

OUR REF: MCUC5150 (450975)

23 March 2015

Mr Slavo Nitschneider
15 Pandanus Way
STANHOPE GARDENS, NSW 2768

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR MILKY PINE ROAD, KIMBERLEY**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 23 March 2015, 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 Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

S Nitschneider
15 Pandanus Way
STANHOPE GARDENS NSW 2768

ADDRESS

Milky Pine Road KIMBERLEY

REAL PROPERTY DESCRIPTION

Lot 11 on RP739106

PROPOSAL

House

DECISION

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

DECISION DATE

23 March 2015

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

N/A

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building 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

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 | Council document reference 376651 | 12 June 2013 |
| Floor Plan | Council document reference 438447 | 8 January 2015 |
| Elevations | Council document reference 438447 | 8 January 2015 |
| Extent of Clearing Plan | Council document reference 376651 | 12 June 2013 |
| Crossover and Access Plan | Council document reference 438447 | 8 January 2015 |
| Wastewater Disposal Assessment | Council document reference 400872 | 23 October 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.

Designated Development Area

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

Water Supply

5. 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.
 - f. Permanent availability of no less than 5 000 litres of water for fire fighting.
 - g. Access for fire trucks.

On-Site Effluent Disposal

6. 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.

The recommendation to install a secondary aerated wastewater treatment system is the approved method of effluent disposal as detailed in the *Wastewater Disposal Assessment Report WC20705* dated 16 October 2013 prepared by Tableland Wastewater Consultants Pty Ltd t/as Wastewater Consultants. A conventional septic disposal system is not approved.

Vegetation Clearing

7. Existing vegetation on the land outside of the Designated Development Area and the access driveway must be retained. An additional area of 75m² to accommodate the reserve area as detailed on Drawing No. WC2075-01 dated 30 October 2013 prepared by Wastewater Consultants is approved. Any further clearing requires a Development 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. All landscaping to be installed must consist of native and endemic species and must be planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.

Road Frontage Buffer

10. A ten (10) metre wide landscape buffer must be maintained along the road frontage of the site. Any additional landscaping to be installed 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

11. 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 applicant must provide colour samples for approval by Council prior to the issue of the Development Permit for Building Works.

Sediment and Erosion Control

12. 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

13. Undertake the following external works:
 - a. Provide access to the allotment in accordance with the *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.

Generators

14. 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 Schedule 6 Subordinate Local Law No. 3 (Community & Environmental Management) 2011.

Fuel Storage

15. 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 the 2008 Douglas Shire Planning Scheme 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.*

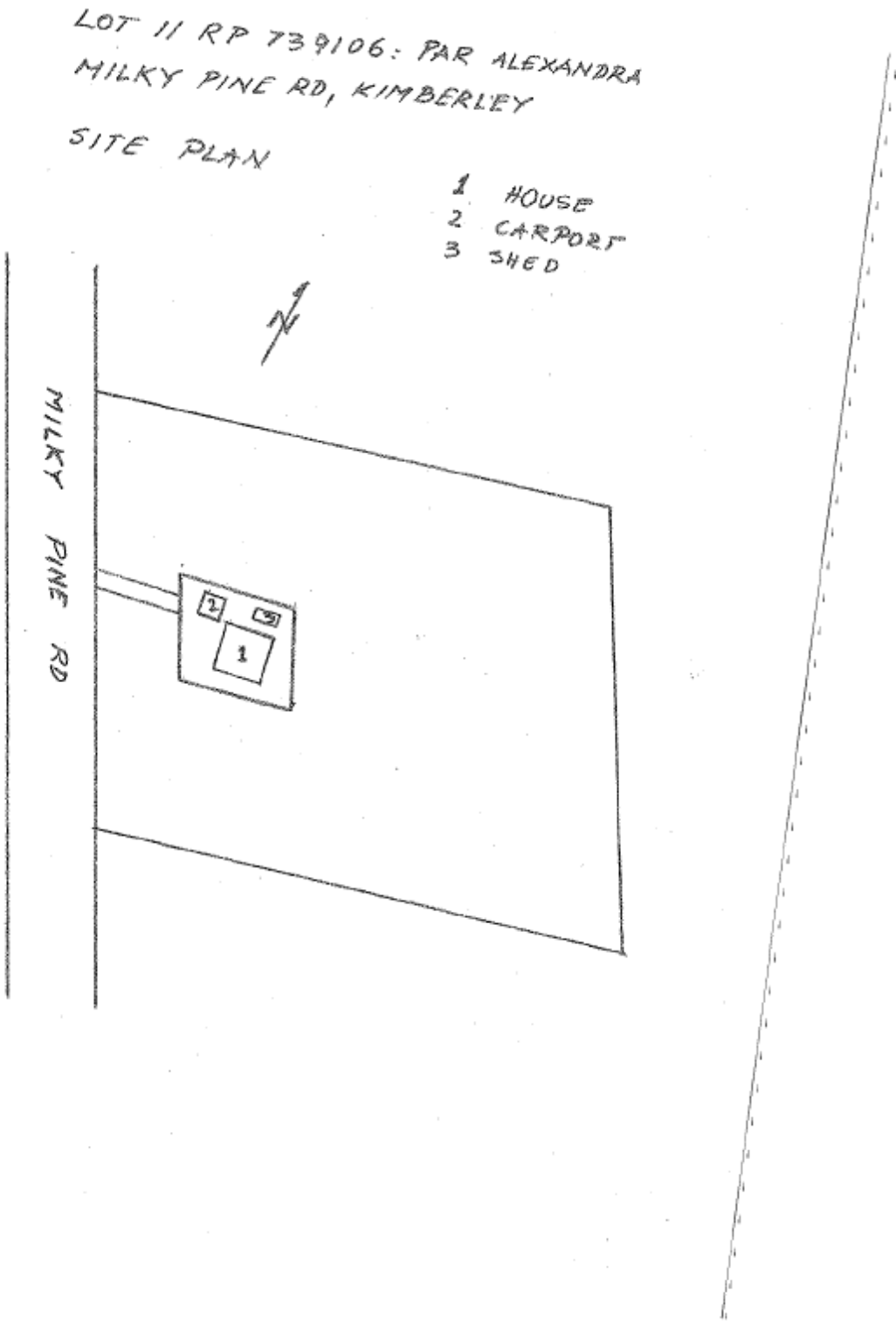
*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the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

