

**OUR REF:** MCUI 1139/2015 (789310)

21 September 2016

J L Murray  
PO Box 909  
PORT DOUGLAS QLD 4877

Attention: Ms Justine Murray

Dear Madam

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

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 21 September 2016, 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 Daniel Lamond of Development Assessment and Coordination on telephone number 07 4099 9456.

Yours faithfully

Nick Wellwood  
General Manager Operations

Att

**APPLICANT DETAILS**

J L Murray  
PO Box 909  
PORT DOUGLAS QLD 4877

**ADDRESS**

George Road FOREST CREEK

**REAL PROPERTY DESCRIPTION**

Lot 86 on RP735858

**PROPOSAL**

House & Home Activity (Bio-prospecting)

**DECISION**

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

**DECISION DATE**

21 September 2016

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

None Applicable

**SUBMISSIONS**

There was one (1) submission for this application.

Grant Gilbert	57 Adelaide Road	Mount Barker SA, 5251
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**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
Detailed Site Plan	ASG 1:100	September 2015
Elevation	W7 of 9. Plan Prepared by Peter Dall'alba Design, 1:100.	April 2009
Ground Floor Plan	W1 of 9. Plan Prepared by Peter Dall'alba Design, 1:100.	April 2009
Bed 1 Elevation	W8 of 9. Plan Prepared by Peter Dall'alba Design, 1:100.	April 2009
First Floor Plan	W2 of 9. Plan Prepared by Peter Dall'alba Design, 1:100.	April 2009
Mark-up of Detailed site Plan	Plan detailing approved areas for 'Bio-prospecting' prepared by Council	2 September 2016
Detailed Site Plan	ASG 1:100	September 2015

**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 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 an On-Site Sewage Disposal Assessment Report will be considered to satisfy this condition requirement.

**Vegetation Clearing**

6. Existing vegetation on the land must be retained in all areas. 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. Landscaping must include planting of all cut and fill batter areas.
  - b. Landscaping to obscure views of supporting structures;
  - c. Landscaping with screening qualities must be planted along the boundary adjoining 53R George Road, Forest Creek, to obscure views of neighbouring property;

- d. Disturbed areas of land for the creation of driveways must be revegetated with native species found in the locality.
- e. 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.

### **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 applicant must also provide colour samples for endorsement by the Chief Executive Officer, 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**

- 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*).

### **House**

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

### **Bridge Access**

- 11. A detailed engineering report must be prepared by a suitably qualified structural engineer. The report must detail the structural integrity of the existing bridge and conclude whether it is fit for purpose.
- 12. No further development is permitted within the riparian corridor at the frontage of the site. No further clearing is permitted within the riparian corridor at the frontage of the site.
- 13. Any further development within the riparian corridor requires application for Operational Works.

### **Home Activity**

- 14. The component of the home activity described as 'bio-prospecting' is only to occur on non-remnant vegetation at the site, and in the areas detailed on the approved mark-up plan.

**Limitations on Use**

15. The Home Activity is conducted only by residents of the House.
16. The Home Activity is located within the House and is limited to not more than one third of the total floor area or covered area of the House.
17. The Home Activity does not produce any odour, dust, vibration, noise or electrical interference which is detectable at the boundary of the Site.
18. The Home Activity does not generate regular visitation from customers and typically visitation by customers does not exceed a total of six visits per day.
19. Not more than one commercial vehicle is associated with the Home Activity and is garaged/ parked on the site.

**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.dilqp.qld.gov.au](http://www.dilqp.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 2006 Douglas Shire Planning Scheme the approved land use of House and Home Activity are defined as:**

### **House**

*Means the use of premises comprising one Dwelling Unit, located on one lot for the exclusive residential use of one 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;*
- *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 twelve (12) months and which then converts to a House for the exclusive use of one Household; and*
- *The short term letting of a house for the purpose of holiday rental accommodation.*

### **Home Activity**

*Means the use of a House and its surrounds or a Dwelling Unit within Multi-Unit Housing by the permanent resident/s of the House or Dwelling Unit for the conduct of an occupation, vocation or profession.*

\*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*.

