

**ENQUIRIES:** Leon Doutre  
**PHONE:** (07) 4044 3243  
**FAX:** (07) 4044 3836  
**YOUR REF:** DA Currency Extension  
**OUR REF:** 8/38/2 3488551

13 February 2012

C Skingle & L Shears  
3 View St  
BRINSMEAD QLD 4870

Dear Sir/Madam

**EXTENSION OF RELEVANT PERIOD**  
**FOR DEVELOPMENT APPLICATION -**  
**SILBER ASH ROAD, COW BAY**

In accordance with Section 809 of the *Sustainable Planning Act 2009*, please be advised that Council has extended the currency period for four (4) years, up to and including 10 February 2016, subject to the conditions contained within the Decision Notice dated 6 August 2004 (copy attached).

Should you require any further information or assistance, please contact Leon Doutre of Council's Development Assessment Team on telephone number (07) 4044 3243.

Yours faithfully

Kelly Reaston  
**Manager Development Assessment**

## APPENDIX 1: DEVELOPMENT APPROVAL



ENQUIRIES: Ms Tracey Pascoe - Assistant Planning Officer  
DEPARTMENT: Planning Services Section - ☎ (07) 4099 9450

OUR REF: TAP:  
YOUR REF: MCU 3B 020/04

Mr Wayne Pellagreen  
Unit 1  
14 Melville Street  
DARWIN NT 0820

6<sup>th</sup> August 2004

### INTEGRATED PLANNING ACT DECISION NOTICE

#### DEVELOPMENT APPLICATION

**Applicant's Name** : Mr Wayne Pellagreen  
**Owner's Name** : Mr RW Pellagreen  
**Proposal** : Council approves the Application for Material Change of Use of Premises for a Dwelling House on Residential Rural zoned land at Lot 266 on RP738997, Parish of Alexandra.  
**Application Number** : MCU 3B 020/04  
**Site Address** : Silver Ash Road, Cow Bay  
**Property Description** : Lot 266 on RP738997, Parish of Alexandra, County of Solander

1. **Decision:** **Decision Date:** 6<sup>th</sup> August 2004

Approved subject to Conditions

2. **Type of Development Approval:**

Material Change of Use

Development Permit

.../2.

ADMINISTRATION CENTRE  
(ALL DEPARTMENTS)  
64-66 FRONT STREET, MOSSMAN

PHONE (07) 4099 9444 FACSIMILE (07) 4098 2902  
EMAIL [douglas@dsc.qld.gov.au](mailto:douglas@dsc.qld.gov.au)  
INTERNET [www.dsc.qld.gov.au](http://www.dsc.qld.gov.au)

ALL COMMUNICATIONS TO BE  
ADDRESSED TO:  
THE CHIEF EXECUTIVE OFFICER  
P.O. BOX 357  
MOSSMAN, QLD 4873

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4099 9496 FACSIMILE (07) 4098 3298

**3. Referral Agency:**

Nil

**4. Conditions**

- 4.1 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:
  - (a) The plans and specifications submitted with the application to Council attached to this approval
- 4.2 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*.
- 4.3 The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the business and so as not to adversely affect any other property.
- 4.4 Any erection and use and occupation of the premises shall at all times comply with the conditions laid down and provided for in the Douglas Shire Planning Scheme from time to time.
- 4.5 Approval of satisfactory building plans and specifications in accordance with the Building Act, Council's Local Laws and the Douglas Shire Planning Scheme where applicable and generally in accordance with the approved plans submitted with the MCU Application 020/04.
- 4.6 The provisions of the *Integrated Planning Act 1997*, the Building Act, the Fire Safety Act, the Health Act, the *Food Act 1981* and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.
- 4.7 The issue of this Development Permit approval in no way implies building approval, either in principle or in detail, of any plans of the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.
- 4.8 The minimum floor level for all habitable rooms in any building erected on the premises must be:
  - (a) a minimum of 3.4m AHD; or
  - (b) a minimum of the Q100 flood level.

Which ever is the greater.

