

Your Reference:

Our Reference:

Contact:

CW: RR: nz: 19-05 (FID85330, MCU004-18/19, 10016-00000-000, ID1434298)
Rentia Robertson

07 May 2019

Alastair Clarence Lang
40 Bramston Street
BANANA QLD 4702

Dear Alastair

Decision Notice – Approval

(Given under section 63 of the Planning Act 2016)

Application Number: *MCU004-18/19*
Description: *Vehicle Showroom*
Level of Assessment: *Impact Assessable*
Site Address: *34 BRAMSTON STREET, BANANA*
Lot & Plan Details: *Lot 7 on B4917*

On 03 May 2019, 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
Making a Material Change of Use assessable under the planning scheme		<input checked="" type="checkbox"/>	

3. Approved Plans

The approved plans and/or documents for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Banana Machinery Exchange	Site Plan: 34 Bramston Street	Received 18 October 2018
	Floorplan of Office: 34 Bramston St Banana	Received 1 February 2019
Swains Canvas	Proposed shade sail for Mr & Mrs Lang	Received 18 October 2018
Swains Canvas	Proposed shade sail for Mr & Mrs Lang – Elevations and posts	Received 18 October 2018

4. 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

7. 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.

8. Submissions

There were no properly made submissions about the application.

9. Referral Agencies

The referral agency for this application was:

Name of referral agency	Advice agency or concurrence agency	Referral Basis	Address
Chief Executive - Department of State Development, Infrastructure and Planning (DSDIP) - State Assessment Referral Agency (SARA)	Concurrence	Schedule 10 part 9, division 4, subdivision 2 table 4, item 1	RockhamptonSARA @dsdmip.qld.gov.au Fitzroy & Central Region PO Box 113 ROCKHAMPTON QLD 4701

12. 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*

13. Statement of Reasons

Description of the development	Material Change of Use - Vehicle Showroom
Assessment Benchmarks	The Planning Scheme
	Village Zone The proposal is consistent with all the Performance Outcomes. Conditions have been imposed to ensure the proposal complies.
	Development Standards Code The proposal complies with the relevant Acceptable Outcomes. Conditions have been imposed to ensure compliance with all relevant Performance Outcomes.
	Commercial Development Code The proposal complies with the relevant Acceptable Outcomes. Conditions have been imposed to ensure compliance with all relevant Performance Outcomes.
Reasons for Decision	Economic Resource Overlay Code The proposal does not compromise agricultural productivity in the area.
	Development Design Code The proposal is consistent with the Performance Outcomes

14. 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 MCU004-18/19.

Yours Sincerely



Chris Welch

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 1 – Part C Conditions imposed by DSDMIP/SARA
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings
Attachment 4 – Infrastructure Charges
Attachment 5 – Environmental Obligations

MCU004-18/19 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
Banana Machinery Exchange	Site Plan: 34 Bramston Street	Received 18 October 2018
	Floorplan of Office: 34 Bramston St Banana	Received 1 February 2019
Swains Canvas	Proposed shade sail for Mr & Mrs Lang	Received 18 October 2018
Swains Canvas	Proposed shade sail for Mr & Mrs Lang – Elevations and posts	Received 18 October 2018

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 “vehicle showroom” means the indoor and outdoor display, hire and sale of vehicles, including agricultural machinery, boats, caravans, cars, trucks or the like.
6. The height of the proposed shade sail is not to exceed 6.5meters

Hours of Operation

7. The hours of operation shall be confined to the hours between 8am and 5pm each day.

Building works

8. The applicant shall obtain a development permit for building work associated with the demolition/new work associated with the approval.
9. All plant and equipment including compressors, air conditioners and the like are to be housed and screened to ensure that no harm or nuisance is caused to the adjoining residential use.

Light

10. Any lighting or illuminations including driveway lighting, down lighting from the premises are to be designed in accordance with Australian Standard: AS 4282 Control of the obtrusive effects of outdoor lighting, to ensure that no nuisance is caused to adjoining or adjacent premises and to road users.

Landscaping/Streetscaping

11. Prior to the commencement of the use, all landscaping is to be established for the following areas:

Northern boundary:

- 1) A vegetated buffer is to be created along the northern boundary of lot 7, (separating lot 7 and lot 8) of at a minimum of 2 meters wide.

The planted buffer area shall comprise a mixture of trees and shrubs composing of native species spaced at a minimum of 1 metres, with a minimum porosity of 50% and with a mature plant height of 1.8- 2 metres providing an effective buffer and screening to ensure privacy to the existing dwelling on neighbouring lot.

