

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/7/1732 (2607864)

1 June 2010

S G Williams & T M Whitnell
Lot 21 Daley Cl
KIMBERLEY QLD 4873

Dear Sir/Madam

DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 19L DALEY CLOSE KIMBERLEY

With reference to the abovementioned Development Application which was determined under Instrument of Delegation on 1 June 2010 please find attached the relevant Decision Notice.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

Simon Clarke
Manager Development Assessment

Att.

APPLICANT DETAILS

S G Williams & T M Whitnell
Lot 21 Daley Cl
KIMBERLEY QLD 4873

ADDRESS

19L Daley Close Kimberley

REAL PROPERTY DESCRIPTION

Lot 19 on RP740684

PROPOSAL

House (Rural Settlement Planning Area)

DECISION

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

DECISION DATE

1 June 2010

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

Development Application Lodgement
Department of Environment & Resource Management
PO Box 15155
City East QLD 4002

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Development Permit for Plumbing Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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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
Site and Drainage Plan	Drawing A3-9 Prepared by RDS Building Designer (Council Ref No 2386314)	Submitted 9 Nov 2009
Floor Plan	Drawing A3-1 Prepared by RDS Building Designer (Council Ref No 2317163)	1 Feb 2009
North and West Elevations	Drawing A3-3 Prepared by RDS Building Designer (Council Ref No 2317163)	1 Feb 2009
South and East Elevations	Drawing A3-2 Prepared by RDS Building Designer (Council Ref No 2317163)	1 Feb 2009

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;
 - b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and

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.

Water Supply

3. Water storage tank(s) with a minimum capacity not less than 30,000 litres, and must be installed prior to occupation of the premises. Details of the water tank(s) must be shown on plans submitted with the building application. Such water tanks must be provided with:

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- a. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than 1mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or
- b. Flap valve at every opening of the tank or other receptacle; or
- c. Other approved means for preventing the ingress or egress of mosquitoes; and
- d. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40cm; and
- e. The water tank(s) shall be fitted with a 50mm ball valve with a camlock fitting.

On-site Effluent Disposal

4. 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 in accordance with report provided by Gilboy Hydraulic Solutions dated 26th March 2009 Council Ref. No. 2317163.
5. Provide a site plan showing the following information as referred to in Clauses 6.4 and 6.8 (vi) of Geotech report by Construction Soiltest No.G6496 dated April 2010.

The location of a suitable on-site sewerage disposal area along with information on how the site is to be prepared.

The location of diversion drains.

The plan must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Water Saving

6. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.

Generators

7. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents.

Fuel Storage

8. All fuels must be stored in an undercover and secure location at all times.

Building Colours

9. The exterior finishes and colours of Buildings are non-reflective and blend with the natural colours of the surrounding environment. Roofs must be of moderately dark to darker shades of green, grey, blue and brown.

Details of proposed external wall and roof colours must be endorsed by the Chief Executive officer prior to issue of the Development Permit for Building Work.

The applicant/owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

Lawful Point of Discharge

10. All stormwater discharge 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, all to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

11. Soil and water management measures 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).

Drainage

12. All existing creek systems and drainage areas must be left in their current state, including no channel alternations and no removal of vegetation unless consented to in writing by the Chief Executive officer.
13. The applicant/owner must obtain any necessary approvals from the Department of Environment and Resource Management for carrying out works in a watercourse.

Ponding and/or Concentration of Stormwater

14. The applicant/owner must ensure that the retaining wall does not result in the ponding or concentration of stormwater flows.

Structural Certification

15. All retaining walls or structures higher than 1.0 metre must be structurally certified prior to the issue of a Development Permit for Building Work.

Geotechnical Assessment

16. A geotechnical assessment of the site in conjunction with the retaining wall design must be carried out by a qualified and experienced geotechnical consultant, and the design must be amended to incorporate recommendations made. The geotechnical report and details of any amendments to design must be endorsed by the Chief Executive officer prior to issue of the Development Permit for Building Work.
17. 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.

