

OUR REF: MCUC 5510/2013 (417112)

4 March 2014

Mr David G Marshall & Ms Allison Hildreth
PO Box 948
MOSSMAN QLD 4873

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR WATTLE CLOSE, COW BAY**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 4 March 2014, 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 enquiries in relation to this Decision Notice, please contact Susanna Andrews of Council's Development and Environment Branch on telephone number (07) 4099 9456.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

David G Marshall & Allison K Hildreth
PO Box 948
MOSSMAN QLD 4873

ADDRESS

Wattle Close, Cow Bay

REAL PROPERTY DESCRIPTION

Lot 150 on RP738167

PROPOSAL

House (Conservation Planning Area)

DECISION

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

DECISION DATE

4 March 2014

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

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

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

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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 Plan	Document reference 415726	4 December 2013
Proposed Floor Plan and Elevations	Document reference 415726	4 December 2013

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, including recommendations and findings confirmed within technical reports; 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 satisfied prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Lawful Point of Discharge

3. The flow of all external 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.

Water Supply

4. Water storage tank(s) with a minimum capacity not less than 30 000 litres 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 tank(s) must be provided with:
 - a. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than one (1) mm 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 40 cm; and

- e. A 50 mm ball valve with a camlock fitting.

On-Site Effluent Disposal

5. The method of on-site effluent disposal must be in accordance with the recommendations contained in the On-Site Sewage Disposal Assessment Report SI 342-13 Report dated November 2013 prepared by Earth Test.

Designated Development Area

6. Buildings / structures, access driveways, car parking and infrastructure must be constructed within the Designated Development Area identified on the approved Site Plan.

Vegetation Clearing

7. Existing vegetation on the land must be retained in all areas except those affected by the construction of access driveways and/or the installation of services as detailed on the approved plans. Any further clearing requires a Permit for Operational Works.

Notification of Vegetation Clearing

8. Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing. Vegetation clearing must not occur until the Building Permit for the House is obtained.

Landscaping

9. A ten (10) metre wide landscape buffer must be provided along the road frontage of the site. The landscaping must consist of 75 per cent of native and endemic species in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping which must be planted in an irregular and random fashion to blend with existing vegetation. The use of palm trees must be limited and only used as an accent feature.

Building Colours

10. The exterior finishes and colours of Buildings are non-reflective and blend with the natural colours of the surrounding environment. Roofs and structures (including water tanks) must be of moderately dark to darker shades of green, grey, blue and brown.

The following proposed building colours are approved for use:

Exterior Walls –	To be advised
Water Tank –	To be advised
Roof –	To be advised

The applicant must provide colour samples prior to the issue of the Development Permit for Building Works.

The above requirements must be made known in writing to all prospective purchasers.

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*).

External Works

12. Undertake the following external works:
 - a. Provide concrete crossover(s) and apron(s) in accordance with *FNQROC Development Manual Standard Drawing S1105*. A copy is attached at Appendix 2.

The crossover must not impact on stormwater flows in minor and major flow events.

Access Driveway

13. The access driveway must comply with the relevant requirements of the *FNQROC Development Manual*. The access driveway must be constructed after the Building Permit for the House is obtained and prior to the construction of the House.

Vehicle Parking

14. Vehicle parking / standing areas are designed, constructed and maintained such that they drain adequately and in such a way that adjoining and downstream land is not adversely affected, to the satisfaction of the Chief Executive Officer. Parking areas are to be kept and used exclusively for parking.

Structural Certification

15. All retaining walls or structures higher than 900 mm must be structurally certified prior to the issue of a Development Permit for Building Work. Where the profile or height of the wall is redesigned during structural certification, amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

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

Finished Retaining Wall Colour

16. The retaining wall must be constructed of materials and/or finished in colours which blend with the surrounding natural environment.

Generators

17. Noise from generators must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

Fuel Storage

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

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 339 and section 341 of the *Sustainable Planning Act 2009*.
2. The applicant/owner is advised that this approval does not approve the construction of the building work. A Development Permit for Building Work must be obtained 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. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

LAND USE DEFINITIONS*

In accordance with *Douglas Shire Planning Scheme 2008* the approved land use of House is defined as:

Means the use of premises comprising one (1) Dwelling Unit, located on one (1) lot for the exclusive residential use of one (1) Household. The use includes:

- *outbuildings / structures incidental to and necessarily associated with the residential use;*
- *the care of children in accordance with the Child Care (Family Day Care) Regulation 1991;*
- *accommodation for a member or members of the extended family of the Household occupying the House and for personal staff; and*
- *a display house which displays to the general public the type of construction or design offered by a builder / developer, for a maximum period of 12 months and which then converts to a House for the exclusive use of one (1) Household.*

