

**YOUR REF:**

**OUR REF:** MCUC 113/2014 (420613)

9 May 2014

D V Ruddell & I Ruddell  
78 Jesson Cres  
DANDENONG VIC 3175

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR FOREST CREEK RD FOREST CREEK**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 8 May 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 Michelle Henderson of Council's Development and Environment Branch on telephone number (07) 4099 9457.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

**APPLICANT DETAILS**

D V Ruddell & I Ruddell  
78 Jesson Cres  
DANDENONG VIC 3175

**ADDRESS**

Forest Creek Road FOREST CREEK

**REAL PROPERTY DESCRIPTION**

Lot 29 on RP733653

**PROPOSAL**

House (Rural Settlement)

**DECISION**

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

**DECISION DATE**

8 May 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  
Development Permit for Plumbing 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 expressions means:

Drawing or Document	Reference	Date
Site Plan	Plan no MCU-1/1 Rev 3A prepared by Marshall Design (Council doc no 419685).	Received 10 Apr 2014
Floor Plan	Plan no MCU-1/2 prepared by Marshall Design (Council doc no 417977).	Feb 2014
Elevations	Plan no MCU-1/3 prepared by Marshall Design (Council doc no 417977).	Feb 2014
Detached Studio Floor Plan and Elevations	Plan no MCU-1/4 prepared by Marshall Design (Council doc no 417977).	Feb 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. 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.

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

- 5. The method of on-site effluent disposal must be in accordance with the recommendations contained in the On-Site Sewage Disposal Assessment Report No SI 341-13 dated 6 November 2013 prepared by Earth Test (Council ref no 417977).

#### **Vegetation Clearing**

- 6. 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. Any further clearing requires a Permit for Operational Works.

#### **Landscaping**

- 7. Areas affected by building works must be landscaped generally in accordance with the approved plans. In particular:
  - a. A ten (10) metre wide landscape buffer must be provided/maintained along both road frontages of the site, being Forest Creek Road and Ronald Road. 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 must be limited and only used as an accent feature;
  - b. Disturbed areas of land for the creation of driveways must be revegetated with native species found in the locality.

## **Building Colours**

8. 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 –	Dulux Toffee Fingers
Roof –	Colorbond Mangrove

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

## **Sediment and Erosion Control**

9. 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**

10. Undertake the following external works:

- a. Provide vehicular access in accordance with the *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.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

## **House**

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

### **Geotechnical Report**

12. All earthwork batters steeper than 1 in 2 and/or higher than 1.8 metres must be certified by a qualified Geotechnical Engineer prior to the Commencement of Use.

### **Generators**

13. Noise from generators, air-conditioning units, swimming and spa pool filters, service equipment 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*.

### **Fuel Storage**

14. All fuels must be stored in an undercover and secure location at all times.

### **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.dsdp.qld.gov.au](http://www.dsdp.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*.