Southern boundary:

- 2) Landscaping is to be planted on the inside of the front boundary of the premises. Native species are to be planted with low vegetation that has either a maximum height of 0.5m or a minimum clear trunk height of 1.5m at maturity. The landscaping is to be maintained in such a manner that vehicle sight lines are not obscured upon exiting the premises.

12. The landscaping is to be maintained for the duration of the approved use and in such a manner that the landscaping would buffer the use from the adjoining residence.

13. The landscaping is to be maintained in a tidy manner by the developer (i.e. watering, fertilising, mulching, weeding, and the like) at all times to the satisfaction of the Assessment Manager.

Stormwater Drainage

14. Stormwater runoff is to discharge to Council's stormwater drainage system or legal point of discharge.
15. The stormwater drainage system serving the site is to be designed so that the development will not make 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.
16. The stormwater formerly flowing onto the site must not be diverted onto other properties.
17. All stormwater being discharge from the site is to meet the requirements of the Capricorn Municipal Development Guidelines and the Queensland Water Quality Guidelines 2009.
 - Contaminated water must not be directly or indirectly released from the premises onto the ground or into the groundwater at the premises.
 - **Releases to stormwater must not cause any visible oil slick or other visible** evidence of oil or grease, nor contain visible grease, scum, litter or floating oil.

Damage to Services and Assets

18. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner at the following times:
 - (a) Where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - (b) Where otherwise, upon completion of the works associated with the development.
19. Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

Crossover and Driveways

20. The existing crossover/driveway is to-
 - Be constructed as per the requirements of the Capricorn Municipal Development Guidelines (Standard Drawing CMDG-R-040). Please note that the dimensions listed on this standard drawing are considered the minimum required for compliance.
21. The crossover/driveway is to be constructed so as not to cause obstruction of any existing or proposed stormwater infrastructure.
22. Contact is to be made with "Dial Before You Dig" before construction of any of the proposed driveways commences in order to determine the location of any underground services utilises in the construction area. Care must be taken to avoid damage to service utilities identified. Any damage to these services must be repaired at no cost to Council.
23. Any damage incurred by the existing road surface, services or furniture as a result of the works required for the installation of the crossover/driveway is to be repaired to the pre-existing or better condition at no cost to Council.

Water and Sewerage Infrastructure

24. Upon change of ownership of the use, Lot 7 is to be provided with an approved on-site wastewater treatment system that complies with the Queensland Plumbing and Wastewater Code 2013, or any subsequent update. A property note will be placed on the Council rate system to this effect.
25. Prior to commencement of the use the applicant shall connect the premises to Council's reticulated water infrastructure. All redundant water services are to be removed at no cost to Council. The water connection shall be through a single water supply connection. Separate application is to be made to Council for any new or enlarged connection.
26. Construction works in the vicinity of Councils water infrastructure must not adversely affect the integrity of that infrastructure. Any work associated with the repair, replacement or alteration to the infrastructure is to be completed at no cost to Council.

Waste Management

27. Waste must not be burned at the premises. All waste is to be appropriately contained on-site until removal. Waste must be regularly removed to an approved waste disposal facility by an approved transporter.

28. All waste generated from vehicle servicing or maintenance must be appropriately contained and stored so as to prevent contamination of land or stormwater until disposal at an appropriate location.

Infrastructure Contributions

29. Refer to the Adopted Infrastructure Charges Notice associated with this Development Permit for details of Infrastructure Contributions. These contributions required by the Adopted Infrastructure Charges Notice must be paid prior to Council before the commencement of the use.

MCU004-18/19 Attachment 1

Part B – Assessment Manager Notes

Assessment Manager Notes

- A. The approval to which these conditions attach may also be subject to an *adopted infrastructure charges notice*. See s121 of the *Planning Act 2016*.
- B. 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.
- C. 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.
- D. 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.
- E. Please note the conditions dated 17 April 2019 imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency and attached to this Decision Notice.
- F. 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.
- G. 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.
- H. 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.
- I. Please note the advice surrounding the applicants 'Environmental Obligations' contained in an attachment to the Decision Notice.
- J. Applicant may make an application for a kerbside wheelie bin service.

K. No disposal of commercial waste to the Banana Transfer Station is permitted.

L. Sediment control

It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud or gravel and other such prescribed water contaminants to a stormwater drain, roadside gutter or a water course.

Provision must be made to ensure that these contaminants do not leave the site.

M. Spills and waste clean up

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.

Therefore it is important to –

- Contain and clean up any spills of oils, paints, chemicals etc as soon as possible
- Not wash out concrete, paint or thinner waste near a drain or gutter or anywhere waste could end up in a water course – appropriate containment and disposal should be used rather than discharging to the ground where possible.

