

## “A”

### APPROVALS

The following approvals are issued, subject to the conditions contained in this approval:

	Development Permit	Preliminary Approval
• <b>Material Change of Use (uses consistent with the Rural Residential Zone and Conservation Zone)</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>
• <b>Reconfiguration of a Lot</b>		

### THE CURRENCY PERIOD

The standard currency periods stated in section 3.5.21 of the *Integrated Planning Act 1997* apply to each aspect of development in this approval.

### APPROVED PLANS

The approved plans and/or documents for this development approval are listed in the following table:

Plan / Document Number	Plan / Document Name	Date
C&B Drawing No 30705-12 (Issue A)	Building Envelope Plan	21.06.05
C&B Drawing No 30705/26	Layout Plan	06.11.06
Siteplan Drawing No LCP01 (Issue E)	Landscape Concept Plan	Mar 06
Siteplan Drawing No LCP02 (Issue E)	Plant Schedule	Mar 06

### CONDITIONS – Preliminary Approval for Material Change of Use (uses consistent with the Rural Residential Zone and Conservation Zone)

#### General

1. The Developer must at all times carry out the approved development generally in accordance with the approved plans, except where modified by these conditions of approval
2. The following further development permits are required prior to commencement of work on the site:
  - (1) Operational Works.
3. The Preliminary Approval for Material Change of Use authorises uses consistent with the Rural Residential Zone as provided for in the Johnstone Shire Planning Scheme 2005 (IPA

Scheme), for proposed lots 1 to 20 (inclusive). The costs involved with undertaking this amendment will be borne solely by Johnstone Shire Council.

4. For proposed lot 21 the Preliminary Approval for Material Change of Use authorises uses consistent with the Conservation Zone as provided for in the Johnstone Shire Planning Scheme 2005 (IPA Scheme). The costs involved with undertaking this amendment will be borne solely by Johnstone Shire Council.

#### Dedication of land for National Park and proposed lot 21

5. At the time of sealing the approved plan, the Developer will surrender, at no cost, the vegetated balance area of the Site, being proposed lot 22, as shown on approved plan 30705/26, to the State of Queensland for inclusion in Clump Mountain National Park.
6. Proposed lot 21 will be registered as a separate title to the vegetated balance area of the Site (being proposed lot 22), and will form part of the approved development.

#### Proposed Park

7. At the time of sealing the approved plan, the Developer will dedicate the proposed park shown on approved plan 30705/26 to the Council.
8. The proposed park (excluding the cleared area at the south-east boundary of Lot 2 on RP725393 as shown on approved plan LCP01 – Issue E) must be revegetated with endemic species of the area and typical of RE 7.12.1. The Developer is to undertake that revegetation prior to the dedication of the proposed park to the Council.
9. The landscaping contractor engaged to prepare the landscape concept plan for the proposed park must consult with the owners of Lot 2 on RP725393 about the proposed list of species for the revegetation of the proposed park, prior to any planting occurring, and but in any event must not plant species of a mature height of 10m or more in the proposed park.

#### Fencing

10. The rear boundaries of proposed lots 4 to 21 (inclusive) must be fenced by the Developer to a minimum standard of 1500mm chain mesh with a white sight wire set 100mm above the chain mesh, and in accordance with the specifications set out in Schedule X to this approval, prior to the sealing of the plan. The fencing must be located along the property boundaries of proposed lots 4 to 21, as identified on approved plan 30705/26.
11. The fence must remain and be maintained indefinitely by the owners of each of the lots where the fence traverses the rear boundary of their property. That obligation is to be the subject of a Fence Maintenance Covenant that is to be registered over all of the proposed lots to which the obligation relates (ie proposed lots 4 to 21, inclusive). That covenant is to be lodged by the Developer with the Registrar of Titles in conjunction with lodging the sealed survey plan for registration with the Registrar of Titles. That covenant is to be in the form annexed to this approval (Schedule 2).
12. Conditions 10 and 11 of this approval apply notwithstanding the provisions of the Dividing Fences Act 1953.

#### Landscaping

13. A Landscaping Bond of \$4,250.00 (calculated at 5% of total cost of soft landscape works) is required in relation to the area to be landscaped until the expiration of the maintenance

period. Refer to the approved landscape concept plans for details of the area to be landscaped.