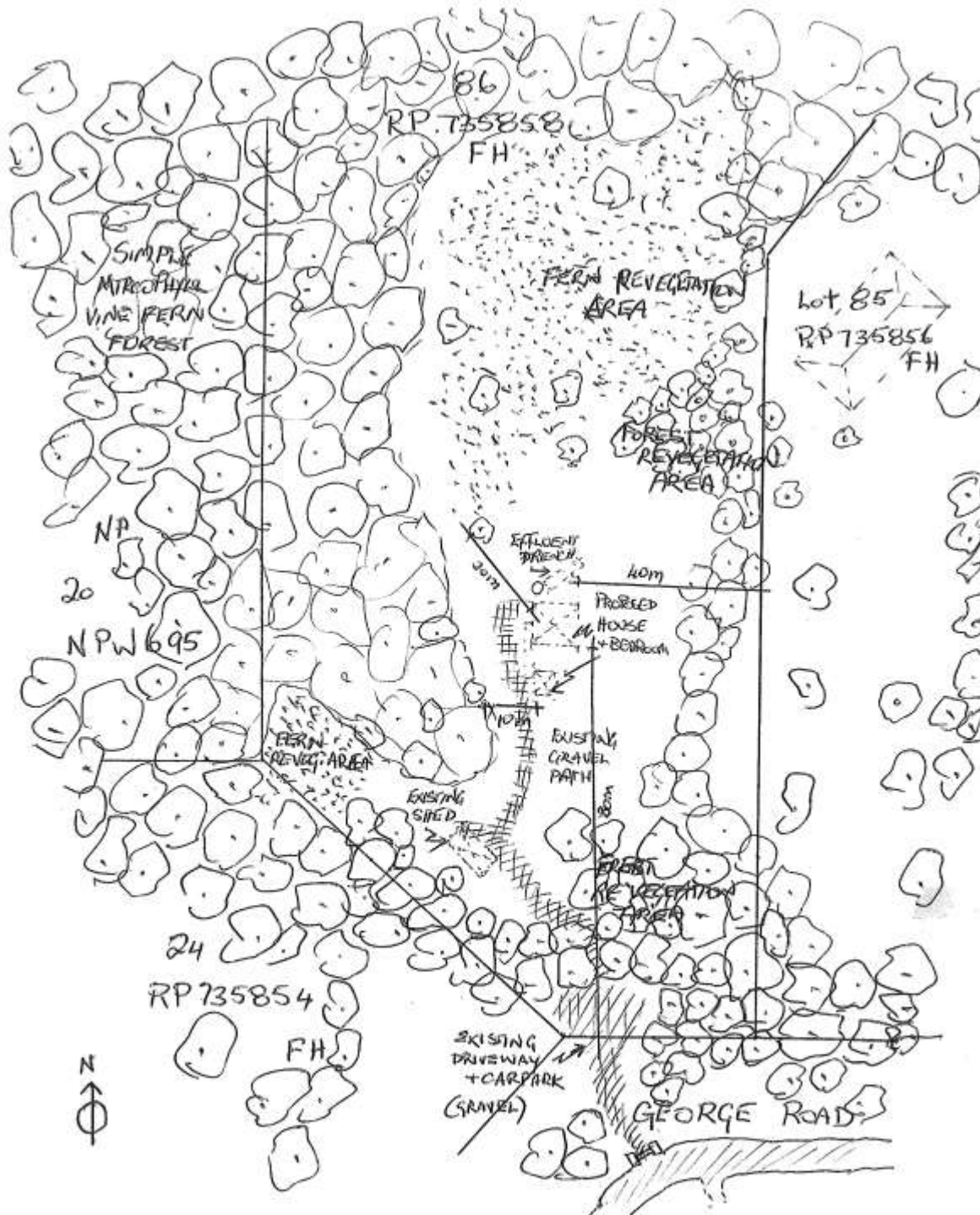
## **RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

