

3 May 2019

OUR REF: MCUC 4225/2005 (899622)

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Senzusound Pty Ltd
PO Box 453
NORTH ADELAIDE SA 5006

Dear Sir

**DECISION NOTICE UNDER S 63 PLANNING ACT 2016 – REQUEST TO EXTEND
CURRENCY PERIOD OF DEVELOPMENT APPROVAL – LOT 1
FOREST CREEK ROAD, FOREST CREEK**

Reference is made to your request to extend the currency period for the abovementioned Development Approval, which was determined at the under Instrument of Delegation on 3 May 2019.

The Development Permit is now valid up to and including 31 May 2025 in accordance with the Amended Decision Notice issued 6 December 2011.

FURTHER ADVICE

1. This approval, granted under the provisions of the *Planning Act 2016* shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of *Planning Act 2016*.
2. 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.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Should you have any enquiries in relation to this Decision Notice, please contact Neil Beck on telephone number 07 4099 9451.

Yours faithfully

Neil Beck
Acting Manager Environment & Planning

Att

APPENDIX 1: DEVELOPMENT PERMIT ISSUED 6 DECEMBER 2011

ENQUIRIES: Mrs Jenny Elphinstone
PHONE: (07) 4099 9482
FAX: (07) 4044 3836
YOUR REF: Forest Crk Rd
OUR REF: 8/37/147 (3415166)

6 December 2011

Senzusound Pty Ltd
PO Box 453
NORTH ADELAIDE SA 5006

Attention Dr Toft

Dear Sir

AMENDED DECISION NOTICE UNDER S 810 SUSTAINABLE PLANNING
ACT 2009: DEVELOPMENT APPLICATION MCU 3B 031/05 FOR
FOREST CREEK ROAD, FOREST CREEK

With reference to your request for an Amended Decision Notice and extension of the relevant period for the abovementioned Development Application, which was determined under Instrument of Delegation on 5 December 2011, please find attached the relevant Amended Decision Notice.

Please be advised that the relevant period has been extended for four (4) years from the date of this Amended Decision Notice.

Your attention is drawn to Condition 1 that requires amended plans to be submitted within twelve (12) months of this Decision Notice.

The Notice includes extracts from the *Sustainable Planning Act 2009* with respect to lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Council's Development Assessment team on telephone number (07) 4099 9482.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att

APPLICANT DETAILS

Senzusound Pty Ltd
PO Box 453
NORTH ADELAIDE SA 5006

ADDRESS

Forest Creek Road, Forest Creek

REAL PROPERTY DESCRIPTION

Lot 1 on RP738430

PROPOSAL

Request for an Amended Decision Notice and extension of relevant period for a Dwelling House.

DECISION

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

DECISION DATE

This Amended Decision Notice dated 6 December 2011 replaces the Decision Notice issued by Douglas Shire Council on 18 May 2007. The relevant period expires on 18 May 2015.

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

Plan of Development

1. a. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plan/s of Development:

Title	Plan No	Date
Floor Plan	Sheet 1	-
Elevations	Sheet 2	-
Section AA	Sheet 3	-
Site Plan <u>as amended by condition 1b</u>	<u>To be determined</u>	<u>To be determined</u>
Proposed vegetation area <u>as amended by condition 1b</u>	<u>To be determined</u>	<u>To be determined</u>

Except where such plans are modified by the terms of this approval; and

- b. The Site Plan and the Vegetation Area Plan are amended by:

- i. The siting of the garage reflects the existing siting as of 12 September 2011;
- ii. The House is to be positioned generally in the centre part of the area of land cleared as of 12 September 2011;
- iii. The Site Plan is to show a single vehicle entry / exit from Forest Creek Road. The proposed future access to Thornton Peak Road is for emergency access only;
- iv. A minimum of an eight (8) metre buffer of native vegetation, as currently exists, is maintained along the western boundary to Thornton Peak Road is for emergency exit only;
- v. A minimum buffer of 12 metres is maintained from the edge of the clearing to the top of bank of the creek on the land; and

- vi. The extent of clearing as of 12 September 2011 is delineated on the plans.

Details of the amended plans must be lodged within 12 months of the date of Amendment to this approval and must be to the satisfaction of the Chief Executive officer prior to the issue of a Development Permit for Building Work or prior to the commencement of work where a Development Permit for Building Work has already issued.

Currency Period

- 2 This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997. The relevant period expires on 18 May 2015.

