

Your Reference:

Our Reference:

Contact:

KH: RR: mw: 20-07 (FID86522, RAL009-19/20, 12093-35000-999, ID1534465)
Rentia Robertson

24 July 2020

JDA Consultants Pty Ltd
Attn: John de Lacouture
PO Box 2185
FORTITUDE VALLEY QLD 4006

Dear Sir/Madam

Decision Notice – Approval

(Given under section 63 of the Planning Act 2016)

Application Number: RAL009-19/20
Description: Reconfiguring a Lot (11 into 10 and New Road)
Level of Assessment: Code Assessable
Site Address: 7-8 GREGORY COURT, BILOELA
Lot & Plan Details: Lot 0 on SP179691, Lot 2 on SP179691, Lot 3 on SP179691, Lot 4 on SP179691, Lot 5 on SP179691, Lot 6 on SP179691, Lot 7 on SP179691, Lot 8 on SP179691, Lot 9 on SP179691, Lot 10 on SP179691 & Lot 11 on SP179691

On 23 July 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 is given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Reconfiguring a Lot	s20	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Approved Plans

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

Plan/Document number	Plan/Document name	Date
03119-Lotlayout	Dawson View Body Corporate	22/07/2019

3. Further Development Permits

Please be advised that there are no further development permits required.

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	Reconfiguring a lot for the purposes of a Boundary realignment creating 11 lots into 10 and a new road.
Assessment Benchmarks	Town Zone Code, Reconfiguring a Lot Code, Development Standards Code, House Code, Natural Features Conservation Area Overlay, Economic Resources Overlay
Reasons for Decision	<p><u>Town Zone Code</u> The proposal complies with or has been conditioned to comply with all applicable performance outcomes.</p> <p><u>Reconfiguring a Lot Code</u> The proposal complies with or has been conditioned to comply with all applicable performance outcomes.</p> <p><u>Development Standards Code</u> The proposal complies with or has been conditioned to comply with all applicable performance outcomes. A conditions have been imposed on PO2, in relation to vehicular access and driveway crossovers. Conditions have been imposed on PO3, in relation to parking and loading provision.</p>

	<p>Conditions have been imposed on PO5, in relation to Car park design. A condition have been imposed on PO8, in relation to water supply. A condition have been imposed on PO10, in relation to sewer system. A condition have been imposed on PO12, in relation to stormwater drainage. A condition have been imposed on PO18, in relation to retaining walls. A condition have been imposed on PO19, in relation to street lighting.</p> <p><u>House Code</u> The proposal complies with or has been conditioned to comply with all applicable performance outcomes. A condition have been imposed on PO4, in relation to parking of vehicles.</p> <p><u>Natural Features Conservation Area Overlay</u> The proposal complies with all applicable performance outcomes, as the proposal is not creating additional lots nor is there a requirement for on-site waste water system.</p> <p><u>Economic Resources Overlay</u> The proposal is consistent with all the Performance Outcomes.</p>
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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.

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 RAL009-19/20.

Yours Sincerely



Dr Keith Halford

MANAGER ENVIRONMENT & PLANNING

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

RAL009-19/20 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

- 1 The reconfiguration is to be completed generally in accordance with the following approved plans, as attached to this Decision Notice, except where modified by the conditions below–

Plan/Document number	Plan/Document name	Date
03119-Lotlayout	Dawson View Body Corporate Lots 2-11 and CP on SP179691 Prepared by JDA Consultants Pty Ltd	22/07/2019

- 2 Comply with all of the conditions of this Development Approval prior to the submission of the Subdivision Plan for compliance assessment, unless otherwise stated.
- 3 All works required by the conditions of this Development Approval are to be completed prior to the submission of the Subdivision Plan for compliance assessment, unless otherwise stated.
- 4 Complete all associated works, including any relocation or installation of services, at no cost to Council.
- 5 At the time of submitting the Subdivision Plan for endorsement, provide a report demonstrating compliance with all conditions of this Development Approval.

Amended Plan

- 6 The survey plan submitted for endorsement is to amend the approved plan so that it conforms to setbacks requirements for the existing structures on Lots 0, 2-11 on SP179691 as required by the National Construction Code, Volume 2, Building Code of Australia Class 1 and Class 10 buildings.

