

**OUR REF:** MCUC 441/2014 (434171)

17 November 2014

Mr & Mrs Russell & Mary Spanton  
C/- PO Box 831  
**PORT DOUGLAS QLD 4877**

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR CAPTAIN COOK HIGHWAY, CRAIGLIE**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 14 November 2014, 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 Heather Fardy of Development and Environment on telephone number 07 4099 9457.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

**APPLICANT DETAILS**

Russell & Mary Spanton  
C/- PO Box 831  
PORT DOUGLAS QLD 4877

**ADDRESS**

Captain Cook Highway, Craiglie

**REAL PROPERTY DESCRIPTION**

Lot 12 on N157447

**PROPOSAL**

House (Setback dispensation)

**DECISION**

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

**DECISION DATE**

14 November 2014

**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:

Drawing or Document	Reference	Date
Site Plan	Sketch Design, Sheet 1, Revision E, Council document reference 429718	19 August 2014
Floor Plan	Sketch Design, Sheet 2, Revision E, Council document reference 429718	19 August 2014
Floor Plan	Sketch Design, Sheet 3, Revision E, Council document reference 429718	19 August 2014
Roof Plan	Sketch Design, Sheet 4, Revision E, Council document reference 429718	19 August 2014
Elevations	Sketch Design, Sheet 4, Revision E, Council document reference 429718	19 August 2014
Elevations	Sketch Design, Sheet 5, Revision E, Council document reference 429718	19 August 2014
Planning Assessment	GMA Planning Report, Council document reference 429718	September 2014
On-site Sewerage Disposal Assessment Report	Earth Test Site Classification and Wastewater Management System, SI 039-14Report.doc, Council document reference 429718	March 2014

## 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 captured concentrated 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.

### **Existing Creek and Drainage Systems**

4. All existing creek systems and drainage areas must be left in their current state, including no channel alterations unless consented to in writing by the Chief Executive Officer.

### **Minimum Floor Levels**

5. All floor levels in the House must be located 300mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with *FNQROC Development Manual* and Planning Scheme requirements.

### **Water Supply**

6. 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 for fire fighting.
  - g. Access for fire trucks.

### **On-Site Effluent Disposal**

7. 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 recommendations contained in the On-Site Sewage Disposal Assessment Report SI 039-14 dated March 2014 prepared by Earth Test are considered to satisfy this condition requirement.

## **Damage to Council Infrastructure**

8. In the event that any part of Council's existing road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owner's/builder's cost, prior to the Commencement of Use.

## **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 following proposed building colours are approved for use:

Exterior Walls –	Colorbond Pale Eucalypt®
Roof –	Colorbond Pale Eucalypt®

The above requirements must be made known in writing to all prospective purchasers.

## **Access**

12. No additional works are permitted to be undertaken for the provision of vehicular access.

## **Landscaping**

13. Landscaping associated with the closure of Heritage Lane must comply with the requirements of Douglas Shire Planning Scheme Policy No 7 – Landscaping. In particular:
  - A minimum of 60 per cent native and endemic species, similar to the existing remnant vegetation in the locality,
  - Using only bushfire resistant species,
  - Maximum height at maturity of no greater than 40 metres.

## **Sediment and Erosion Control**

14. 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*).

## **Shed**

15. The use of the shed shall be for purposes ancillary to the residential use of the land, or in relation to the primary industry being undertaken on the site.