RIGHTS OF APPEAL

Attached

End of Decision Notice

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



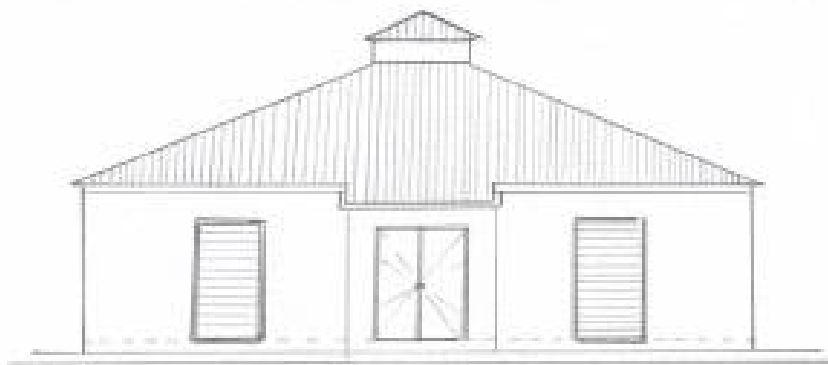
MILKY PINE RD, KIMBERLEY

FLOOR PLAN

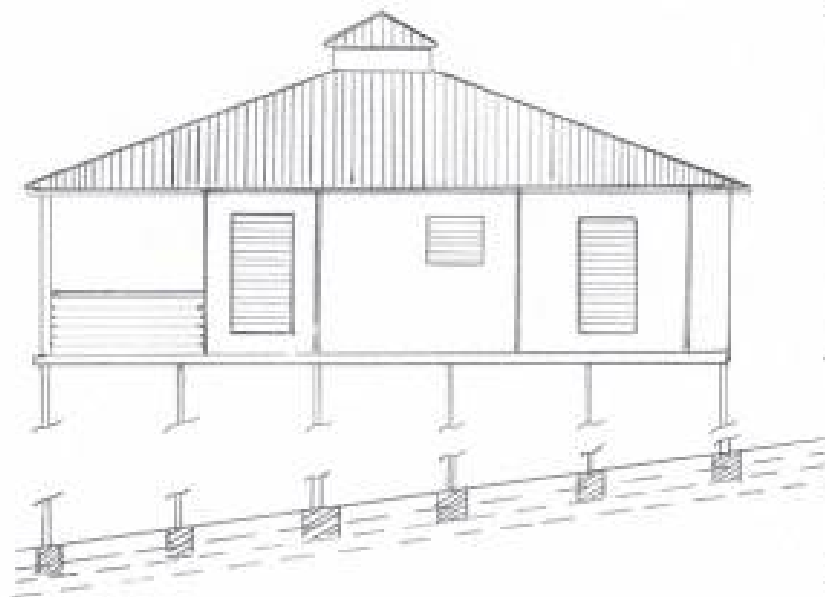


LOT 11 RP 73 9106: PAR ALEXANDRA
MILKY PINE RD, KIMBERLEY

HOUSE