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

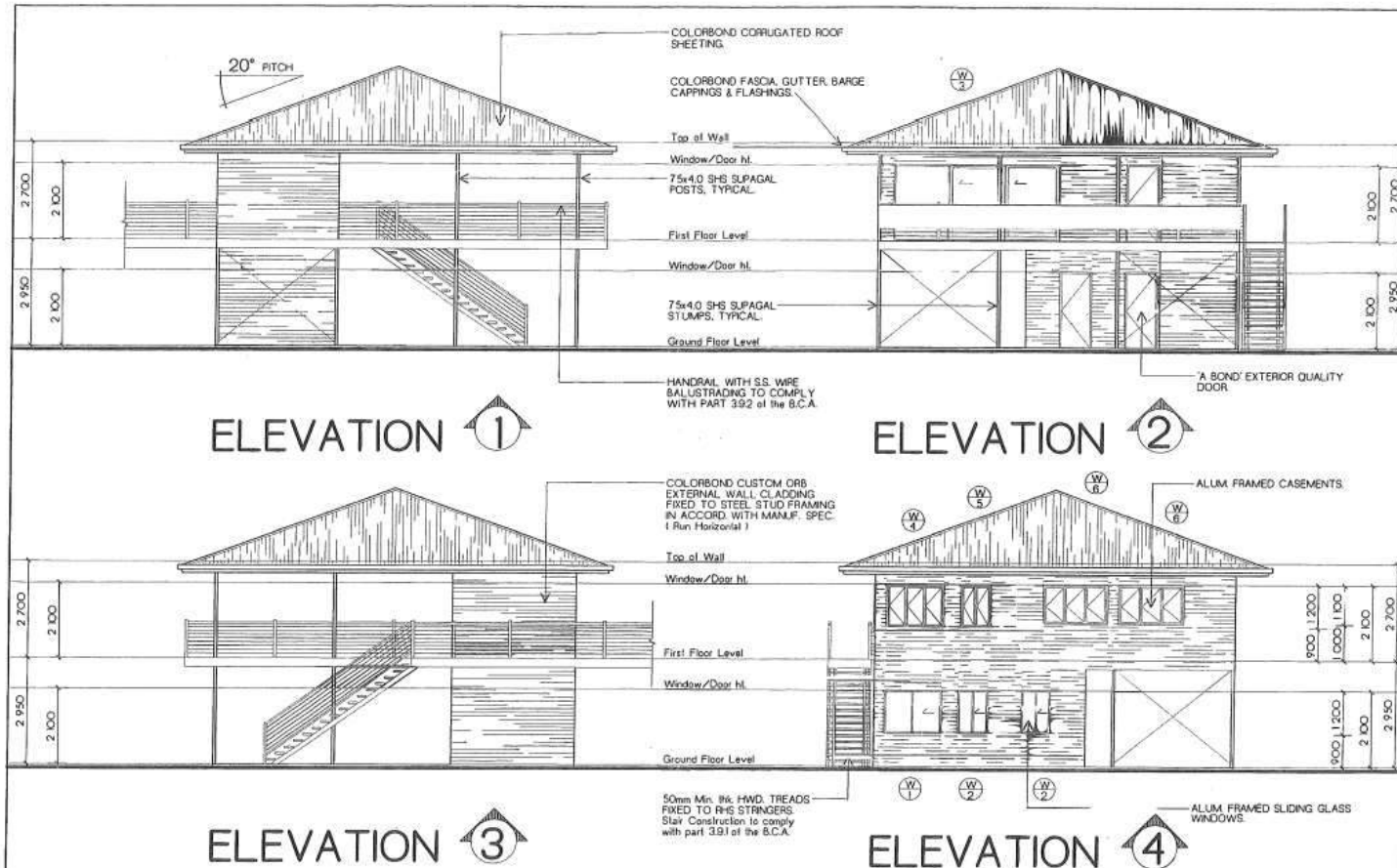


Check all figures  
on site. Set Back  
to be observed in  
reference to scale.

PROPOSED RESIDENCE  
J MURRAY  
Lot 86 GEORGE RD  
FOREST CREEK.

1:100	
ASG	9/15
Detailed Site PLAN	





WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION C2

*C. McEneaney* 15-4-09  
**C. McEneaney CONSULTING ENGINEERS**  
 208 BUCHAN ST.  
 CAPINS QLD. 4870.  
 PH: 07 403 2175  
 FAX: 07 403 9203

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 Use figured dimensions in preference to scale. Check all dimensions on site before fabrication or building work commences.

**building designer**  
**peter dall'alba design**  
 cert 98114, J.P.  
 Lic. number 00254 Act 1991 - reg. 52534  
 88A Gordon Street, Gordonvale, 4865  
 telephone 07 4056 6993

**PROPOSED RESIDENCE FOR :**  
**J. MURRAY,**  
**LOT 86, George ROAD, Forest Creek.**

1:100  
 APRIL 2009  
**W7**  
 OF 9  
 WIND CLASSIFICATION **C2**

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

## **Requirements for Sustainable Buildings**

As from 1st March 2009

For new Class 1 buildings & Class 2 buildings, including renovated bedrooms (except lapwings) in an existing Class 1 & Class 2 building.

Minimum 5-star (out of 10) energy equivalent rating for new class 1 buildings, using the methodologies prescribed in the Building Code of Australia (BCA) 2006.

An optional credit of 0.5 or 1-star will be available for class 1 buildings in climate zones 1 and 2 (as outlined in the BCA) that have an outdoor living area that meets certain specifications.

## **Acceptable Solutions:**

### **Volume of Water:**

Licensed plumbers must install 4-star WELS rated toilets and 3-star WELS rated tapware for kitchen sinks, basins and laundry troughs in new class 1 and class 2 buildings. For any major renovation work that involves both a building development approval and a plumbing application, the retrofit of existing toilets with 4-star rated toilets is required. The retrofitting of existing taps is not part of the new requirement.

