

Your Reference:

Our Reference: CW: RR: jw: 20-03 (FID16979, MCU008-19/20, 21047-00000-000, ID1525873, ID1538511)

Contact: Rentia Robertson

16 March 2020

Westbuilt Homes
Kellie Watling
PO Box 663
WARWICK QLD 4370

Dear Sir/Madam

Decision Notice – Approval
(Given under section 63 of the Planning Act 2016)

Application Number: *MCU008-19/20*
Description: *Caretakers Residence*
Level of Assessment: *Code Assessable*
Site Address: *1154 CRACOW ROAD, TAROOM*
Lot & Plan Details: *Lot 187 on FT680*

On 13 March 2020, under delegated authority, the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details of Approval

The following approval/s is/are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a Material Change of Use assessable under the planning scheme	s20	<input checked="" type="checkbox"/>	

2. Approved Plans

The approved plans for this development approval are listed in the following table:

Plan/Documnet number	Plan/Document name	Date
B229 Issue A	Cover Sheet Proposed Single Storey Residence	08.10.2019
B229 Issue B	Site Plan Proposed Residence 1154 Cracow Road Taroom	08.10.2019
B229 Issue D	Floor Plan Proposed Single Storey Residence	17/09/2019
B229 Issue C	Elevations – Proposed Single Storey Residence	17/09/2019
B229 Issue A	Typical Section – Proposed Single Storey Residence	08.10.2019

3. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Building Works
- Plumbing & Drainage

4. Conflict with relevant instrument and reasons for the decision despite the conflict.

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

5. Submissions

Not applicable (Public Notification not required)

6. Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

7. Statement of Reasons

Description of the development	Material change of use for the purposes of a caretakers residence.
Assessment Benchmarks	Rural Zone Code
Reasons for Decision	<u>Rural Zone Code-</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes of the code with the exception of A012.3. Council has imposed a condition of approval that requires the development to comply with the Outcome.

8. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the Planning Act 2016. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the Planning Act 2016.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the Planning Act 2016.

Attachment 2 is an extract from the Planning Act 2016 that sets down the applicant's appeal rights and the appeal rights of a submitter.

The Planning and Environment Court appeals database lists all the appeals lodged in the Planning and Environment Court since 15 March 2008, which the department has been notified of. It contains information about the appeal, including the appeal number, site address, local government area, and a copy of the appeal notice, including grounds for the appeal. The appeal database is an easy way for anyone to obtain information about an appeal or check if an appeal has been lodged for a specific development application or approval.

The appeal database is available at

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution>.

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services section on (07) 4992 9500, quoting you application number of MCU008-19/20.

Yours Sincerely



Per/ Dr Keith Halford

MANAGER ENVIRONMENT & PLANNING

CC All Referral Agencies (both advice and concurrence)

State Assessment and Referral Agency (SARA)
rockhamptonSARA@dilgp.qld.gov.au

Enc Attachment 1 – Part A Conditions imposed by the Assessment Manager
Attachment 1 – Part B Assessment Manager Notes
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings
Attachment 4 – Environmental Obligations

MCU008-19/20 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

1. The proposed Material Change of Use is to be completed and carried out generally in accordance with the following approved plans and reports submitted with the Development Application, except where modified by the conditions of this Development Approval –

Plan/Document number	Plan/Document name	Date
B229 Issue A	Cover Sheet Proposed Single Storey Residence	08.10.2019
B229 Issue B	Site Plan Proposed Residence 1154 Cracow Road Taroom	08.10.2019
B229 Issue D	Floor Plan Proposed Single Storey Residence	17/09/2019
B229 Issue C	Elevations – Proposed Single Storey Residence	17/09/2019
B229 Issue A	Typical Section – Proposed Single Storey Residence	08.10.2019

2. Comply with all of the conditions of this Development Approval prior to the commencement of the use, unless otherwise stated within this Decision Notice, and maintain compliance for the duration of the approved use.
3. Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
4. Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.

Approved Use

5. The approved use of the premises is for four bedroom dwelling as defined under Part 2 of the Taroom Planning Scheme 2006:

"Caretaker's residence" – means *"Premises" used for a "Dwelling unit" for accommodation for a person/s having the care of "Premises" lawfully used for business, commercial, charitable or sporting purposes where those "Premises" are on the same allotment as the*

"Dwelling unit".

6. The persons to be housed in the additional dwelling hereby approved must be engaged in a bona fide and viable rural pursuit on the premises.

Building Setbacks

7. Setbacks must be in accordance with the approved plan, Site Plan – Proposed – Residence, Drawing B229 Issue B.

Road and access

8. Access for the proposed new dwelling is to be via the existing property access. This access is to be maintained to a standard which will allow access to the new residence for emergency vehicles.

Water and sewerage

9. Prior to the commencement of use, an effluent disposal system, appropriate for the proposed development, is to be installed after obtaining all relevant approvals for the aforementioned in accordance with the requirements of the *Plumbing and Drainage Act 2002* and the *Queensland Plumbing and Wastewater Code*.

Water supply

10. At the time of lodging a building application, documentation is required to be submitted to Council that demonstrates that water supply for potable and emergency purposes with a minimum 47,000 Litre capacity volume is available for the development.