Crossover and Driveways

- 7 The driveway at proposed Lot 8 is not compliant to the Capricorn Municipal Development Guidelines (CMDG) due to interaction with stormwater services. The driveway shall be realigned to avoid the stormwater gully entrance by amending the location of the proposed boundary to create sufficient area, or alternatively, the stormwater gully inlet moved outside of the driveway extents.

Roadworks

- 8 Advanced separation of the asphalt from the kerb and channel is occurring within the cul-de-sac as a result of both subsidence of the asphalt and rolling of the kerb and channel.

The kerb and channel shall be replaced from Lot 2 to Lot 5 with new asphalt merging neatly to the existing. During replacement of the kerb and channel the pavement sub base and base shall be extended to 300mm beyond the back of kerb to prevent future rolling.

- 9 Cracked kerb and channel with poor alignment either side of the road at the entrance shall be replaced to allow continuous flow and stop the ingress of water into the pavement. Asphalt to be replaced and joined neatly to the new kerb and existing asphalt.
- 10 The asphalt is in an advanced stage of deterioration showing signs of cracking and deformation.
The asphalt shall be “crack sealed” by a professional with the relevant qualifications for the full length of the road (entrance to cul-de-sac).
- 11 Road reserve is less than the minimum reserve width as per Capricorn Municipal Development Guidelines, Geometric Road Design (D1), Table D1.06.02 Access Place – Deemed to Comply Requirements.

Mail boxes and any other infrastructure not to become Council assets or owned by a service provider shall be moved to or within the property boundary.

- 12 Trip hazards exist within the verge at driveways, back of kerbs, service manholes and pits.

Verges shall be filled, top dressed and seeded to ensure a smooth walking surface and remove any potential trip hazards. Tree stump at the entrance shall be ground down to below natural surface and filled.

- 13 Yellow line marking is to be applied for the full length of the new road and the full distance of the cul-de-sac head to prevent on street parking. No standing signage is to be provided to reinforce this condition.

Street lighting

- 14 There is only a single street light from the entrance to the development to the cul-de-sac head. Please provide evidence from a Registered Professional Engineer of Queensland (RPEQ) that the existing street light meet the relevant Australian Standard and, should the lighting be found insufficient, install additional street lights as required.

Water and Sewer

- 15** The development is to be connected to the existing Banana Shire Council water supply and sewerage network respectively to the satisfaction of the Water and Sewer Services. The applicant shall make application and pay appropriate fees and charges for connections. Only one water meter/ connection and one sewer connection point is permitted to each lot.
- 16** Where alterations to water supply or sewerage services are required to comply with any of these conditions, plans are to be submitted for council approval prior to construction commencing.
- 17** All redundant services are to be removed and capped by the applicant and inspected by Council prior to backfilling.
- 18** Where an existing connection is not sufficient to service a development a separate application shall be made to Council for any alternations.
- 19** The owners are responsible for maintenance of private sewer pipes within the site. Council's responsibility ends at the inspection opening (IO) close to the boundary.
- 20** Construction works undertaken in the vicinity of Council's water supply and sewerage infrastructure must not adversely affect the integrity of the infrastructure. The works associated with the repair, replacement and alteration of the infrastructure are to be completed at no cost to Council.

Water Network

- 21** The applicant is responsible for the removal of the existing water meter to the development located at the head of the Gregory court cul-de-sac and isolation valve.
- 22** The applicant is to arrange for the replacement of the individual water sub meters to lots 2-10 with meters compatible with the current automated reading system. The developer shall be responsible for all costs associated with the installation of these meters.
- 23** The existing sub meter connected to the common property (pool) is to be re-connected on the property side of the new meter on the connection of lot 2.
- 24** Construction works undertaken in the vicinity of Council's water supply infrastructure must not adversely affect the integrity of the infrastructure. The works associated with the repair, replacement and alteration of the infrastructure are to be completed at no cost to Council.

- 25 The applicant shall undertake spot excavation to confirm the type and size of all existing private water mains that are to be transferred to Council. Any mains that are not current standard are to be replaced in accordance with the Capricorn Municipal Development Guidelines.
- 26 Applicant /developer is to provide evidence to Council demonstrating that where there are any changes in the water main this has been thrusted correctly.
- 27 The applicant / developer is to extend the dead end of the water main in the private cul-de-sac so that it loops back and connects to the water main. This is to ensure there is no requirement for future flushing of the water main.
- 28 Applicant/developer is to replace all copper connections with 25mm poly connections.
- 29 A marker plague is to be placed in the kerb where any connection crosses a kerb.