#### Proposed Lot 1

14. Proposed Lot 1 is subject to the following additional conditions:

- (1) Any dwelling house to be constructed on proposed Lot 1 is to be constructed within the building envelope shown on the approved building envelope plan.
- (2) Proposed Lot 1 (excluding the building envelope) must be revegetated and be maintained for a minimum period of 2 years. The revegetation must be of endemic species to the area and typical of RE 7.12.1.
- (3) A minimum ground level of 3.2AHD and minimum habitable floor height of 3.5 AHD must be achieved within the building envelope.
- (4) A revegetation bond based on the average cost per hectare for the wet tropics is required until the expiration of the maintenance period. The current cost is \$23,800/ha and the bond will be based on this figure as at July 2005, indexed by 5% per annum at each succeeding July 1, calculated at time of provision of the bond.
- (5) Proposed Lot 1 (excluding the building envelope) must be covered by a Conservation Covenant. That covenant is to be lodged by the Developer with the Registrar of Titles in conjunction with lodging the sealed survey plan for registration with the Registrar of Titles. That covenant is to be in the form annexed to this approval (Schedule 3).

#### **CONDITIONS – Department of Natural Resources and Mines (Concurrence Agency)**

15. The Developer must comply with the concurrence agency conditions of the Department of Natural Resources and Mines as detailed in the agency's letter dated 18 April 2005 annexed to this approval (Schedule 1).

#### **CONDITIONS – Development Permit for Reconfiguration**

##### General

1. The Developer must at all times carry out the approved development generally in accordance with the approved plans, except where modified by these conditions of approval
2. The following further development permits are required prior to commencement of work on the site:
  - (1) Operational Works.
3. The conditions of the development permit must be complied with prior to the signing of the plan of survey, except where otherwise specified in these conditions of approval.

#### Dedication for National Park and proposed lot 21

4. At the time of sealing the approved plan, the Developer will surrender at no cost the vegetated balance area of the Site, being proposed lot 22 as shown on approved plan 30705/26, to the State of Queensland for inclusion in Clump Mountain National Park.
5. Proposed lot 21 will be registered as a separate title to the vegetated balance area of the Site (being proposed lot 22), and will form part of the approved development.

#### Proposed Park

6. At the time of sealing the approved plan, the Developer will dedicate the proposed park shown on approved plan 30705/26 to the Council.
7. The proposed park (excluding the cleared area at the south-east boundary of Lot 2 on RP725393 as shown on approved plan LCP01 – Issue E) must be revegetated with endemic species of the area and typical of RE 7.12.1. The Developer is to undertake that revegetation prior to the dedication of the proposed park to the Council.
8. The landscaping contractor engaged to prepare the landscape concept plan for the proposed park must consult with the owners of Lot 2 on RP725393 about the proposed list of species for the revegetation of the proposed park, prior to any planting occurring, and but in any event must not plant species of a mature height of 10m or more in the proposed park..

#### Fencing

9. The rear boundaries of proposed lots 4 to 21 (inclusive) must be fenced by the Developer to a minimum standard of 1500mm chain mesh with a white sight wire set 100mm above the chain mesh, and in accordance with the specifications set out in Schedule X of this approval, prior to the sealing of the plan. The fencing must be located along the property boundaries of proposed lots 4 to 21, as identified on approved plan 30705/26.
10. The fence must remain and be maintained indefinitely by the owners of each of the lots where the fence traverses the rear boundary of their property. That obligation is to be the subject of a Fence Maintenance Covenant that is to be registered over all of the proposed lots to which the obligation relates (ie proposed lots 4 to 21, inclusive). That covenant is to be lodged by the Developer with the Registrar of Titles in conjunction with lodging the sealed survey plan for registration with the Registrar of Titles. That covenant is to be in the form annexed to this approval (Schedule 2).
11. Conditions 9 and 10 of this approval apply notwithstanding the provisions of the Dividing Fences Act 1953.

#### Landscaping

12. A Landscaping Bond of \$4,250.00 (calculated at 5% of total cost of soft landscape works) is required in relation to the area to be landscaped until the expiration of the maintenance period. Refer to the approved landscape concept plans for details of the area to be landscaped.

#### Proposed Lot 1

13. Proposed Lot 1 is subject to the following additional conditions:

- (1) Any dwelling house to be constructed on proposed Lot 1 is to be constructed within the building envelope shown on the approved building envelope plan.
- (2) Proposed Lot 1 (excluding the building envelope) must be revegetated and be maintained for a minimum period of 2 years. The revegetation must be of endemic species to the area and typical of RE 7.12.1.
- (3) A minimum ground level of 3.2AHD and minimum habitable floor height of 3.5 AHD must be achieved within the building envelope.
- (4) A revegetation bond based on the average cost per hectare for the wet tropics is required until the expiration of the maintenance period. The current cost is \$23,800/ha and the bond will be based on this figure as at July 2005, indexed by 5% per annum at each succeeding July 1, calculated at time of provision of the bond.
- (5) Proposed Lot 1 (excluding the building envelope) must be covered by a Conservation Covenant. That covenant is to be lodged by the Developer with the Registrar of Titles in conjunction with lodging the sealed survey plan for registration with the Registrar of Titles. That covenant is to be in the form annexed to this approval (Schedule 3).

