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Our Reference:	DD003:ET002:MCU13/0035
Your Reference:	obi obi fb

1 July 2013

Department Of Community Safety
GPO Box 1425
BRISBANE QLD 4001

Dear Sir/Madam

Decision Notice

Sustainable Planning Act 2009

I refer to your application and advise that on 26 June 2013, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

1. APPLICATION DETAILS

Application No:	MCU13/0035
Street Address:	"School Of Arts" 856 Obi Obi Road, OBI OBI
Real Property Description:	Lot 1 RP 26317
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for a Material Change of Use to Establish an Emergency Service (Rural Fire Brigade)

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 4 years starting the day that this development approval takes effect. (Refer to Section 341 "When approval lapses if development not started" of the *Sustainable Planning Act 2009*.)

4. ASSESSMENT MANAGER CONDITIONS

PLANNING

When Conditions Must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

ENGINEERING

Earthworks

3. All earthworks filling and associated batters must be contained entirely within the development site unless written permission from the respective landowner(s) is provided to Council. All earthworks must be undertaken in accordance with the provisions of Australian Standard AS3798: *Guidelines on Earthworks for Commercial and Residential Developments*.

Damage to Services and Assets

4. Any damage caused to existing services and assets above or below the ground must be repaired:
 - (a) where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - (b) where otherwise, upon completion of the works associated with the development.

Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

HYDRAULICS AND WATER QUALITY

Stormwater Drainage

6. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

Flood Immunity

7. The floor level of the building constructed on the site must be a minimum of 0.5m above the natural ground level.

LANDSCAPING

Vegetation Buffer

- 8. A vegetation buffer area must be established between the proposed fire shed and car parking area, to the community hall, as located generally in accordance with the annotated plan. Species can be tube stock and must frost resistant.
- 9. All landscape works must be established and maintained in accordance with horticultural best practice with construction techniques that allow for 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.
- 10. All landscape works must be maintained for the life of the development.

PLUMBING

Plumbing and Drainage

- 11. The development must be provided with Plumbing and Drainage and an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use*.
**(Refer to Advisory Note)*

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department Of Transport & Main Roads, PO Box 1600, Sunshine Plaza Postal Shop, MAROOCHYDORE QLD 4558	State controlled road matters	The agency provided a revised response on 7 June 2013 (Reference No.TMR13-005737). A copy of the response is attached.

A copy of any referral agency conditions is attached.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
Plan No. SD-001	-	<i>Location Plan</i> , prepared by The Department of Community Safety – Queensland Government, as amended by Council	7 February 2013
Plan No. SD-002	-	<i>Site Plan</i> , prepared by The Department of Community Safety – Queensland Government, as amended by Council	7 February 2013
Plan No. SD-003	01	<i>Floor Plan and Elevation</i> , prepared by The Department of Community Safety – Queensland Government, as amended by Council	25 February 2013

7. REFERENCED DOCUMENTS

Not Applicable

8. ADVISORY NOTES

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

Development Compliance Inspection

1. Prior to the commencement of the use, please contact Council's Development Audit & Response Unit to arrange a Development Compliance Inspection.

Application Fee Rebate Scheme

2. This development may be eligible for a 25% rebate of the paid Material Change of Use application fees if the use commences within 2 years of the date of this approval. For more details, please contact Council's Development Information Centre on 5475 PLAN (7526).

Infrastructure Charges

3. This Development Permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Council's "*Adopted Infrastructure Charges Resolution*" under the State Planning Regulatory Provision (Adopted Charges) and the *Sustainable Planning Act 2009*.

Vegetation Buffer

4. The vegetation buffer has been conditioned into this approval so that the restoration and heritage value of the community hall remains the most significant point of interest on the site. It is not intended for the landscaping to represent a highly manicured urban garden, rather, it should replicate the stands of trees in the surrounding open paddocks and the riparian scrub along Obi Obi Creek. This will provide a vegetation buffer which maintains the community hall as the highlight when passing or visiting the site, while the landscaping remains in-keeping with the rural character of the area.

Waste Water Treatment and Disposal System

5. The establishment of Plumbing and Drainage and a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* and Australian Standard AS/NZS1547: 2000 "*On-site Domestic Wastewater Management*". Where a development exceeds the accommodation or use of 21 or more equivalent persons a copy of an Operator's Licence from The Department of Environment and Heritage Protection (DEHP) will also be required.

Equitable Access and Facilities

6. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:
 - (a) the *Disability Discrimination Act 1992* (Commonwealth); and
 - (b) *Anti-Discrimination Act 1991* (Queensland).

Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission "Advisory Notes on Access to Premises" and AS 1428.2;
- (b) applicants should be aware that a "Disability Standard on Access to premises" is currently being developed and most likely will impose changes on the Building Code of Australia; and
- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

Aboriginal Cultural Heritage Act 2003

7. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*. The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

9. PROPERTY NOTES

Not Applicable

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work

12. SELF ASSESSABLE CODES

Not Applicable

13. SUBMISSIONS

No properly made submissions were received about this application.

14. REASONS/GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable

15. RIGHTS OF APPEAL

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

During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about the conditions contained within the development approval. If Council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice". (Refer to Part 8 "Dealing with decision notices and approvals" - Division 1 "Changing decision notices and approvals during applicant's appeal period" of the *Sustainable Planning Act 2009*.)

16. OTHER DETAILS

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

Yours faithfully



for MARC CORNELL
PRINCIPAL DEVELOPMENT PLANNER

CC: Department of Transport & Main Roads
PO Box 1600
Sunshine Plaza Postal Shop
MAROOCHYDORE QLD 4558

Enc: Adopted Infrastructure Charge Notice
Referral Agency Response
Approved Plans
Appeal Rights

Appeal Rights

SUSTAINABLE PLANNING ACT 2009 & SUSTAINABLE PLANNING
REGULATION 2009

The following is an extract from the *Sustainable Planning Act 2009* (Chapter 7).

MATERIAL CHANGE OF USE, RECONFIGURING A LOT & OPERATIONAL WORKS

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).

- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.