Toilets must have dual flush capability that does not exceed 6 litres on full flush & 3 litres on half flush.

### **Water Supply:**

In a service area for retail water service under the Water Act (2000), the water supplied to a new Class 1 building does not exceed pressure levels set out in AS/NZS 3550:2003 and if the main water pressure exceeds or could exceed 500 Kpa, a water pressure limiting device is installed to ensure that the maximum operating pressure at the outlet within the boundaries of the property does not exceed 500 Kpa.

### **Airconditioning:**

Minimum 2.9 Energy Efficiency Ratio (EER) equivalent to a current 4-star energy rating for air-conditioners permanently attached to fixed wiring in class 1 and class 2 buildings where new and replacement systems are installed from 1 July 2009.

### **Acceptable Hot Water Systems**

In a new Class 1 building:  
Hot water systems must have a low greenhouse gas emission impact.

5 star Gas hot water system:  
either a heat pump OR solar hot water system;  
System must be eligible to receive M61 22 Renewable Energy Certificates (4 bedrooms)

Shower heads to be AAA rating when assessed against AS/NZS 8400:2004 or Labelling Scheme (WELS)  
A 4 star rating under the Water Efficiency Labelling Scheme (WELS)

### **WINDOW SCHEDULE**

W1	1200x1800 SLIDING GLASS WINDOW
W2	1200x800 SLIDING GLASS WINDOW
W3	2100x4600 MULTI-STACKER
W4	1200x1800 ALUM. CASEMENTS
W5	1200x800 ALUM. CASEMENTS
W6	1100x1800 ALUM. CASEMENTS
W7	1200x3600 ALUM. CASEMENTS
W8	2100x3600 SLIDING GLASS DOOR OXO

NOTE: Clear glass to all windows UNO.

## **NOTE:**

**Hot Water System:** Solar hot water system to be installed by a licensed contractor.

**Fans:** Fans to be installed to Living area, Bed 1 & Living.

**Lighting:** 80% of floor area is required to be fitted with energy efficient globes.

NOTE: BOTTOM PLATE OF ALL WALL FRAMES ARE HORIZONTAL. SLAB IS REQUIRED TO BE SHAPED TO PROVIDE LEVEL BASE FOR WALL THEN FALLING TOWARDS OPENINGS.

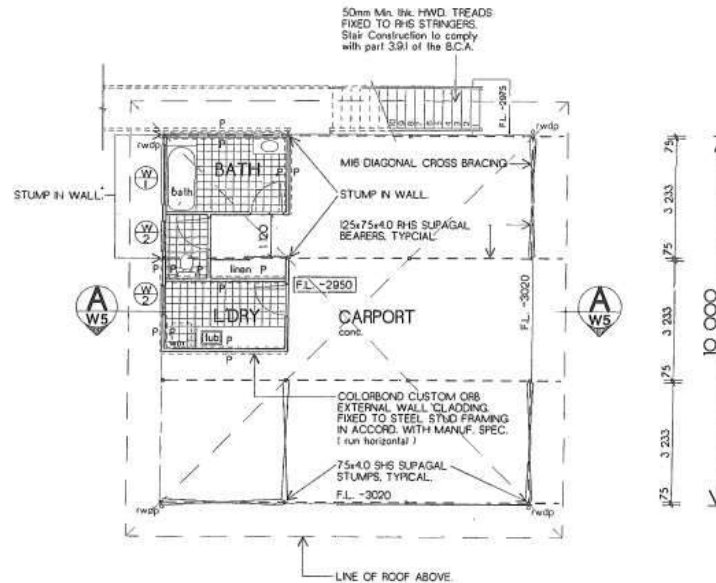
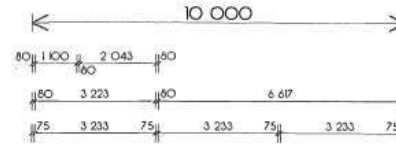


## **BRACING**

PLYWOOD SHEETING FIXED TO MANUF. SPEC. TO PROVIDE 6.0 KN/m RACKING RESISTANCE

UNO. PROVIDE M12 CYCLONE RODS AT EACH END OF BRACING WALL AND AT 1200 CRS. MAX. BETWEEN.