Batter Treatment/Stabilisation

18. The height of batters/retaining structures shall be generally limited to 1.8 metres with a total height of 3.6 metres in successive batters. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.
19. Specific details of the various methods to be used to achieve a low or very low risk rating for the site in accordance with AGS (2007) Guidelines must be submitted to Council prior to the issue of a Development Permit for Building Work. A set of revised building plans are to be re-submitted to Council, and certified by a Registered Professional Engineer of Queensland (RPEQ) as incorporating all recommendations outlined in Section 6 of the Geotechnical report provided by Construction Soiltest (Job No G6496, dated April 2010). Council will require details to be submitted that include, but are not limited to, the following:
 - a. Details of the specific means of supporting or retaining to be used. This must include a geotechnical report supporting each of the proposed treatments at each location;
 - b. Drawings (plans, longitudinal and cross sections) showing the extent of the proposed treatments at each location; and
 - c. Methods to be used to minimise the visual impact.

Vegetation Clearing

20. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 Of Local Law No. 56 Vegetation Management.

Landscaping

21. All landscaping to be installed must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.

Landscaping is to be utilised to minimise the visual impact of the House and related earthworks.

Vehicle Parking and Access

22. Construct a bitumen turnout in front of the proposed access in accordance with S1105.
23. Construct a 3.0 metre wide impervious driveway from turnout to building pad in accordance with the requirements of Section 6 of Construction Soiltest report dated April 2010, (Job #6496) and AS2890.1.

ADVICE AGENCY CONDITIONS & REQUIREMENTS

Advice Agency	Advice Agency Reference	Date	Council Electronic Reference
Department of Environment and Resource Management	CNS 8419 PN 341319	11 Dec 2009	2424216

Refer to Appendix 2: Advice Agency Comment. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009*.

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2. The applicant/owner is advised that this approval does not approve the construction of the building works. The applicant will be required to obtain a Development Permit for Building Work in order for construction to commence.
3. 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.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. The taking of water, or interfering with water from streams or groundwater sources will require a permit administered under the Water Act 2000 and issued by the regional office of the Department of the Natural Resources and Water. Further information can be obtained from the Department of Natural Resources and Water on (07) 4039 8431 or at www.nrw.qld.gov.au.
6. An Ecoaccess approval must be obtained from the Department of Environment & Resource Management prior to the clearing of vegetation and/or tree removal as plant species listed as Rare and protected under the provisions of the *Nature Conservation Act 1992* are known to occur within the area covered by this Development Approval. Information on Ecoaccess approvals may be obtained at www.derm.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609.
7. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