ELEVATION



FRONT

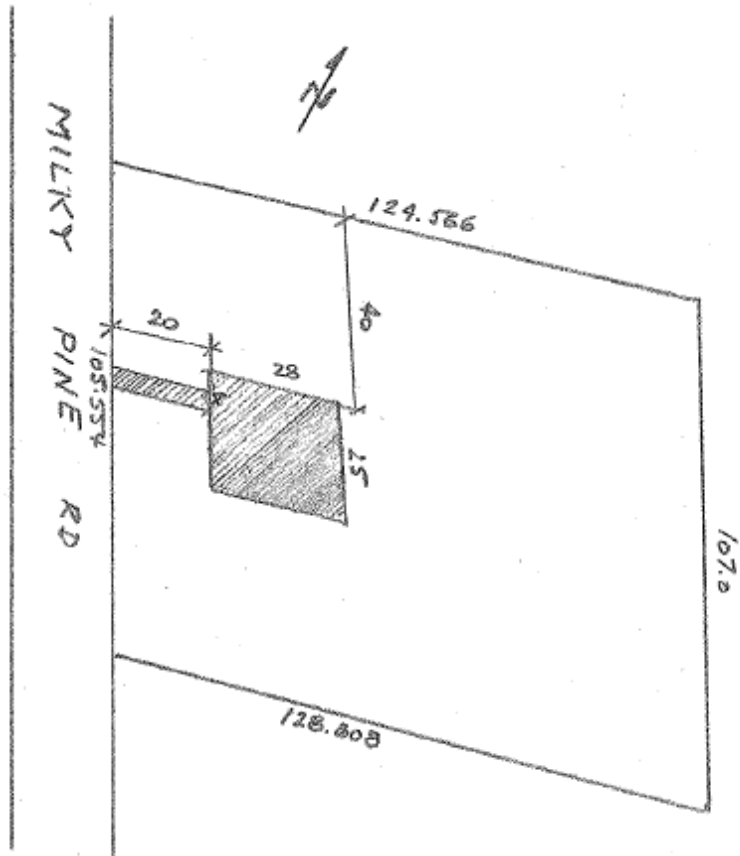


SIDE



LOT 11 RP 739106; PAR ALEXANDRA
MILKY PINE RD, KIMBERLEY

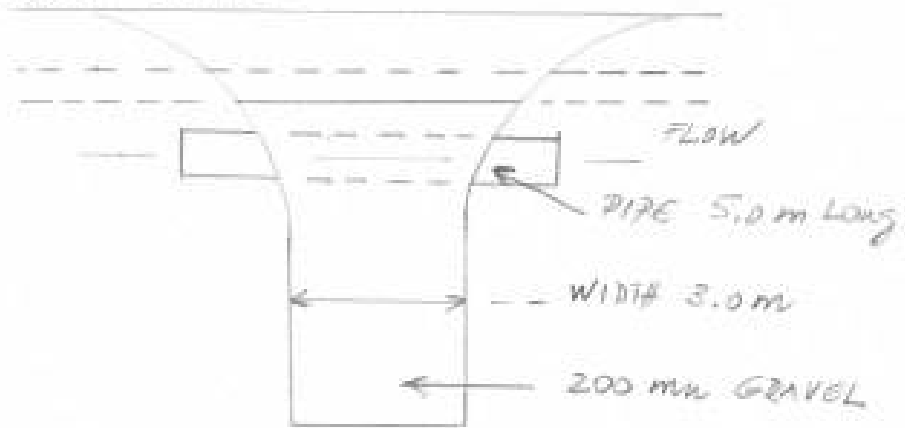
EXTENT OF CLEARING



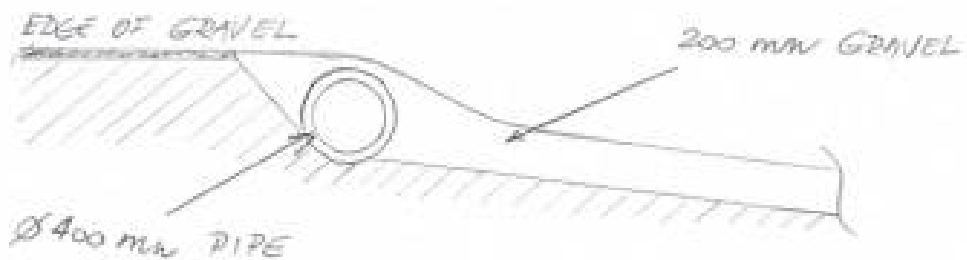
LOT 11 R/P 73 9106: PAR ALEXANDRA
MILKY PINE RD, KIMBERLY