PROVIDE ANTI-RACKING CLEATS TO TOP OF BRACING WALLS IN ACCORDANCE WITH AS1684.3 RESIDENTIAL TIMBER-FRAMED CONSTRUCTION - CYCLONIC



## **GROUND FLOOR PLAN**

1:100

## **FLOOR AREA:**

GROUND FLOOR	- 1009 m <sup>2</sup>
FIRST FLOOR	- 1080 m <sup>2</sup>
BED 1	- 36.0 m <sup>2</sup>
<b>TOTAL</b>	<b>- 2430 m<sup>2</sup></b>

## **WALL NOTES:**

PREFABRICATED STEEL WALL FRAMING IN ACCORD. WITH MANUF. SPECIFICATIONS.

WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION C2

*Signature* 15/4/09  
**C.M.G. CONSULTING ENGINEERS**  
208 BUCHANAN ST. CAIRNS QLD 4870  
PH. 07 403 2775 FAX. 07 403 9003

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**building designer**  
**peter dall'alba design**  
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Vic. under OMSA Act 1991 - No. 57534  
95A Gordon Street, Gordonville, 4005  
Telephone 07 4029 3513

**PROPOSED RESIDENCE FOR:**  
**J. MURRAY,**  
**LOT 86 George ROAD, Forest Creek.**

1:100

APRIL 2009

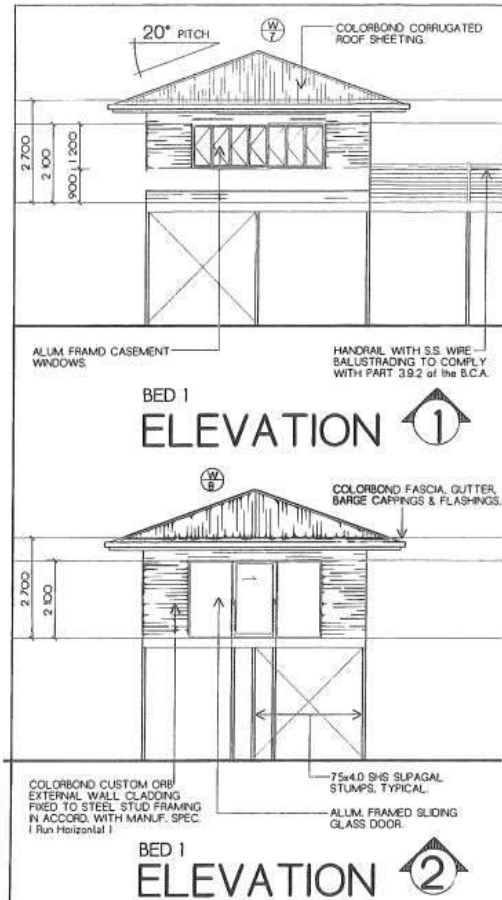
**1170**

WIND CLASSIFICATION

**W1**  
OF 9

**C2**

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



## **RAINWATER TANKS:**

THE TANK CAPACITY TO BE A LEAST 5000 LITRES WHERE USED FOR EXTERNAL AND INTERNAL USE. THE TANK MUST BE INSTALLED IN SUCH A WAY THAT IT RECEIVES THE RAINFALL FROM A ROOF CATCHMENT OF AT LEAST 100 SQM OR HALF THE ROOF AREA, WHICHEVER IS THE LESSER. THE TANK(S) IS/ARE REQUIRED TO BE CONNECTED TO ALL TOILET CISTERNS & TO WASHING MACHINE COLD TAPS. PROVIDE A SCREENED DOWNPIPE RAINHEAD TO ALL DOWNPIPES THAT CONNECT TO THE TANK(S). THE SCREEN MESH TO HAVE OPENINGS NO SMALLER THAN 4 MM AND NO LARGER THAN 8MM AND DESIGNED TO SHED LEAVES. THE TANK(S) TO BE PROVIDED WITH MOSQUITO-PROOF SCREENS OF BRASS, COPPER, ALUMINUM OR STAINLESS STEEL, WITH THE GAUZE NOT COARSER THAN 1MM APERTURE MESH OR FLAP VALVES AT EVERY OPENING OF THE RAINWATER TANK. IF A TANK IS PROVIDED WITH A MANHOLE, THE MANHOLE MUST HAVE A DIAMETER OF NO MORE THAN 400MM AND A VERMIN TRAP. PROVIDE FOR AN AUTOMATIC OR MANUAL INTERCHANGE DEVICE THAT ALLOWS ALTERNATE USE OF THE WATER FROM THE TANK OR THE RETICULATED WATER SUPPLY MUST BE INSTALLED TO ENSURE THAT THERE IS A CONTINUAL SUPPLY OF WATER FOR SANITARY FLUSHING AND LAUNDRY USE. A SUITABLE BACKFLOW DEVICE MUST BE INSTALLED TO PROTECT POTABLE WATER WITHIN THE RETICULATED SUPPLY IN ACCORDANCE WITH AS/NZS 3500:2003 PLUMBING AND DRAINAGE. POLYETHYLENE TANKS SHALL BE IN ACCORDANCE WITH AS/NZS 4786 INT/2002 POLYETHYLENE STORAGE TANKS FOR WATER AND CHEMICALS. GALVANISED STEEL TANKS SHALL BE IN ACCORDANCE WITH AS3097:2001 STEEL SHEET AND STRIP HOT DIPPED ZINC-COATED OR ALUMINUM/ZINC-COATED AND HAVE A MINIMUM COATING OF 550 G/M<sup>2</sup> STAINLESS STEEL TANKS SHALL BE IN ACCORDANCE WITH ASTM A240/240M-05 STANDARD SPECIFICATION FOR CHROMIUM-NICKEL STAINLESS STEEL PLATE, SHEET, AND STRIP FOR PRESSURE VESSELS AND FOR GENERAL APPLICATIONS. CONCRETE TANKS TO BE IN ACCORDANCE WITH AS3735:2001 CONCRETE STRUCTURES CONTAINING LIQUIDS.

