

Daniel Favier 8/7/2815 (#4138505)

**MEMO TO:** KELLY REASTON – GENERAL MANAGER PLANNING & ENVIRONMENT

**FROM:** DANIEL FAVIER – PLANNING OFFICER

**DATE:** 1 OCTOBER 2013

**SUBJECT:** **DELEGATED AUTHORITY REPORT – MATERIAL CHANGE OF USE (CODE ASSESSMENT) HOUSE (RURAL SETTLEMENT) – GEORGE ROAD, FOREST CREEK – DIVISION 10**

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PROPOSAL: HOUSE (RURAL SETTLEMENT)

APPLICANT: JON VINCENT  
PO BOX 134  
KUDAT SABAH  
BORNEO EAST MALAYSIA 89057

LOCATION: GEORGE ROAD, FOREST CREEK

PROPERTY: LOT 66 ON RP735856

LOCALITY: SETTLEMENT AREAS NORTH OF THE DAINTREE

PLANNING AREA: RURAL SETTLEMENT

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: NONE APPLICABLE

NUMBER OF SUBMITTERS: NOT APPLICABLE

STATUTORY ASSESSMENT DEADLINE: 15 OCTOBER 2013

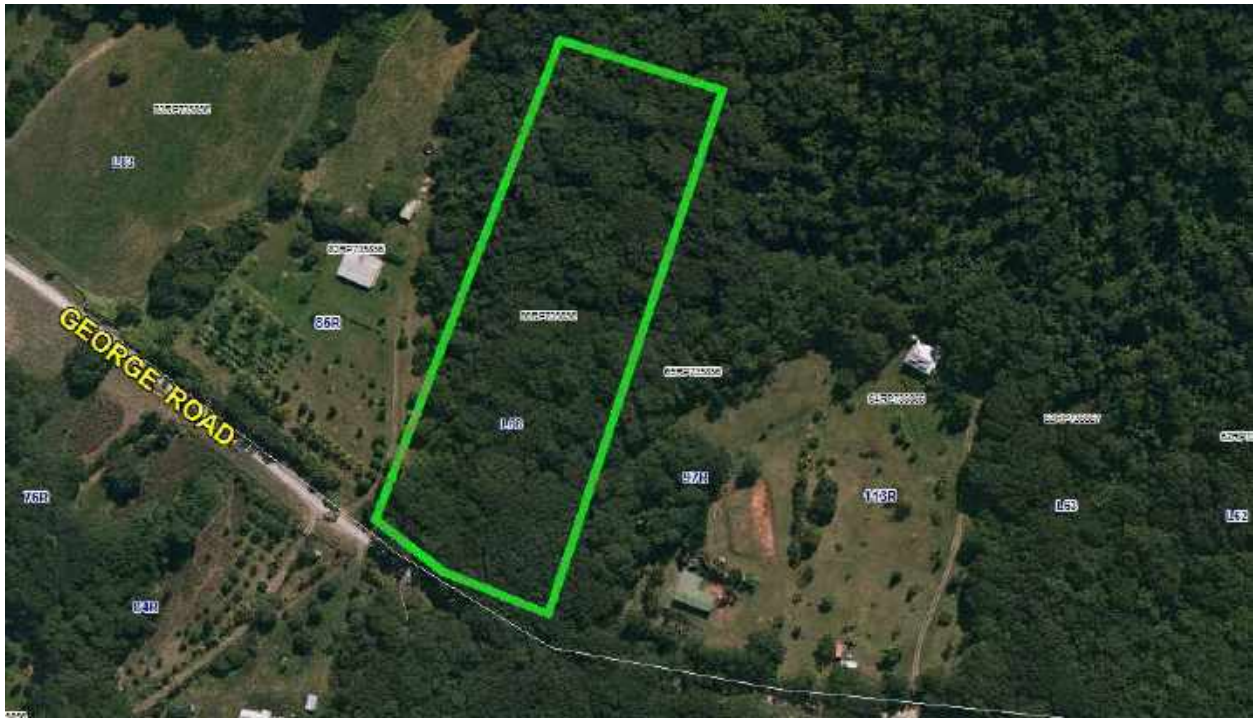
APPLICATION RECEIVED 17 SEPTEMBER 2013

DIVISION: 10

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. STANDARD DRAWING – RURAL ALLOTMENT ACCESS

**LOCALITY PLAN**



**RECOMMENDATION**

That the General Manager Planning & Environment, under Instrument of Delegation, approves the Development Application as detailed above subject to the following:

