

**OUR REF:** MCUC 1172/2015 (763100)

14 December 2015

Mr Ed Brokenshire & Ms Cheryl Coye  
22R Spurwood Road  
**COW BAY QLD 4873**

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR BUCHANAN CREEK ROAD, COW BAY**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 11 December 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

Paul Hoyer  
General Manager Operations

Att

**APPLICANT DETAILS**

Ed Brokenshire & Cheryl Coye  
40 Spurwood Road  
COW BAY QLD 4873

**ADDRESS**

Buchanan Creek Road, Cow Bay

**REAL PROPERTY DESCRIPTION**

Lot 29 on RP737398

**PROPOSAL**

House (Conservation Planning Area)

**DECISION**

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

**DECISION DATE**

11 December 2015

**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

**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:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Site Plan	Plan No 210-15 Sheet 1 of 3	21 October 2015
Floor Plan	Plan No 210-15 Sheet 2 of 3	21 October 2015
Elevations	Plan No 210-15 Sheet 3 of 3	21 October 2015
Landscape Plan	As detailed in the application	Undated

**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 40cm; and
- e. A 50mm ball valve with a camlock fitting.

### **On-site Effluent Disposal**

- 5. The method of on-site effluent disposal must be in accordance with the *Plumbing and Drainage Act 2002*. Details of the wastewater treatment system to be installed must be in accordance with report submitted by Zammataro Plumbing Pty Ltd dated November 2015 (Council document reference 735864).

### **Landscaping**

- 6. All landscaping to be installed adjacent the boundaries of the site as detailed on the Landscape Plan submitted with the application must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation in the locality.

A ten (10) metre wide landscape buffer must be provided along the Buchanan and Spurwood Road frontage.

### **Building Colours**

- 7. 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 above requirements must be made known in writing to all prospective purchasers if the land is on sold.

### **Sediment and Erosion Control**

- 8. 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**

- 9. Undertake the following external works:
  - a. Construct a rural allotment access generally 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. The existing concrete access from Spurwood Road is satisfactory.

## 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.dilqp.qld.gov.au](http://www.dilqp.qld.gov.au) . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au) .

## DEFINITIONS

### Land Use\*

In accordance with the 2006 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.*

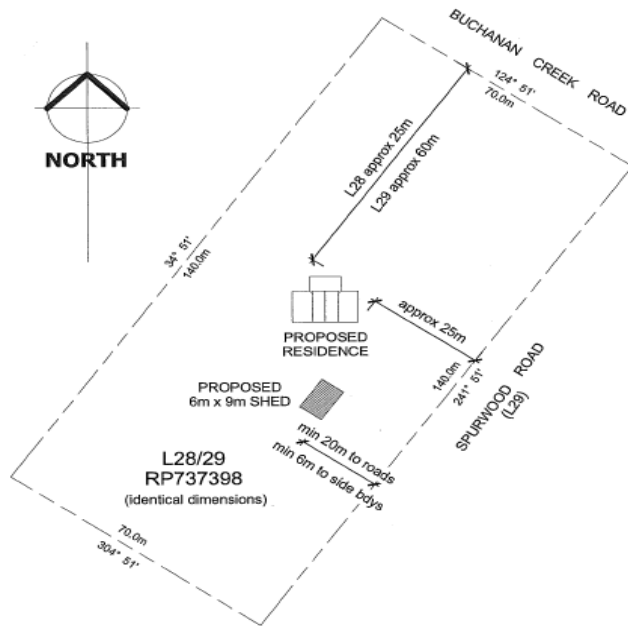
\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the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

**RIGHTS OF APPEAL**  
Attached

---

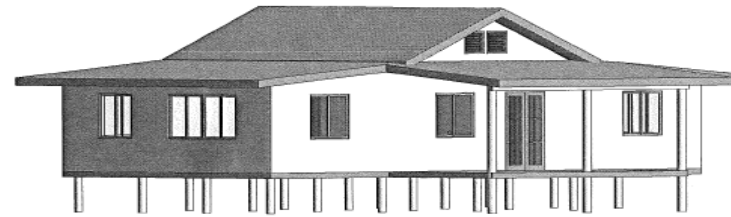
## **End of Decision Notice**

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

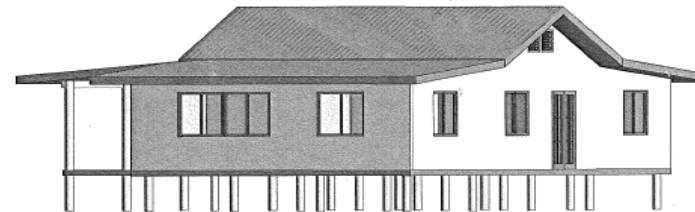


1 Site Plan - L28/29  
1 : 1000

Sheet List	
Sheet Number	Sheet Name
1 of 3	Site Plan, Sheet List, 3D Views
2 of 3	Floor Plan
3 of 3	Elevations
4 of 4	Section



