

YOUR REF: Zena Cl, Cape Tribulation
OUR REF: MCUC 11/2014 (423376)

26 June 2014

Mr Brad Fisher & Ms Claire Pelham
C/- Greg Skyring Design & Drafting Pty Ltd
11 Noli Close
MOSSMAN QLD 4873

Attention: Mr Greg Skyring

Dear Sir

**CHANGED DECISION NOTICE UNDER S 375 SUSTAINABLE
PLANNING ACT 2009: DEVELOPMENT APPLICATION FOR
LOT 12 ZENA CLOSE, CAPE TRIBULATION**

With reference to the request for a minor change to the Development Approval for the abovementioned Development Application, which was determined under Instrument of Delegation on 26 June 2014, please find attached the relevant Changed Decision Notice.

The Notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquiries in relation to this Changed Decision Notice, please contact Jenny Elphinstone of Council's Development and Environment Branch on telephone number 07 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPLICANT DETAILS

Brad Fisher & Claire Pelham
C/- Greg Skyring Design & Drafting Pty Ltd
11 Noli Close
MOSSMAN QLD 4873

ADDRESS

Lot 12 Zena Close, Cape Tribulation

REAL PROPERTY DESCRIPTION

Lot 12 on RP738897

PROPOSAL

House

DECISION

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

DECISION DATE

7 April 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 Work
Development Permit for Plumbing Work

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 expressions means:

Drawing or Document	Reference	Date
Site Plan, Floor Plans	Greg Skyring Design and Drafting Pty Ltd Plan 212-13 Sheet 1 of 3	As submitted with application on 10 January 2014
Elevations - House	Greg Skyring Design and Drafting Pty Ltd Plan 212-13 Sheet 2 of 3	As submitted with application on 10 January 2014
Carport Floor plan and Elevations	Greg Skyring Design and Drafting Pty Ltd Plan 212-13 Sheet 3 of 3	As submitted with application on 10 January 2014
Onsite Sewerage Assessment	ETS Geotechnical, Onsite Sewerage Assessment Report No GT12-020-001R Fisher_Rev1_GT13-020-001R Rev 3 (Council document 422578)	15 April 2013
Geotechnical Investigation	ETC Geotechnical, Geotechnical Report No: GT13-0320-001R Rev 1	15 April 2013
Advice to retain batters	Nikki Huddy email to Council regarding compliance actions to recommendations of ETC Geotechnical, Geotechnical report no. GT13-0320-001R Rev 1	10 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 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. (i) 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
 - (i) Flap valve at every opening of the tank or other receptacle;

or
 - (iii) Other approved means for preventing the ingress or egress of mosquitoes;
and
- b. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40 cm; and
- c. A 50 mm ball valve with a camlock fitting.

The water tank must be installed and operational prior to the Commencement of Use.

On-Site Effluent Disposal

5. The method of on-site effluent disposal must be in accordance with the recommendations contained in the ETS Geotechnical On-Site Sewerage Assessment Report No. GT12-020-001R Fisher_Rev1 dated 15 April 2013 or any other report approved by the Chief Executive Officer. An onsite effluent disposal system must be installed and operational prior to the Commencement of Use. 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.

Damage to Infrastructure

6. In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council at no cost to Council.

Vegetation Clearing

7. Existing vegetation on the land must be retained in all areas except those affected by the construction of access driveways and/or the installation of services as detailed on the approved plans. All pruning of trees is to be in accordance with the requirements of Australian Standard *Pruning of Amenity Trees AS 4373-2007*.

Vegetation to be retained must be protected from any damage to the trunk, roots and branches during the construction period and where possible damage may occur effective fencing or barriers are to be installed and maintained in accordance with Australian Standard AS 4970-2009 *Protection of trees on development sites*.

Any further clearing requires a Permit for Operational Works unless exempt development as specified by the Planning Scheme.

Landscaping

8. Areas affected by building works must be landscaped generally in accordance with the approved plans. In particular:
 - a. Landscaping must include planting of all cut and fill batter areas; and
 - b. Disturbed areas of land for the creation of driveways must be revegetated with native species found in the locality.

