an Operational Works approval and must address the following:

Prior to Vegetation/Ecological Feature Clearing

- (a) Engage a licensed Fauna Spotter Catcher (qualified by the relevant Queensland State Government Authority with a suitable Rehabilitation Permit) with appropriate experience in surveying, monitoring and rescuing fauna species to manage the protection and relocation of any fauna prior to and during vegetation/ecological feature clearing.
- (b) The Fauna Spotter Catcher is to inspect trees to be cleared and/or trees that may have a canopy that overlaps with other vegetation to be cleared for the presence of fauna and significant fauna habitat features (tree hollows, nests, dreys and hollow logs).
- (c) Inspection is to occur at least once each clearing day prior to clearing commencement, and the Fauna Spotter-Catcher is to remain on-site during any clearing works. All trees identified as significant fauna habitat are to be clearly flagged and cleared under the guidance of the Fauna Spotter Catcher.
- (d) Prior to Vegetation/ Ecological Feature Clearing Submit to Development Services certification from the licensed Fauna Spotter Catcher that the site has been fully inspected and any necessary fauna protection measures or relocation procedures have been implemented.
- (e) The licensed Fauna Spotter Catcher must be present on site during all clearing operations to monitor works and to respond to any fauna situations that may arise. If any fauna is identified in vegetation or ecological features to be removed during clearing operations, work must cease immediately on that vegetation or ecological feature. The licensed Fauna Spotter Catcher must supervise the relocation of any identified fauna prior to vegetation/ ecological feature clearing recommencing.
- (f) Provide a written report to council within two weeks of the completion of clearing that addresses the following:

Fauna Report detailing:

- (i) The length of clearing time.
- (ii) Animal trapping prior to and during clearing.
- (iii) Animal relocations.
- (iv) Fauna injuries and euthanisations.

- (v) Monitoring findings from nest boxes
*(Refer to Advisory Note)

43. The development must be carried out in accordance with the Bushfire Hazard Assessment Management Plan listed within this decision notice
*(Refer to Advisory Note)
44. A copy of the Bushfire Hazard Assessment Management Plan listed within this decision notice must be provided to the nearest fire authority.
45. Certification must be submitted to council from a qualified person* which certifies that the development has been constructed in accordance with the bushfire management conditions of this decision notice.
*(Refer to Advisory Note)

ENERGEX

46. All easement conditions must be maintained.
47. Prior to the commencement of operational works, an amended Landscape Concept Plan must be submitted to Energex for approval that removes the revegetation area currently shown within the Energex easement at the rear of proposed lots 6-10.
48. Prior to the commencement of operational works, Detailed civil design drawings showing proposed cut and fill levels including any retaining walls on the easement and the location of the Energex assets in relation to the proposed works must be submitted to Energex for approval. This documentation must include cut/fill profiles overlaid with the conductor profiles for Energex's assessment.

Note: The retaining wall proposed intersecting the easement in lot 10 will not be permitted if it prevents Energex vehicular access along the easement. It is the applicant's responsibility to demonstrate how vehicular access is maintained.

49. The easement to be contained within proposed lots 6-10 is identified by Energex as being undersized. Prior to, or at the time of sealing of the subdivision plan relevant to lots 6-10, the developer is required to engage an electrical engineer to undertake an assessment of the conductor contained within the easement to determine the required easement size. This assessment must consider the length of the span, size of conductor and tension of the conductors. The required easement width must be registered prior to, or at the time of sealing of the subdivision plan relevant to lots 6-10.
50. Access to the easement and access along the easement must be available to Energex personnel, including vegetation crews and regular routine line inspection crews, and heavy equipment, such as Heavy Trucks, Machinery and Cranes for construction, maintenance and emergency services, at all times.
51. Existing access tracks must be re-instated, repaired or maintained if they are damaged during construction or other activities.
52. Prior to sealing of the subdivision plan relevant to lots 6-10, Energex will require the Developer / owner to supply and install gates where fencing prohibits access to and along the easement area. To enable travel along the easement at any time the gates must be series locked with an Energex padlock. Both the padlock and a design drawing of an acceptable gate will be provided by Energex.

53. Any proposal for landscaping on the easement must have prior approval from Energex. Prior to the commencement of operational works, the applicant must submit the relevant detailed landscaping design to Energex for approval. When considering landscape designs the planting of trees must be kept to the edges of the easement and not under any overhead conductors.