## House

16. The lot must not contain more than one (1) House and such House is to be occupied by one (1) Household.

## 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](http://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](http://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.*

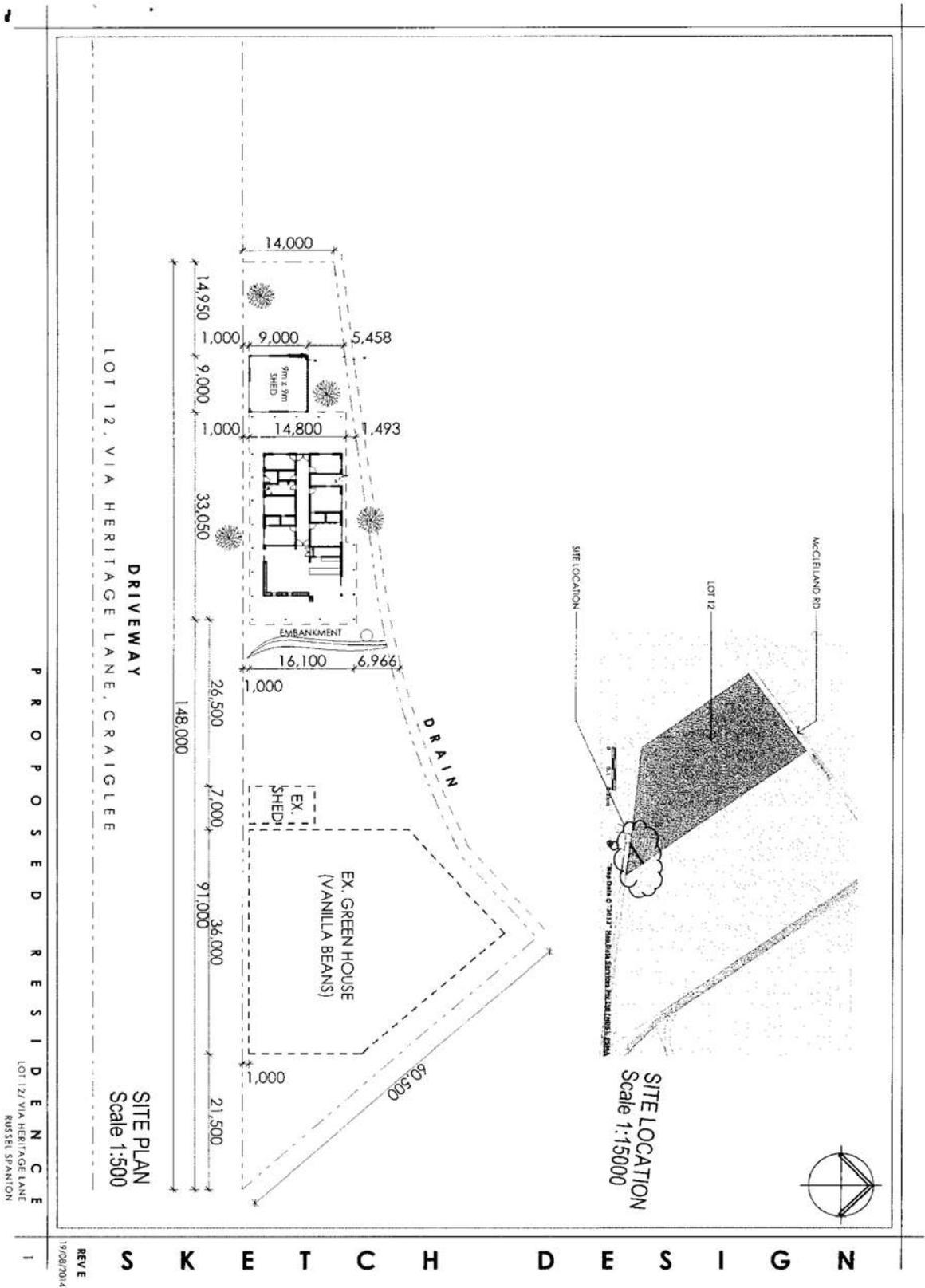
\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the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