MCU008-19/20 Attachment 1

Part B – Assessment Manager Notes

- A. The approved development must also comply with Council's current Local Laws under the Local Government Act 2009.
- B. Failure to ensure ongoing compliance with the conditions of this Development Approval including conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the Planning Act.
- C. The applicant is responsible for ensuring Queensland Fire Services requirements are met with respect to this development which may include but not be limited to the installation/upgrade of holding tanks or pumps as necessary to meet flow and pressure requirements.
- D. Where further development is proposed it is the applicant's / developer's responsibility to ensure further approvals are sought as required by the Taroom Planning Scheme.
- E. In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- F. The applicant and or owner/s of the land and the person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development.
- G. Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- H. Any works on roads shall be conducted in accordance with the Queensland Department of Transport and Main Roads, "Manual of Uniform Traffic Control Devices – Part 3".
- I. All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards - Capricorn Municipal Development Guidelines (www.cmdg.com.au) at the Applicant's expense.
- J. Please note the advice surrounding the applicants 'Environmental Obligations' contained in an attachment to the Decision Notice.

Engineering

- A. All damage incurred to existing roads, footpaths, services or street furniture as a result of the proposed development shall be repaired within a reasonable period at the developer's expense.
- B. All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards (Capricorn Municipal Development Guidelines) at the Applicant's expense.
- C. Pre and post installation inspections shall be arranged with Council's Plumbing Inspector.
- D. Subsequent applications will be required for Building, Plumbing/Drainage Works. Building works are to comply with the *Building Act 1975*, the Building Code of Australia and other relevant authorities.

Water and Stormwater

- A. Water quality is to meet the requirements of Environmental Protection (Water and Wetland Biodiversity) Policy 2019.
- B. Stormwater quality is to meet the requirements of Environmental Protection (Water and Wetland Biodiversity) Policy 2019.
- C. A 'no worsening' of flood inundation or stormwater runoff occurs as a result of the filling or excavation activity on neighbouring properties including road reserves or other publicly controlled land.
- D. The stormwater drainage system serving the site is to be designed so that the development will not make any material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves.

Cultural Heritage

- A. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that, "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage".

Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the

associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Declared Pests/Plants

- A. A landowner has an obligation to take reasonable steps to keep their land free of invasive plants and animals in accordance with the Biosecurity Act 2014. Consideration should be given to appropriate treating of invasive plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.

- B. Vehicles movement during construction must be managed to prevent the spread of invasive plants. All vehicles used in weed infested areas must either be contained or cleaned to prevent the spread of invasive plant material. Numerous washdown facilities are available within the Shire to help remove weed seeds, soil and other foreign matter from vehicles and machines, and Council staff are available to conduct vehicle inspections.

End of Notes

Attachment 2

Planning Act 2016 Extract on Appeal Rights

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states–

(a) matters that may be appealed to–

(i) either a tribunal or the P&E Court; or

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person–

(i) who may appeal a matter (the appellant); and

(ii) who is a respondent in an appeal of the matter; and

(iii) who is a co-respondent in an appeal of the matter; and

(iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The appeal period is–

(a) For an appeal by a building advisory agency–10 business days after a decision notice for the decision is given to the agency; or

(b) For an appeal against a deemed refusal–at any time after the deemed refusal happens; or

(c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises–20 business days after a notice is published under section 269(3)(a) or (4); or

(d) for an appeal against an infrastructure charges notice–20 business days after the infrastructure charges notice is given to the person; or

(e) for an appeal about a deemed approval of a development application for which a decision notice has not been given–30 business days after the applicant gives the deemed approval notice to the assessment manager; or

(f) for any other appeal–20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person. Note– See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about–

(a) the adopted charge itself; or

(b) for a decision about an offset or refund–

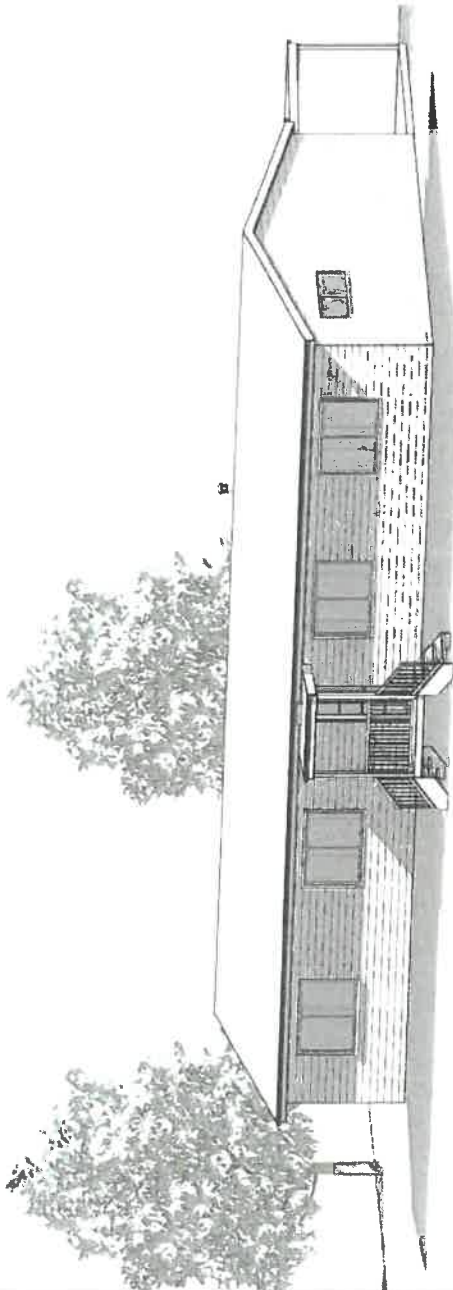
(i) the establishment cost of trunk infrastructure identified in a LGIP; or

(ii) The cost of infrastructure decided using the method included in the local government's charges resolution.