- 4.9 All native vegetation on the site is identified as protected vegetation under Council's Local Law N<sup>o</sup> 56 vegetation Management. No vegetation is permitted to be removed from the site without the approval of Council under this Local Law.
- 4.10 The applicant will revegetate the 250m<sup>2</sup> of the front section of the property with species indigenous to the area so as to comply with Condition 2 of the Permit to Damage Protected Vegetation Application No. 009/01.
- 4.11 The provisions of the Development Permit are to be effected prior to the commencement of the specific use as granted by Council.
- 4.12 The proposed colour schedule of a Pale Eucalypt colourbond roof with Sandbark colourbond walls is approved. No variation from the approved colours is permitted without the written authorisation of Council.
- 4.13 Water storage tank(s), with a minimum capacity not less than 30,000 litres, 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 fitted with:-
  - (a) screening at the inlet to prevent the intrusion of leaves and insects;
  - (b) The water tank(s) shall be fitted with a 50mm ball valve with a camlock fitting; and
  - (c) The water tank(s) shall be accessible by fire fighting vehicles at all times.
- 4.14 Plans of the proposed waste water treatment, designed in accordance with the Standard Sewerage Law, are required to be submitted to Council's plumbing Inspector at the time of lodgement of application for building works and are to be approved and constructed prior to the commencement of the use. Council urges the use of composting toilets, or other technologies that reduce the amount of wastewater generated. Where wastewater treatment is to be by way of a septic system, tree root barriers are to be used in conjunction with absorption trenches.
- 4.15 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.
- 4.16 In accordance with section 8.5.2 of the Douglas Shire Planning Scheme, no change to the natural surface level of the lot shall occur without the written consent of Council's Director Engineering Services.

- 4.17 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 geotechnical report and sediment control plan in accordance with the FNQROC Development Manual for the separate Council approval.
- 4.18 To ensure that the creek is not detrimentally affected the applicant is required to submit an application for Operational Works Permit that details sediment and erosion control measures
- 4.19 Driveway access will not exceed 4m in width and will be constructed of gravel or other material to the satisfaction of Council's Director Engineering Services.
- 4.20 The dwelling will not exceed 7.5m in height
- 4.21 The applicant will ensure that the proposed development is constructed within the confines of their property. A surveyors certificate showing the boundaries of the premises must be submitted to Council prior to the issue of a development permit for building work.
- 4.22 The applicant is required to demonstrate to the Council that an adequate supply of potable water in both quantity and quality in accordance with the On-site Sewerage Code July 2002 and AS/NZS1547:2000 - On-site domestic wastewater management, is available to the site prior to the issue of a development permit in respect of this development.
- 4.23 The applicant shall ensure that all necessary approvals are obtained from the Department of Natural Resources in respect to the bridge that crosses the creek on Lot 266 Silver Ash Road, Cow Bay.

4.24 **Covenant**

The applicant is required to enter into an environmental covenant with Douglas Shire Council "the Council", over the balance of the allotment not approved to be cleared, under the Vegetation Management Permit on the subject site (Lot 266 on RP738997) The following requirements will be included in this covenant:

- No landscaping in the defined covenant areas is to be undertaken without the express permission of "the Council";
- The clearing of vegetation from the defined covenant areas will not be permitted other than as approved by Council;
- Any works, including drainage, undertaken outside the defined covenant area undertaken by the lot owner shall not prejudice the integrity of the existing vegetation;
- No structures shall be constructed within the covenant areas other than as approved by Council.

This covenant will be drafted by Council and signed by the Council and the applicant prior to any clearing on the subject site commencing. This Covenant is to be binding on successive owners of the land and a copy of this Covenant is to be included in the contract documentation for the sale of the effected allotments.