#### Access

14. Access to all proposed lots from the proposed new road must be constructed to Council's standard engineering specifications and at no cost to Council. Future maintenance of the accesses is the landowner responsibility.
15. The Developer must ensure that during the construction process for the development that the owners of Lot 2 on RP725393 have access to a reasonable standard to and from their property, including the provision of any temporary alternative access if necessary.

#### Building Covenants

16. Contracts of sale for proposed lots 1-21 must contain Building Covenants requiring all new buildings and structures to be constructed in unobtrusive building materials and colours and non-reflective materials to the satisfaction of the Manager of Environmental Services. Any reference in this Decision Notice to the required Building Covenant is referring to the Building Covenants annexed to this approval (Schedule4).

#### Easement

17. The easement access to lots 1, 2 & 3 on RP722782 must be constructed to Council's standard specification and maintained at no cost to Council. All documentation leading to the registration of the easement must be completed prior to the signing and dating of the plan of survey at no cost to Council.

#### Easement for Services

18. If the reconfiguration requires services to one lot to traverse another lot, these services must be relocated or covered by a registered easement, to the satisfaction of the Manager Environmental Services prior to the signing and dating of the plan of survey.

Effluent disposal

19. Effluent disposal on the site must be in accordance with the Sewerage Act and in particular the On-site Sewerage Code. A report that details the minimum standards of effluent disposal system required to be installed on each allotment must be provided prior to the signing and dating of the plan of survey.

Bike Path

20. A contribution in respect of all proposed lots must be paid towards bikepath construction, at time of sealing the plan of survey. Such contribution must be the fee/lot existing at that time. The 05/06 fee/lot is \$420.00.
21. Alternatively, this payment may be deferred for a maximum period of two years from the date of sealing of the plan of survey, provided the contribution is secured by an unconditional bank guarantee received by the Council before plan approval. The bank guarantee must have an increased value of 5% for each year requested. The contributions must be paid at the rate applicable at the time they are actually paid. Contributions must be paid to Council for lots sold within 7 days of settlement of sale.

Public Garden and Recreation Space Contribution

22. In accordance with the resolution of the Council dated 16 November 2006, a public garden and recreation space contribution is payable in respect of development. The total contribution payable by the Developer is \$49,687.00 (being 78% of 21 lots at \$2,995.00 per lot). That fee must be paid at the time of sealing the plan of survey.
23. Alternatively, this payment may be deferred for a maximum period of two years from the date of sealing of the plan of survey, provided the contribution is secured by an unconditional bank guarantee received by the Council before plan approval. The bank guarantee must have an increased value of 5% for each year of deferment requested. The contributions must be paid at the rate applicable at the time they are actually paid. Contributions must be paid to Council for lots sold within 7 days of settlement of sale.

Water Augmentation

24. In accordance with Council policy, a water augmentation fee is payable in respect of all proposed lots. The fee must be paid at the time of sealing the plan of survey, and must be the fee/lot existing at that time. The 05/06 fee/lot is \$4180.00 until infrastructure charges plan is adopted.
25. Alternatively, this payment may be deferred for a maximum period of two years from the date of signing and sealing of the plan of survey, provided the contribution is secured by an unconditional bank guarantee received by the Council before plan approval. The bank guarantee must have an increased value of 5% for each year of deferment requested. The contributions must be paid at the rate applicable at the time they are actually paid. Contributions must be paid to Council for lots sold within 7 days of settlement of sale.

Water Service

26. A water service, fitted with meter, must be provided to all proposed lots. The water service must be constructed in approved material at no cost to Council. The meter must be a Council approved integrated unit including backflow prevention device and stopcock and be installed in an approved below ground box. Water and telecommunications/electricity services shall be provided at opposing corners of each lot.

### Internal Works

27. No work must commence on the site until Council approves an application for Operational Works. All internal works must be constructed in accordance with the FNQROC Regional Development Manual except for variations required by these conditions of approval.
28. Kerb and channelling is to be provided for the entire length of the proposed new road.

### Stabilisation of Creek Bank

29. A report prepared by a suitably qualified professional must be provided to Council certifying the stability of the bank of Mackness Creek where the proposed new road adjoins the creek. That report is to be provided to Council prior to sealing of the plan of survey and any necessary works identified to stabilise this bank must be constructed prior to the sealing of the plan of survey.

