

OUR REF: CA 2552/2008 (prev 8/30/121) 463542

21 August 2015

Ms Jodie Krull
PO Box 771
MOSSMAN QLD 4873

Dear Madam

**CHANGED DECISION NOTICE UNDER S 369 SUSTAINABLE PLANNING
ACT 2009: DEVELOPMENT APPLICATION FOR
332R MOWBRAY RIVER ROAD, MOWBRAY**

With reference to your request for a permissible change to the abovementioned Development Application, which was determined under Instrument of Delegation on 21 August 2015, please find attached the relevant Changed Decision Notice.

The Notice includes extracts from the Act with respect to lodging an Appeal.

This notice also includes an Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009*.

Should you have any enquiries in relation to this Changed Decision Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Paul Hoyer
General Manager Operations

Att

APPLICANT DETAILS

Jodie Krull
PO Box 771
MOSSMAN QLD 4873

ADDRESS

332R Mowbray River Road, Mowbray

REAL PROPERTY DESCRIPTION

Lot 4 on RP865070

PROPOSAL

Reconfiguring a Lot (1 Lot into 2 Lots) and Material Change of Use (House – Rural Settlement Planning Area)

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

This Changed Decision Notice dated 21 August 2015 replaces the Decision Notice dated 7 May 2013.

TYPE

Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots) and Material Change of Use

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Work

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Proposed Subdivision of Lot 4 on RP865070	1838-SK02	11 June 2008
Concrete Driveway for Allotment Access	S1110	01 February 2006

ASSESSMENT MANAGER CONDITIONS**A. DEVELOPMENT CONDITIONS FOR LOT RECONFIGURATION (1 LOT INTO 2 LOTS)**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Water Supply Contributions

3. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$14 869.92 (1.0 EDC).

Payment is required prior to approval and dating of the Plan of Survey.

Parkland Contribution

4. Pay a monetary contribution of \$5000 for proposed Lot 1 only, in accordance with the Planning Scheme Policy.

Payment is required prior to approval and dating of the Plan of Survey.

Access Easement/s

5. Create an Access Easement through Lot 1 to allow vehicle access and on-site manoeuvring for Lot 2, to the requirements and satisfaction of the Chief Executive Officer.

6. Demonstrate that the existing Easement A will provide lawful vehicle access and on-site manoeuvring for Lots 1 and 2, to the requirements and satisfaction of the Chief Executive Officer.

A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

Services Easement/s

7. Create a Service Easement over Lot 1 for the benefit of Lot 2 to the requirements and satisfaction of the Chief Executive Officer.
8. Demonstrate that the existing Easement A can lawfully contain services for Lots 1 and 2, to the requirements and satisfaction of the Chief Executive Officer.

A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

Existing Creek and Drainage Systems

9. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

The applicant/owner must obtain any necessary approvals from the Department of Natural Resources and Mines for carrying out works in a watercourse.

Plan of Drainage Works

- ~~10. Provide a plan of drainage works on the subject land. Calculations are to be provided to demonstrate that the drainage infrastructure can cater for major and minor events as defined by the Queensland Urban Drainage Manual. The plan is to show the location of any drainage easements required to convey stormwater to the lawful point of discharge, being Mowbray River Road. The drainage plan must be endorsed by the Chief Executive Officer prior to the approval and dating of the survey plan.~~
10. The existing table drain discharging into the eastern gully adjacent the access driveway above proposed Lot 1 must be formalised and in a manner that does not promote scour and erosion. Such works may involve slightly realigning the drain in a southerly direction and / or the placement of suitably sized aggregate to slow water velocities. Such works must be completed to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

On-site Effluent Disposal

11. The method of on-site effluent disposal for proposed Lot 1 and 2 must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to approval and dating of the Plan of Survey.