Council will compensate the landholder for the cost of survey associated with the marking out of the covenant area, preparation of a Plan of Survey and the registration of the covenant with the Department of Natural Resources, Mines and Energy

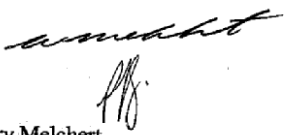
Advice

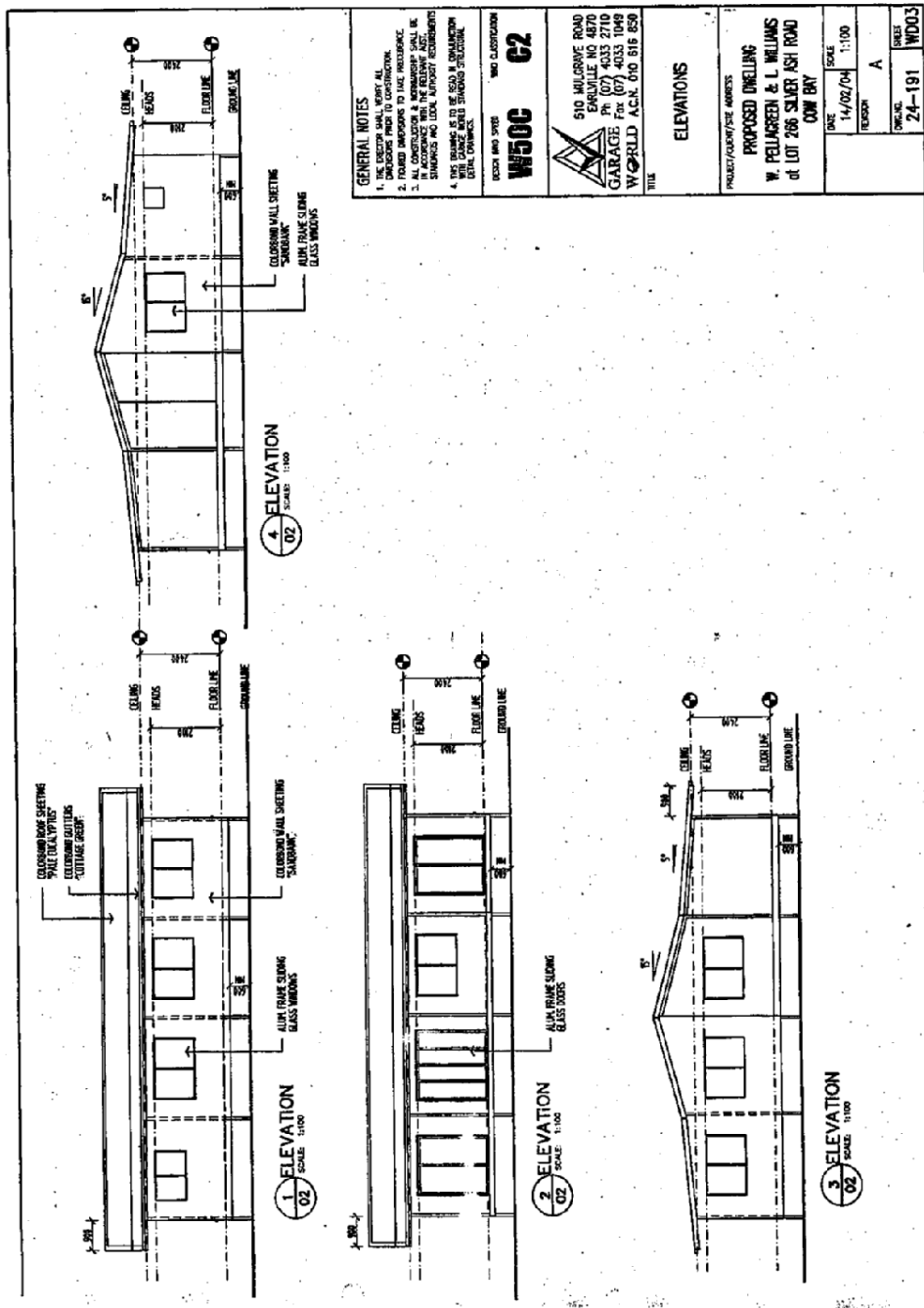
You are advised that the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* applies to proposed activities likely to have a significant impact on the matters of 'national environmental significance', including world heritage properties. Such activities may require approval 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](http://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.