**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	Lot 66 George Rd, Forest Creek	Not Dated
Creek Crossing Sketch	Lot 66 George Rd, Forest Creek	15 September 2013
House Pad and Position	Lot 66 George Rd, Forest Creek	Not Dated
Floor Plan (with Roof Lines)	Lot 66 George Rd, Forest Creek	Not Dated
Floor Plan (without Roof Lines)	Lot 66 George Rd, Forest Creek	Not Dated
Right Elevation	Lot 66 George Rd, Forest Creek	Not Dated
Rear Elevation	Lot 66 George Rd, Forest Creek	Not Dated
Front Elevation	Lot 66 George Rd, Forest Creek	Not Dated
Left Elevation	Lot 66 George Rd, Forest Creek	Not Dated

**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.

#### External Works

4. Undertake the following external works:
  - a. Provide a gravel or other approved material rural allotment access, including a minimum 450mm concrete culvert and standard headwall and apron, constructed generally in accordance with FNQROC Development Manual Standard Drawing S1105 and the manufacture's specifications. A copy is attached at Appendix 2.

The crossover must not impact on stormwater flows in minor and major flow events.

#### Internal Works

5. Undertake the following internal works:
  - a. In the construction of the seasonal creek crossing, provide a minimum 900mm concrete culvert and standard headwall and apron in the approved location and to the manufacture's specification.

The crossing must not impact on stormwater flows in minor and major flow events.
  - b. Construct a gravel driveway or other approved surface to the proposed dwelling site. The driveway is to extend the full length of the access from the rural allotment access as required by Condition 4 above.

The driveway access must be constructed with a minimum 100 mm

depth of free draining gravel, or any other surface as approved by Chief Executive Officer.

### Water Supply

6. Water storage tank(s) with a minimum capacity not less than 30,000 litres, and 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 tanks must be provided with:
  - a. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than 1mm 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 40cm; and
  - e. The water tank(s) shall be fitted with a 50mm ball valve with a camlock fitting.

### On-site Effluent Disposal

7. The method of on-site effluent disposal must be in accordance with the Plumbing and Drainage Act 2002. Details of the wastewater treatment system to be installed must be approved in accordance with report submitted by Earth Test Dated 13 September 2013 report SI 279-13 V2, Council reference # 4135594.

### Vegetation Clearing

8. Existing vegetation on the land must be retained in all areas except those affected by the construction of the Designated Development Area (700m<sup>2</sup>), access driveways and/or the installation of any services as detailed on the approved plans. Any further clearing requires a Permit for Operational Works.

### Vegetation Protection

9. Plant specimens protected under the *Nature Conservation Act 1992* were observed onsite. A clearing permit under the *Nature Conservation Act 1992* will be required prior to the removal of any protected plant species.

It is recommended that all clearing is undertaken in the presence of an experienced botanist.

### Wildlife Protection

10. Trees and/or vegetation that contain nesting native birds, dens or roosting sites of native animals are not to be removed while the nests, dens or

roosting sites are in use as per the requirements of the *Nature Conservation (Wildlife Management) Regulation 2006* without the necessary Ecoaccess Approval. Information on Ecoaccess approvals may be obtained at [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au) or by contacting the Cairns Office of QPWS.

#### **Notification**

- 11. Council's Development Assessment Branch must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.**

#### **Building Colours**

- 12. The exterior finishes and colours of Buildings must be 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 prior to the issue of the Development Permit for Building Works.**

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

#### **Generators**

- 13. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents.**

#### **Fuel Storage**

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

#### **Sediment and Erosion Control**

- 15. 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*).**

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

#### LAND USE DEFINITIONS\*

In accordance with *Douglas Shire Planning Scheme 2008* the approved land use of 'House' is defined as:

*"...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; 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 twelve (12) months and which then converts to a House for the exclusive use of one 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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#### **EXECUTIVE SUMMARY:**

Council is in receipt of an application for a House in the Rural Settlement Planning Area over land adjoining George Road, Forest Creek, on land properly described as Lot 66 on RP735856. The site does not have a rural road address.

The site has been inspected by Council's Environmental Officer, who has identified an appropriate building pad situated at the rear of the property. The building pad has been previously cleared however has not been maintained in recent years and is currently over grown. The property is heavily vegetated and clearing will be required to facilitate the location of the proposed designated development area and driveway access.

The proposed development has been assessed by Council Officers and is found to be generally compliant with all relevant codes under the Douglas Shire Planning Scheme and is recommended for approval, subject to conditions.

## PLANNING CONSIDERATIONS:

### Proposal

The proposal before Council is for the establishment of a small, single storey, 2 bedroom, 2 bathroom House on a heavily vegetated lot off George Road, Forest Creek. The property is not defined by rural road address however is formally described as Lot 66 on RP735856. The House and garage are contained under a single roof structure with a smaller, detached, 10.5m<sup>2</sup> generator shed located 3m west of the House. A minimum 30,000L water storage tank will be located at the rear of the House. It is proposed to install solar electricity supply with a generator backup.