Attachment 3
Approved Drawings

Sheet List

A.00	Cover Sheet
A.01	Site Plan
A.02	Floor Plan
A.03	Electrical & Lighting Plan
A.04a	Room Layouts
A.04b	Room Layouts
A.05	Elevations
A.06	Slump Setout & Subfloor Bracing
A.07	Floor Framing
A.08	Service Penetrations
A.09	Bracing & Tie-down
A.10	Typical Framing Details and Schedules
A.11	Typical Wall Sections
A.12	Typical Framing Details - Slump
A.13	Typical Section
A.14	Typical Framing Details - Lintel Details
A.15	Typical Framing - Verandah Details
A.16	Typical Framing - Stair
A.17	Handrails
A.18	Roof Bracing
A.19	Roof Drainage Plan



Project: Proposed - Single Storey Residence

Client: Neil & Nina Kehl

Address: 1154 Cracow Road, TAROOM QLD 4420

Property: Lot 187 / FT680

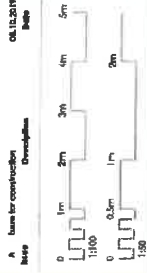
PLANNING APPROVAL
TAROOM SHIRE COUNCIL

13 MAR 2020

MEGGS - 19/12

Issue for Construction

GENERAL NOTE:
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ALL WORKS MUST COMPLY WITH THE FOLLOWING:
• BUILDING CODE OF AUSTRALIA
• THE RESOURCE MANAGEMENT AND PLANNING ACT
• ALL RELEVANT LOCAL AUTHORITY BYLAWS & PLANNING CONDITIONS.
NO PROCEED WITH CONSTRUCTION IN WHOLE OR PART & STRICTLY PROHIBITED WITHOUT PERMISSION.
ALL WORK CARRIED OUT AS PER SOLID CONTRACT DOCUMENTS



APR-40 145 538 708 ACT: 145 538 708
03 532 0328
WESTBUILT BUILDERS PTY LTD
1180 688 044 (FREE CALL)
P 1 807 448 810 F 1 807 444 8433
E info@westbuilt.com.au
W www.westbuilt.com.au