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## **RIGHTS OF APPEAL**

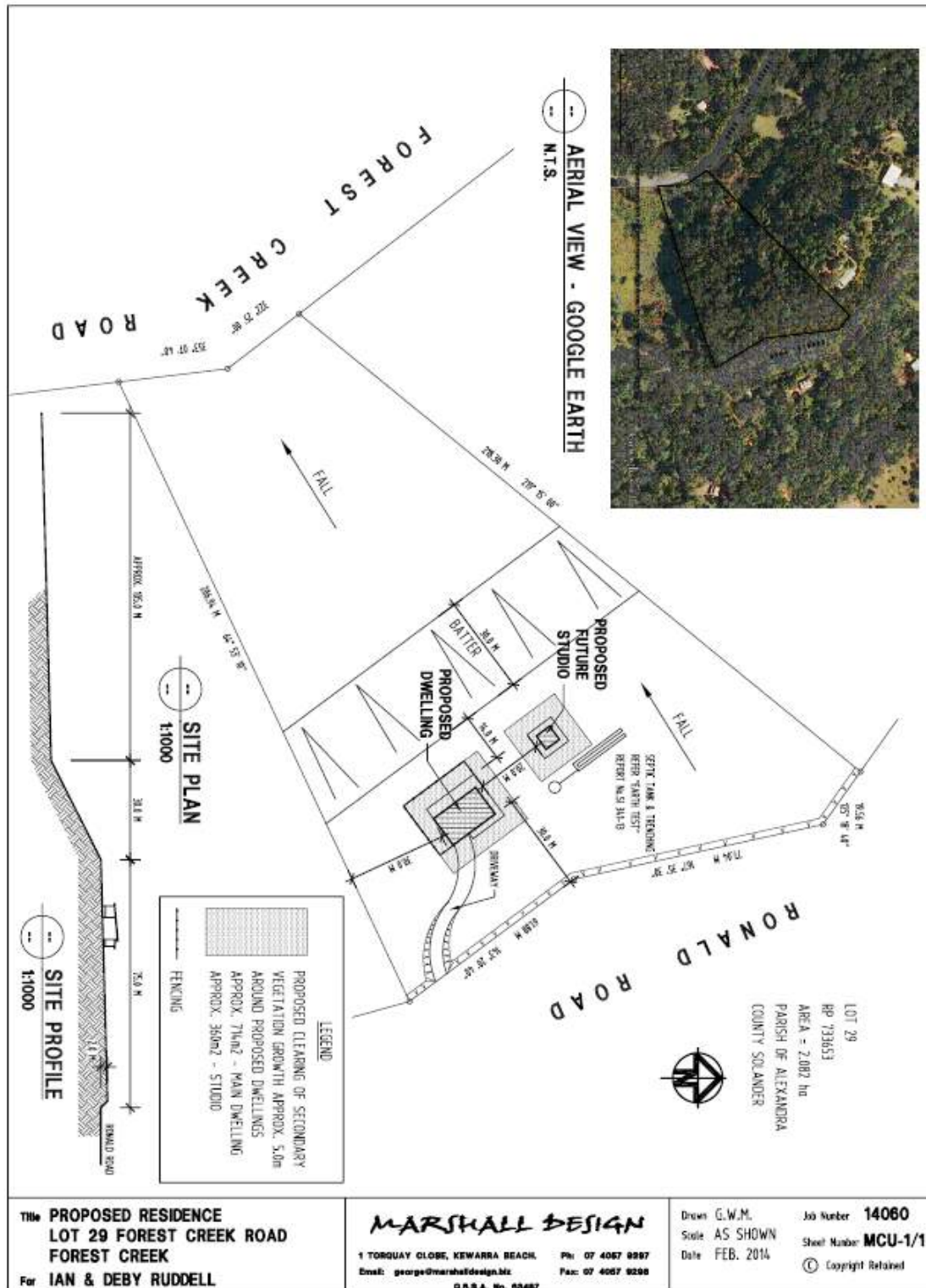
Attached

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**End of Decision Notice**

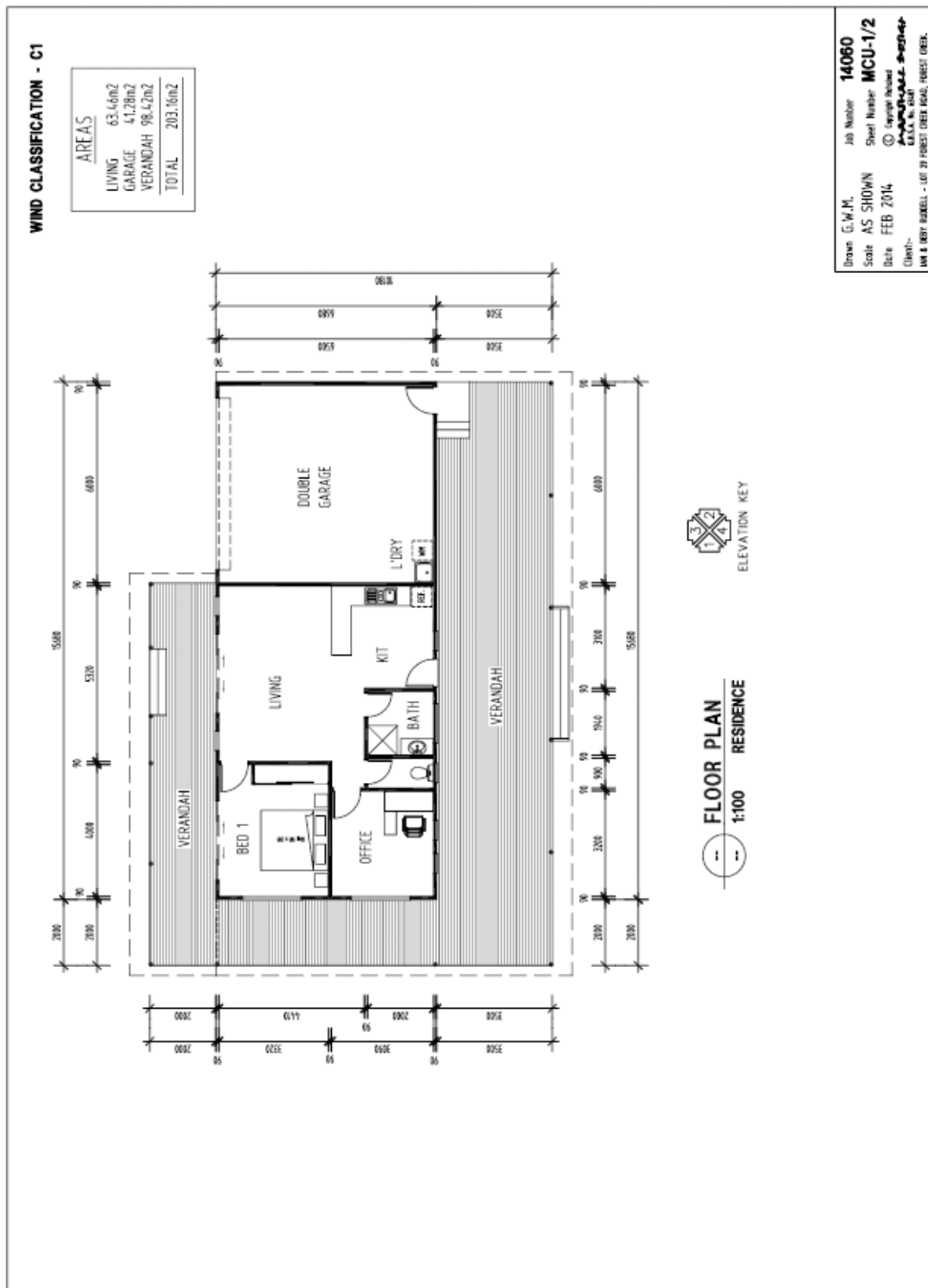
**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