When mature, plants or trees must not grow in excess of 3.5 metres in height. Please visit: <https://www.energex.com.au/home/safety/safety-around-the-network/safetree-plants> for a full list of safe tree plants.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Advice	Energex Limited Town Planning GPO Box 1461 BRISBANE QLD 4001	Energex Easement	The agency provided its response on 6 March 2019 with Energex conditions (attached).

DEVELOPMENT PLANS

The following development plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
7207 P1 sheet 1 of 3	V	<i>Proposed Lot Configuration</i> , prepared by ONF Surveyors	08/07/2020
7207 P1 sheet 2 of 3	V	<i>Proposed Staging Plan</i> , prepared by ONF Surveyors	08/07/2020
7207 P1 sheet 3 of 3	V	<i>Proposed Lot with Contours</i> , prepared by ONF Surveyors	08/07/2020

REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev	Document Name	Date
Ref: C3602	F	<i>Site Based Stormwater Management Plan</i> , prepared by Milanovic Neale Consulting Engineers	06/06/2020
		<i>Engineering response - 41 Glenbrook Drive Nambour QLD 4560, Application Number: A004827898</i> , prepared by Milanovic Neale Consulting Engineers	05/03/2020
		Email from Jon Neale	02/07/2020
7207 P1 sheet 1 of 3	T	<i>Proposed Lot Configuration</i> , prepared by ONF Surveyors	04/06/2020

ME18/065 Ref 25206		<i>Report on Geotechnical Investigation,</i> prepared by Morrison Geotechnical	5/03/2020
AB1472BFIRE	0	<i>Bushfire Hazard Assessment and Management Plan,</i> prepared by Duke Environmental	19/11/2018

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 *Planning Act 2016* 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). For information about State and Commonwealth requirements please consult with these agencies directly.

Infrastructure Charges

2. Infrastructure charges, determined in accordance with Council's Infrastructure Charges Resolution, apply to this development approval. The Infrastructure Charges Notice, for Council's proportion of the infrastructure charge, has been issued. Unitywater may issue an infrastructure charges notice for their proportion of the infrastructure charge.
3. Deleted

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 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*.

Easements and Future Works over External Land

5. Should the conditions of this Decision Notice require easements or works to be undertaken over land external to the site, Council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to advancing

to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over Council owned or controlled land, please liaise directly with Council's Property Management Branch and note that compensation may be payable.

Road Naming Procedure

6. Road names must be approved by Council before a subdivision plan is submitted for compliance assessment and signing. A written request for proposed naming of roads must be submitted to Council together with a plan of the proposed roads and a completed road naming application form. Further details can be found on Council's website.

ENGINEERING

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)
 - (b) has a degree in civil engineering or engineering geology
 - (c) has a minimum of five (5) years experience in the field of geotechnical engineering or engineering geology.

Pre-Design Meeting Services

8. Council offers a free pre-design meeting service specifically for operational works applications. Applicants are encouraged to utilise this service prior to the submission of their operational works application to ensure that their application is not held up by avoidable design issues. It is anticipated that the pre-design meeting will ultimately assist in fast tracking the assessment of an operational works application once it is lodged with council as a result of design and application issues being resolved or substantially resolved prior to the application being submitted. For more information on this service or to book a pre-design meeting please visit council's website or contact (07) 5475 PLAN.

Building and Construction Industry (Portable Long Service Leave) Levy ("Qleave")

9. The QLeave levy must be paid prior to the issue of a Development Permit for Operational Works where required. Council will not be able to issue a development approval for operational works without receipt of details that the Levy has been paid. QLeave contact: 1800 803 491 (free call) or (07) 3212 6844.

Co-ordination of Operational Works

10. 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.

Unitywater - Water and Sewerage Services

11. Where water and sewerage infrastructure is proposed to be constructed within an existing road reserve controlled by council, a further consent approval for the alignment and extent of works will be required under Section 75 of the *Local Government Act 2009*. This consent must be obtained prior to any water and sewerage related works occurring within the road reserve. The consent request must be submitted in the approved form to Council's Infrastructure Services Department.
12. Where water and sewerage infrastructure is proposed to be constructed within an existing park or reserve controlled or owned by council, consent approval from council, as owner of the land, is required for the alignment and extent of works. This consent must be obtained prior to any water and sewerage related works occurring within the park or reserve. The consent request must be submitted in the approved form to council's Land Management Unit.