The House has been sited in an area which has been previously cleared, however this area has not been maintained in recent years and is currently overgrown. Vegetation clearing will be required to facilitate establishment of the cleared 700m<sup>2</sup> designated development area and 4 metre wide driveway access.

The wastewater system is proposed to be sited south of the House. The proposed treatment system includes a septic tank and a 22.5m<sup>2</sup> land application area. The system will also lie approximately 30m from the two seasonal waterways which traverses the property.

### Douglas Shire Assessment

Douglas Shire Rural Areas and Rural Settlements Planning Locality		Code Applicability	Compliance
Locality	Settlement Areas North of the Daintree River Locality Code	✓	<b>Conditioned to Comply</b> – The House is compliant with all relevant performance criteria. The development has been conditioned for the provision of water storage tanks and appropriate colours and finishes. New site access will be constructed and no further landscaping will be required given the heavily forested nature of the lot.
Planning Area	Rural Settlement Planning Area Code	✓	<b>Complies</b> – The development is compliant with all relevant setbacks and will result in no detrimental impacts to the visual amenity of neighbouring properties.
Land Use	House Code	✓	<b>Complies</b> – All acceptable measures are satisfied.
Overlay Codes	None Applicable	–	Not Applicable.
General	Landscaping Code	✓	<b>Complies</b> – No additional landscaping is required.

	Natural Areas and Scenic Amenity Code	✓	<b>Complies</b> – The House has been sited in an existing cleared area thereby limiting any further clearing needed on the site. The site has been inspected by Council's Environmental Officer who supports the location of the proposed House as it poses least risk to native vegetation of significance. The House and associated wastewater system are located at an appropriate distance to ensure minimal environmental impacts to the creek.
	Vehicle Parking and Access Code	✓	<b>Complies</b> – In order to construct appropriate vehicle access to the designated development area from the road reserve, clearing of a 4 metre corridor will occur. The applicant has been conditioned to construct appropriately sized culvert crossings across the table drain within the road reserve and also across the internal seasonal watercourse.

### **OFFICER COMMENT**

The design and scale of the House, in addition to its siting within a previously cleared area, should result in minimal environmental footprint being created by the development. The development will not be visible from the road and the setbacks to front, rear and side boundaries should help minimise any visual or noise impacts to neighbouring properties. Standard conditions regarding on-site effluent disposal and water supply have been applied.

### **HEADWORKS / CONTRIBUTIONS:**

The proposed development does not trigger Developer's Headworks Contributions.

### **COUNCILLOR COMMENTS**

The Divisional Councillor was forwarded a copy of this Delegated Authority Report. The Councillor responded on 18 October 2013 advising that the application can be determined by Delegation.