The area affected by building works affected areas must be landscaped within twelve months of the Commencement of Use and maintained thereon while the approval remains in effect.

A ten (10) metre wide landscape buffer must be maintained along the road frontage of the site. The landscaping must consist of 75 per cent of native and endemic species which must be planted in an irregular and random fashion to blend with existing vegetation. The use of palm trees in this landscape buffer must be limited and only used as an accent feature.

All landscaping to be installed must consist of native and endemic species and must be planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.

Weed Management

9. Any invasive and / or declared weed species found on the land must be eradicated from the site over time. For assistance with eradication methods visit the Queensland Biosecurity website on www.daff.qld.gov.au .

Building Colours

10. 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 applicant must provide colour samples to the Chief Executive Officer, that comply with this requirement, prior to the issue of the Development Permit for Building Works.

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

Sediment and Erosion Control

11. 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

12. Undertake the following external works:
 - a. Provide concrete crossover(s) and apron(s) 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.

Internal Driveway and Footpath

13. The Applicant must construct and maintain a minimum three (3) metre wide gravel driveway from the property boundary to the carport.

The Applicant must construct a minimum 1.2 metre wide gravel pedestrian pathway from the carport to the House.

The driveway and footpath must be constructed prior to Commencement of Use in accordance with the *FNQROC Development Manual* to the satisfaction of the Chief Executive Officer.

Geotechnical Report

14. Construction must be in accordance with the recommendations of the Geotechnical Report prepared by ETS Geotechnical Report No: ~~GT13-020-001R Rev 1 dated 15 April 2013 and as per the email by Nikki Huddy dated 10 March 2014 to Douglas Shire Council stating that the batters are to be retained~~ GT13-020-001R Rev 3 dated June 2014, Revision 3 applying either Option 1 or Option 2.

Any ~~The~~ retaining wall/structure must be constructed of materials and/or finished in colours, which blend with the surrounding natural environment.

The works must be supervised by a Registered Professional Engineer of Queensland with all work detailed on a certificate of supervision and a copy of the supervision certificate submitted to Council upon completion.

The retaining works must be installed with the associated Certificate provided to the Chief Executive Officer prior to the Commencement of Use.

Removal of Other Structures

15. All other structures existing on the land and not included on the approved plans and/or documents, or otherwise defined as exempt development under the Sustainable Planning Act, must be removed from the land prior to the Commencement of Use.

Noise

16. Noise from generators or other mechanical equipment, must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

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. All future land owners are to be advised of the conditions of the approval by the vendor.
5. The land owner is to be mindful of trees on neighbouring land and the possible instability of those trees.
6. Specialist geotechnical engineering advice should be gained prior to undertaking any changes to the bench and area of uncontrolled fill, other than as required through the condition of the approval.
7. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
8. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdiq.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

LAND USE DEFINITIONS*

In accordance with *Douglas Shire Planning Scheme 2008* 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.*

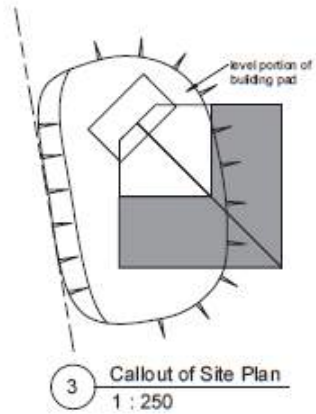
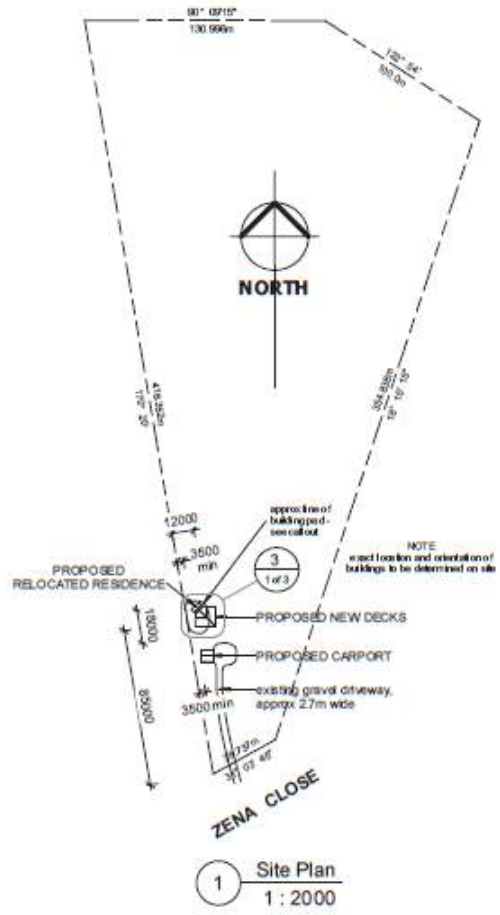
*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the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