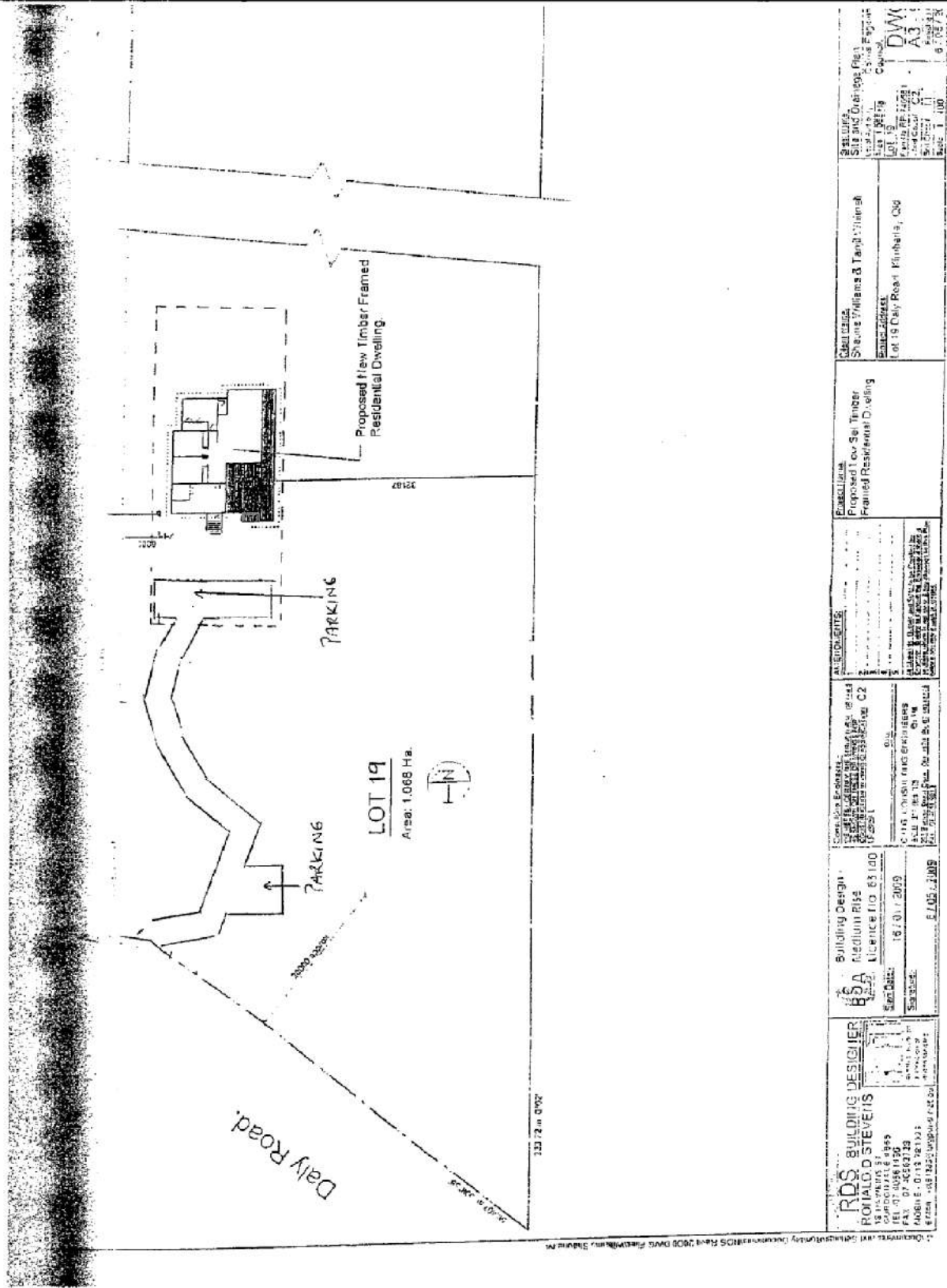
RIGHTS OF APPEAL

Attached

End of Decision Notice

**DECISION NOTICE DETAILS
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APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)



DECISION NOTICE DETAILS SUSTAINABLE PLANNING ACT 2009

RDS BUILDING DESIGNER
RONALD D. STEVENS

18 HAWKINS ST.,
GARDENVILLE VIC 3103
TEL: 07 4000 1400
FAX: 07 4000 2728
MOBILE: 0418 794023
E-MAIL: rds@rdsdesigner.net.au

BSA
Building Design -
Medium Rise.
Licence No. 63140.

Scale: 1/100
1 / 02 / 2009

Contractor: **WEATHER CREEK THE STRUCTURAL, INTERNAL FINISHES & CONSTRUCTION CONSULTANTS (Pty. Ltd.)**

Contractor: **C.M.G. CONSULTING ENGINEERS**
ACN 811 888 295
300 Burwood Road, Camrose, Vic. 3103
Ph: 03 9579 7000

Project Name: **Low Rise Timber Framed Residential Dwelling**

Site Name: **16 / 01 / 2009**

Start Date: **16 / 01 / 2009**

Drawn By: **Stavros Williams**

Checked By: **Tangyi Whitehead**

Project Name: **Proposed Low Rise Timber Framed Residential Dwelling**

Client Name: **Stavros Williams & Tangyi Whitehead**

Project Address: **Lot 19 Cape Tribulation Road, Kimberley Qld.**

Local Authority: **Calms Regional Council**

Lot 19 Area: **1.066 Ha**

Plan No: **NSP-60000**

Wind Class: **C2**

Soil Class: **M**

Scale: **1 : 100**

Enrich Date: **1 / 02 / 2009**

Room Schedule	Name	Area	Floor Finish
Living Room	01.34	Timber	
Bed Room 1	12.47	Timber	
Bath Rm / Ldry	05.26	Tile	
Bed Room 2	12.46	Timber	
Bed Room 3	12.46	Timber	
W.I.R.	3.90	Timber	
W.C.	1.97	Timber	
Grand Total	114.95		

Area Schedule (Total Floor Area)	Name	Area
Men Living Area	122.26	
Patio/Verandah	40.89	
Garage/Pool	172.15	

General Design Notes:

ALL CONSTRUCTION SHALL BE BUILT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (B.C.A.) A.S. 1984 PART 3 Residential - Framed Construction.