Project Name
Proposed - Single Storey Residence

Client & Project Address
TAROOM QLD 4420

Property Address
LOT 187 / FT680

Week 2
N3

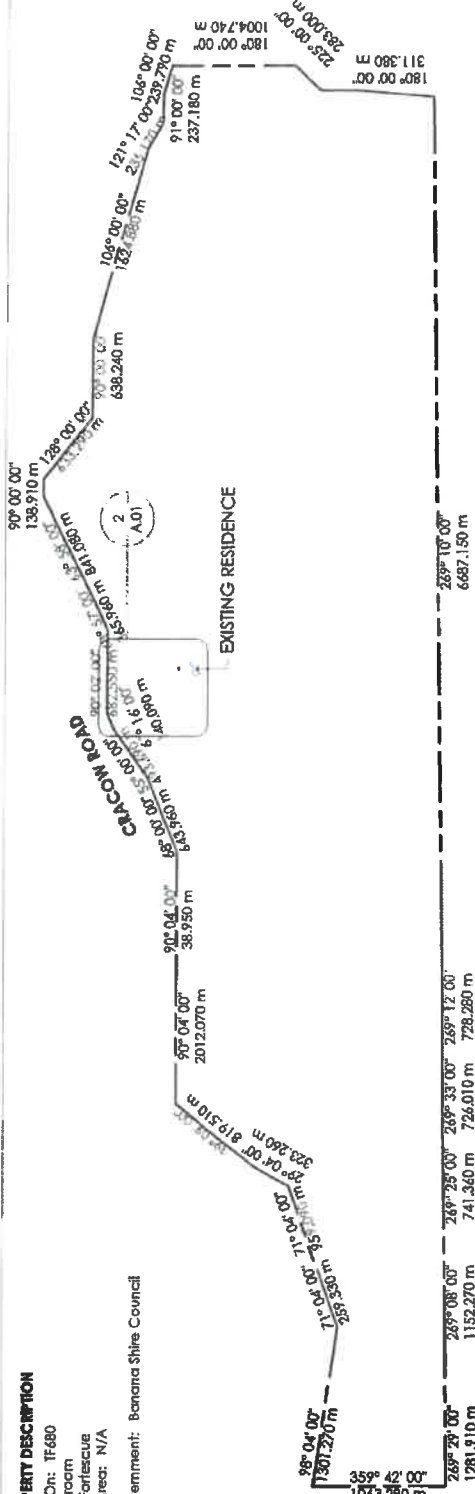
Scale
1:100

Designer (U)
P Carsburg

Project Number | Phase | Bill of Materials Number Issue
8229 | CDI 00 | A.00 | A

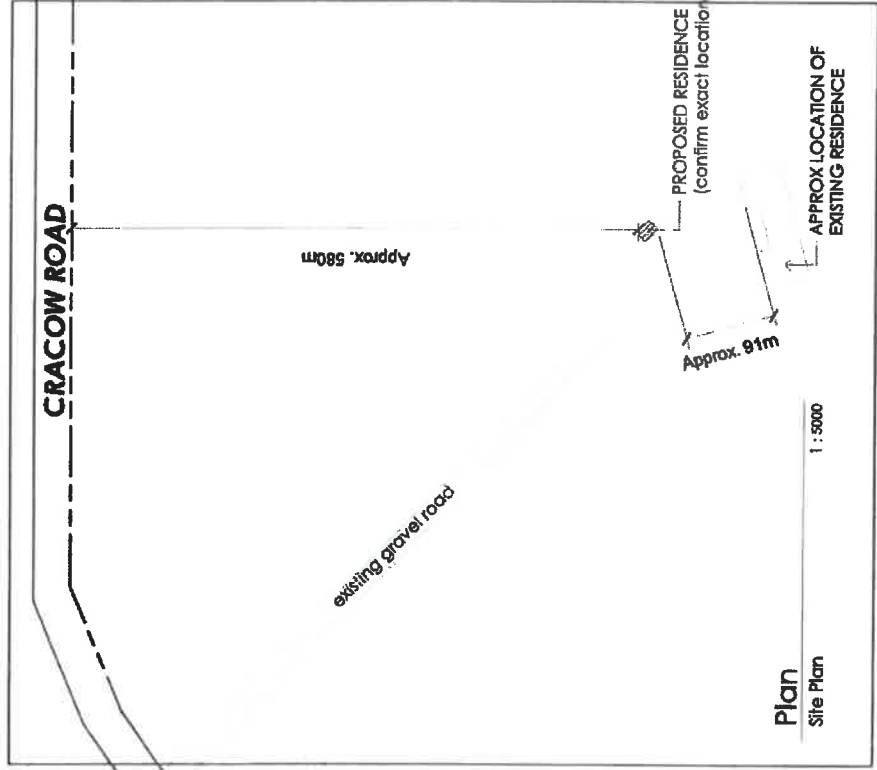
REAL PROPERTY DESCRIPTION

Lot: 187 On: TF680
Parish: Taroom
County: Fortleisure
Lot / Site Area: N/A
Local Government: Banana Shire Council



Plan
Locality Plan

1 : 4000



Plan
Site Plan

1 : 5000

NOTES

- Real property information to be confirmed by licensed surveyor prior to construction.
- Property boundary bearings have been adjusted by our modelling software to be read working around the property boundary in either a clockwise or anti-clockwise direction; therefore, bearings noted may vary by exactly 180 deg from original survey information.
- Property boundary bearings and distance to be sourced from Real Property Plan.
- Location of building to be confirmed on site prior to construction.
- Location of all services to be confirmed on site prior to construction.
- Site levels, driveway design & site works to detail by others.
- House treatment plant to design & detail by others.

STONEMANAGEMENT AND RAINWATER TANKS
This drawing is to be read in conjunction with the Real Property Plan which specifies the requirements for proprietary onsite rainwater tanks and downpipes, roof catchments and rainwater calculations.

13 MAR 2020

ME0025-15/20

Issue for Construction

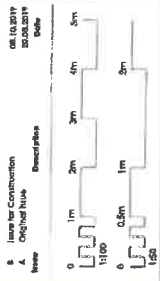
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THE GREENSLAND BUILDING ACT
THE SUBDIVISION ACT
THE ENVIRONMENTAL PLANNING AND CONTROL ACT
THE LAND USE MANAGEMENT AND PLANNING ACT
THE LOCAL GOVERNMENT ACT
THE STATE COMPROMISE PRODUCTION IN WHOLE OR PARTS STRICTLY APPLIED WITHOUT FURTHER NOTICE.
ALL WORKS CARRIED OUT AS PER THE RELEVANT CONTRACT DOCUMENTS.

Signatures

Owner(s):

Builder:

Date:



ABC: 00 12 088 888 4270 166 428 958
QLD: 02 7539 0228 12 161 878
Active Construction Group Pty Ltd trading as Westbuilt Homes
Postal PO Box 448, Warwick QLD 4370
Head Office & Factory: 38-48 Tropical Street Warwick QLD 4370
P | 07 466 8400 F | 07 466 8433
E | sales@westbuilt.com.au
W | www.westbuilt.com.au



Drawing title
Site Plan
Project Name
Proposed - Residence
Client's Project Address
1154 Cracow Road,
TAROOM QLD 4420
Property Description
Lot 187 / TF680
Wind Code
N3
North N
E
S
W
D.A.C.C. Licensed Regulatory

As Indicated	Drawn By
P. Carsburg	P. Pam
Project Register	File No
CDI 001	A.O.1
121	B229

NOTE TO BUILDING OWNER:

All dimensions to internal walls (e.g. internal room dimensions) are to the face of stud frames. The thickness of internal linings must be considered when assessing final room sizes.

NOTES:

All plumbing fixtures and installations including pressure limiting devices, hot water systems and dual flush toilet suites to be WELS rated in accordance with AS/NZ 6400 - 2005 & AS 3500, and in compliance with Part 4.1 of the Queensland Development Code (QDC).

All wet areas are to be waterproofed in accordance with Clause 3.6.1, Vol 2 of the NCC.

All glazing is to be installed in accordance with Clause 3.6, Vol 2 of the NCC.

Stairways are to be installed in accordance with Clause 3.9.1, Vol 2 of the NCC.

Stair treads - A surface or nosing slip with a non-slip classification in accordance with AS 4586.

Barriers and handrails are to be installed to comply with Clause 3.9.2, Vol 2 of the NCC.

Confirm all dimensions and design information on site prior to commencement of work.