### Intersection works

30. The intersection of Alexander Drive with the new internal road shall be upgraded to comply with the requirements in the AUSTRROADS Guide to Traffic Engineering Practice- Part 5 Intersections at Grade.

### Engineering Drawings

31. No work must commence on the site until an application for Operational Works (including the appropriate fee and Engineering Drawings detailing the proposed construction) is approved by Council. The applicant must include erosion and sediment control details in the engineering drawings, making allowance for slope, contour details, road earthwork details and property access so that the development will minimise erosion, provide for satisfactory drainage and cause minimal detrimental impact on the environment at all stages.

### Engineering Drawings – "As Constructed" Details

32. Engineering drawings showing as constructed details of all civil works, including the location of services, must be handed to the relevant Council Officer for Council records in a format acceptable to the Manager Environmental Services before works will be accepted onto and for maintenance by Council. A bond in the amount of \$1000 will be required to be paid by the applicant at the time of lodging those drawings with Council and will be returned to the applicant upon receipt of the drawings before signing and dating of the plan of survey. The applicant should discuss the required format of the drawings with Council before their preparation and submission.

### Maintenance Period

33. The maintenance period for all works must be 12 months from date upon which the Manager Engineering Services accepts the works as completed. A maintenance bond of 5% of the value of the civil works must be provided by the applicant to Council at the commencement of the maintenance period and will be returned to the applicant on satisfactory correction of any defective work, or after expiration of the maintenance period, whichever occurs later in time. Alternatively, Council will call up the Bond and carry out the repair work.

### Stormwater Discharge

34. The applicant must provide Council with a proposed point of lawful discharge to stormwater. Such location must be chosen to fulfil the following criteria:

- (1) The location of the discharge is indeed lawful i.e. publicly controlled land, drainage reserve, or a watercourse under the Water Act.
- (2) That in discharging at the location, the discharge will not lead to some claim (current or future) for damages by downstream property owner. In general terms, this implies a "no-worsening" situation.
- (3) All storm water must be directed through gross pollutant trap/s prior to discharging from the subject site.

#### Erosion and Sediment Control

35. Effective sediment and erosion control must be maintained at all times during and after construction work until there is adequate vegetation cover, paved areas or other controls to prevent any silt run-off from the site. Control measures include erection of silt fences utilising geotextile fabric, installation of silt traps, timing of work or other control measures approved by the Manager Environmental Services.

#### No Through Road Sign

36. The applicant must erect a "No Through Road" sign at the intersection of Alexander Street and the proposed new road.

#### Road Names

37. The applicant must submit a list of names (minimum of three per road) for consideration by the Chief Executive Officer. Where the subdivision takes place in an area where road names follow a theme or pattern, then names consistent with that theme or pattern must be provided.

#### Public Utilities

38. Any relocation or alteration to any Public Utilities in association with works pertaining to this subdivision must be executed as required by the relevant Public Authority at no cost to Council.

#### Transportation

39. All loose material eg soil, sand, gravel transported to the site must be covered to prevent dust or spillage of material during transport. If any dust or mud is brought onto the road pavement from works on the subject land, it must be promptly cleaned away, so as to eliminate mud or dust nuisance, and in any event by no later than the end of each working day. Earthworks and road construction equipment shall be subject to appropriate hygiene procedure (washdown) in accordance with Council's Pest Management Plan.

#### Electricity Supply

40. The applicant must supply evidence that arrangements satisfactory to the relevant electricity supply authority have been made in relation to the provision of power to all lots prior to the sealing of the plan of survey, including evidence that all payments required to be made by or on behalf of the applicant to the relevant electricity supply authority have been paid, and that the relevant necessary connections can be made available to the relevant electricity supply network upon application..

#### Notification of interruption to supply of services to Lot 2 on RP725393

41. The Developer must provide the owners of Lot 2 on RP725393 written notice of any interruption to the supply of telephone, electricity or water services to that property as a



result of carrying out works associated with the development. That written notice must be delivered to the owners within 24 hours prior to the interruption taking place. The written notice shall be delivered by email and shall be followed by a telephone call to the owners' business telephone number.

#### Outstanding Rates

42. Any outstanding rates and charges on the land must be paid before approval of the plan of survey.

#### Plan Approval

43. Council's CEO is authorised to approve the plan of survey for the reconfiguration for sealing when all the conditions of the approval are complied with.

#### **CONDITIONS - Department of Natural Resources and Mines (Concurrence Agency)**

44. The Developer must comply with the concurrence agency conditions of the Department of Natural Resources and Mines as detailed in the agency's letter dated 18 April 2005 annexed to this approval (Schedule 1).