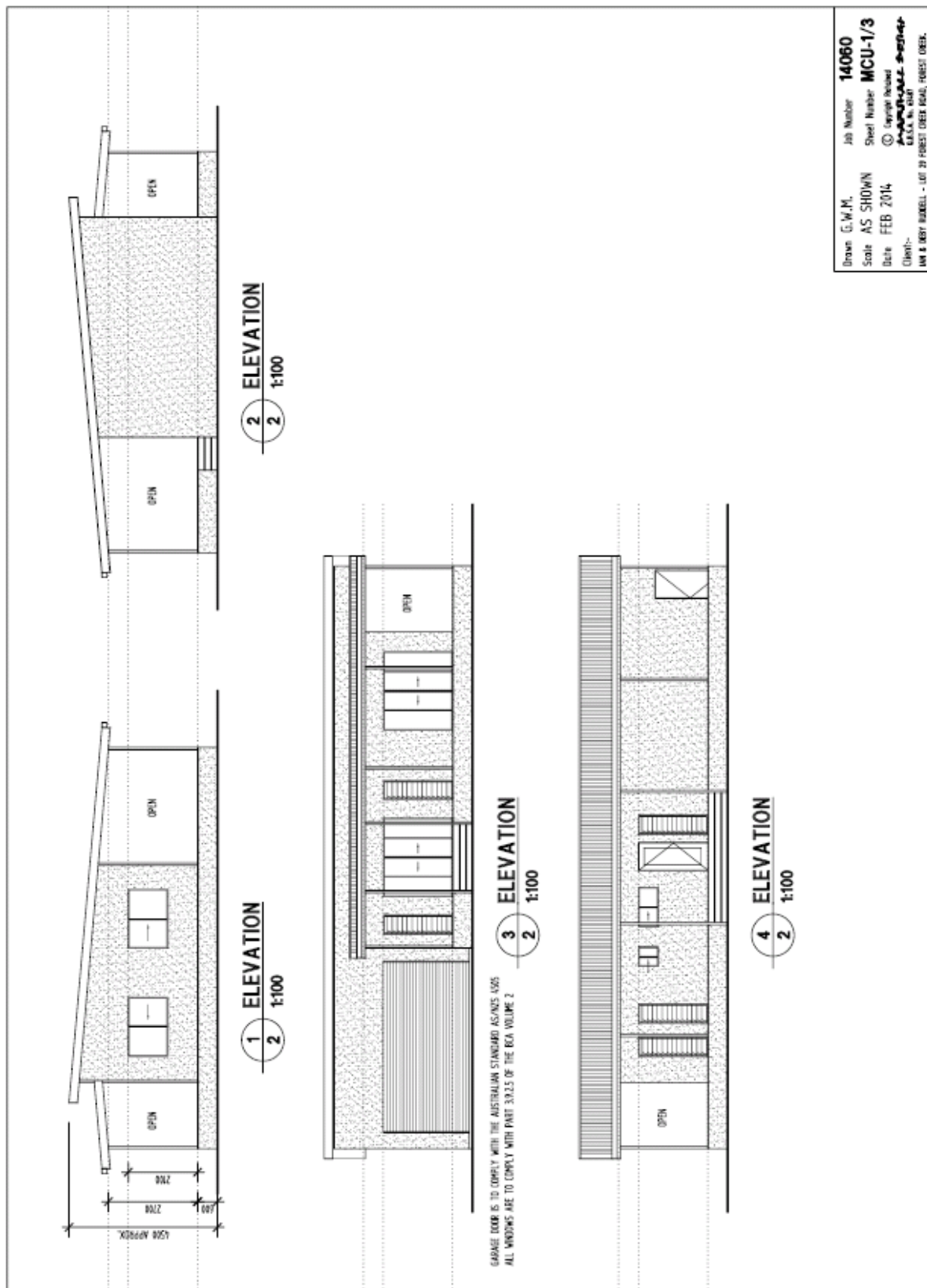
**APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)**