RIGHTS OF APPEAL

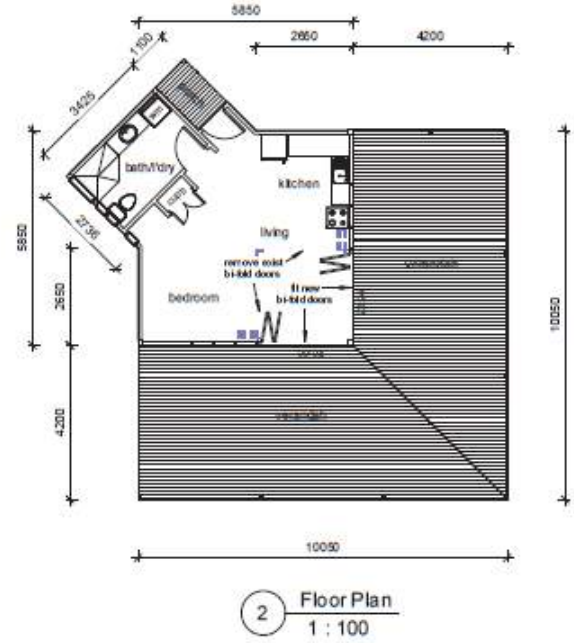
Attached

End of Decision Notice

APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)



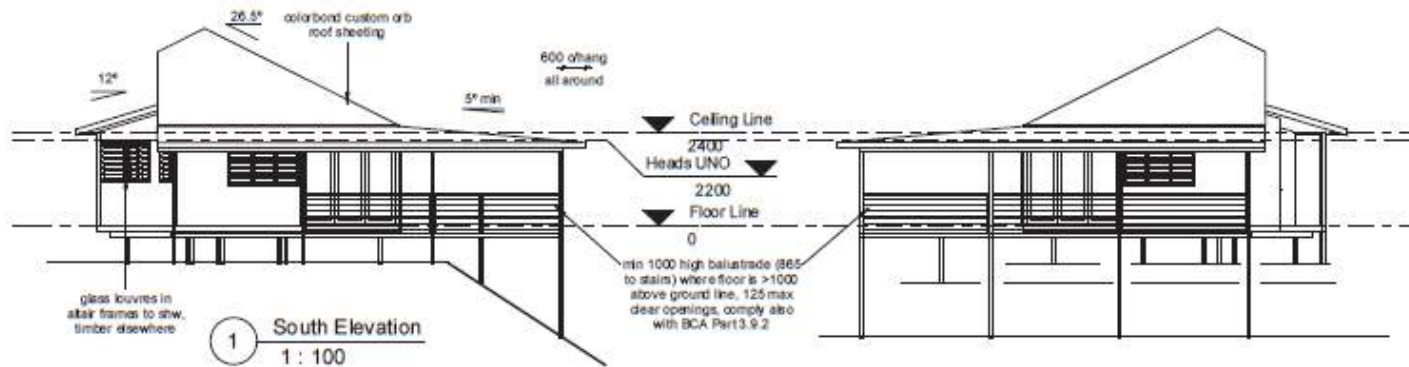
Sheet List	
Sheet Number	Sheet Name
1 of 3	Site and Floor Plans, Sheet List
2 of 3	Elevations - House
3 of 3	Carport Floor Plan and Elevations