Fire Hydrants

- 30 The applicant is required to meet the cost of installation of fire hydrants to ensure complete coverage of all residences in accordance with the 'Fire Hydrant and Vehicle Access Guidelines for Residential, Commercial and Industrial Lots' published 2019 from the Queensland Fire and Emergency Services. Note: fire hydrants below ground level cannot exceed 300mm below ground level.

Sewer Network

- 31 Construction works undertaken in the vicinity of Council's sewer infrastructure must not adversely affect the integrity of the infrastructure. The works associated with the repair, replacement and alteration of the infrastructure are to be completed at no cost to Council.
- 32 Redundant services are to be removed by the applicant and inspected by Council's plumbing inspector or nominated representative prior to backfilling.
- 33 The applicant is to provide additional easement rights in easement E in lot 8 SP179691 for the purpose of sewerage to allow for the conveyance and maintenance of the sewer main contained therein.
- 34 A new easement is to be established over lot 7 that is parallel and immediately adjacent to easement E in lot 8 to provide a minimum of 2.0m distance from the centreline of the sewer main in lot 8. To allow for future maintenance activities at no additional cost to Council.

- 35** The applicant must provide confirmation that all property connections to sewer mains are in accordance with Capricorn Municipal Development Guidelines.

Stormwater Drainage

- 36** Ponding of stormwater resulting from the development must not occur on adjacent properties.
- 37** All stormwater being discharged from the site is to meet the requirements of the Capricorn Municipal Development Guidelines and the Queensland Water Quality Guidelines 2009.
- a) Contaminated water must not be directly or indirectly released from the premises onto the ground or into the groundwater.
 - b) Releases to stormwater must not contain any visible evidence of oil/grease, scum or litter.

Easement

- 38** No permanent structure or part of a structure is to be located within the easement.
- 39** All easements must be shown on the Subdivision Plan, and associated documentation prepared and registered at no cost to Council.

Retaining Wall

- 40** All retaining walls adjoining areas to become public space, i.e. roads and footpaths, become the responsibility of the land owner on which it is constructed, to ensure structural stability and prevention of any danger to the public.

END OF CONDITIONS

RAL009-19/20 Attachment 1

Part B – Assessment Manager Notes

- A** 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.
- 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** 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** 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.
- E** Where further development is proposed it is the applicant's / developer's responsibility to ensure further approvals are sought as required by the Banana Planning Scheme.
- F** The approved development must comply with Council's current Local Laws under the Local Government Act 2009.
- G** Contact is to be made with "Dial Before You Dig" before construction of any of the work commences in order to determine the location of any underground services adjoining the premises. Any damage to any services are to be repaired at no cost to Council.
- H** 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.
- 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** Any upgrades/amendments to the existing service connections that may be necessitated by this development shall be undertaken at the applicant's expense. Only one (1) water meter/connection and one sewer connection point is permitted per allotment.

- K** All redundant services are to be removed by the applicant and inspected by Council's plumbing inspector or nominated representative prior to backfilling.

Pool Safety Certificate

- A** The applicant /developer is required to annually renew the safety certificate for the pool that is located on Easement M.

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.

Pest Management

- 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, to meet the obligations under this Act.

Mosquito breeding

- A** The site is required to be appropriately drained so that water is not allowed to accumulate or pond in a manner that may allow mosquito breeding, as required under the Public Health Regulation 2005.