## **RAINWATER TANK OVERFLOW**

THE RAINWATER TANK OVERFLOW MUST BE CONNECTED TO AN UNDERGROUND STORMWATER LINE DISCHARGING TO THE KERB, AN OPEN DRAIN OR ANY APPROVED DISCHARGE POINT.

## **RAINWATER TANK STANDS:**

THE RAINWATER TANK STAND OR OTHER SUPPORTING STRUCTURE MUST COMPLY WITH WITH AS/NZS3101:2002 PERMANENT, IMPOSED AND OTHER ACTIONS AND AS/NZS3101:2002 WIND ACTIONS.

## **WATER TANK TIE-DOWN**

75x6 THK. GALV. FISHPLATE CAST INTO 600x600x600 MASS CONC. FOOTING EACH SIDE OF TANK. 6mm GALV. WIRE ANCHOR ROPE PASSED OVER TANK THROUGH LIFTING LUGS AND FIXED TO FISHPLATES WITH WIRE ROPE GRIPS.

## **BUILDING PLATFORM PREPARATION**

1. AN AREA APPROXIMATELY 2000 PAST THE BUILDING LINES IS TO BE STRIPPED OF ALL TOPSOIL AND ALL ORGANIC MATTER ETC. IS TO BE GRUBBED OUT LEAVING FIRM STABLE MATERIAL ONLY. ALL TOP SOIL CAN BE STOCKPILED ON SITE FOR LATER USE IN LANDSCAPING.
2. ANY TREE STUMPS UNDER THE PLATFORM ARE TO BE REMOVED AND THE RESULTANT HOLES ARE TO BE BACKFILLED WITH APPROVED NON-PLASTIC FILL MATERIAL IN COMPACTED LAYERS NOT EXCEEDING 150 mm TO 98 % SRDD.
3. THE BUILDING PLATFORM SHALL THEN BE COMPACTED WITH A MINIMUM 10 TONNE VIBRATION ROLLER. THE USE OF VIBRATORY ROLLERS FOR EARTH WORKS COMPACTION MAY CAUSE SIGNIFICANT GROUND VIBRATION & CAREFUL SITE CONTROL, OR THE USE OF HEAVY STATIC COMPACTION PLANT WILL BE REQUIRED TO AVOID DAMAGE TO ADJOINING BUILDINGS.
4. ANY FILL IS TO BE SPREAD IN LAYERS NOT EXCEEDING 150 mm & COMPACTED WITH THE ROLLER TO 98% SRDD AT OPTIMUM MOISTURE CONTENT.
5. THE BUILDING PLATFORM IS TO BE SHAPED TO ALLOW FOR 50mm MINIMUM SAND BEDDING UNDER BUILDING SLABS & TO ENSURE THAT IT DRAINS TO ITS PERIMETER AND SUCH DRAINAGE IS TAKEN AWAY FROM THE BUILDING PLATFORM AREA.
6. ON COMPLETION OF ROLLING, THE BUILDER SHALL ENGAGE A SOIL TESTER TO CARRY OUT A MINIMUM OF 4 PENETROMETER TESTS OVER THE SITE, AND THE RESULTS SHALL BE FORWARDED TO THE DESIGN ENGINEER FOR APPROVAL PRIOR TO PROCEEDING WITH CONSTRUCTION.
7. RE-SPREAD TOP SOIL TO OWNERS REQUIREMENTS.
8. ALL WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT AUTHORITIES & GENERALLY IN ACCORDANCE WITH A.S. 2870.
9. THE CERTIFICATION OF THE FOOTINGS IS BASED ON AN ASSUMED CLASS 'S' SITE CLASSIFICATION, MINIMUM SAFE BEARING CAPACITY 100 KPa.

WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION C2

**CMG CONSULTING ENGINEERS**  
 1208 BUCHAN ST.  
 CAIRNS QLD 4870  
 PH. 07 4038 2775  
 FAX. 07 4038 3003

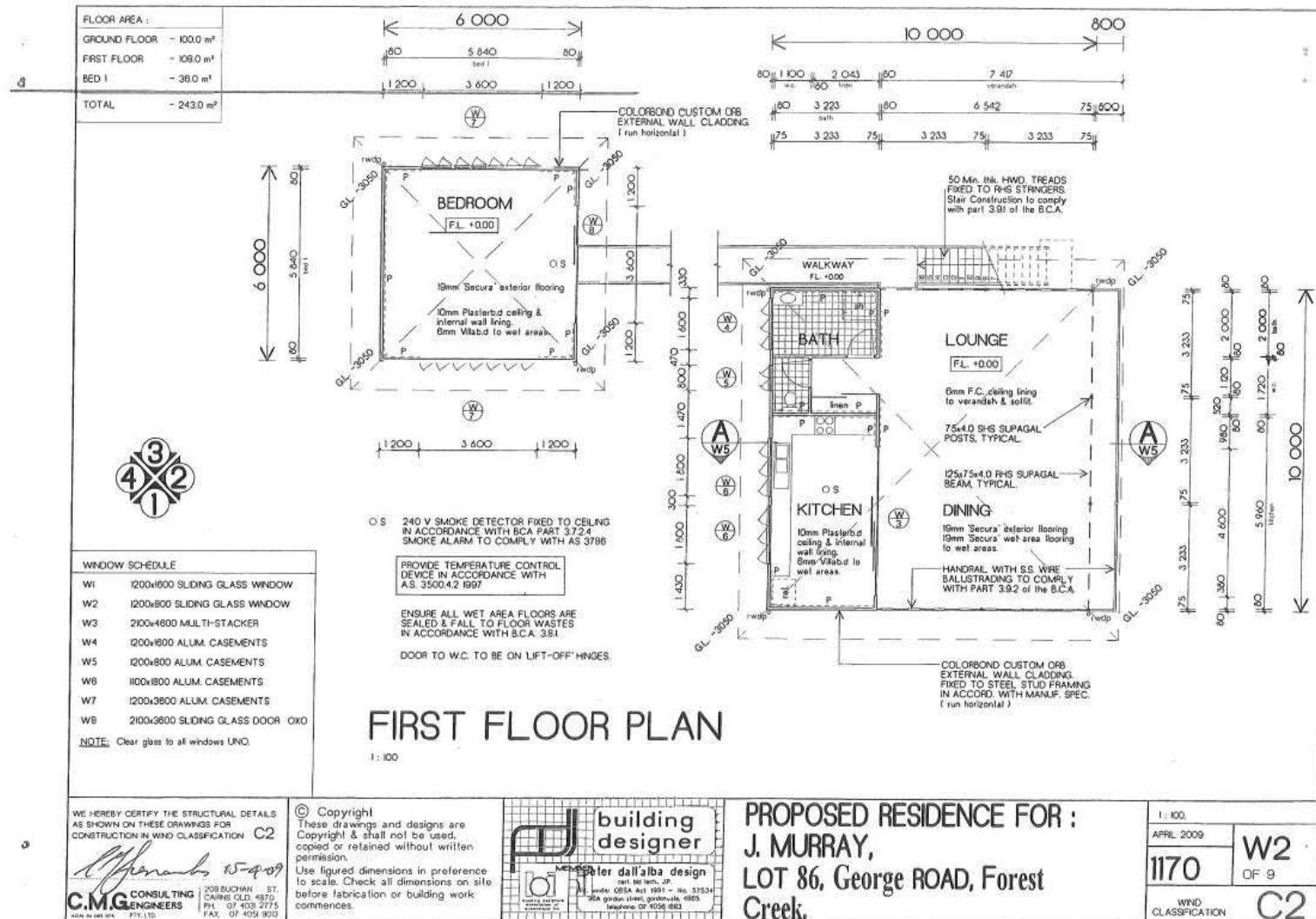
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**building designer**  
**peter dall'alba design**  
 (a/c 1st lic. arch. 2/01)  
 (a/c 2nd lic. 2/01) - No. 57534  
 26A Gordon Street, GORDONVILLE, 4005  
 telephone 07 4056 8803