2 3D - North East

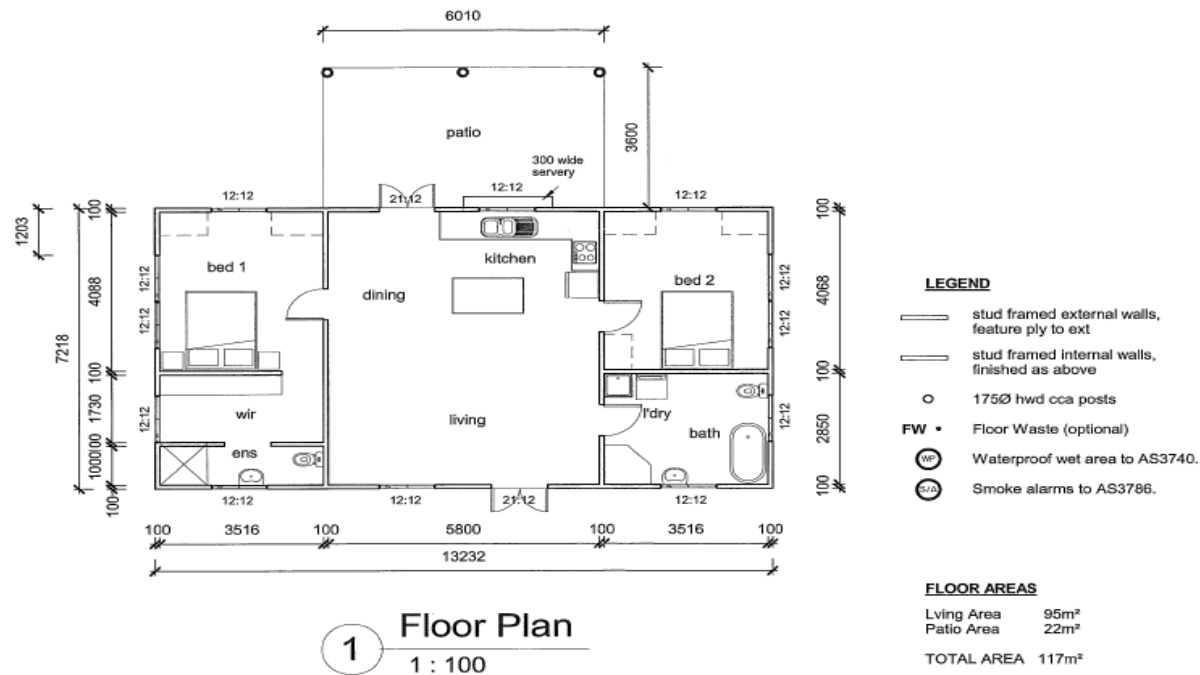


3 3D - South West

**GREG SKYRING**  
*Design* and DRAFTING Pty. Ltd.  
Lic Under QBSA Act 1991 - No 1040371  
11 Noll Close,  
Mossman Q. 4873  
Phone/Fax: (07) 40982061  
Mobile: 0419212652  
Email: skyringdesign@cyberworld.net.au

PROJECT  
Proposed Residences  
Buchanan Creek Road,  
L28 and 29 RP737398,  
COW BAY

CLIENT	E. Brockenshire & C. Coye	WIND CLASS	PLAN NUMBER	SHEET
SCALES	1 : 1000	PLAN TITLE	210-15	1 of 3
		DATE OF ISSUE	21.10.15	REV
				B



**GREG SKYRING**  
*Design* and DRAFTING Pty. Ltd.  
Lic Under QBSA Act 1991 - No 1040371  
11 Noli Close,  
Mossman Q. 4873  
Phone/Fax: (07) 40982061  
Mobile: 0415212852  
Email: skyringdesign@cyberworld.net.au