Water Supply

3. Water storage tank(s) with a minimum capacity not less than 30 000 litres, and shall be installed prior to occupation of the premises. Details of the water tank(s) shall be shown on plans submitted with the building application. Such water tanks shall 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.
 - e) The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

Energy Efficiency

4. The Dwelling House will be designed to be energy efficient and functional in a humid tropical rainforest environment to the satisfaction of the Manager Building Services

5. ~~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. Such power generation devices are to be an environmentally acceptable and energy efficient. 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.~~

Amenity

6. ~~The proposed colour scheme of Paperbark roofing and Sandbank walls is approved. No variation from the approved colours is permitted without the written authorisation of Council. The exterior finishes and colours of Buildings must be non-reflective and must 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 – Paperbark
Roof – Sandbank

The applicant / owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

Sewerage

7. ~~Plans of the wastewater treatment system, designed in accordance with the *Plumbing and Drainage Act 2002*, are required to be submitted to Council's Plumbing Inspector at the time of lodgement of application for building work and are to be approved and constructed prior to the commencement of the use. 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 or prior to the commencement of work where a Development Permit for Building Work has already issued.~~

Driveway Works

8. Access to the site will be via Forest Creek Road only. Amended Plans showing the single access is to be submitted to Council prior to the issue of a Building Permit.

9. The driveway access is not to exceed four (4) metres in width and shall include sediment traps or other similar methods of sediment control to prevent runoff entering drainage lines.

Operational Works

10. Should excavation or filling be required on-site, then the applicant will be required to prepare and submit civil engineering plans for all excavation including a sediment control plan in accordance with the *FNQROC Development Manual* for the separate Council approval

Building Setback

11. All buildings/structures are to be sited a minimum of ten (10) metres from the shoulder of each high bank of the watercourse. All native vegetation within the setback area is to be retained.

Compliance

12. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with.
13. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 Of Local Law No 56 Vegetation Management.
14. All fuels must be stored in an undercover and secure location at all times
15. The landscaping to be used 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.

Advice

In accordance with the Queensland State regulations for pool fencing there shall be no climbable vegetation within 1.2 metres of the pool fence.

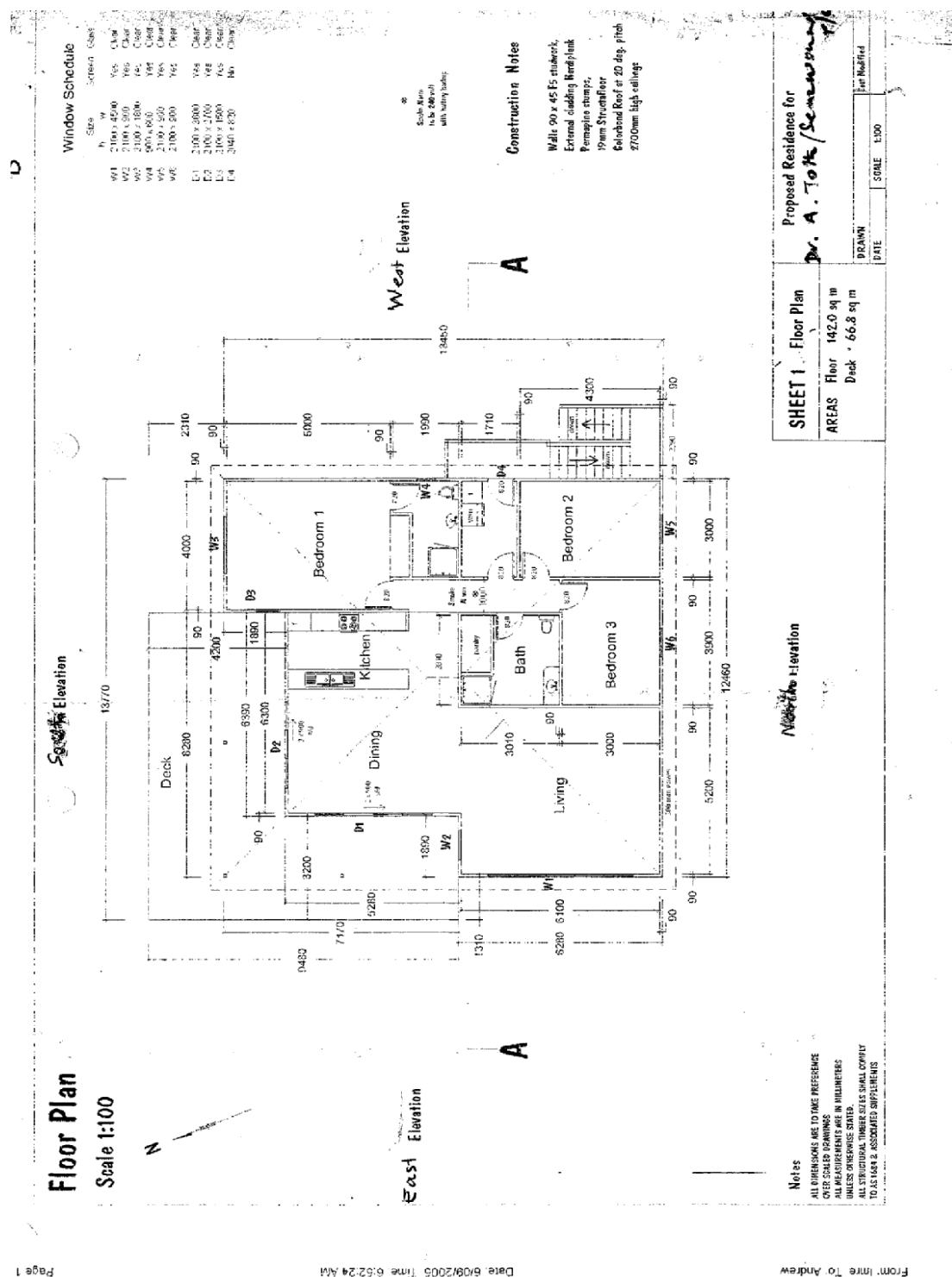
All native vegetation on the site is identified as protected vegetation under Council's Local Law No 1 of 2006 – Vegetation Management. No vegetation is permitted to be removed from the site without the approval of Council under this Local Law.