CEMENTING TYPE C.P. ALL RELEVANT AUSTRALIAN STANDARDS SHALL BE APPLIED WITHIN THE JURISDICTION OVER THE WORKS.

ALL PLUMBING AND DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SEWERAGE AND WATER SUPPLY ACT, LOCAL AUTHORITY REQUIREMENTS, AND ALL RELEVANT AUSTRALIAN STANDARDS (AS/NZS 3500).

SMOKE ALARMS MUST COMPLY WITH A.S. 3786. PROVIDE SELF-CONTAINED SMOKE ALARM SYSTEM AND ARE TO BE CONNECTED TO THE MAIN 12000 OHMS POWER SUPPLY AND SUCH ALARMS TO HAVE A BATTERY BACKUP. ALL ALARMS TO BE INTERCONNECTED SO THAT ALL ALARMS ARE ACTIVATED SIMULTANEOUSLY AND INSTALLED IN ACCORDANCE WITH A.S. 1610.

LEGEND :- (S) SMOKE ALARMS

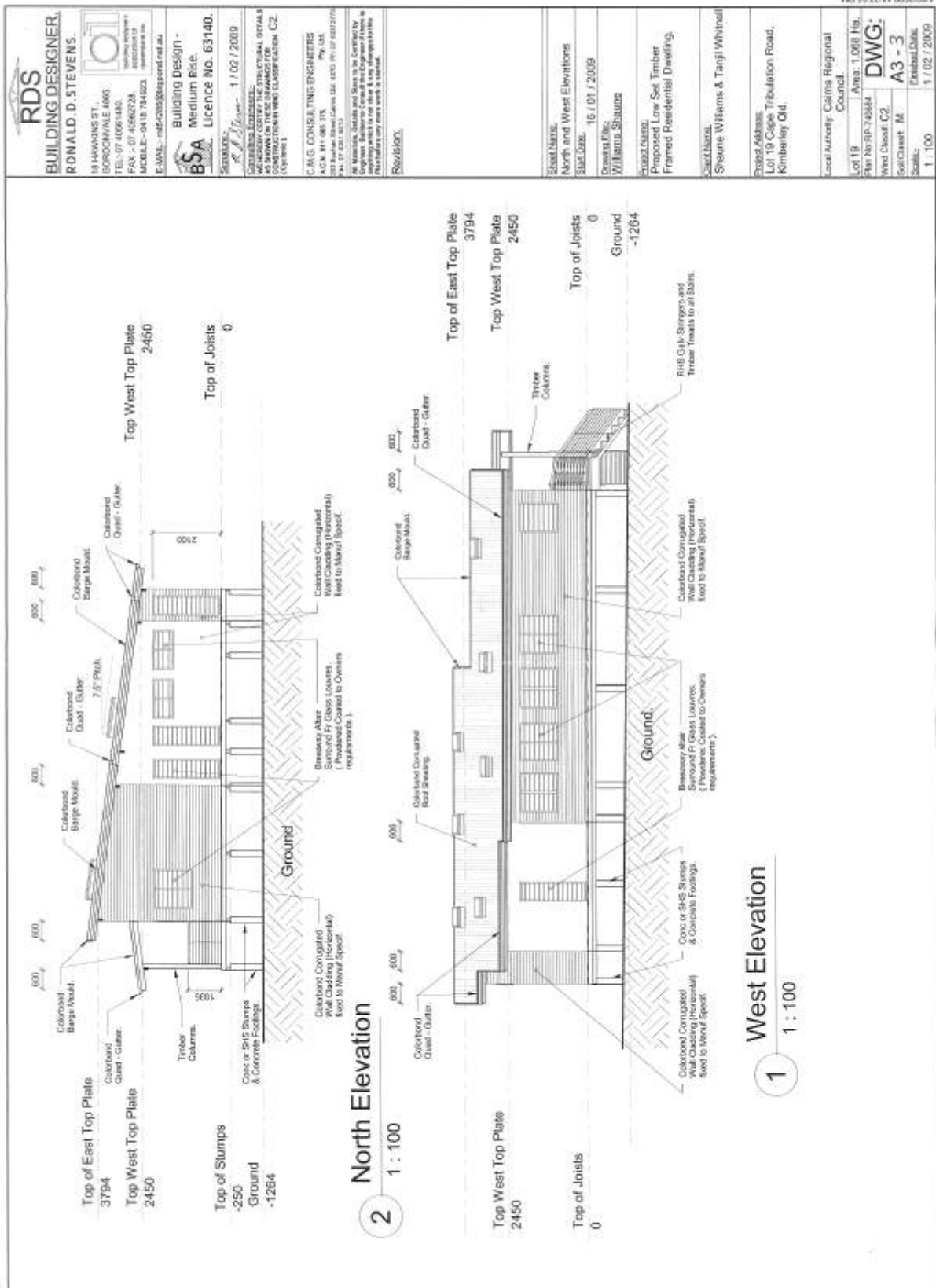
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ALWAYS USE 20mm SIZES FOR CEILING JOIST/STRAUT, BLANK TO COME (INDICATED IN THESE SCHEDULES) WHEN IN USE ON THE PLAN BEFORE ANY MAJOR WORK IS STARTED.