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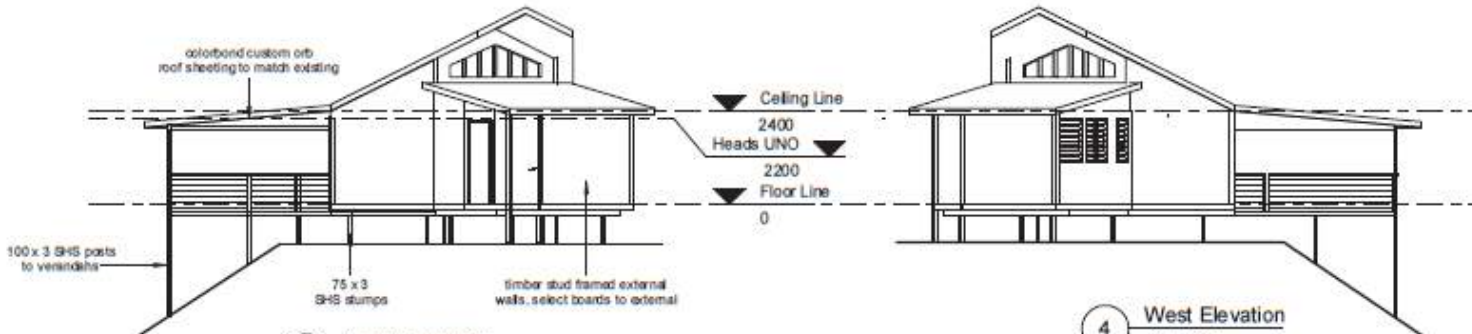
PROJECT
Proposed Residence,
L12 RP738897,
Zena Close,
CAPE TRIBULATION

CLIENT B Fisher and C Pelham	WIND CLASS C2	PLAN NUMBER 212-13	SHEET 1 of 3
SCALE As indicated	PLAN TITLE Site and Floor Plans, Sheet List	DATE OF ISSUE prelim	REV



1 South Elevation
1 : 100

2 East Elevation
1 : 100



3 North Elevation
1 : 100

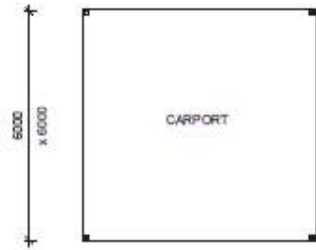
4 West Elevation
1 : 100

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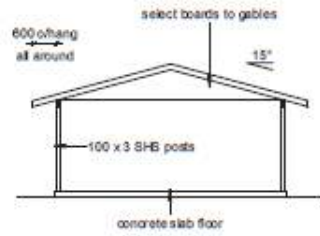
PROJECT
Proposed Residence,
L12 RP738897,
Zena Close,
CAPE TRIBULATION

CLIENT	B Fisher and C Pelham	WIND CLASS	C2	PLAN NUMBER	212-13	SHEET	2 of 3
SCALE	1 : 100	PLAN TITLE	Elevations - House		DATE OF ISSUE	REV	prelim