Daniel Favier  
Planning Officer  
Action Officer

Graham Boyd  
Manager Development & Regulatory Services

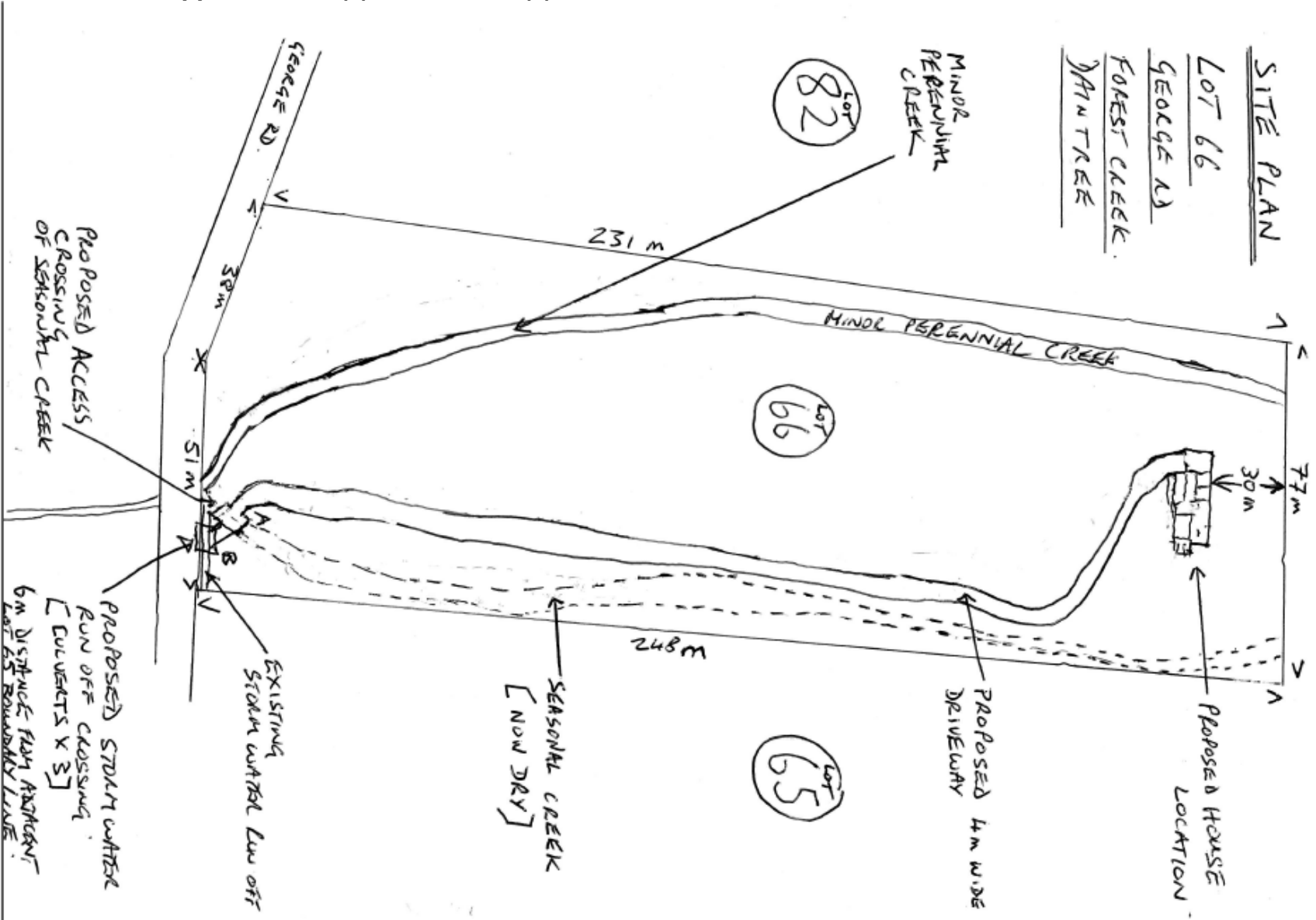




Kelly Reaston  
General Manager Planning & Environment Department

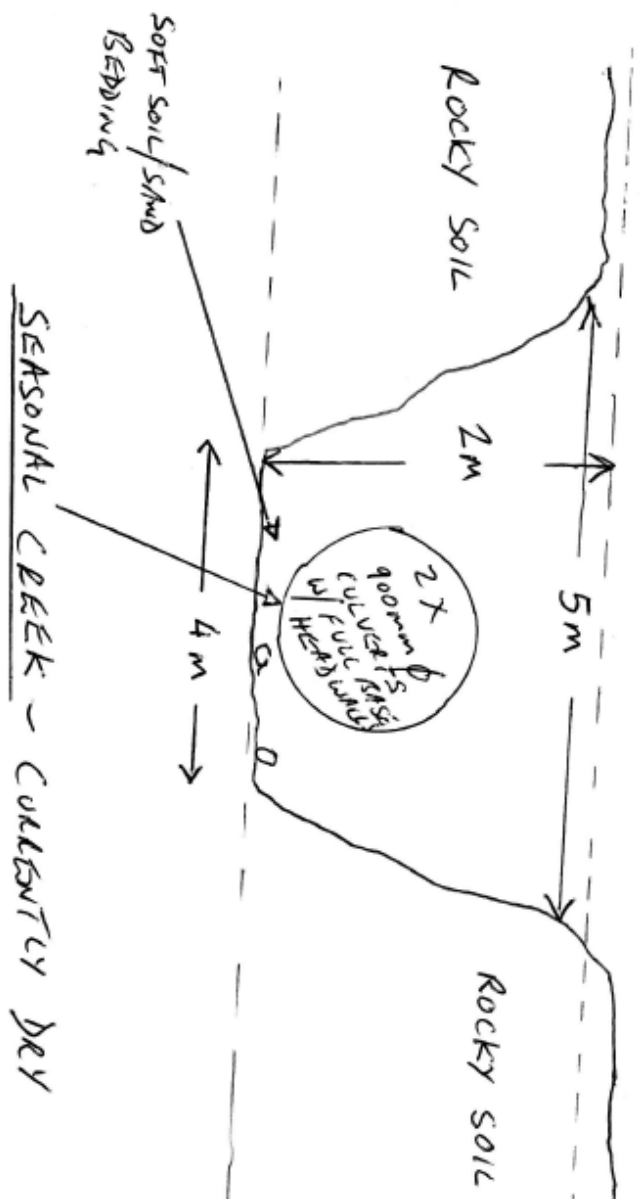
Approved / ~~Not Approved~~

APPENDIX 1: Approved Plan(s) & Document(s)



