

8 March 2006
Shoaleh Mahdavi
Implementation & Assessment Branch, Nerang
(07) 5582 8442
B2023
PN130860/01/DA2
Application No: MCU2501088

JOAN AND CHRISTINE MADDEN
C/- BC CURREY SURVEYS
PO BOX 328
OXENFORD QLD 4210

Dear Sir/Madam

DECISION NOTICE TO APPLICANT
APPLICATION TYPE: MATERIAL CHANGE OF USE - CODE ASSESSMENT FOR A FAMILY
ACCOMMODATION
PROPERTY DESCRIPTION: LOT 182 ON RP156422
PROPERTY SITUATED AT: 17 COURTNEY DRIVE UPPER COOMERA

I wish to advise that on 7 March 2006 the above application was resolved as outlined in the attached document. The conditions indicate whether the Assessment Manager or a Concurrence Agency imposed them.

An extract from the Integrated Planning Act 1997, which details your appeal rights, is attached for your information.

If the applicant notifies Council in writing that the decision is accepted without dispute and they will not exercise any right of appeal to the Court in respect of this decision, this Decision Notice may be taken to be the Development Approval.

Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Shoaleh Mahdavi on telephone (07) 5582 8442.

Yours faithfully

Roger Sharpe
SUPERVISING PLANNER MCU CITYWIDE
for the Chief Executive Officer

sm:mm

attach

It is recommended Council resolve that in respect to the following property:

Real Property Description	Lot 182 on RP156422
Address of Property	17 Courtney Drive, Upper Coomera
Area of Property	33,410 m ²
Proposed Use	Family Accommodation

- A The applicant be notified as required under the provisions of the Integrated Planning Act that under Delegated Authority the Manager Implementation & Assessment Branch approves the issue of a Development Permit for Material Change of Use for a Family Accommodation subject to the following conditions:

DEVELOPMENT IN ACCORDANCE WITH PLANS

- 1 The development shall be carried out generally in accordance with the approved plan/s and details listed below, stamped and returned to the applicant with this decision notice.

Plan No.	Rev.No.	Title	Date	Drawn by
2023-04	A	Ground & First Floor Plan	02/12/05	B. C. Currey (Surveys)
2023-04	B	Elevations Plan	02/12/05	B. C. Currey (Surveys)

INFRASTRUCTURE CHARGES

- 2 Contributions toward Recreational Facilities Network Infrastructure shall be paid to the Council in accordance with Planning Scheme Policy 16, prior to the issue of a certificate for building works, or the carrying out of final plumbing inspection, whichever occurs first. The amount of the contribution shall be as follows:

Recreation Facilities - Coomera

Account: 74648 RDP06 0.4100 Equivalent Tenements @ \$4,833.00= 1,981.53
TOTAL \$1,981.53

Contributions shall be calculated at rates current at due date for payment.

- 3 Contributions toward Sewerage Network Infrastructure shall be paid to the Council in accordance with Planning Scheme Policy 3B prior to the issue of a certificate for building works or the carrying out of final plumbing inspection whichever occurs first. The amount of the contribution shall be as follows:

Sewer 2 Infrastructure - Pimpama

Account: 74648 S2PIMPAMA 0.2750 Equivalent Tenements @ \$2,286.00= 628.65

Sewer 1 Infrastructure - Pimpama

Account: 74648 S1PIMPAMA 0.2750 Equivalent Tenements @ \$3,500.00= 962.50
TOTAL \$1,591.15

Contributions shall be calculated at rates current at due date for payment.

- 4 Contributions toward Transport Network Infrastructure shall be paid to the Council in accordance with Planning Scheme Policy 19 prior to the issue of a certificate for building works or the carrying out of final plumbing inspection whichever occurs first. The amount of the contribution shall be as follows:

Transport Infrastructure - Coomera

Account: 74648 TRANSPORT 2.0000 Vehicle Trips @ \$256.00 =	\$512.00
TOTAL	\$512.00

Contributions shall be calculated at rates current at due date for payment.

- 5 Contributions toward Water Supply Network Infrastructure shall be paid to the Council in accordance with Planning Scheme Policy 3A prior to the issue of a certificate for building works or the carrying out of final plumbing inspection whichever occurs first. The amount of the contribution shall be as follows:

Water 2 Infrastructure - Pimpama

Account: 74648 W2PIMPAMA 0.2750 Equivalent Tenements @ \$1,880.00=517.00

Water 1 Infrastructure - Pimpama

Account: 74648 W1PIMPAMA 0.2750 Equivalent Tenements @ \$1,795.00=493.63	
TOTAL	\$1,010.63

Contributions shall be calculated at rates current at due date for.

CAR PARKING AND ACCESS

- 6 The applicant shall ensure that there is one (1) additional car parking space for the proposed Family Accommodation at no cost to Council and to the satisfaction of the Chief Executive Officer.