N. Litter control

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 to an appropriate disposal site.

O. Waste containment

The *Environmental Protection Regulation 2008* requires waste to be stored in an appropriate container which is securely covered, and maintained in a clean condition.

Environment

P. General Environmental Duty

The *Environmental Protection Act 1994* places a general environmental duty on everyone. This means that you must not carry out any activity that causes or is likely to cause environmental harm unless you take all reasonable and practicable measures to prevent or minimise the harm.

If you become aware of serious or material environmental harm being caused or threatened by an activity you are involved in you have a duty to report that harm.

Q. Environmental Nuisance

Under Section 440 of the *Environmental Protection Act 1994* it is an offence to unlawfully, or wilfully and unlawfully, cause an environmental nuisance. Environmental nuisance is a likely or unreasonable interference with an environmental value caused by aerosols, fumes, noise, light, odour, particles or smoke or an unhealthy, offensive or unsightly condition because of contamination. Where a complaint has been received about an environmental nuisance caused by noise emissions from the site, and such nuisance is not adequately covered by the default noise standards within the *Environmental Protection Act 1994*, then the noise limits which will be required to be met by activities on the site are the acoustic quality objectives listed in the *Environmental Protection (Noise) Policy 2008*.

R. Roads

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".

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.

All works require 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.

S. Property Notes

A noting will be placed on the Council's rate card for Lot 7 B4917 confirming that:

- a. No sewer reticulation is available in Banana and that the property therefore cannot be connected to Council sewer reticulation.
- b. Owner's and future purchasers of Lot 7 B4917 should be aware that on-site treatment and disposal methods are to be provided on the premises suitable to the development at the owners/developers cost. A Plumbing application to Council is required for the assessment of on-site treatment and disposal methods.

T. Cultural Heritage

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.

U. Declared Pests/Plants

The applicant/developer is responsible for ensuring that all declared plants are treated as required by the provisions of the Land Protection (Pest and Stock Route Management) Act 2002.

MCU004-18/19 Attachment 1

*Part C - Conditions imposed by the Department of State Development,
Manufacturing, Infrastructure and Planning*



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

Our reference: 1904-10560 SRA
 Your reference: MCU004-18/19

17 April 2019

The Chief Executive Officer
 Banana Shire Council
 PO Box 412
 Biloela Qld 4715
 enquiries@banana.qld.gov.au

Dear Sir/Madam

Referral agency response—with conditions

(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 4 April 2019.

Applicant details

Applicant name:	Mr Alastair Lang
Applicant contact details:	40 Bramston St Banana QLD 4702 farm865@gmail.com

Location details

Street address:	34 Bramston Street, Banana
Real property description:	7B4917
Local government area:	Banana Shire Council

Application details

Development permit	Material change of use for Vehicle showroom
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

A copy of this response has been sent to the applicant for their information.

For further information please contact Kate Lipke, Principal Planning Officer, on 49242916 or via email RockhamptonSARA@dsgmip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to be 'C. Porter', written in a cursive style.

Carl Porter
Principal Planning Officer

cc Mr Alastair Lang, farm865@gmail.com
enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: <ul style="list-style-type: none"> (i) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (ii) reduce the quality of stormwater discharge onto the state-controlled road. 	(a) & (b) At all times

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1904-10560 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Mr Alastair Lang
Applicant contact details: 40 Bramston St
Banana QLD 4702
farm865@gmail.com

Location details

Street address: 34 Bramston Street, Banana
Real property description: 7B4917
Local government area: Banana Shire Council

Development details

Development permit Material change of use for Vehicle showroom

Assessment matters

Aspect of development requiring code assessment	State Development Assessment Provisions, version 2.4 Applicable codes
Material change of use	State code 1: Development in a state-controlled road environment

Reasons for the department's response

The reasons for the response are the proposed development:

- involves development on land and accesses to a local road within 100m of an intersection with a state-controlled road
- can be conditioned to mitigate any stormwater impacts on the Dawson Highway
- complies with State code 1.

Response

Nature of application	Response details	Date of response
Development permit	Subject to conditions	16 April 2019

Relevant material

- development application material
- *Planning Act 2016*
- Planning Regulation 2017
- State Development Assessment Provisions, version 2.4

- Development Assessment Rules, version 1.1
- SARA Development Assessment Mapping.