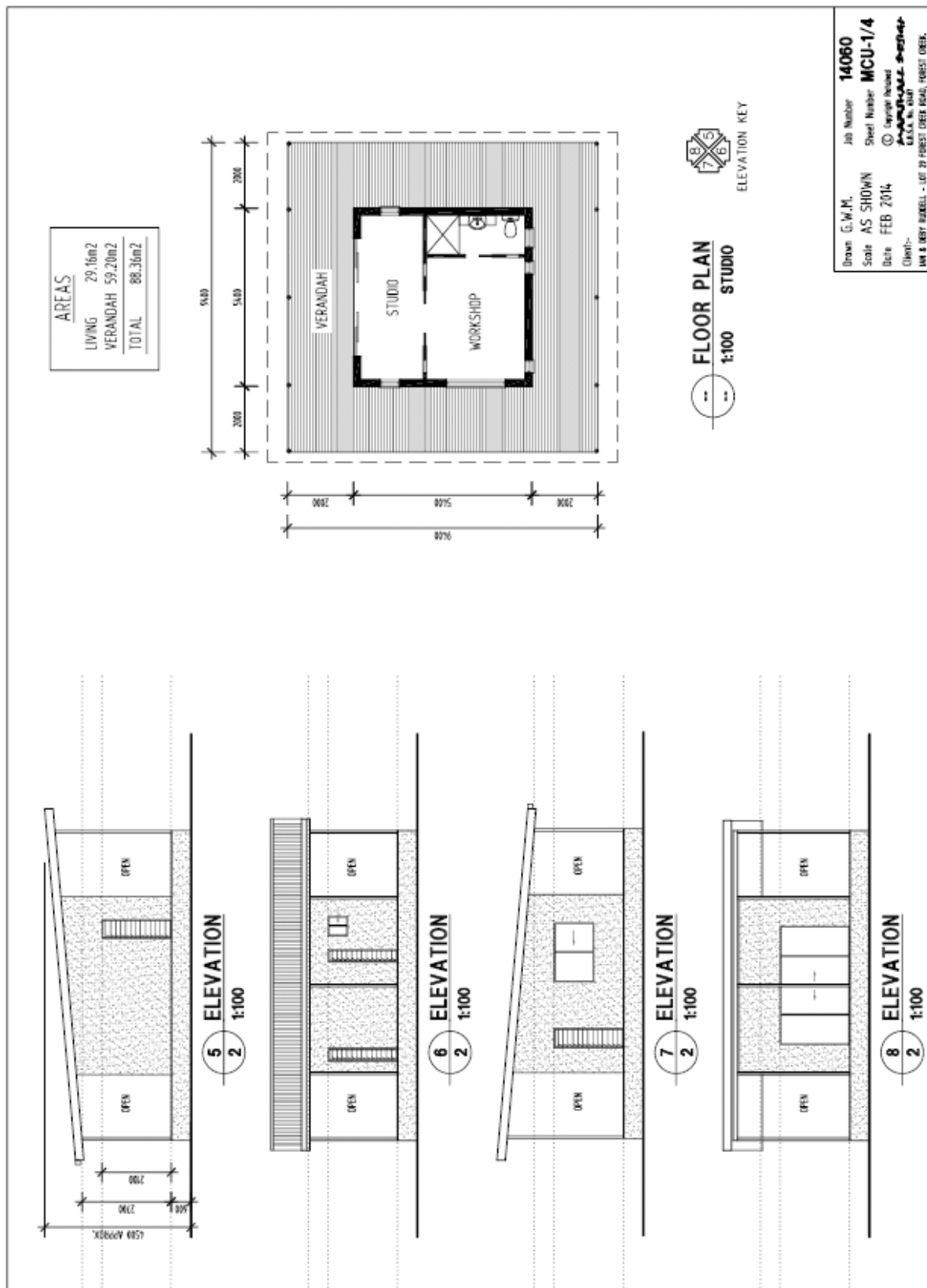


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**SUSTAINABLE PLANNING ACT 2009**





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APPENDIX 2: STANDARD DRAWING – ACCESS CROSSOVER