~~Access to Hatchet or Battleaxe Lots~~

- ~~12. Construct a concrete driveway or other approved surface to battleaxe Lot 2 extending the full length of the access leg from adjacent kerb and channel. Construction of the concrete driveway must be in accordance with Council Standard Drawing. The driveway access to Lot 2 is to be covered by an easement.~~

~~All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.~~

Service Conduits

- ~~13~~12. Provide service conduits to Lot 2 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Lawful Point of Discharge

- ~~14~~13. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

Geotechnical Report

- ~~15. A geotechnical assessment must be carried out by a qualified and experienced geotechnical consultant for proposed Lot 1. All earthwork batters steeper than 1 in 2 and/or higher than 1.8 metres must be certified by a qualified Geotechnical Engineer prior to the Commencement of Use. The preliminary geotechnical reports are to be lodged with the application for a Development Permit for Operational Works, with a final geotechnical report endorsed by the Chief Executive Officer prior to approval and dating of the Plan of Survey.~~

Existing Services

- ~~16~~14. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
 - a. Relocate the services to comply with this requirement; or

- b. Arrange registration of necessary easements over services located within another lot prior to or in conjunction with submission of the Plan of Survey creating the lot.

Electricity and Telecommunications

4715. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that ~~both an underground electricity supply and telecommunications service will be provided to the development~~ Lot 1 prior to approval and dating of the Plan of Survey.

B. DEVELOPMENT CONDITIONS FOR MATERIAL CHANGE OF USE FOR A HOUSE:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Proposed Subdivision of Lot 4 on RP865070	1838-SK02	11 June 2008
Photos of House to be relocated to Lot 1	-	1 September 2008

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.
3. The Plan of Survey for Lot 1 must be registered with the Department of Natural Resources and Mines prior to the issue of a Certificate of Classification for the House.

Water Supply

4. Council is unable to supply water from its infrastructure at minimum pressures and flows as stated in Council's customer service standards. Council will however, subject to approval, permit the connection of the property to its infrastructure at a

reduced guaranteed level of service. Such approval would, amongst other things, obligate the owner to install water storage tanks and pressure pumps within the property, to ensure that water can be supplied at a pressure and flow prescribed in *AS/NZS 3500.1 Plumbing and Drainage Code Part 1: Water Services*.

The owner is responsible for the design of the water main from the property to Council's existing infrastructure. Council will advise the minimum pressure and flow at the point of connection based on a fire hydrant pressure and flow test carried out at the owner's expense.

The construction of the main within the road reserve is the owners responsibility and at the owners expense. Council would accept ownership and subsequent maintenance responsibility for works constructed within the road reserve following the satisfactory completion of a defects liability period.

A plumbing application will be required to be submitted and approved to allow the service connection from the extended main onto the property.

On-site Effluent Disposal

5. The method of on-site effluent disposal for proposed Lot 1 must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to approval and dating of the Plan of Survey.
6. The existing on-site sewerage treatment and effluent disposal system on proposed Lot 2 must be fully contained within the lot it serves and new boundaries shall comply with setback distances in accordance with the Queensland Plumbing & Wastewater Code. Details of the setback distances must be approved by the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Unique Notations (Lot 1 and 2) – On-site Effluent

7. The owner (s) of this lot will be required to consider the recommendations for on-site effluent disposal as detailed with the hydraulics report held by Council. A copy of the report is available from Council's Development Services Branch.

Height of House

8. The maximum Height of the House is 6.5 metres. In addition, the roof features must not exceed a maximum height of 3.5 metres.

Building Colours

9. The exterior finishes and colours of Buildings are non-reflective and blend with the natural colours of the surrounding environment.

Vegetation Clearing

10. Existing vegetation on the subject land must be retained in all areas. Any further clearing requires a Development Permit for Operational Works (Vegetation Damage).

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

Buffer Around Vegetation

11. A minimum two (2) metre wide buffer shall be provided around the vegetation to be retained. This buffer must consist of suitable fencing to ensure that machinery, equipment or construction materials are not stored or used within this area. This buffer is to be established prior to the commencement of any works on the site and must be maintained at all times for the duration of the construction to the satisfaction of the Chief Executive Officer.

Council's Development Assessment Service is to inspect the buffer prior to machinery, equipment or construction materials being delivered to the site.

Sediment and Erosion Control

12. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act* 1994, and the *FNQROC Development Manual*).

Lawful Point of Discharge

13. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

On-site Effluent Disposal

14. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Landscaping

15. All landscaping to be installed must consist of native and endemic species and must consist of a minimum of 65 per cent of native and endemic species.

A Landscape Plan nominating the species and location of trees and shrubs to be planted must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first. The landscape plan does not need to be

professionally drawn but does need to be of a standard which clearly illustrates those areas to be planted.