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

Banana Machinery
Exchange
0428256752
ABN: 742 388 11426

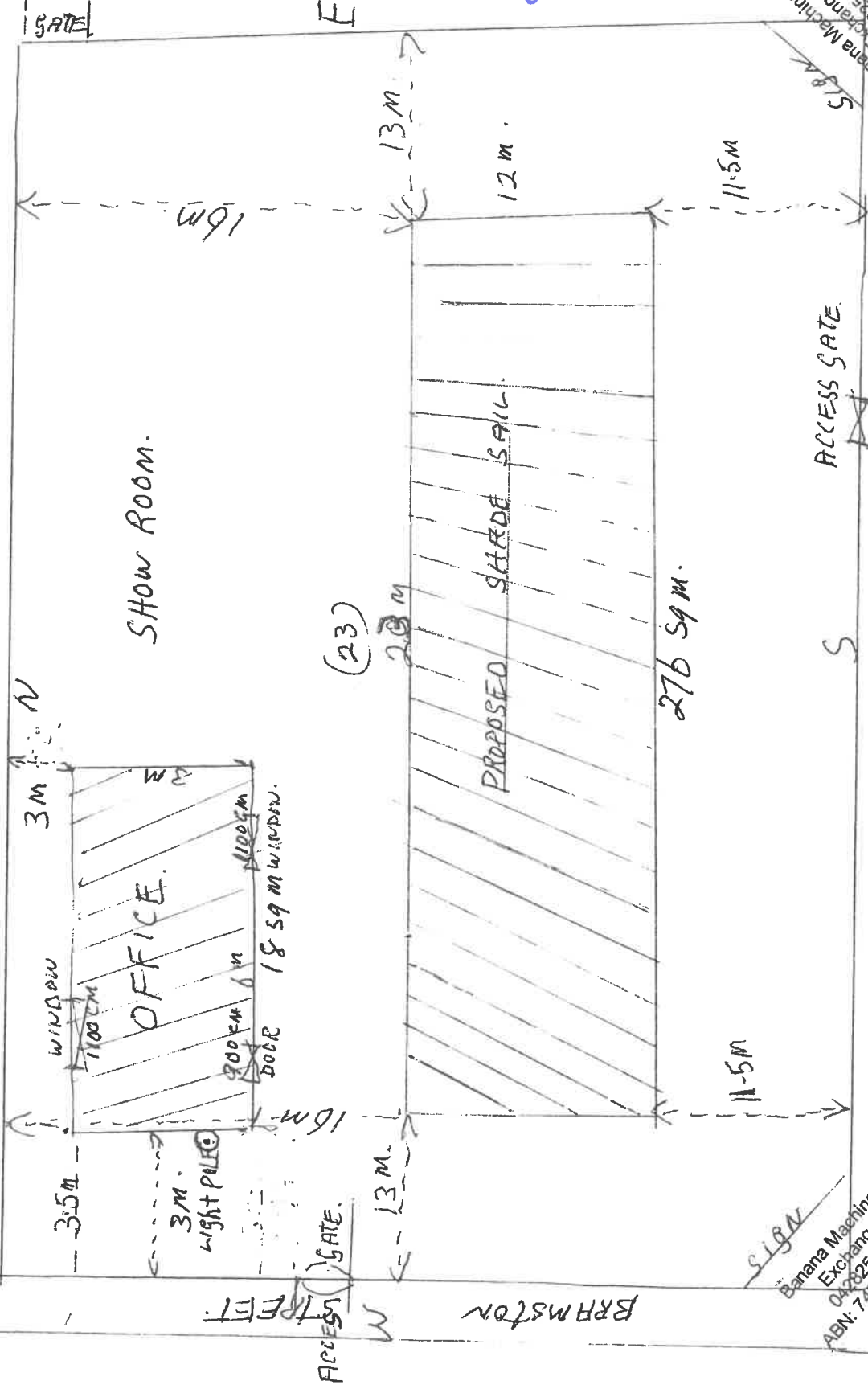
34 BRAMPSTON STREET

Banana Machinery
Exchange
0428256752
ABN: 742 388 11426

Banana Shire Council
PLANNING APPROVAL
03 MAY 2019

Banana Machinery
Exchange
0428256752
ABN: 742 388 11426

Banana Machinery
Exchange
0428256752
ABN: 742 388 11426