General Design Notes C1

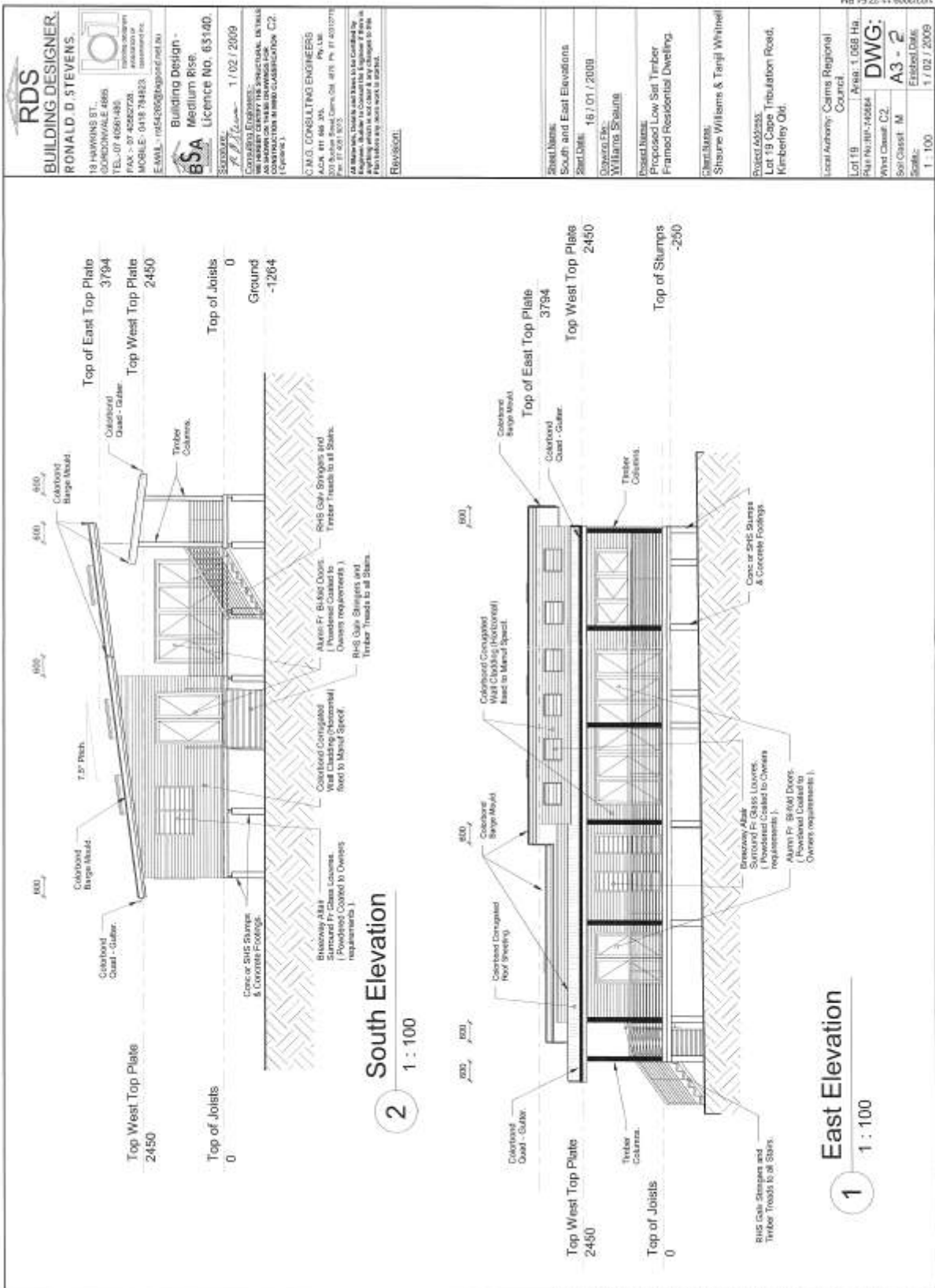
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APPENDIX 2 ADVICE AGENCY CONDITIONS & REQUIREMENTS



