

Officer: Tiani Tydd  
Direct Telephone: 0754759846  
Our Reference: RAL24/0001  
Your Reference: NA

24 June 2024

National Solutions Group Pty Ltd Tte  
C/- Locality Planning & Consulting Pty Ltd  
PO Box 481  
MOFFAT BEACH QLD 4551

Dear Sir/Madam

**DECISION NOTICE – APPROVAL – RAL24/0001 – 23 STEVENS ST YANDINA QLD 4561 – LOT 1 SP186007**

I refer to your application and advise that on 20 June 2024 Council decided to approve the application subject to conditions.

The following type of approval has been issued:

- Development Permit to Reconfigure a Lot (1 Lot into 2 Lots and Access Easement)

A copy of the development approval granted by this decision notice is attached.

A copy of the relevant appeal provisions is also attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about a matter contained within this decision notice. 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.

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

Yours faithfully



ZANA LARIKKA  
LEAD SENIOR DEVELOPMENT PLANNER

Enc: Development Approval  
Approved Plans  
Infrastructure Charges Notice  
Appeal Rights

Cc: Unitywater

# Development Approval

## APPLICATION DETAILS

Application No: RAL24/0001  
Street Address: 23 Stevens Street, YANDINA  
Real Property Description: Lot 1 SP 186007  
Planning Scheme: Sunshine Coast Planning Scheme 2014 (23 Oct 2023)

## APPROVAL DETAILS

Nature of Approval: Approval with conditions  
Type of Approval: Development Permit to Reconfigure a Lot (1 Lot into 2 Lots and Access Easement)

## CURRENCY PERIOD OF APPROVAL

Unless lawfully extended, the currency period for this development approval is 4 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

### When Conditions Must Be Complied With

1. Unless otherwise stated, all works required by the conditions of this development approval must be completed prior to approval of the Plan of Subdivision.

### 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 Plan of Subdivision to be submitted to Council 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 development approval), 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 (e.g. 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 retaining walls and structures are fully contained within the lot they retain; and,
  - (e) any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

## **LANDSCAPING & ECOLOGY**

### **Retention of Existing Trees/Vegetation**

- 5. Prior to issue of an approval for operational works, an arborist report is required to be submitted to Council for approval, for the retention and protection of the character vegetation as identified in the Yandina local plan code.
- 6. A qualified person\* must be engaged to oversee of all tree protection works prior to and during operational works, for the protection of the existing 'character vegetation' identified in the Yandina local plan. Tree protection must address *AS4970 Protection of trees on development sites* as a minimum.  
*\*(Refer to Advisory Note)*
- 7. Prior to approval of the Plan of Subdivision, a qualified person\* must certify that all works have been carried out in accordance with an approved arborist report.

## **ENGINEERING**

### **Property Access and Driveways**

- 8. A sealed access driveway must be provided from Stevens Street to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an operational works approval and, unless otherwise agreed with Council, must include in particular:
  - (a) A driveway crossover in accordance with IPWEA standard drawings RSD-100 (RS-049) and RSD101 (RS-050). The 'Alternative Setout – Internal Tapers' layout should be used.
  - (b) A driveway width of 5.0m at the kerb invert/edge up to the property boundary to allow for waiting/passing. 1:5 tapers must be applied to transition back to the existing driveway with within the access handle.
  - (c) Any service lids in the trafficable area must be upgraded to accommodate vehicle loads.
  - (d) Truncation of existing paths in the verge for the driveway construction, including any additional extents of reconstruction to provide a smooth pathway transition.
  - (e) Provision of safe pedestrian sight triangle truncations to features adjacent to the exit driveway.

9. A residential driveway must be provided to the lots. The supplied infrastructure must be generally compliant with IPWEA standard drawings RSD-100 (RS-049) and RSD101 (RS-050) for the full length of the access handle and include any required underground service conduits, and a turnaround space for vehicles to enter and exit the site in a forward motion.

### **Utility Services**

10. Reticulated electricity must be provided to each lot in accordance with the requirements of the service provider. The applicant must either provide a Certificate for Electrical Supply or apply for a further operational works approval, where Contestable Works are required.
11. An underground telecommunications service\* must be provided to each lot in accordance with the requirements of the service provider.  
*\*(Refer to Advisory Note)*
12. An underground connection to reticulated water and sewerage must be provided to each lot in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).
13. Fire hydrants must be supplied at accessible locations in proximity to lots/future dwelling sites as necessary to achieve the Liveable Communities benchmarks of the *State Planning Policy*.
14. 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.