15/9/13

ANNEXURE 1  
CREEK CROSSING SKETCH



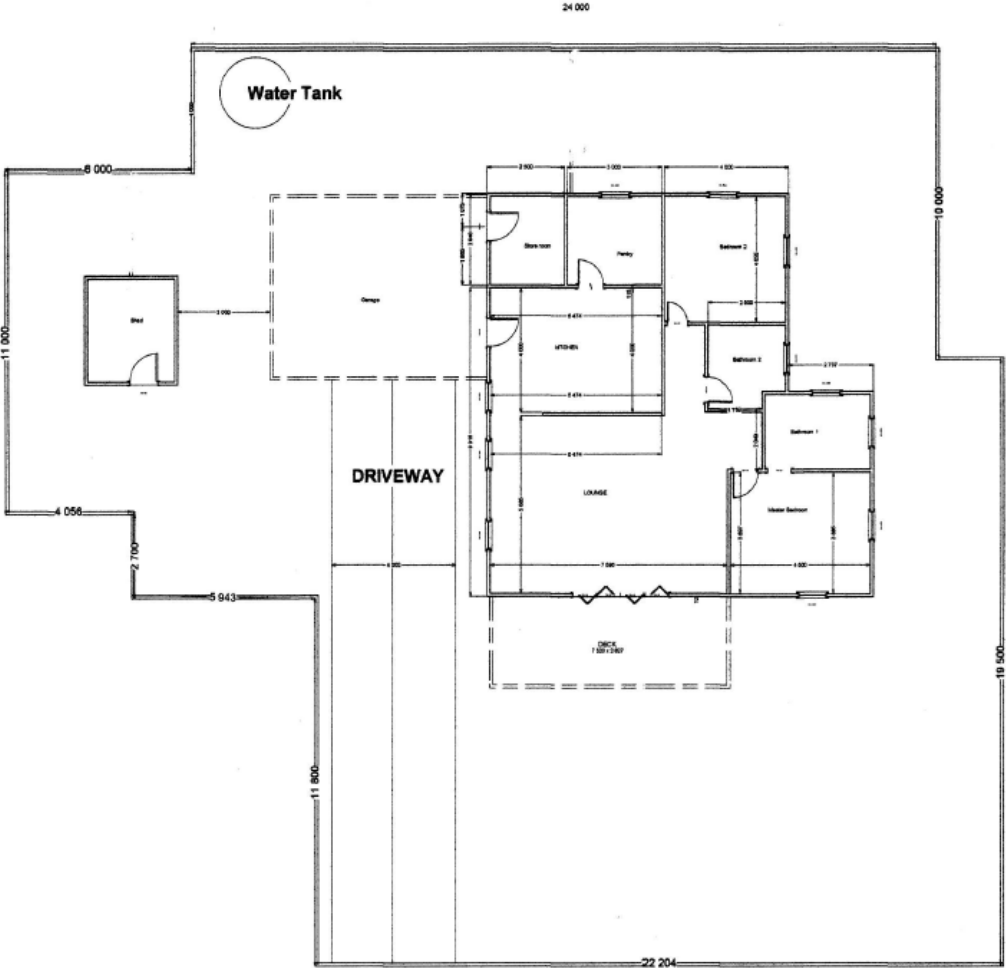
LAT 66, GEDDAGE RA  
FOREST CREEK

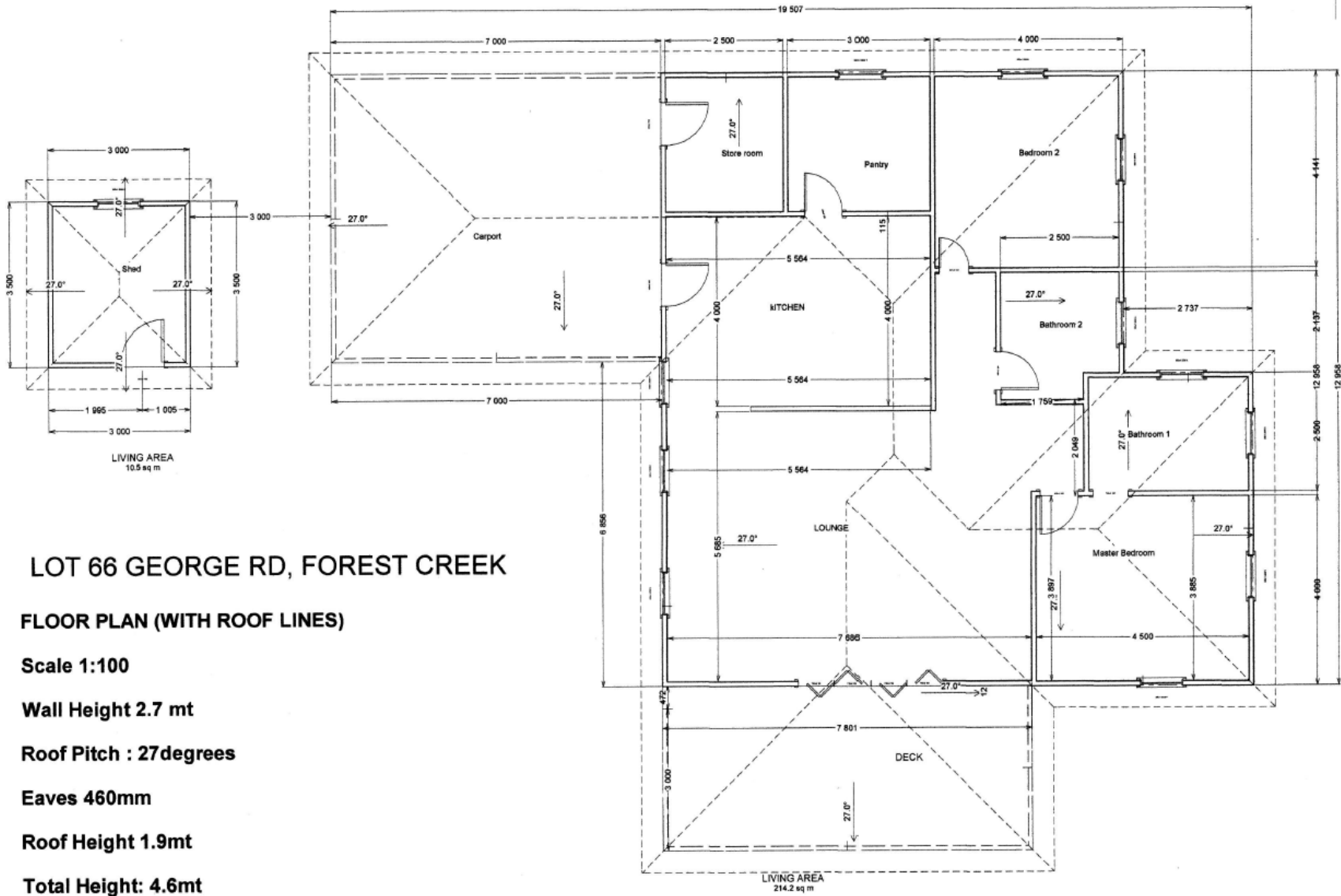
LOT 66 GEORGE RD, FOREST CREEK

House Pad showing house position

House Pad Area: 700 sqm plus driveway of 75 sqm: 4mt x 18.5 mt

Scale 1: 200





**LOT 66 GEORGE RD, FOREST CREEK**

**FLOOR PLAN (WITH ROOF LINES)**

**Scale 1:100**

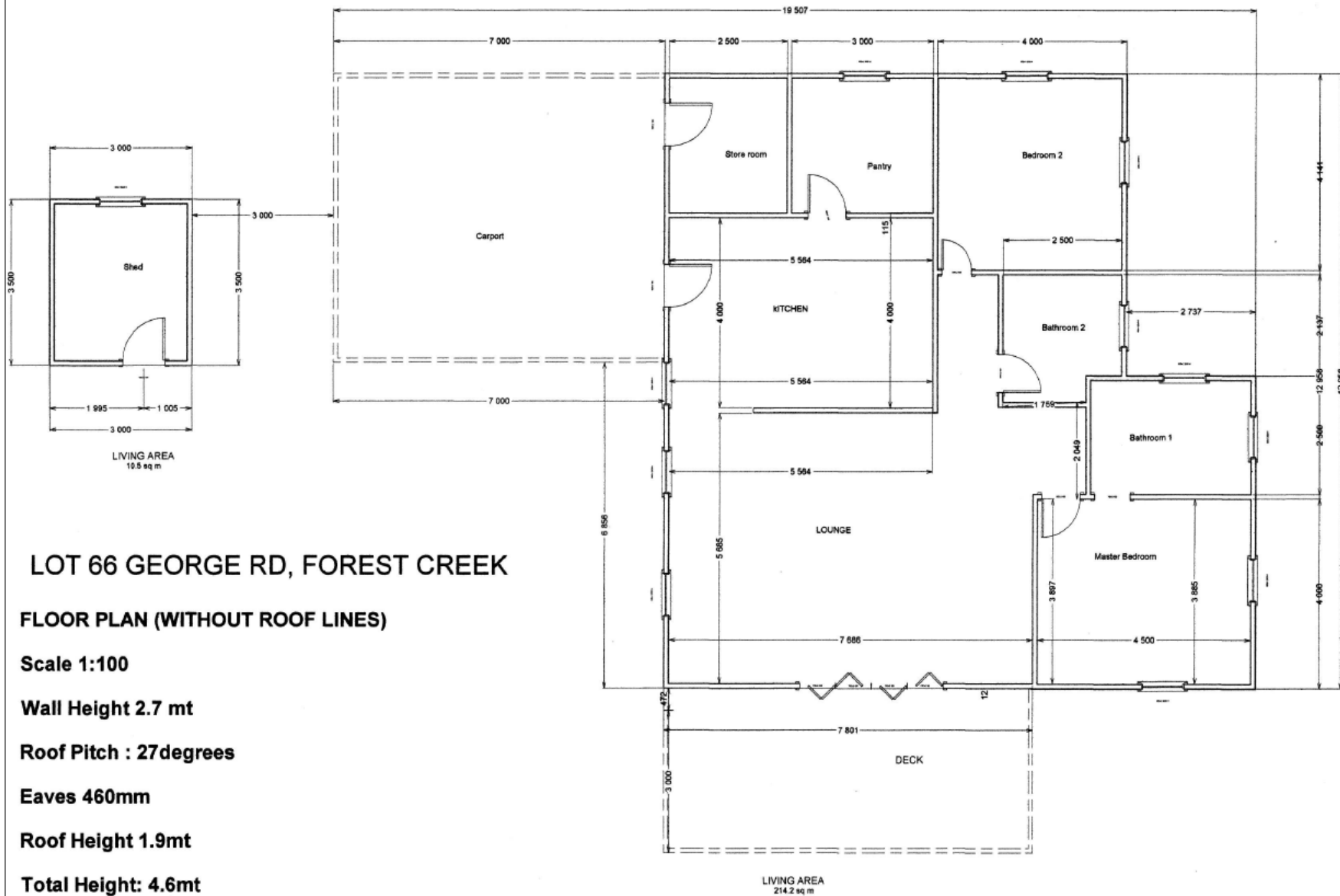