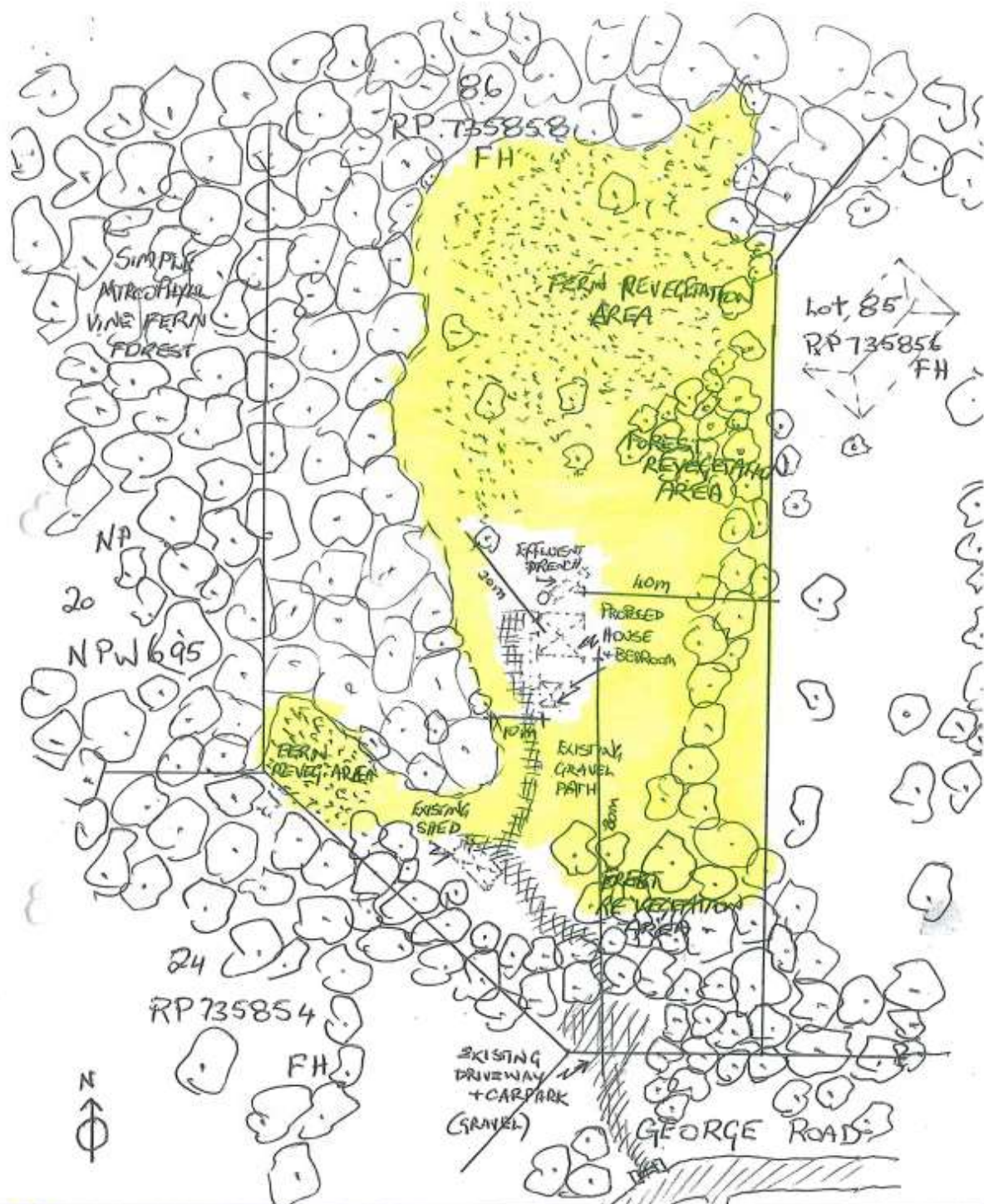
**PROPOSED RESIDENCE FOR :**  
**J. MURRAY,**  
**LOT 86, George ROAD, Forest Creek.**

1:100  
 APRIL 2009  
**1170**  
 WIND CLASSIFICATION **C2**  
**W8**  
 OF 9

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







Area Approved for Bio-prospecting - DSC 2/9/16

Check all figures on site, Set Back to be observed in reference to scale.	PROPOSED RESIDENCE J MURRAY Lot 86 GEORGE RD FOREST CREEK	1:100	
		ASG	9/15
		Detailed Site Diagrams	