FURTHER ADVICE

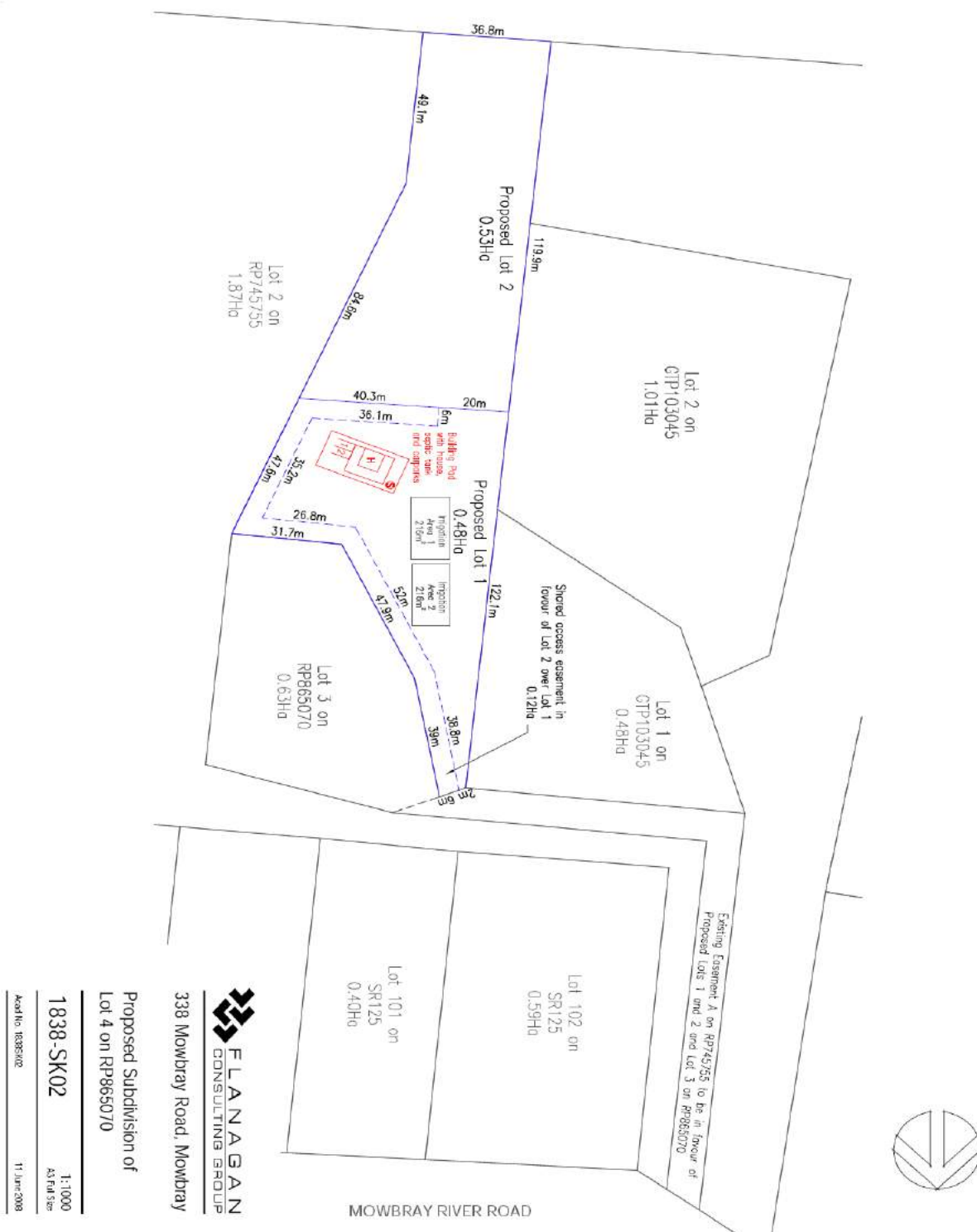
1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse on 24 March 2017 in accordance with the provisions of sections 376 and 389 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Adopted Infrastructure Charges are attached as Appendix 1. Please note that the charges must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dilgp.qld.gov.au. To access Council's *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

RIGHTS OF APPEAL

Attached

End of Decision Notice

41.2013.5032
10/11



APPENDIX 2: CONTOUR DETAIL