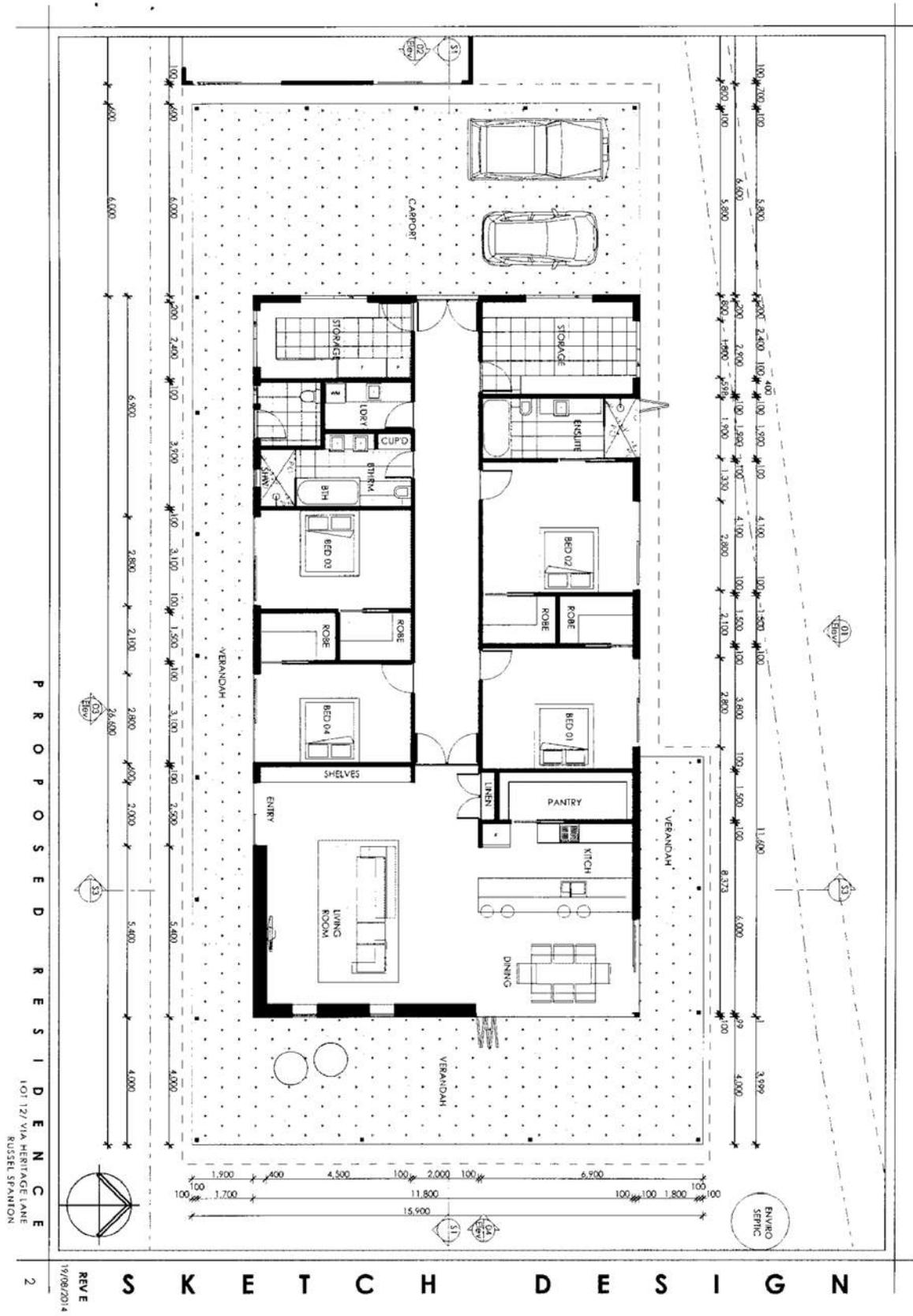
**RIGHTS OF APPEAL**  
Attached

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## **End of Decision Notice**

