

OUR REF: MCUC 5150/2013 (412959)

5 February 2014

Mr Slavo Nitschneider
15 Pandanus Way
STANHOPE GARDENS NSW 2768

Dear Sir

**NOT PROPERLY MADE APPLICATION FOR
MATERIAL CHANGE OF USE – HOUSE (RURAL SETTLEMENT
PLANNING AREA) – MILKY PINE ROAD, KIMBERLEY**

Reference is made to the abovementioned application and telephone discussion with you recently. At that time advice was provided to you that further information would be required to conduct an assessment of the application.

Not properly made application

Despite the information request previously issued to you by Cairns Regional Council, under section 261 of the *Sustainable Planning Act* 2009 the application is **not** a properly made application. Mandatory supporting information listed in item 4 of Form 5 of the development application has not been provided.

To make the application properly made please provide the following:

1. a statement about how the proposed House addresses the codes of the 2008 Douglas Shire Planning Scheme.

The relevant codes of the Planning Scheme that will need to be addressed are:

- Settlement Areas North of the Daintree River Locality Code;
- Rural Settlement Planning Area Code;
- Natural Hazards Overlay Code (part medium risk);
- House Land Use Code;
- Filling and Excavation General Code;
- Landscaping General Code;
- Natural Areas and Scenic Amenity General Code; and the
- Vehicle Parking and Access Code.

The 2008 Douglas Shire Planning Scheme is located on Council's website via the following link:

<http://douglas.qld.gov.au/development/planning-services/douglas-shire-planning-scheme/>

The Codes are located in Chapter 4;

2. information that states the proposed floor area and maximum height above natural ground level; and
3. elevations of the proposed House drawn to an appropriate scale which show plans of all building elevations and facades, clearly labelled to identify orientation (eg north elevation);

Please note that in accordance with section 266(3) of the *Sustainable Planning Act* 2009, the application will lapse if the above issues are not addressed within 20 business days from receipt of this notice, or a further period as agreed between the assessment manager and the applicant.

Additional further information required

Council officers attended the subject site on 28 January, but were unable to fully access the land due to the prevailing weather conditions. However, it is noted that the land slopes downward from front to rear, and is currently vacant with no visible cleared areas.

Once the application is properly made, Council will require the following further information:

1. the site plan shows the proposed driveway access will come off Milky Pine Road at a right angle and go straight down to the designated development area on which the House will be located. As this part of the land is sloping, please provide details of how the driveway access will be constructed given the slope of the land, and how much fill and excavation will be required to create the access;
2. provide a plan detailing the extent of cut and fill required for the proposed development including both the House and the driveway;
3. the carport is shown in a different location on the site plan and floor plan provided. Please confirm the proposed location of the carport; and
4. please arrange for flagging tape to be placed on the site to denote the location of the driveway, the area proposed to be cleared and the location of the proposed House and carport, so that a site inspection can be undertaken.

If the additional further information is not able to be provided within 20 business days along with the mandatory supporting information required, Council will make a separate request for further information once the application is deemed to be properly made.

Should you require any further information or assistance, please contact Susanna Andrews of Council's Development and Environment Branch on telephone number (07) 4099 9456.

Yours faithfully

Donna Graham
Manager Development & Environment

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