LEGEND

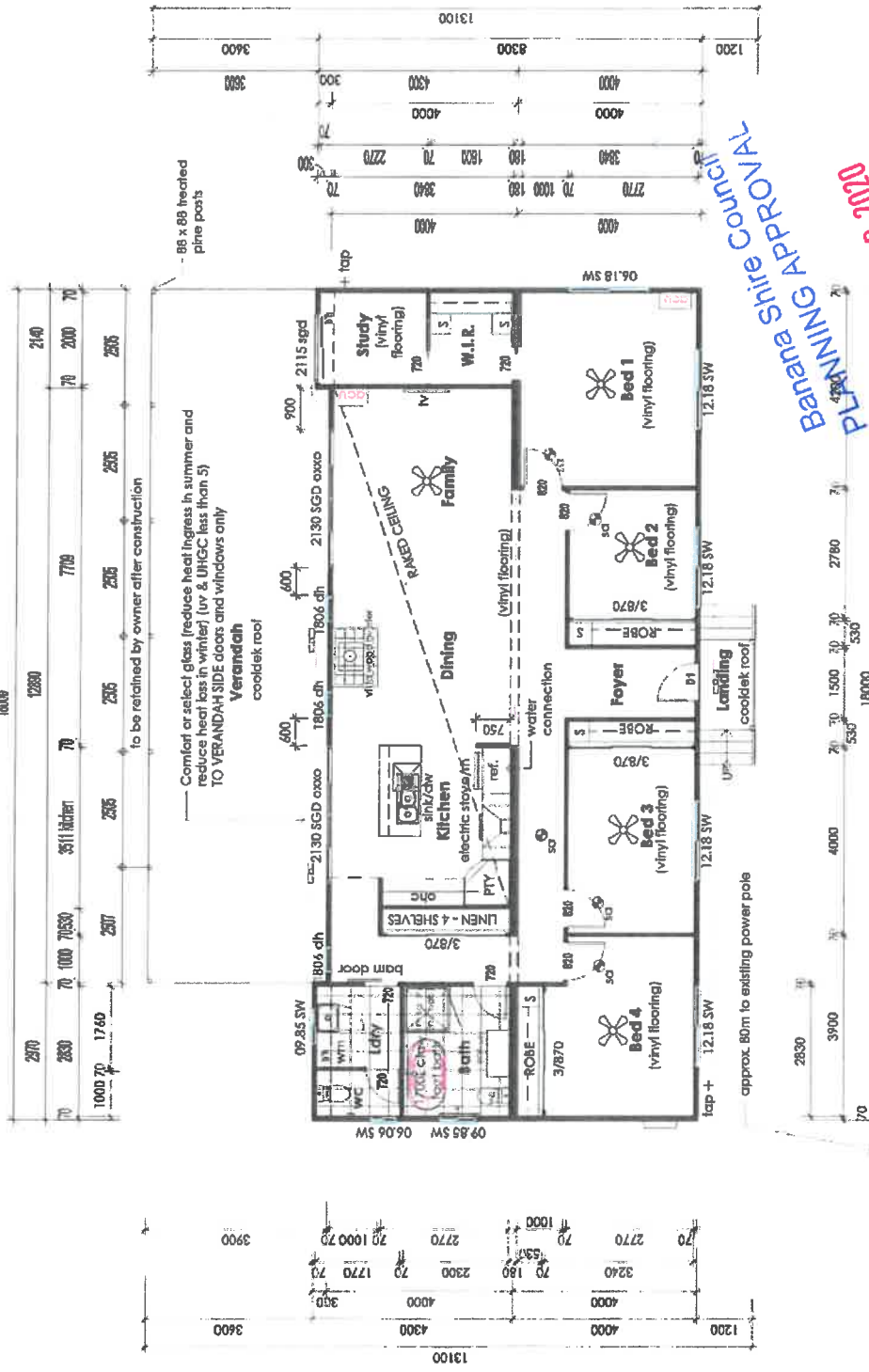
-  Suggested location of Electrical Meter Box
-  Photoelectric Smoke Alarm (AS 3786-2014)
-  Solar HWS Confirm on site.

tap + Indicates location of tap. Confirm location on site.

dp ↓ Indicates location of proposed downpipes.

 Indicates proposed location of air condenser unit. Confirm position on site.

 Indicates proposed location of ceiling fan. Minimum 900mm diameter.



Gross Building Area	
Name	Area (m ²)
GL.F.F Level	2.4 m ²
Landscaping	145.3 m ²
Living	59.0 m ²
Verandah	205.7 m ²
Grand total	221.4 m²

Owner(s): _____
 Signature: _____
 Builder: _____
 Date: _____

Issue for Construction

BANAMA SHIRE COUNCIL
 PLANNING APPROVAL
 13 MAR 2020

Plan
Floor Plan
1 : 100

WEST BUILT
ARCHITECTS

Address: 10/100 St. George St, Brisbane QLD 4000
 Phone: 07 3214 1111
 Email: info@westbuilt.com.au
 Website: www.westbuilt.com.au

WEST BUILT
ARCHITECTS

Project Name: Proposed - Single Storey Residence
 Client: Neil & Nina Kahl
 Drawn By: Pam
 Checked By: P. Cairnsburg
 Property Description: Lot 187 / FT680
 Project No: B229
 Drawing No: N3
 Scale: 1 : 100

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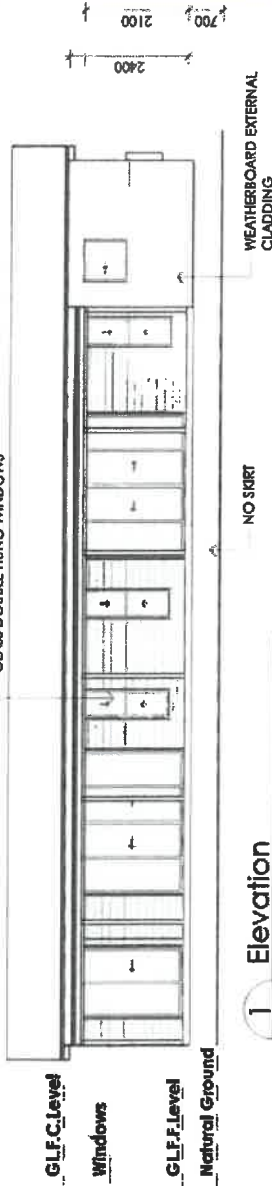
- THE NATIONAL BUILDING REGULATIONS 2011
- THE NATIONAL FIRE BRANCH ACT
- ALL RELEVANT LOCAL AUTHORITIES BY-LAWS & PLANNING
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ALL WORKS TO BE DONE IN ACCORDANCE WITH THE FOLLOWING CONTRACT DOCUMENTS:

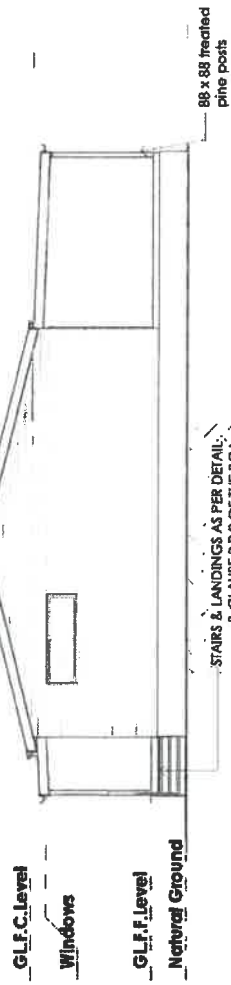
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No.	Date	Description
1	11/02/2019	Issue for Construction
2	12/02/2019	Revision 1
3	11/02/2019	Revision 2
4	11/02/2019	Revision 3
5	11/02/2019	Revision 4
6	11/02/2019	Revision 5
7	11/02/2019	Revision 6
8	11/02/2019	Revision 7
9	11/02/2019	Revision 8
10	11/02/2019	Revision 9
11	11/02/2019	Revision 10
12	11/02/2019	Revision 11
13	11/02/2019	Revision 12
14	11/02/2019	Revision 13
15	11/02/2019	Revision 14
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101	11/02/2019	Revision 100

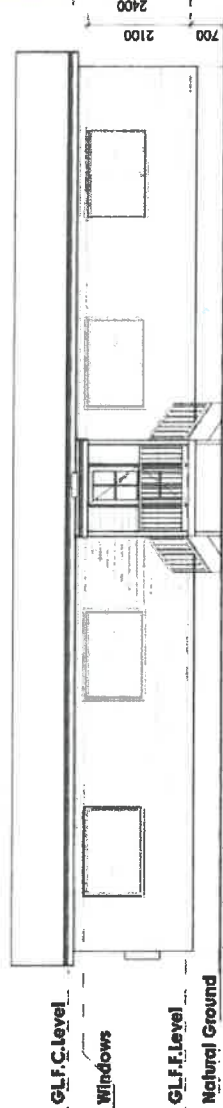
G.F.F.Level - Denotes Finished Floor Level (FFL)
 G.F.C.Level - Denotes Finished Ceiling Level (FCL)



1 Elevation
 North Eastern Elevation
 1 : 100

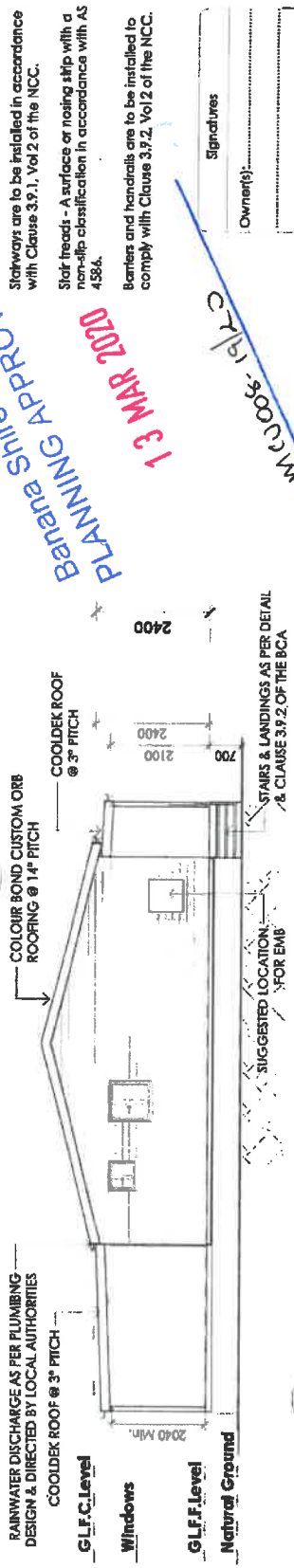


2 Elevation
 South Eastern Elevation
 1 : 100



3 Elevation
 North Western Elevation
 1 : 100

4 Elevation
 South Western Elevation
 1 : 100



Banana Shire Council
 PLANNING APPROVAL
 13 MAR 2020

Stairways are to be installed in accordance with Clause 3.9.1, Vol 2 of the NCC.
 Stair heads - A surface or nosing strip with a non-slip classification in accordance with AS 4584.
 Barriers and handrails are to be installed to comply with Clause 3.9.2, Vol 2 of the NCC.