DRIVEWAY

LONG-SECTION
EDGE OF GRAVEL

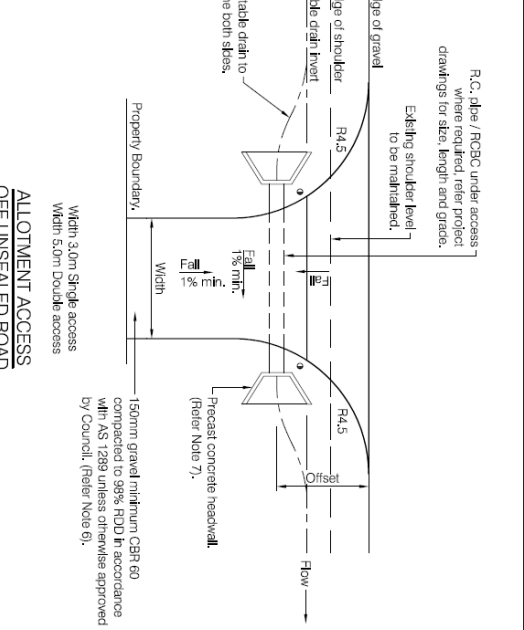
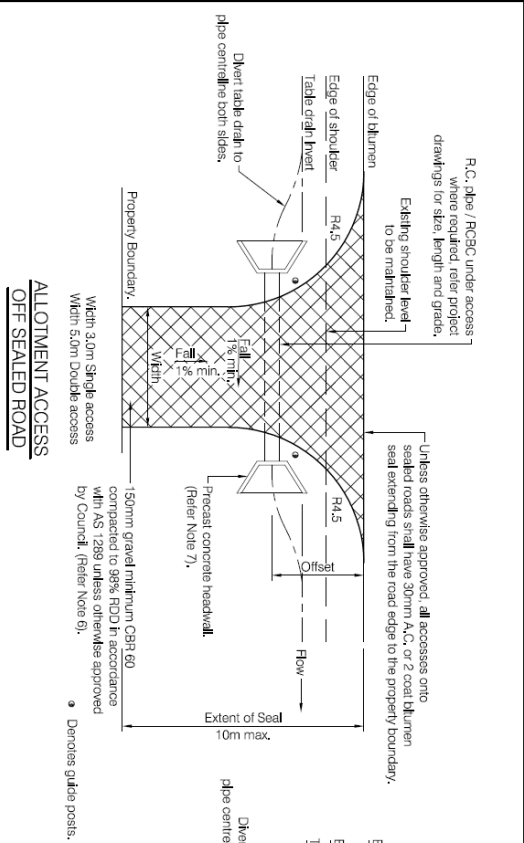


CROSS-SECTION



CUT - THERE IS NOT NEED FOR CUT.

FILL - CRUSHED ROCKS FOR SUPPORTING
PIPE WITH 200mm OF GRAVEL



NOTES

1. Minimum length of culvert shall be 4.8m for single access, 7.2m for double access.
2. Minimum pipe size shall be Ø375, Minimum RCBC to be 300mm High.
3. Minimum RC pipe / RCBC gradient shall be 1:100.
4. Where cover to RC pipes is less than 250mm pipe shall have 100mm concrete surround.
5. Drainage from access must not flow over the through road. All stormwater runoff shall be directed to the table drain.
6. Where grade is steeper than 6% the blumen seal shall extend from the road edge to the property boundary unless otherwise approved.
7. Precast sloping headwalls shall be used when:
 - a) the through road has a signposted speed of 80km/hr or greater.
 - b) the through road has a signposted speed of 60km/hr and the offset distance from the table drain to the culvert is less than 4.5m.
8. Concrete shall be grade N23 in accordance with AS 1379 and AS 3600.
9. All dimensions are in millimetres.

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|---|--------------------------------------|
| DISCLAIMER | |
| <p>The author and sponsoring organisations shall have no liability or responsibility for any liability, loss or damage caused or alleged to be caused directly or indirectly, by the adoption and use of these Standard Drawings, or for any error, omission, or any interruption of service, from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the standard of, or a substitute for, professional design and assessment by an appropriately qualified professional.</p> | <p>Standard Drawing S1105</p> |
| <p>VARIOUS MINOR AMENDMENTS</p> <p>C 13/01/06</p> <p>B 18/07/05</p> <p>A 12/03/04</p> | <p>REVISIONS</p> <p>A B C</p> |



RURAL ALLOTMENT ACCESSSES