SERVICES AND UTILITIES

- 7 The development shall be connected to Council's reticulated sewerage system, at a point nominated by the Chief Executive Officer, and at no cost to Council.
- 8 The development shall be connected to Council's water supply system prior to the commencement of the use, at a point nominated by the Chief Executive Officer, and at no cost to Council.
- 9 Any alteration to public utility mains, Council infrastructure, services or installations necessitated by the development shall be undertaken at no cost to Council and to the satisfaction of the Chief Executive Officer or the relevant utility agency, as the case may be. Such shall occur prior to the commencement of the use the subject of this approval.
- 10 All proposed structures shall be located a minimum distance of 2.0 metres from Council infrastructure (i.e. sewer, stormwater and water).

DRAINAGE AND FILLING

- 11 During the transportation of soil and other fill material:
- All trucks hauling soil, or fill material shall have their loads secure and covered; and
 - Any spillage that falls from the trucks or their wheels shall be collected and removed from the site and streets along which the trucks travel, on a daily basis; and
 - Prior to vehicles exiting the site, measures shall be taken to remove soil from the wheels of such vehicles to prevent soil and mud being deposited on public roads and streets.
- 12 The developer shall design and construct the proposal to ensure that all stormwater drainage is directed to a Lawful Point of Discharge in accordance with QUDM Section 3.02. Should the development be unable to satisfy the conditions of the first test of QUDM Section 3.02 a detailed drainage plan shall be submitted to Council for approval prior to the issue of the development permit for carrying out building work, or if an application for carrying out building work is not required, prior to commencement of the use the subject of this approval.
- 13 The developer shall provide for the on-site retention of stormwater for re-use for on-site irrigation and wash down purposes. Prior to the issue of a Development Permit for Building Work, the developer shall submit a report to Council demonstrating that:
- Adequate capacity is provided to satisfy the reasonable needs of the development (and lessen the demand for the use of reticulated water for non-essential irrigation and maintenance uses); and
 - The water storage is accessible for use, including the connection to hose cocks and the on-site irrigation system where relevant; and
 - The water storage tank(s) are suitably located and/or buffered so as not to detract from the amenity of the development or the streetscape.

Such details when approved by the Chief Executive Officer shall form part of the endorsed plans referred to herein and shall be complied with by the applicant.

CONSTRUCTION

- 14 The applicant shall ensure that the construction of all works to be carried out pursuant to these conditions or as a result of this approval is carried out only between 6:30 am to 6:30 pm Monday to Saturday inclusive. No works will be carried out outside these hours or on Sundays or Public holidays unless prior written approval is given by Chief Executive Officer.

SPECIFIC CONDITIONS

- 15 No more than one (1) Family Accommodation dwelling unit capable of being used as a single functional household is to be erected on the site.

- 16 The applicant is to ensure that the Family Accommodation is at all times used for accommodation purposes for members of the family of the primary dwelling house or personal staff necessary for the health or well-being of the members of the primary household.
- 17 The Family Accommodation may not be rented as a separate dwelling unit.
- 18 This approval is valid for a period of five (5) years from the date of this Decision Notice.
- 19 The developer shall suitably notify the Levying Branch of Council so that intending purchasers are aware of their obligations relating to Family Accommodation requirements when a rate search is requested, prior to the commencement of the use the subject of this decision notice.

GENERAL

- 20 A copy of the decision notice and accompanying stamped approved plans for this material change of use shall be submitted with any application for the carrying out of building work.

GENERAL ADVICE - Please note that this is not a condition

- B That the applicant be advised that nothing in this decision notice alleviates the need to observe all relevant legislation, Council's Planning Schemes and Local Laws.
- C The developer be advised that an application for a Vehicular Crossing Permit is required to be obtained in accordance with the requirements of the Local Laws No. 11.

D NOTICE OF INDIGENOUS CULTURAL HERITAGE LEGISLATION AND DUTY OF CARE REQUIREMENT

The *Aboriginal Cultural Heritage Act 2003* commenced in Queensland on April 16, 2004. The Act is administered by the Department of Natural Resources, Mines and Energy (DNRM&E). Under the new Act, Indigenous parties are key in assessing cultural heritage significance.

The *Aboriginal Cultural Heritage Act 2003* establishes a Duty of Care for Indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting an activity.

Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.

Those proposing an activity that involves additional surface disturbance beyond that which has already occurred at the proposed site need to be mindful of the Duty of Care requirement.

Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.

Council strongly advises that you contact DNRM&E's Cultural Heritage Coordination Unit on 3238 3835 or 3238 3839 to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developers under the terms of the *Aboriginal Cultural Heritage Act 2003*.

APPEAL RIGHTS FOR APPROVAL OR REFUSAL OF DEVELOPMENT APPLICATIONS FOR MATERIAL CHANGE OF USE, RECONFIGURATION OF A LOT OR OPERATIONAL WORKS APPLICATIONS.

Appeals by applicants

- 4.1.27 (1)** An applicant for a development application may appeal to the court against any of the following -
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6; **
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2)** An appeal under subsection (1)(a) to (d) must be started within 20 business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3)** An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.