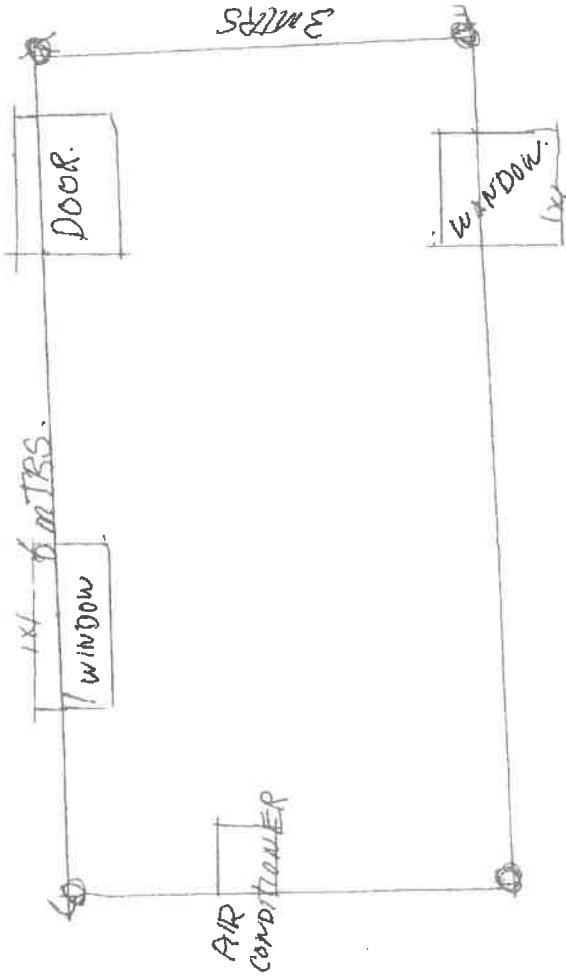
COUNCIL PARK

NORTH ST.

BRAMPSTON STREET

3A BRAMSTON ST BANANA

OFFICE



X 2-43 HIGH. HAS (14) CEMENT BLOCKS EACH 300CM ROUND X 900CM DEEP.

ANCHORED BY CHAIN TO STEEL BEAMS, SITUATED 3 METRS FROM BOUNDARY.

THE BUILDING IS CONSTRUCTED OF STEEL. LINED WITH MASONRY SHEETS.

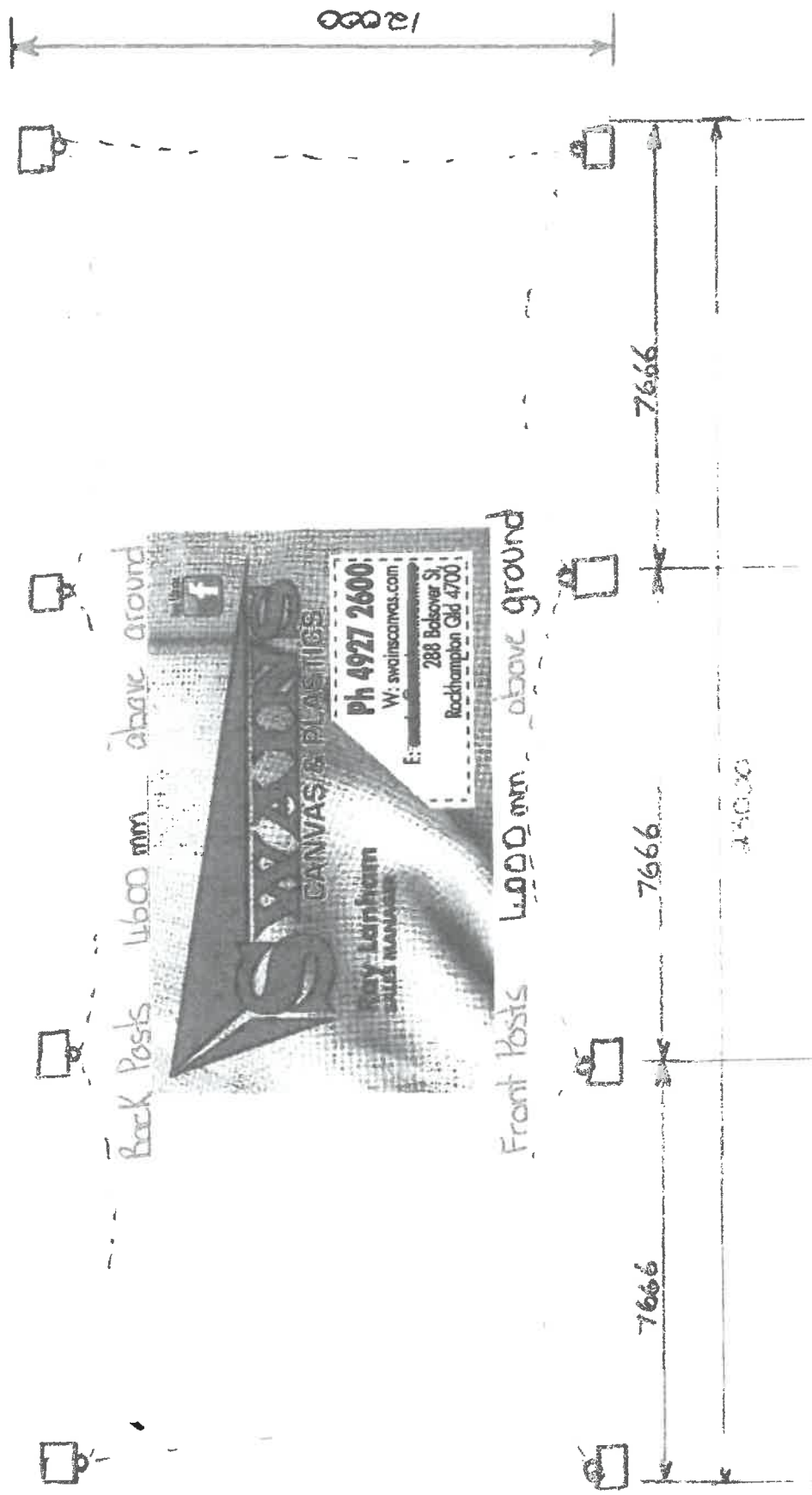
Banana Shire Council
PLANNING APPROVAL
03 MAY 2019