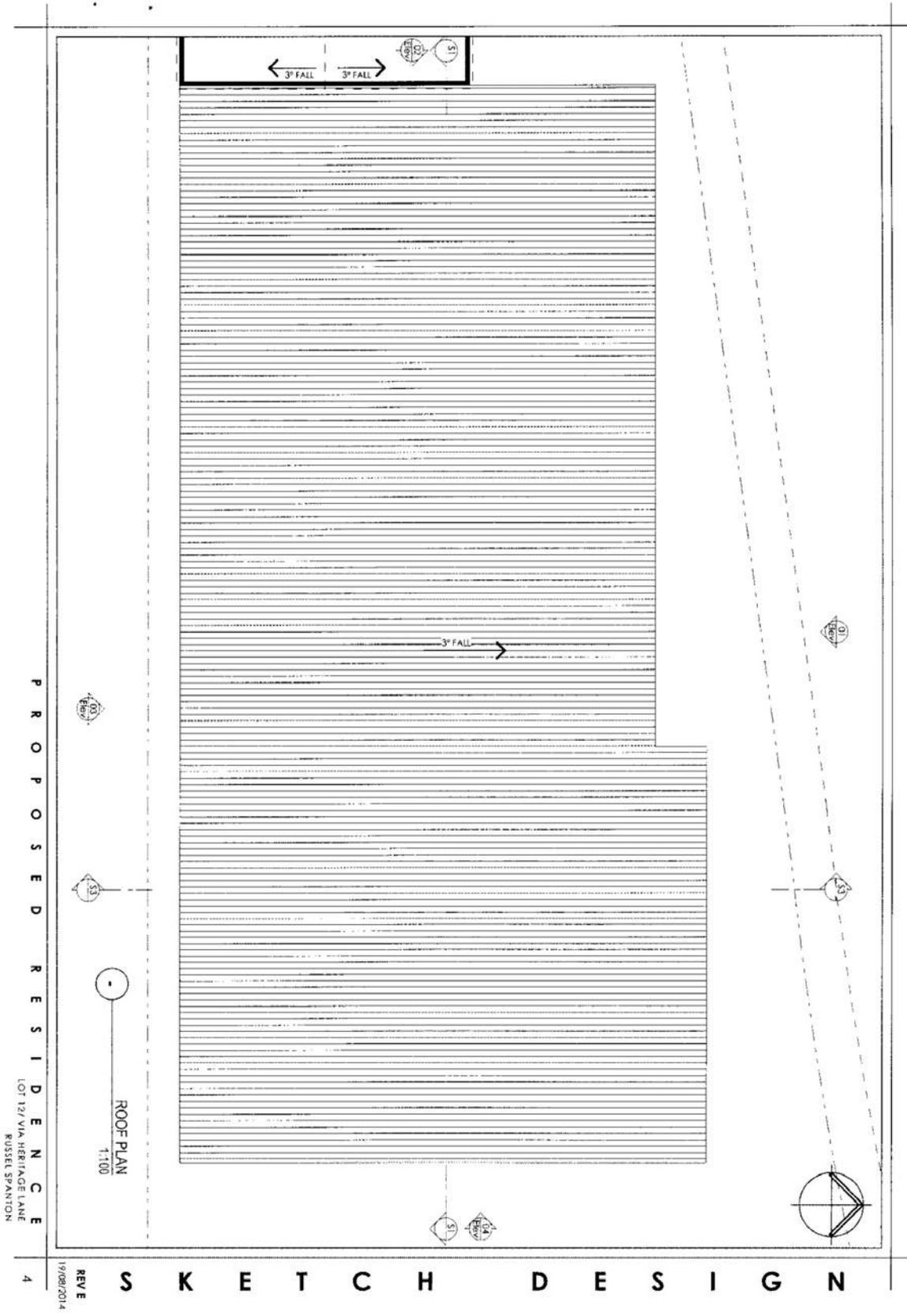
**APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)**