Notice

Advice Agency Response – Conservation Estate

This notice is issued by the Department of Environment and Resource Management (DERM) pursuant to sections 3.3.16 and 3.3.19 of the *Integrated Planning Act 1997*.

Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

cc: S.G.Williams & T.M.Whitnell
145 Norman Street
Gordonvale QLD 4865

Your reference : 8/7/1732(2326144)
Our reference : CNS 8419, PN 341319
Attention: Michelle Henderson

Dear Michelle

Re: Advice concerning application for MCU for Lot 19 on RP740684 Daley Close Kimberley

DERM referral number:

Response type: Advice Agency Response

Date application received by DERM: 1st October 2009

ADVICE AGENCY JURISDICTION:	Item 38 of Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i> .
ASSESSMENT MANAGER REFERENCE NUMBER:	8/7/1732(2326144)
APPLICANT:	SG Williams and TM Whitnell
ACTIVITY DESCRIPTION:	Development application for a Material Change of Use
DESCRIPTION OF SUBJECT LAND:	Lot 19 on RP740684

Advice Agency Response

Response to Development Application

The lot is within 100m of the Conservation Estate. The Department of Environment and Resource Management, acting as an advice agency under the *Integrated Planning Act 1997*, provides the following advice to the Cairns Regional Council in relation to the application as detailed above

Department of Environment and Resource Management advice

The application is for Material Change of Use to allow a house to be built on Lot 19 on RP 740684 at Daley Close Kimberley. The property is in a high rainfall zone, appears to have steep slopes and soil types (weathered Hodgkinson metamorphic parent rock) that are prone to erosion. Vegetation appears to cover most of the site and it is mapped as 'not of concern' Regional Ecosystem.

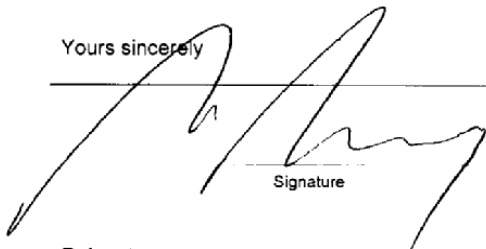
There appears to have been relatively little supporting documentation provided considering the potential constraints associated with the site. The proponent should demonstrate to the satisfaction of Cairns Regional Council that sediment can be adequately contained and that significant erosion or slippage won't take place on the site.

It also should be demonstrated that only a minimum amount of vegetation needs to be cleared. More specific information about waste water management should be provided as high rainfall and poor drainage may prove challenging.

Additional information for applicants

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware that a Notifiable Activity (as defined under Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within thirty (30) days after becoming aware the activity is being carried out, give notice to the Department of Environment and Resource Management. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Yours sincerely



Signature

Date

Delegate
Far Northern Region
Department of Environment and Resource
Management

Enquiries:
Mike Trenerry
Department of Environment and Resource
Management
PO Box 2066
CAIRNS QLD 4870
Telephone: (07) 4046 6694
Facsimile: (07) 4046 6606