Signatures
 Owner(s):
 Builder:
 Date:

GENERAL NOTES
 THIS DESIGN & DOCUMENTATION REMAIN THE PROPERTY OF WEST BUILT
 ALL WORKS ARE TO COMPLY WITH THE FOLLOWING:
 • BUILDING CODE OF AUSTRALIA
 • THE QUEENSLAND BUILDING ACT
 • ALL RELEVANT LOCAL AUTHORITIES, BY-LAWS & PLANNING SCHEMES
 • ANY REVISIONS OR AMENDMENTS TO THIS DESIGN & DOCUMENTATION MUST BE APPROVED BY WEST BUILT WITHOUT PERMISSION
 ALL WORK CARRIED OUT AS PER WRITTEN CONTRACT DOCUMENTS

17/08/2019
 07/04/2019
 07/04/2019



WEST BUILT
 Active Construction Design Pty Ltd Trading as Westbuilt Normal Head Office & Factory 2844 Tropic Street Morwell VIC 3600
 P 1 800 681 514 (FREE CALL) 039 524 5443
 F 1 807 441 5140 P 039 544 5434
 W www.westbuilt.com.au

GreenSign
 accredited estimator
 Drawing title
 Proposed - Single Storey Residence
 Client & Project Address
 1154 Oracow Road,
 TAROOM QLD 4420
 Project No. 1154
 Lot 187 / FT680
 Mod. No. NS
 Date 04/03/2020
 Designer (s) P Carsburg
 Scale 1 : 100
 Project Number Phase 03.0 Residence Number Issue 3229 CDI 00 A.05

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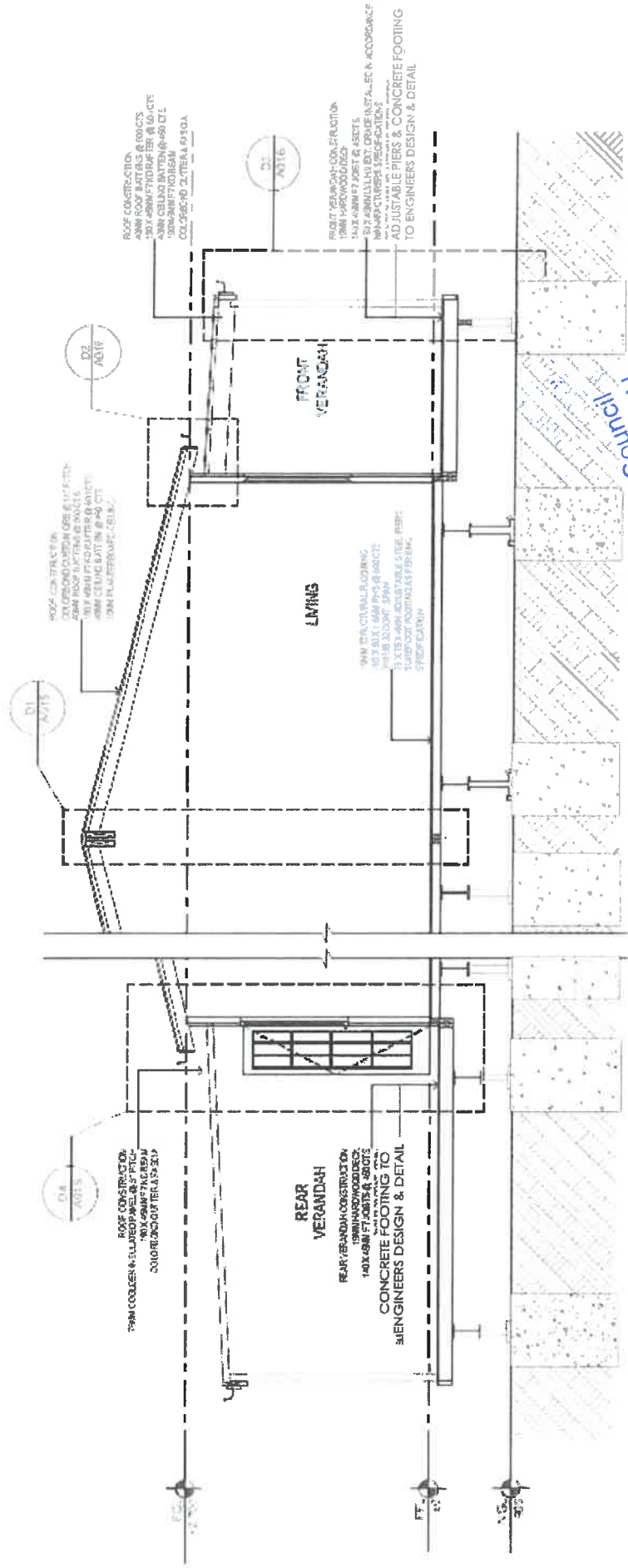
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Issue for Construction



S1
A003
SECTION S1
1:50

Banana Shire Council
PLANNING APPROVAL

13 MAR 2020

MCO 06-19/20

Signatures
Owner(s):
Builder:
Date:

Issue for Construction

		GreenSight ACCREDITED DESIGNER	
1:10 Scale		Lot 187 / Ft 80 Property Description	
P Conisburg Designer		Pam Drawn by	
1154 Cracow Road, TAROOM QLD 4420 Client & Project Address		Project No: B229 CD 00 A.13 Issue	
P Conisburg Designer		Project No: B229 CD 00 A.13 Issue	
WESTBUILT 1800 688 844 (FREE CALL) 1300 688 844 (FREE CALL) 07 4640 4640 www.westbuilt.com.au			
GREEN BUILT 1154 Cracow Road, Taroom QLD 4420 07 4640 4640 www.greensight.com.au			
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Attachment 4
Environmental Obligations

Environmental Obligations

SCHEDULE A – General

- A1 The *Environmental Protection Act 1994* places a general environmental duty on everyone. Activity that causes or is likely to cause environmental harm must not be carried out unless all reasonable and practicable measures are taken to prevent or minimise the harm. Anyone becoming aware of serious or material environmental harm being caused or threatened by an activity they are involved in, has a duty to report that harm.
- A2 It is an offence under the *Environmental Protection Act 1994* to cause environmental nuisance. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.
- A3 All reasonable precautions must be taken to avoid or minimise nuisance to adjacent premises or other property during construction work on the site, to the satisfaction of Council. Such precautions are to be discussed and agreed to by Council prior to construction commencing and will form part of any Construction Site Management Plan.