Proposed Shade Sail for Mr & Mrs Lang 40 Bramston St Banana

Canvas
Shade Cloth
Foam Products
Rubber Suppliers
Retail Accessories

288 Bolsover Street
PO Box 132, Rockhampton 4700
Ph. (07) 49272600 Fax (07) 49272719
ABN: 28 100 971 677

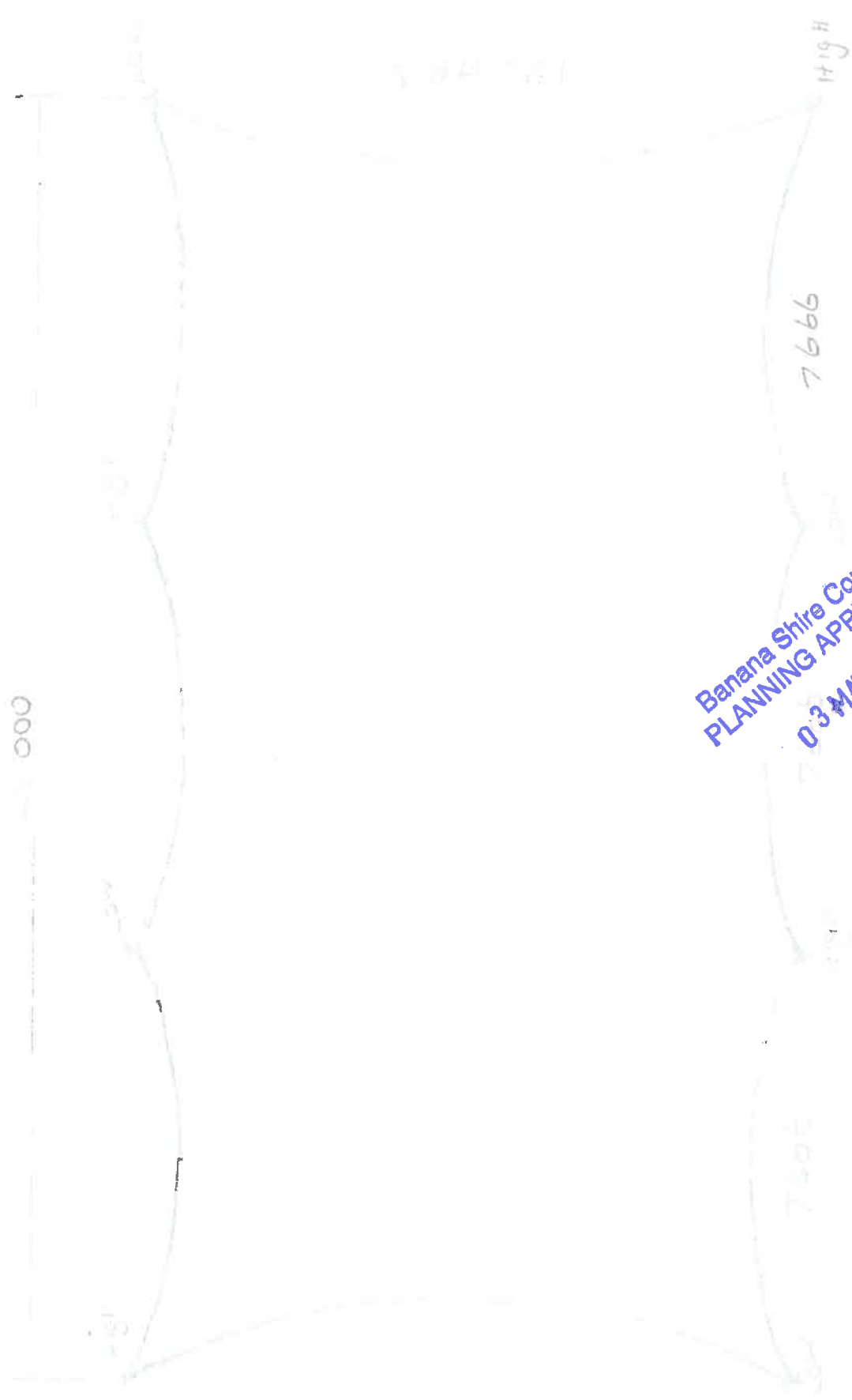
office@swainscanvas.com.au
www.swainscanvas.com.au