Preparation of a Preliminary Construction Management Plan

13. A preliminary construction management plan must be submitted with the Operational Works application and must address the following:
 - (a) traffic management during all aspects of the construction phase including:
 - (i) a traffic management control plan in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD)* detailing all temporary signage and traffic control measures prior to construction
 - (ii) maintenance of safe pedestrian access for the areas affected by the works during and after daily construction has ceased
 - (iii) proposed fencing to the site during the construction phase of the development
 - (iv) approval of the traffic management control plan by the Department of Transport and Main Roads (TMR) for any works on State-controlled roads
 - (v) provision for worker car parking
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
 - (c) works programme identifying key components of the works and their respective durations
 - (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic, services and other relevant issues
 - (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
 - (f) details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. NOTE: any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense

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.

Unitywater - Water and Sewerage Services

14. Where water and sewerage infrastructure is proposed to be constructed within an existing road reserve controlled by Council, a further consent approval for the alignment and extent of works will be required under Section 75 of the *Local Government Act 2009*. This consent must be obtained prior to any water and sewerage related works occurring within the road reserve. The consent request must be submitted in the approved form to Council's Infrastructure Services Department.
15. Where water and sewerage infrastructure is proposed to be constructed within an existing park or reserve controlled or owned by Council, consent approval from Council, as owner of the land, is required for the alignment and extent of works. This consent must be obtained prior to any water and sewerage related works occurring within the park or reserve. The consent request must be submitted in the approved form to Council's Land Management Unit.

HYDROLOGY

Bioretention Basin Educational Signage

16. Suggested wording for the permanent educational signage required by this development approval is as follows:

"BIORETENTION BASIN - This bioretention basin reduces the pollution of our waterways by reducing the amount of heavy metals, litter, suspended solids, and nutrients discharged to (insert name of receiving waters)".

LANDSCAPE & ECOLOGY

Qualified Person

17. 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 five (5) years current experience in the field of landscape design.
18. For the purpose of preparing a bushfire management plan, and for certifying compliance with the bushfire requirements of this development approval, a qualified person is considered to be an ecologist with a minimum of three (3) years current experience in the field of bushfire assessment and management.
19. For the purpose of preparing a fauna management plan, a qualified person is considered to be an ecologist with a minimum of three (3) years current experience in the field of fauna assessment and management.

ENVIRONMENTAL HEALTH

Contaminated Land

20. Under the *Environmental Protection Act 1994* (EP Act), contaminated land also refers to land with a history of activities that have been identified as likely to cause land contamination. These activities are termed 'notifiable activities' and are outlined in Schedule 3 of the EP Act. Common land uses which are notifiable activities include cattle dips, fuel storage and refuse tips. Council's records do not indicate that the site has included a notifiable activity as a past use. However, it is recommended that the applicant confirm, as far as practical, that the land having had a previous agricultural use, does not include any existing land contamination. For example, a site walkover in addition to a review of the site's historical farming activities that may be associated with a notifiable activity should be undertaken prior to undertaking operational works for the development.

Note: In accordance with the EP Act (Section 320A (2)(b)) where a person becomes aware of a notifiable activity having been carried out on the land then within 24 hours the administering authority (*Queensland Department of Environment & Heritage Protection*) must be notified of the activity in accordance with 320B-320DA of the Act.

PROPERTY NOTES

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

RAL19/0005 - Geotechnical Stability

The following notation applies to approved Lots 49 & 50:

A geotechnical covenant registered over this lot will prevent its further subdivision. To ensure the geotechnical stability of this lot is maintained, all buildings and structures must be constructed in accordance with the approved plans and geotechnical conditions of Council approval RAL19/0005 and associated Operational Work approvals.

The following notation applies to approved Lots 25-27 and 43-53:

To ensure the geotechnical stability of this lot is maintained, all buildings and structures must be constructed in accordance with the approved plans and geotechnical conditions of Council approval RAL19/0005 and associated Operational Work approvals.

RAL19/0005 – Dual Occupancies

The following notation applies to approved Lots 6-10, 23-32, 43-53:

Due to geotechnical constraints and/or building envelope limitations, any future application for a development permit for a material change of use to establish a dual occupancy on this lot, that has been lodged with council due to accepted development not meeting the applicable assessment benchmarks, may not be approved.

VARIATION APPROVAL

Not applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Engineering and Landscaping)

SUBMISSIONS

Not applicable.

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.

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.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states –
- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the *Planning Act 2016*)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –

- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.