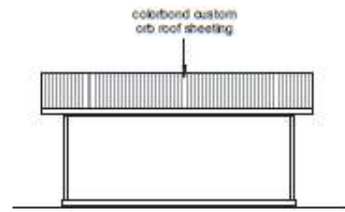
43.2014.11
10/12



1 Carport Floor Plan
1 : 100



2 East Elevation - Carport
1 : 100

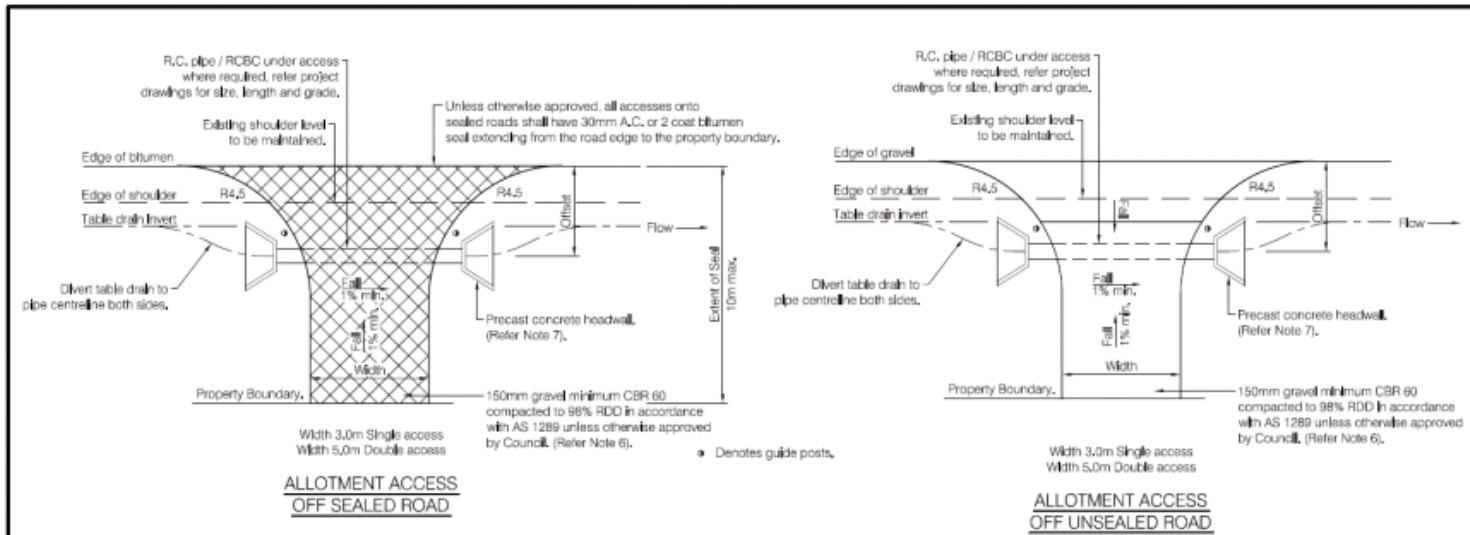


3 South Elevation - Carport
1 : 100

GREG SKYRING <i>Design</i> and DRAFTING Pty. Ltd. <small>Lic Under QSSA Act 1991 - No 1040371</small> 11 Nollis Close, Mossman Q. 4873 Phone/Fax: (07) 40903091 Mobile: 0419212652 Email: skyringdesign@coberworld.net.au	PROJECT Proposed Residence, L12 RP738897, Zena Close, CAPE TRIBULATION	CLIENT B Fisher and C Pelham	WIND CLASS C2	PLAN NUMBER 212-13	SHEET 3 of 3
		SCALE 1 : 100	PLAN TITLE Carport Floor Plan and Elevations	DATE OF ISSUE prelim	REV

43.2014.11
11/12

APPENDIX 2: STANDARD DRAWING – ACCESS CROSSOVER



NOTES

1. Minimum length of culvert shall be 4.8m for single access, 7.2m for double access.
2. Minimum pipe size shall be Ø375. Minimum RCBC to be 300mm high.
3. Minimum RC pipe / RCBC gradient shall be 1:100.
4. Where cover to RC pipes is less than 250mm pipe shall have 100mm concrete surround.
5. Drainage from access must not flow over the through road. All stormwater runoff shall be directed to the table drain.
6. Where grade is steeper than 6% the bitumen seal shall extend from the road edge to the property boundary unless otherwise approved.
7. Precast sloping headwalls shall be used when:
 - a) the through road has a signposted speed of 90km/hr or greater.
 - b) the through road has a signposted speed of 60km/hr and the offset distance from the traffic lane to the culvert is less than 4.5m.
8. Concrete shall be grade N25 in accordance with AS 1379 and AS 3600.
9. All dimensions are in millimetres.

DISCLAIMER

The authors and sponsoring organisations shall have no liability or responsibility to the user of any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must act only on these Standard Drawings on the requirement of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.



RURAL ALLOTMENT ACCESSSES

Standard Drawing
S1105

A	B	C
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