Banana Shire Council
PLANNING APPROVAL
3 MAY 2019

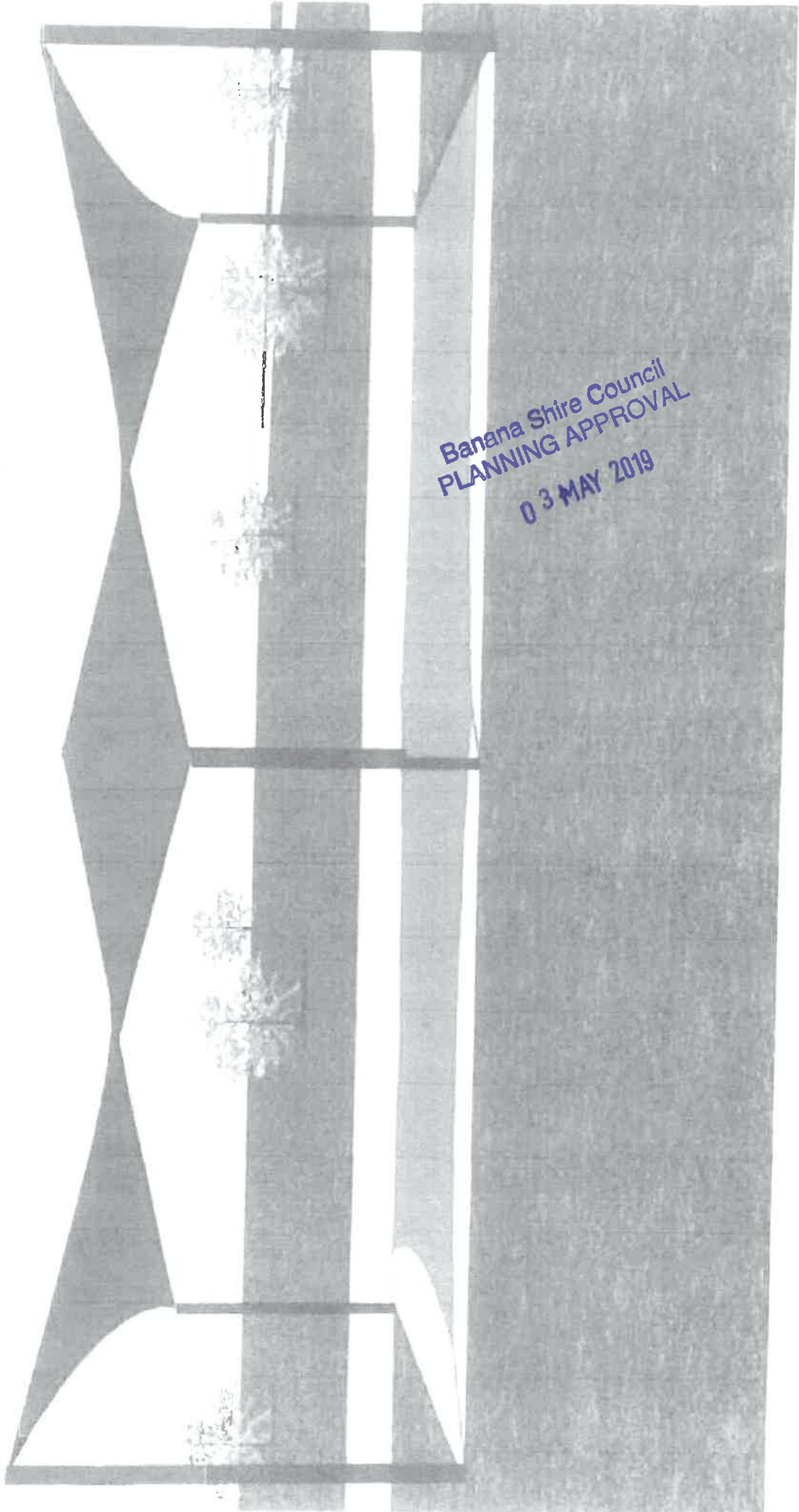
All post holes 1800 mm deep x 450 mm diameter
--- Z16 shade cloth sail
6mm S1S wire in edge of sail
M10 S1S Hook/Eye Turnbuckles