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

ADMINISTRATIVE DEFINITIONS

Designated Development Area

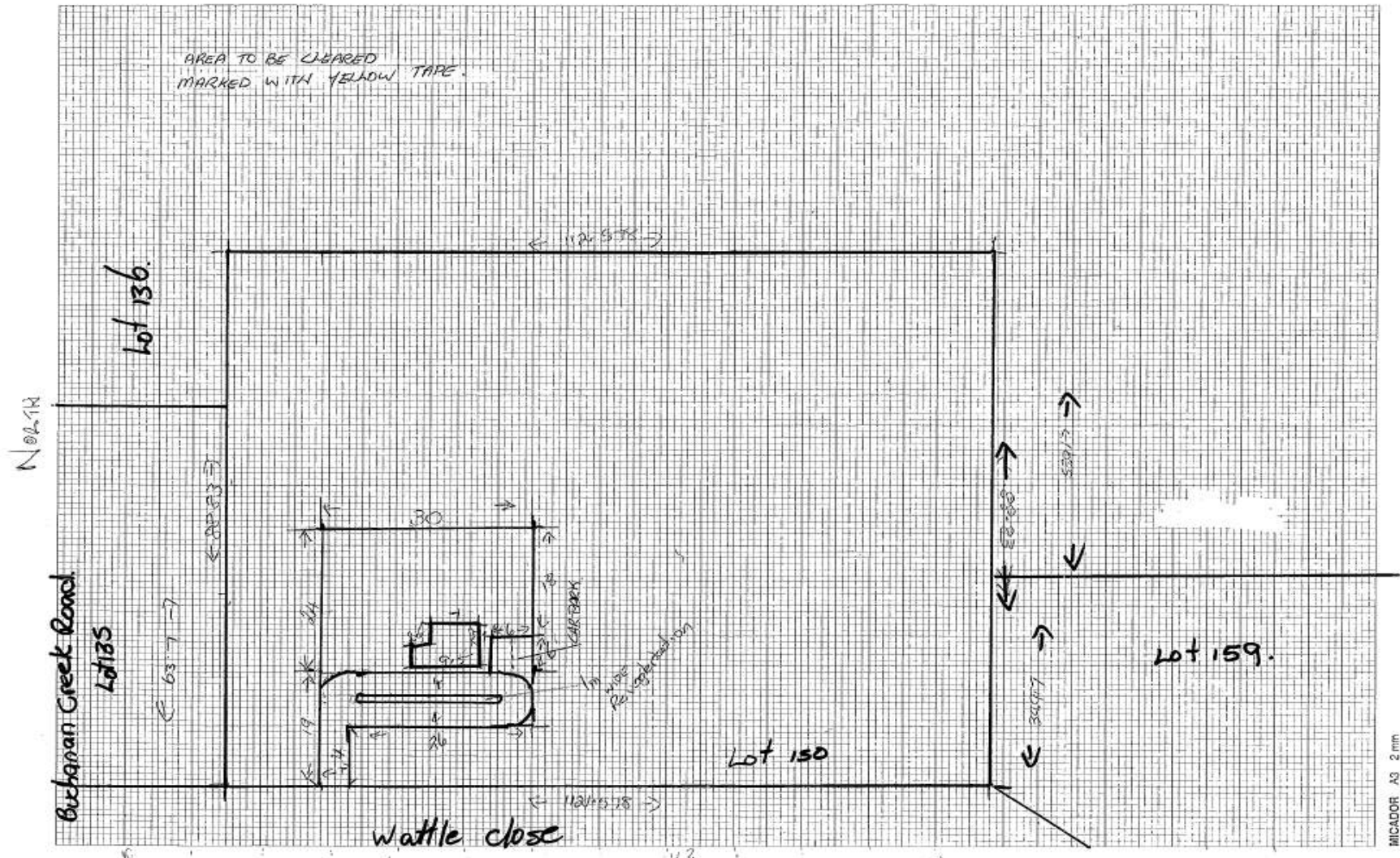
Means an area to contain future development on a Site which is delineated on a Site plan or a Registered Plan of Survey.

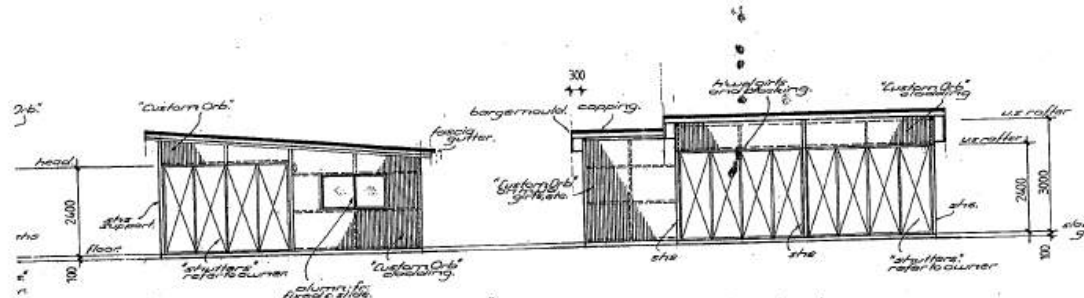
RIGHTS OF APPEAL

Attached

End of Decision Notice

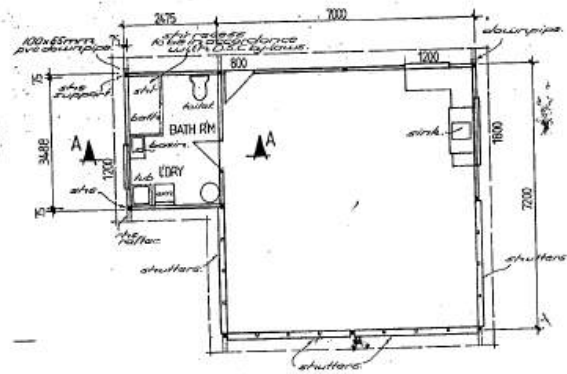
APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)





side view [kitchen]

front view



proposed floor plan.

APPENDIX 2: STANDARD DRAWING – ACCESS CROSSOVER