PROJECT  
Proposed Residences  
Buchanan Creek Road,  
L28 and 29 RP737398,  
COW BAY

CLIENT  
E. Brockenshire & C. Coye

WIND CLASS  
C2

PLAN NUMBER  
210-15

SHEET  
2 of 3

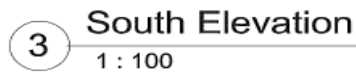
SCALES  
1 : 100

PLAN TITLE  
Floor Plan

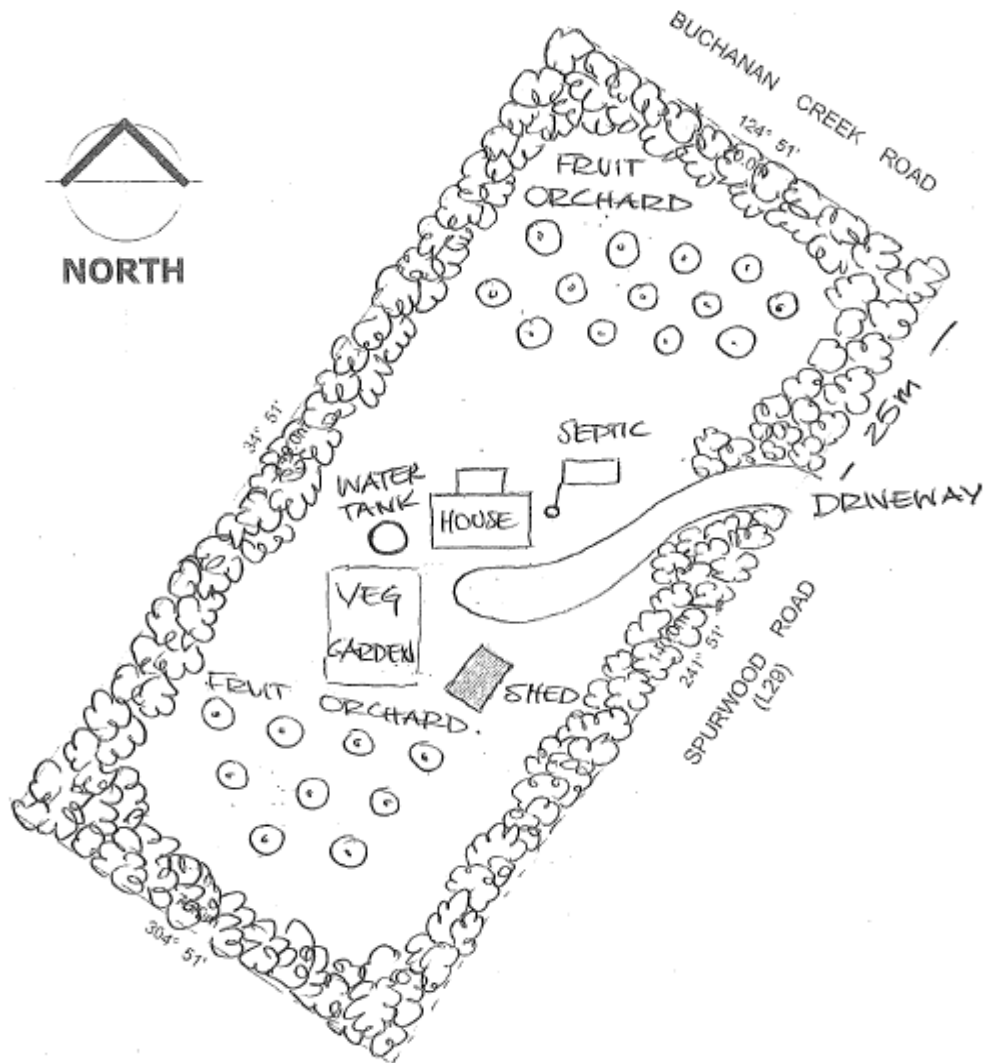
DATE OF ISSUE  
21.10.15

REV  
B





# LANDSCAPE PLAN 29 BUCHANAN CRK RD.



1 Site Plan - L28/29  
1 : 1000

Sheet L	
Sheet Number	She
1 of 3	Site Plan 3D Views
2 of 3	Floor Pla
3 of 3	Elevation
4 of 4	Section

APPENDIX 2: STANDARD DRAWING – ACCESS CROSSOVER