Any Queries Please Call



Banana Shire Council
PLANNING APPROVAL
03 MAY 2019

SWAINS CANVAS
288 BOLSOVER STREET
ROCKHAMPTON 4700
ABN 28 100 971 677
PHONE 0827 2600



Banana Shire Council
PLANNING APPROVAL
03 MAY 2019

Attachment 4
Infrastructure Charges

Attachment 4 Infrastructure Charges Notice

ADOPTED INFRASTRUCTURE CHARGES NOTICE			
<i>Planning Act 2016 and Local Government Act 2009</i>			
TO:			
Applicant:	Alastair Clarence Lang	File Number:	MCU004-18/19
Address:	34 BRAMSTON STREET, BANANA	Date of Issue:	17 April 2019
LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES			
Planning Scheme:	Banana Shire Planning Scheme 2005		
RPD:	Lot 7 on B4917		
DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES			
The adopted infrastructure charge applies to the following development type:			
Material Change of Use – Vehicle Showroom			
AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE			
The adopted infrastructure charge has been calculated in accordance with an adopted infrastructure charge under the <i>Planning Act 2016</i> .			
Commercial (bulk goods) – Water			
Development Type	Units Payable	Current Unit Charge	Charge
Material Change of Use - Sales office	18m ²	\$12.98 Commercial (office) category (includes PPI adjustment)	18 x \$12.98 = \$233.64
Material Change of Use - Outdoor sales	276m ²	\$12.98 Commercial (bulk goods) category (includes PPI adjustment)	276 x \$12.98 = \$3,582.48
Less previous charge – Residential			
Dwelling House	1 Dwelling Unit	\$2,596.26 Dwelling house (Includes PPI adjustment)	1 x \$2,596.26
Total Infrastructure Charges: \$1,219.86			

ADJUSTMENTS TO THE CHARGE

The charge rates included in this notice are valid until 30 June 2019, after which they will be subject to index adjustment. Please contact Banana Shire Council's Development & Environmental Services Department – Planning Section prior to payment for a review or reissue of this notice if applicable.

DUE DATE FOR PAYMENT

Charges are payable as follows:

- (a) if the charge applies to reconfiguring a lot – prior to the signing of the Survey Plan;
- (b) if the charge applies to building work – prior to the issue of a certificate of classification; or
- (c) if the charge applies to a material change of use – before the change of use happens.

PAYMENT DETAILS

Charges are payable to **Banana Shire Council**.

Payment can be made at Council's Chambers:
62 Valentine Plains Road, VALENTINE PLAINS, BILOELA

or by mail with your cheque or money order to **Banana Shire Council, PO Box 412, BILOELA QLD 4715**. Cheques must be made payable to Banana Shire Council and marked 'Not Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

GOODS AND SERVICES TAX

The Federal Government has determined that rates and utility charges levied by local government will be GST free. Accordingly, no GST is included in this infrastructure charges notice.

FAILURE TO PAY CHARGE


An adopted infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the *Local Government Act 2009*. Compound annual interest at 11% calculated daily is to be applied to an overdue charge.

This notice will lapse if the development approval stops having effect.

APPEAL RIGHTS

Attached is an extract from the *Planning Act 2016*, which details the appeal rights in relation to this notice.

Authorised by: _____


John McDougall

ACTING DIRECTOR INFRASTRUCTURE SERVICES

Chapter 4, Part 4, Division 2, Subdivision 5

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;
 the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a **negotiated notice**) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Schedule 1, Table 1, Item 4

Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—
 - (i) the application of the relevant adopted charge; or*Examples of errors in applying an adopted charge—*
 - the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category', under a regulation, to the development
 - (ii) the working out of extra demand, for section 120; or
 - (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—

Attachment 5
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.

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 2008*.
- 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 other noise sources are to be appropriately managed to prevent environmental nuisance.

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.

- C4 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.
- D4 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.
- D5 It is recommended that any oil, waste oil, paints and chemicals kept on site are stored within a bund or otherwise in a manner that will prevent spills onto land or into stormwater.
- D6 Appropriate material must be kept on site for the containment and clean-up of spills, and any spills of oils, paints, chemicals etc must be contained and cleaned up as soon as possible.

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 to be removed from site 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 2008* to fail to comply with signage or directions at a waste facility.
- 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.