**Wall Height 2.7 mt**

**Roof Pitch : 27degrees**

**Eaves 460mm**

**Roof Height 1.9mt**

**Total Height: 4.6mt**



**LOT 66 GEORGE RD, FOREST CREEK**

**FLOOR PLAN (WITHOUT ROOF LINES)**

**Scale 1:100**

**Wall Height 2.7 mt**

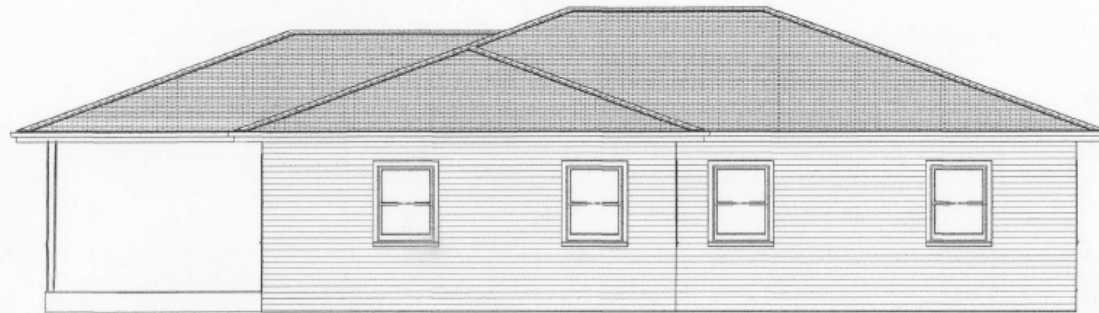
**Roof Pitch : 27degrees**

**Eaves 460mm**

**Roof Height 1.9mt**

**Total Height: 4.6mt**

**LOT 66 GEORGE RD, FOREST CREEK**



**RIGHT ELEVATION**

**SCALE 1:100**

**LOT 66 GEORGE RD, FOREST CREEK**

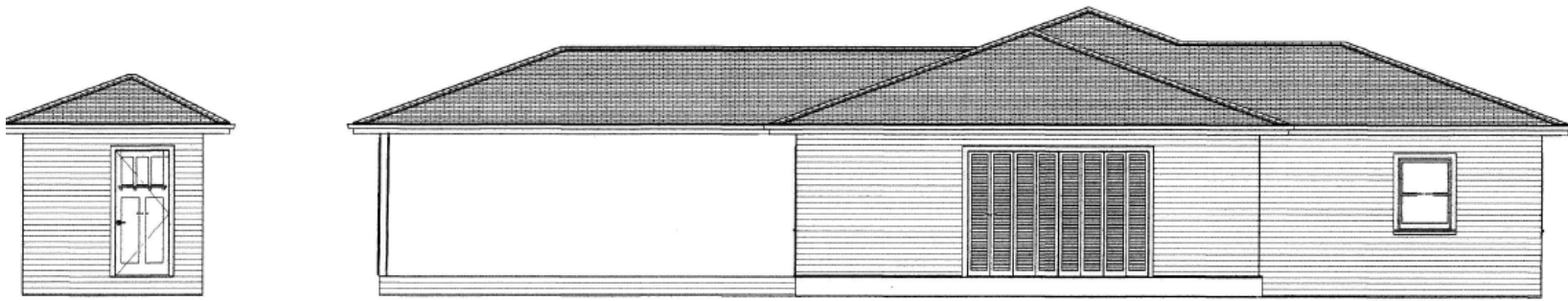