You are advised that the taking of water, or interfering with water from streams or groundwater sources will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of the Natural Resources and Mines. The related infrastructure will/may require an approval for operational works pursuant to the *Integrated Planning Act 1997*. Further information can be obtained from the Department of Natural Resources and Mines at Cairns, Telephone 4039 8275.

**5. Further Development Approvals Required:**

Building Work  
Plumbing & Drainage Permit

  
Terry Melchert  
Chief Executive Officer



<b>GENERAL NOTES</b> 1. THE DESIGNER SHALL VERIFY ALL INFORMATION AND DATA FURNISHED BY THE CLIENT. 2. FOUND DIMENSIONS TO FACE UNLESS NOTED OTHERWISE. 3. ALL CONSTRUCTION & MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS. 4. WITH DOWNE AND SONS, INC.	
<b>PROJ. NO. 202</b> <b>W500</b> <b>C2</b>	<b>NO. CLASSIFICATION</b> <b>W500 C2</b>
<b>ELEVATIONS</b> 510 MILLER ROAD GARAGE FOR LOT 206 SILVER ASH ROAD W. PELLAGRINI & L. WILLIAMS 1407 4033 2710 1407 4033 1049 WORLD ACN. 010 515 850	
<b>PROJ. NO. 202</b> <b>W500</b> <b>C2</b>	
<b>ELEVATIONS</b> 510 MILLER ROAD GARAGE FOR LOT 206 SILVER ASH ROAD W. PELLAGRINI & L. WILLIAMS 1407 4033 2710 1407 4033 1049 WORLD ACN. 010 515 850	
<b>DATE</b> 14/02/04	<b>SCALE</b> 1:100
<b>PERSON</b> A	<b>NO.</b> 24-191
<b>NO.</b> 24-191	<b>NO.</b> 24-191





HATCHING REPRESENTS  
AREA AVAILABLE FOR  
DISPOSAL OF TREATED  
EFFLUENT

NOTE:  
REQUIRED SETBACKS

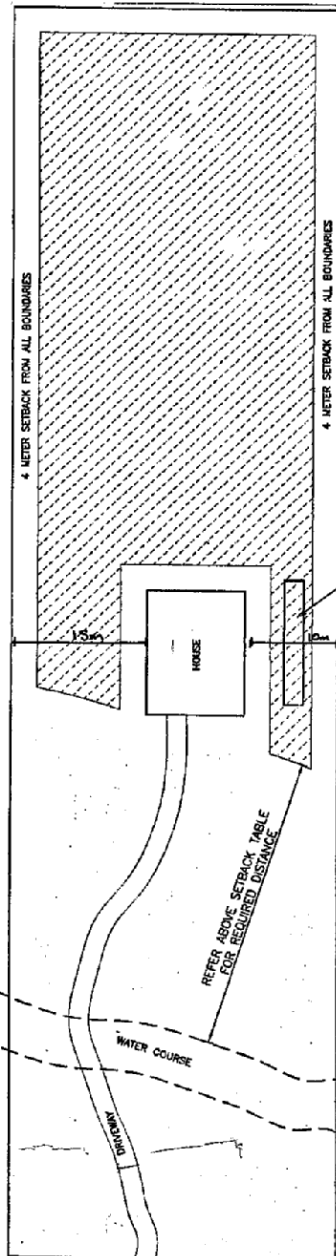
4 METERS FROM BOUNDARIES

4 METERS FROM BUILDINGS

30 METERS FROM CREEK FOR PRIMARY TREATED EFFLUENT

10 METERS FROM CREEK FOR ADVANCED SECONDARY TREATED EFFLUENT

ALL WORK MUST BE CONSTRUCTED IN ACCORDANCE WITH AS 1547:2000



SILVERASH CL

ABSORPTION AREA  
SEPTIC TANK TO HAVE AN ATRITREAT  
FILTER PLACED ON THE OUTLET TO  
PROLONG LIFE OF TRENCHES