You are advised that the Commonwealth *Environmental Protection and Biodiversity Conservation Act* 1999 applies to proposed activities likely to have a significant impact on the matters of 'national environmental significance', including world heritage properties. Such activities may require approval under this Act prior to any works being undertaken. Further information on the Act can be obtained from Environment Australia's Community Information unit (1800 803 772) or from the following website www.environment.gov.au/epbc . *EPBC Act Administrative Guidelines on Significance* (July 2000) are available to assist people in deciding whether activities are likely to need consideration under the Act.

RIGHTS OF APPEAL

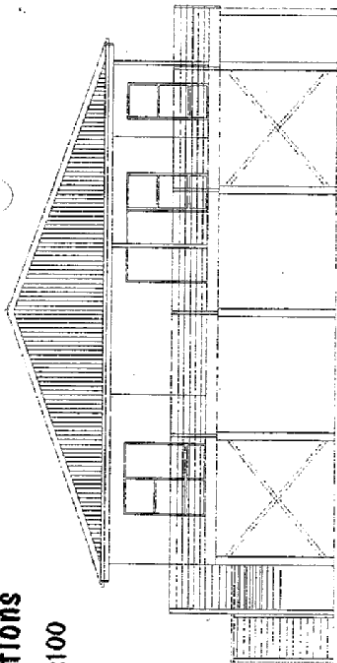
Attached

End of Decision Notice

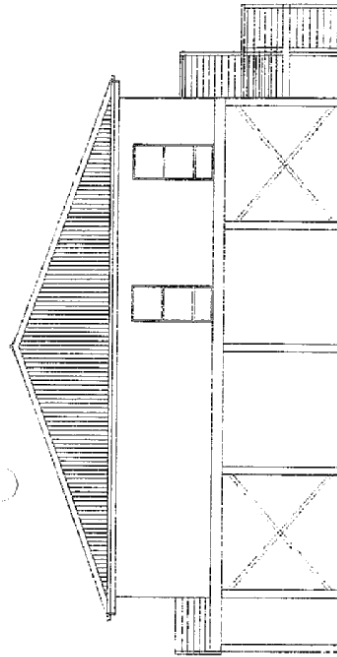


Elevations

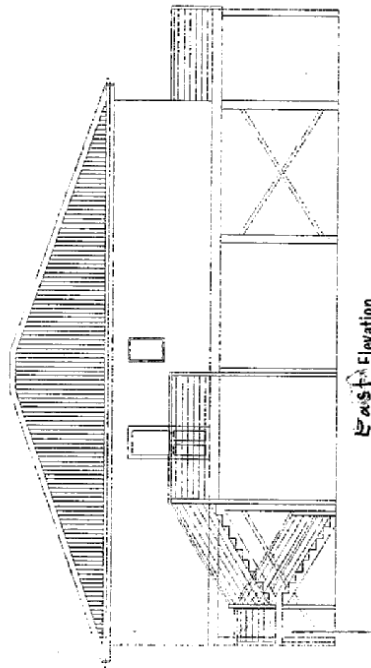
Scale 1:100



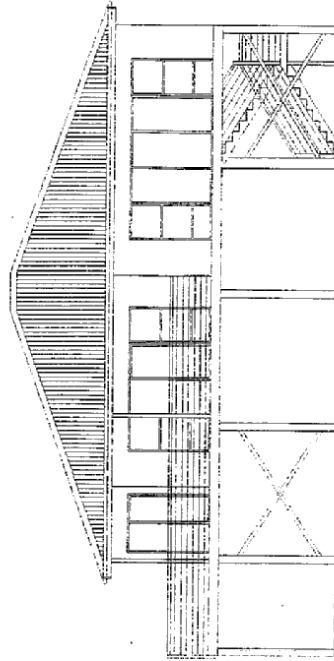
South Elevation



North Elevation



East Elevation



West Elevation

Notes

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
OVER SCALED DRAWINGS
ALL MEASUREMENTS ARE IN MILLIMETERS
UNLESS OTHERWISE STATED
ALL STRUCTURAL MEMBER SIZES SHALL COMPLY TO AS 1684 & ASSOCIATED SUPPLEMENTS