**REAR ELEVATION**

**SCALE 1:100**



**LOT 66 GEORGE RD, FOREST CREEK**



**FRONT ELEVATION**

**SCALE 1:100**

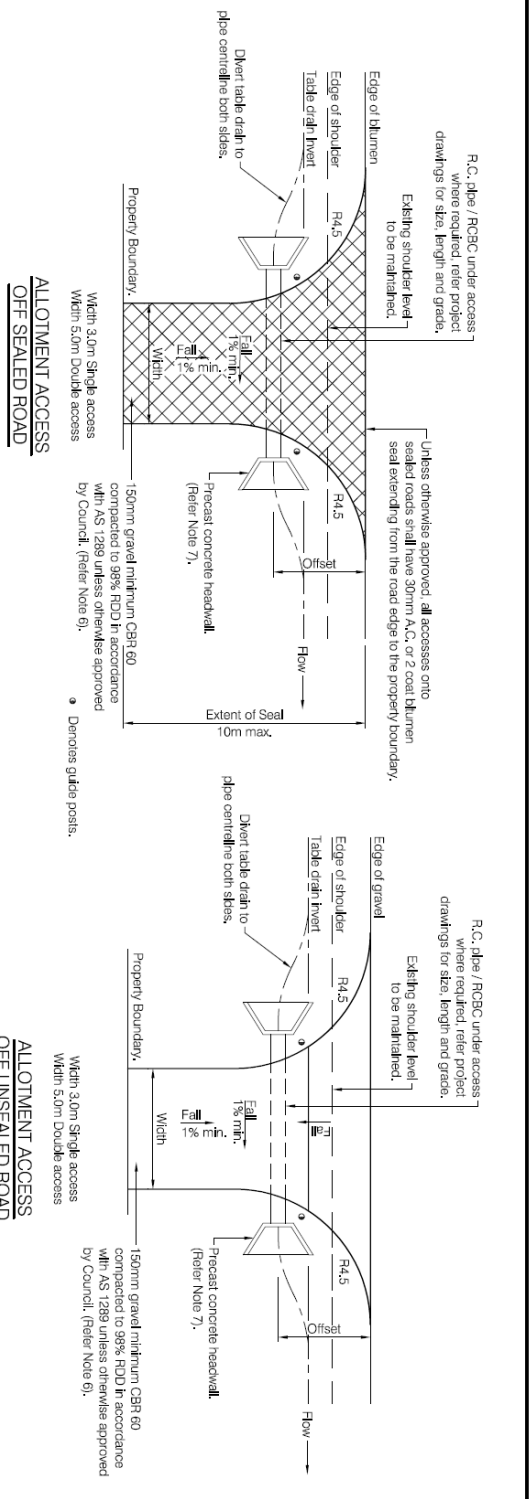
**LOT 66 GEORGE RD, FOREST CREEK**



**LEFT ELEVATION**

**SCALE 1:100**

# 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 pipes 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 80km/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.

<b>DISCLAIMER</b>	
The author and sponsoring organizations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, in whole or in part, by the use of the information contained herein, but will limit to, any infringement of patent, loss of business or other damages, or consequential damages resulting from the use of the information contained herein. The user shall be responsible for obtaining the equivalent of, or a substitute for, road-specific design and assessment by an appropriately qualified professional.	
<b>REVISIONS</b>	<b>DATE</b>
A ORIGINAL ISSUE	12/03/04
B NOTES AMENDED	19/01/05
C VARIOUS MINOR AMENDMENTS	13/01/06
<b>RURAL ALLOTMENT ACCESSSES</b>	
Standard Drawing S1105	
A	B
C	I