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

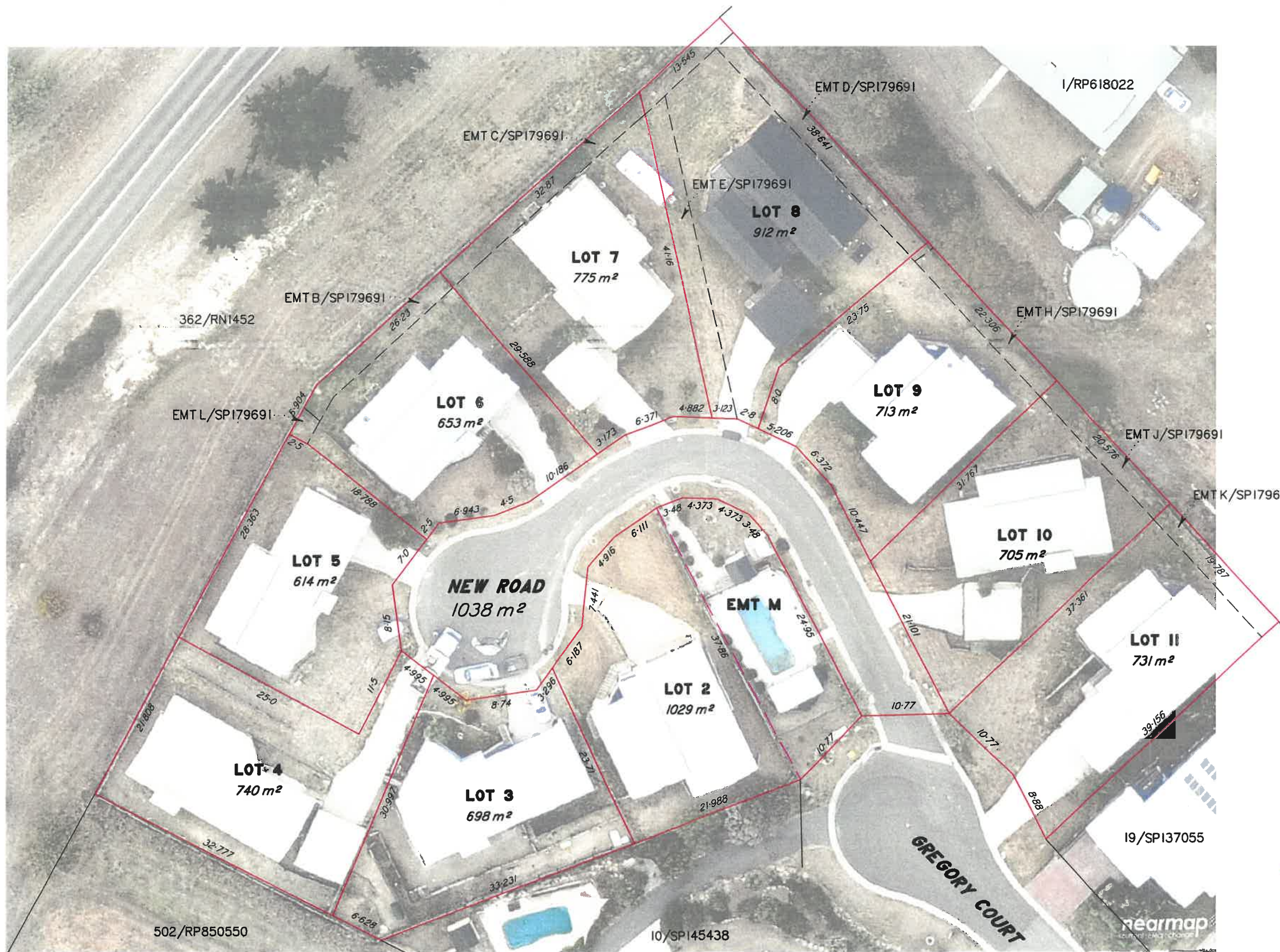
(b) for a decision about an offset or refund—

(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



0 10 20 30 40 50
Scale 1:500 at A3. Lengths are in Metres

Prepared By:
JDA Consultants Pty Ltd.
CONSULTING SURVEYORS
TOWN PLANNERS
ACN 010 272 090
50 Prospect Street
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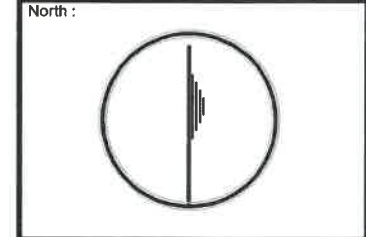
Client:
Dawson View Body Corporate

Project:
Lot layout for conversion to freehold
7-8 Gregory Court, Biloela

Date: 22/07/2019	Scale: 1 : 500 on A3
Drawn: MAG	Surveyed: NA
Level Datum: NA	

Description of Property:
Lots 2-11 and CP on SP179691

Locality : Biloela
Local Government : Banana Shire



Disclaimer:
The Title Boundaries as shown hereon were not marked at the time of survey and have been determined by the plan dimensions only and not by field survey.

Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of underground services and detailed locations of all services.

Notes:
Banana Shire Council
PLANNING APPROVAL
Dimensions shown on this plan are approximate only and are subject to survey.

23 JUL 2020

RALOOG-19120

Revisions:

Date	Details

Drawing No:
03119_LotLayout
Job No: **031/19** Comp. No: **12**