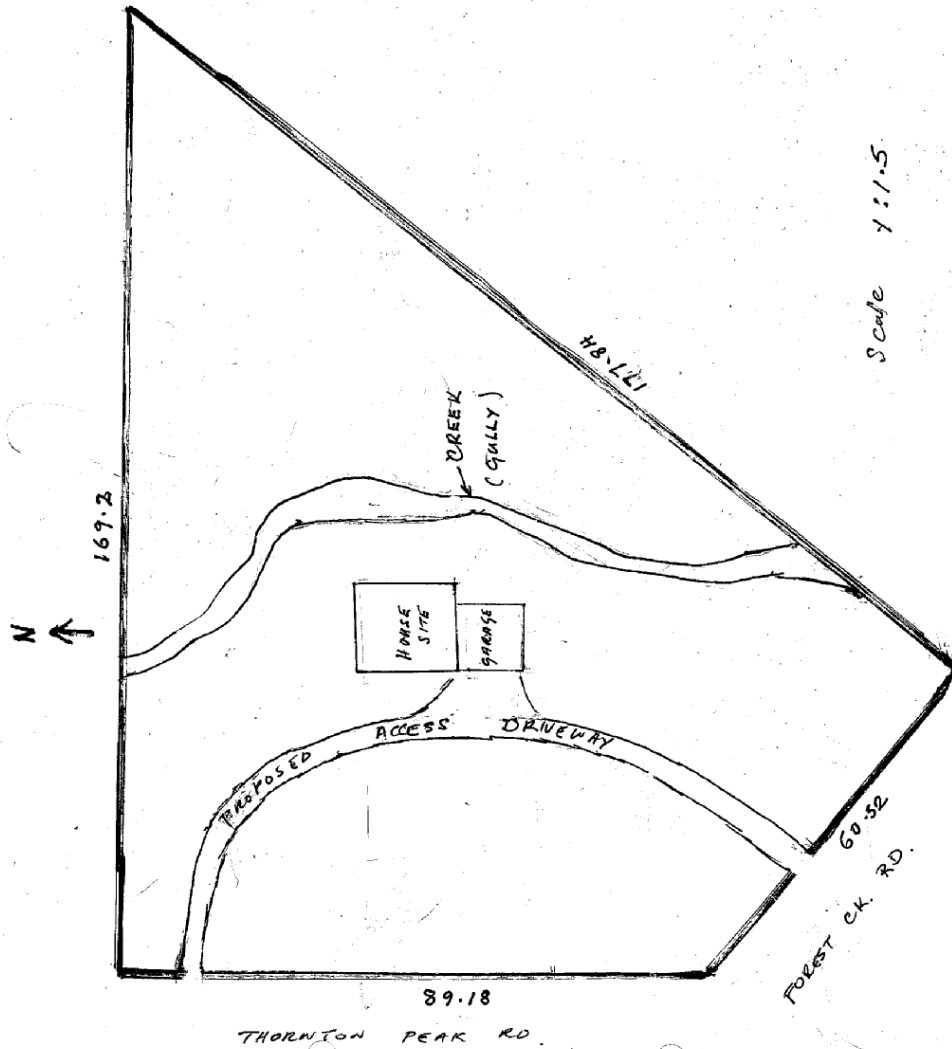
SHEET 2 Elevations

Proposed Residence for

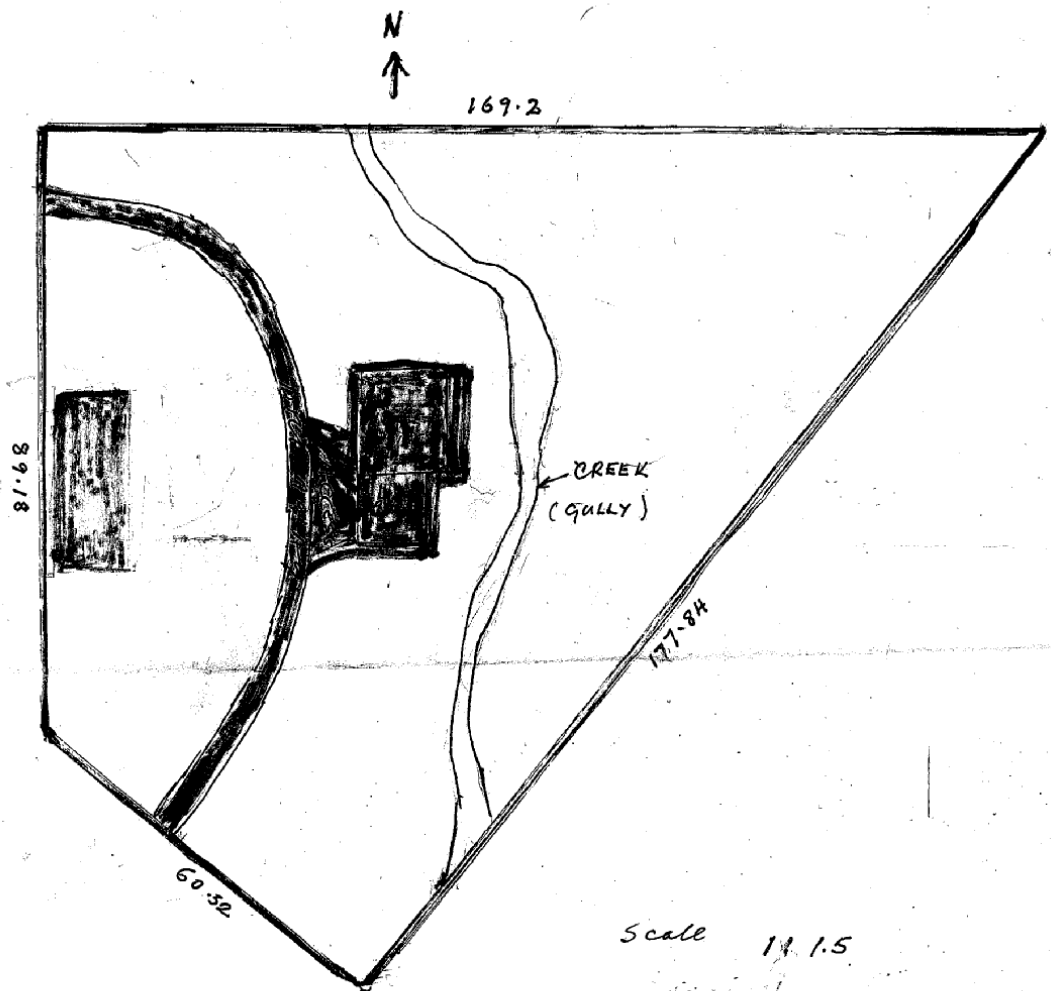
Dr. A. Toth / Senarason

DRAWN	SCALE	1:100	Last Modified
DATE			

LOT 1 - FOREST CK RD. FOREST CK.



PROPOSED SITE OF DWELLING, GARAGE
AND ACCESS DRIVEWAY (CENTRE MARKED BY RED TAPE
ON SITE)



Scale 1:1.5

PROPOSED VEGETATION AREA (TO BE REMOVED)
 - MARKED IN GREEN ≤ 800 m excluding driveway area
 REMAINDER TO REMAIN UNCLEARED.

LOT 1 FOREST CK. RD FOREST CK.