### **Stormwater Drainage**

15. 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 the Queensland Urban Drainage Manual, and must include in particular:
  - (a) The works described in Section 5 of the Engineering Report incl. Stormwater Management Plan listed in this development approval.
  - (b) The use of gravity stormwater drainage and not surcharge pits.

### **Stormwater Quality Management**

16. Stormwater quality treatment must be provided for the development. The works must be undertaken in accordance with an operational works approval and must incorporate the 'Alternative Management Measures for Stormwater Quality Management' specified in Council's Planning scheme policy for development works and specifically include the following:
  - (a) Provide a rainwater harvesting and re-use system with a minimum of 50% of roof area connected to a rainwater tank.
  - (b) The tank capacity must be not less than 1kL per 25 square metres of communal landscape area. The tank is to supply external uses only;
  - (c) Grade all impervious runoff to landscaped areas or pit baskets prior to discharge.

## Easements

17. A 2.0 metre wide easement for inter-allotment drainage purposes must be registered against the titles of Lot 1 in favour of Council over the approved inter-allotment drainage system servicing Lot 2.
18. A 5.0 metre wide easement for the purpose of access and services must be registered against the title of Lot 1 in favour of Lot 2. The terms of the easement must:
  - (a) require the driveway, underground services, and landscaping to be maintained in accordance with the conditions of this approval;
  - (b) require maintenance and repair costs to be shared equally by the burdened lot owner and all benefitted lot owners; and,
  - (c) prohibit any fencing or building work within the easement.
19. 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.
20. 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.
21. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

## Earthworks and Retaining Walls

22. 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.

### REFERRAL AGENCIES

Not applicable.

### DEVELOPMENT PLANS

The following development plans are Approved Plans for the development:

#### Approved Plans

Plan No.	Rev.	Plan Name	Date
7142	3	<i>Amended Plan of Development (1 Lot into 2 Lots)</i> , prepared by Creek to Coast Designs	12/05/2024

## REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

### Referenced Documents

Document No.	Rev.	Document Name	Date
AG-230633-RPT-C-01	0	<i>Engineering Report incl. Stormwater Management Plan</i> , prepared by Arcos	13/12/2023

## 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 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

2. Should the conditions of this development approval 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 Unit and note that compensation may be payable.

### Other Laws and Requirements

3. 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 on 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.

### **Restriction on Building Approval until all other Permits are Effective**

4. Pursuant to the statutory provisions of the Building Act, a private building certifier must not grant any building development approval related to this development until all necessary development permits for the development (including, for example, operational works approvals) have taken effect under the *Planning Act 2016*. This legislative requirement is critical to ensure that a private certifier's approval about a component of the development is consistent with the assessment managers' decisions on other aspects of the overall development.

### **Infrastructure Charges**

5. 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.

### **Pre-Design Meeting Services**

6. 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")**

7. 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**

8. 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**

9. 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.

10. 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.

### **Telecommunications**

11. Requirements (with some exemptions in particular for non-urban areas) for supplying fibre-ready facilities are placed on developments under the *Telecommunications Act 1997*. Meeting the obligations of this Act is the responsibility of the developer, and this approval does not relieve the developer of any responsibility to meet provisions of this or other applicable Federal or State Act.

### **Preparation of a Preliminary Construction Management Plan**

12. A preliminary construction management plan must be submitted with the operational works application and must address the following:
  - (a) appropriate traffic signage in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD)*.
  - (b) provision for safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased.

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.

### **Qualified Person**

13. Qualified Person, for the purpose of undertaking, supervising tree works and preparing arboriculture certification, is considered to be a person with a minimum five years current experience in tree protection, hazard identification/mitigation and *AS2303 Tree Stock for Landscape Use* assessment, *AS4970 Protection of trees on development sites* and either:
  - (i) International Society of Arboriculture (ISA) certification; or
  - (ii) A Diploma of Arboriculture.

### **Environmental Advisory Notes**

14. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and landscaping phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.

<b>PROPERTY NOTES</b>
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Not applicable.



#### **VARIATION APPROVAL**

Not applicable.

#### **FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work (Engineering work – Stormwater and Driveway)

#### **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](http://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.