SCHEDULE B - Noise

- B1 Activities must be managed such that noise emissions from the premises do not cause harm or nuisance to adjoining residents and comply with the requirements of the *Environmental Protection Act 1994* and *Environmental Protection (Noise) Policy 2019*.
- B2 Noise must not be emitted outside the hours specified below-

Noise Source	Allowable Hours
Building work <i>(Builders and owner-builders, including excavation. For home renovations or other uses refer to regulated devices)</i>	6:30am and 6:30pm Monday to Saturday, excluding public holidays.
Regulated devices <i>(eg mowers, power tools, compressors, leaf blowers, nail guns etc)</i>	7:00am to 7:00pm Monday to Saturday 8:00am to 7:00pm Sundays and public holidays
Amplifier devices <i>(other than indoor venues and open air events)</i>	7am to 10pm Business days 8am to 6pm Other days

- B3 All noise producing machinery and equipment (including air conditioners, compressors and cooling systems) are to be fitted with noise attenuation features so that noise at a sensitive receptor does not exceed the levels indicated in Schedule 1 of the *Environmental Protection (Noise) policy 2019* as follows -

Schedule 1 Acoustic quality objectives

Column 1	Column 2	Column 3		
Sensitive receptor	Time of Day	Acoustic quality objectives (measured at the receptor <i>dB(A)</i>)		
		<i>L</i> _{eq,adj,1hr}	<i>A</i> _{40,adj,1hr}	<i>L</i> _{4,adj,1hr}
residence (for outdoors)	daytime and evening	50	55	65
residence (for indoors)	daytime and evening	35	40	45
	night-time	30	35	40
library and educational institution (including a school, college and university) (for indoors)	when open for business or when classes are being offered	35		
childcare centre or kindergarten (for indoors)	when open for business, other than when the children usually sleep	35		
childcare centre or kindergarten (for indoors)	when the children usually sleep	30		
school or playground (for outdoors)	when the children usually play outside	55		
hospital, surgery or other medical institution (for indoors)	visiting hours	35		
hospital, surgery or other medical institution (for indoors)	anytime, other than visiting hours	30		
commercial and retail activity (for indoors)	when the activity is open for business	45		
protected area or critical area	anytime	the level of noise that preserves the amenity of the existing area or place		
marine park	anytime	the level of noise that preserves the amenity of the existing marine park		
park or garden that is open to the public (whether or not on payment of an amount) for use other than for sport or organised entertainment	anytime	the level of noise that preserves the amenity of the existing park or garden		

SCHEDULE C – Air and Light

- C1 Air and light emissions must be appropriately managed to prevent environmental nuisance beyond the boundaries of the property during all stages of the development including earthworks and construction.
- C2 Suitable dust suppression should be used and/or screens or barriers should be erected, where required during excavation and building works, to reduce the emission of dust or other such emissions from the site.

- C3 All artificial illumination is to be designed and installed so as not to cause a nuisance to occupants of nearby premises and any passing traffic. Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

SCHEDULE D – Water and Stormwater

- D1 It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D2 During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected – by upslope surface water diversion, downslope sediment fencing and/or temporary surface coverings.
- D3 It is an offence under the *Environmental Protection Act 1994* to discharge oils, chemicals, cement or concrete, paint, thinner, degreaser, rubbish and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D4 Any spills of oils, paints, chemicals etc must be contained and cleaned up as soon as possible.
- D5 Concrete, paint or thinner waste must not be washed out near a drain, gutter or anywhere waste could end up in a water course – appropriate containment and disposal should be used rather than discharging to the ground.

SCHEDULE E – Waste Management

- E1 It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- E2 All waste should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.
- E3 Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- E4 It is an offence under the *Environmental Protection Regulation 2019* to fail to comply with signage or directions at a waste facility.
- E5 Any building repairs involving asbestos material must be undertaken in accordance with Workplace Health and Safety requirements.
- E6 Regulated waste (including asbestos) is only to be disposed of at Trap Gully Landfill and an application form must be completed and approved prior to disposal.
- E7 Council will not enter onto private property to service wheelie bins, any bins to be serviced by Council will be required to be placed at the kerbside for collection.

SCHEDULE F – Land

F1 Section 23 of the Biosecurity Act 2014 outlines the General Biosecurity Obligation. All landowners have a General Biosecurity Obligation (GBO) for managing biosecurity risks that are under their control and that they know about or should reasonably be expected to know about. All individuals and organisations whose activities pose or is likely to pose a biosecurity risk must:

- take all reasonable and practical measures to prevent or minimise the biosecurity risk
- minimise the likelihood of causing a biosecurity event and limit the consequences if such an event occurs
- prevent or minimise the harmful effects a biosecurity risk could have
- not do anything that might make any harmful effects of a biosecurity risk worse

A biosecurity risk exists when you deal with any pest, disease, weed or contaminant. This includes moving an animal, plant, turf, soil, machinery and/or equipment that could carry a pest, disease, weed or contaminant.