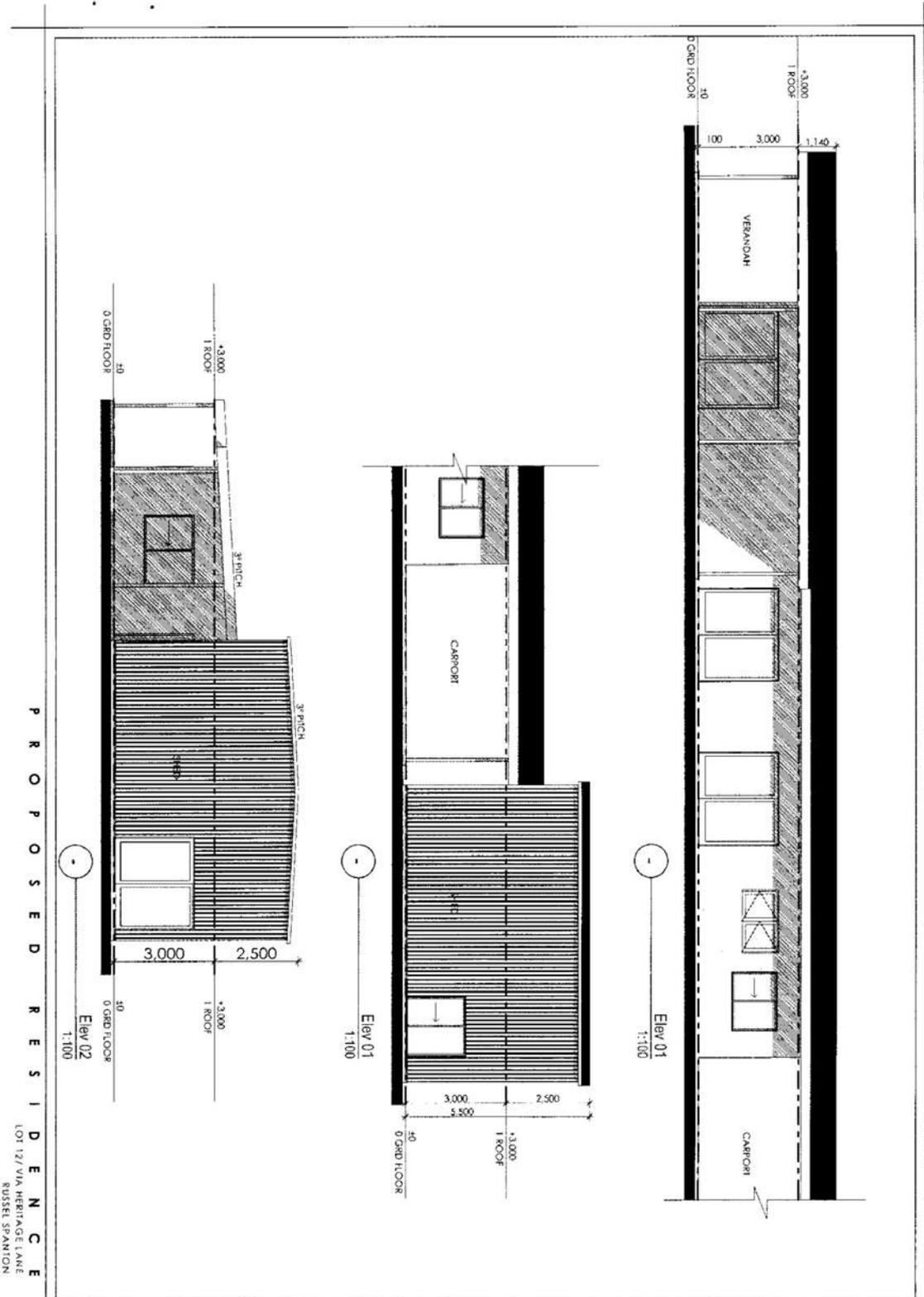




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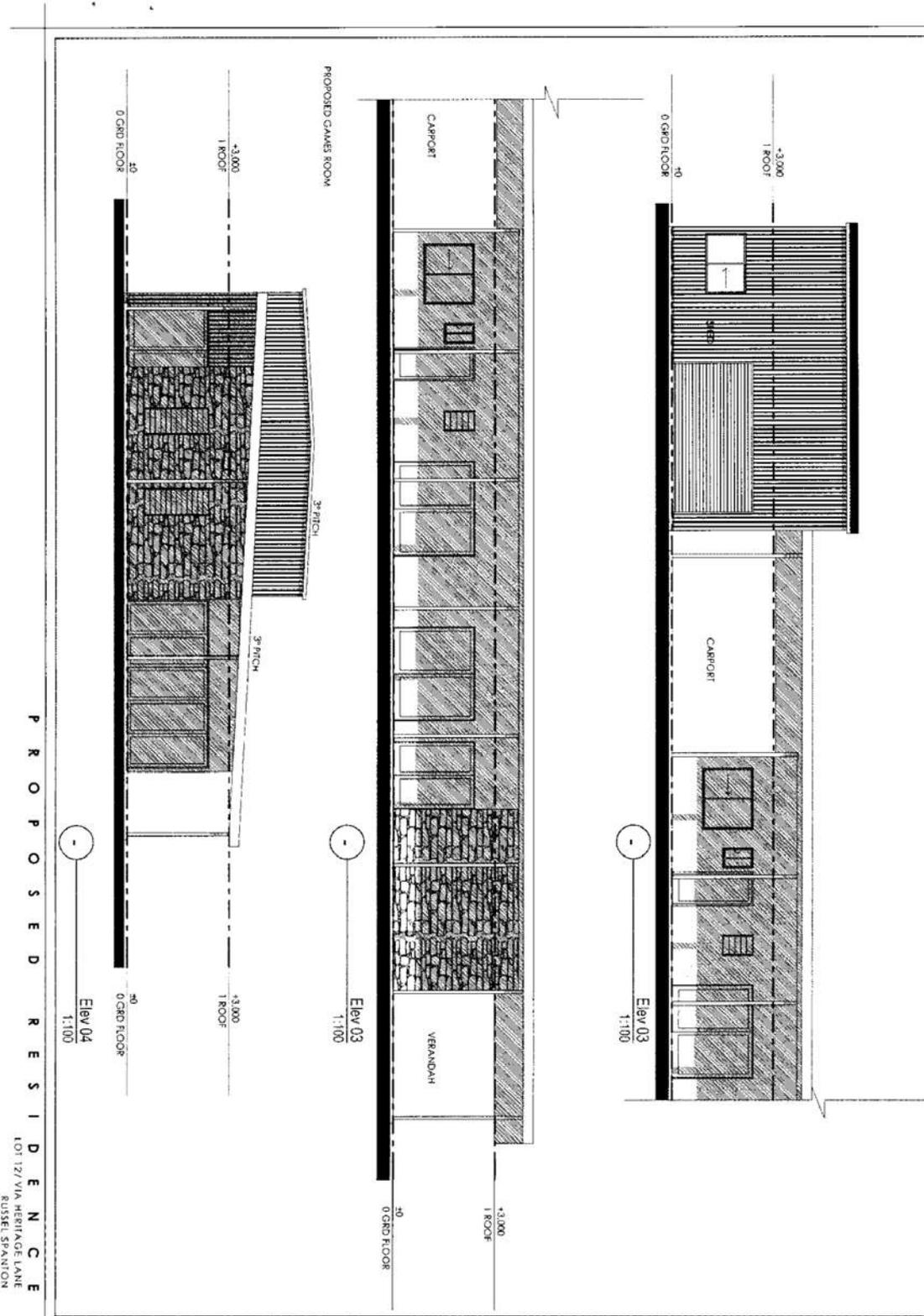




P R O P O S E D R E S I D E N C E

LOT 127 VIA HERITAGE LANE  
RUSSEL SPANTON

5 R E V E 19/08/2014 S K E T C H D E S I G N



P R O P O S E D R E S I D E N C E  
 LOT 127 VIA HERITAGE LANE  
 RUSSEL SPANTON

S K E T C H      D E S I G N

REV E  
 19/08/2014