

Your Reference:

Our Reference: KH: RR: mw: 20-11 (FID86908, MCU001-20/21, 20185-00000-000, ID1565840, ID1589171)

Contact: Rentia Robertson

03 November 2020

C/- Precinct Urban Planning
PO Box 3038
TOOWOOMBA QLD 4350

Dear Sir/Madam

Decision Notice – Approval

(Given under section 63 of the Planning Act 2016)

Application Number: MCU001-20/21
Description: Shop
Level of Assessment: Code Assessable
Site Address: 36-38 YALDWYN STREET, TAROOM
Lot & Plan Details: Lot 1 on RP72100
Lot 2 on RP72100

On 03 November 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
Making a Material Change of Use assessable under the planning scheme	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
00018/20 Issue E	Proposed Site Plan prepared Martin Building Design	18 March 2020
00018/20 Issue E	Proposed Floor Plan Prepared by Martin Building Design	18 March 2020
00018/20 Issue E	Elevation Plan prepared by Martin Building Design	18 March 2020
02 Job nr 200606	Proposed Layout and Stormwater Management prepared by DME Projects	24/06/2020

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. Referral Agencies

The referral agency for this application was:

Name of referral agency	Advice agency or concurrence agency	Referral Basis	Address
Chief Executive - Queensland Treasury - State Assessment Referral Agency (SARA)	Concurrence	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1	RockhamptonSAR A@dsmip.qld.gov.au Fitzroy & Central Region PO Box 113 ROCKHAMPTON QLD 4701

7. 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*.

8. Statement of Reasons

Description of the development	The proposed development is for a Material Change of Use for the purpose of a Shop.
Assessment Benchmarks	Commercial Zone Code
Reasons for Decision	<u>Commercial Zone Code</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes

9. 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 MCU001-20/21.

Yours Sincerely



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 1 – Part C Conditions imposed by Queensland Treasury
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings
Attachment 4 – Infrastructure Charges

MCU001-20/21 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
00018/20 Issue E	Proposed Site Plan prepared Martin Building Design	18 March 2020
00018/20 Issue E	Proposed Floor Plan Prepared by Martin Building Design	18 March 2020
00018/20 Issue E	Elevation Plan prepared by Martin Building Design	18 March 2020
02 Job nr 200606	Proposed Layout and Stormwater Management prepared by DME Projects	24/06/2020

- 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 a shop.
Operating and loading hours: Monday to Friday: 9am to 5pm
Saturdays: 9am to 12pm
- 6 No operating or loading is permitted on Sundays and Public Holidays.
- 7 Prior to the commencement of use of the Shop Lot 1 and 2 on RP72100 are to be amalgamated. Evidence of the amalgamation is to be provided to Council.

Building works

- 8 The applicant shall obtain a development permit for building work associated with the demolition/new work associated with the approval.
- 9 The applicant shall obtain a development permit for all plumbing and drainage work including the removal of redundant pipework.
- 10 Roof water from each building shall be conveyed to the kerb via an approved kerb adaptor.

Lighting

- 11 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.
- 12 Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

Road work and access

- 13 Access to Adam Lane must be constructed as per CMDG STD drawing CMDG-R-042 Type A two way access commercial driveway slab.
- 14 Where an existing driveway crossover is proposed to be replaced it is to be constructed in accordance with the Capricorn Municipal Development Guidelines and have a slope not exceeding 1 in 6.
- 15 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.
- 16 Any damage to the existing road surface, services or furniture as a result of construction work is to be repaired to the pre-existing condition or better condition at no cost to Council.

Water and Sewerage Infrastructure

- 17 Prior to commencement of the use the applicant shall connect the premises to Council's reticulated water and sewerage 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.

- 18 The owners are responsible for maintenance of the private sewer lines within the site. Council's responsibility ends at the inspection opening close to the boundary.
- 19 Construction works in the vicinity of Council's water or sewerage 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.

Environmental Management Plan

- 20 The Applicant must prepare and submit the Construction Environmental Management Plan (CEMP) to Council for approval at least 40 working days prior to construction commencing.

The CEMP is to ensure all potential impacts of the development are adequately controlled and provide detailed practical and achievable prevention, minimisation and mitigation strategies (including design standards) for controlling environmental impacts of the development. The plan must be approved by Council before construction commences.

- 21 The Applicant must implement the recommendations of the Council approved Construction Environmental Management Plan including any recommended works, installation of monitoring equipment, if required, and management measures at all times during construction.

Stormwater

- 22 A 'no worsening' of flood inundation or stormwater runoff occurs on neighbouring properties including road reserves or other publicly controlled land as a result of the filling or excavation activity on the development site.
- 23 Stormwater management works and site layout is to be in accordance with the applicant supplied plan 'Proposed Layout and Stormwater Management' Drawing 2, dated 24/06/2020.
- 24 Gravel surfaces to be evenly graded and compacted to ensure no loss of sediment from site. Surfaces, including landscaped areas are to be regularly maintained to ensure loss of fine particles from the surface is minimised over time.

Sediment and Erosion Control

- 25 Erosion and sediment control measures are employed during works to prevent run-off in accordance with the Queensland Urban Drainage Manual (QUDM) and the CMDG.

Landscaping

- 26 Prior to commencement of use a basic landscaping plan is to be provided to Council for approval. The plan is to indicate proposed landscaping along Adam Lane.
- 27 Any landscaping proposed to occur along a Road frontage, within 2m of the property boundary, is to be maintained or have a mature height no greater than 900mm.
- 28 The landscaping is to be maintained by the developer (i.e. watering, fertilising, mulching, weeding, and the like) at all times to the satisfaction of the Assessment Manager.

Amenity

- 29 The premises must be maintained in a safe and tidy manner at all times.
- 30 Ensure that all reasonable and feasible avoidance and mitigation measures are employed so that noise, air, odour and light emissions generated by and associated with the approved use do not create a nuisance at any sensitive land use.
- 31 All mechanical plant and equipment fitted to service the approved use such as air-conditioning units, external freezers and air compressors are to be designed to incorporate acoustic attenuation or housed and screened to ensure prescribed noise levels are not exceeded, so that no harm or nuisance is caused to sensitive receptors.

Waste Management

- 32 Waste must not be burned at the premises.
- 33 Waste must be recycled where recycling services are feasibly available.
- 34 Waste collection vehicles must enter and exit the site in a forward gear.

Signage

- 35 All proposed signage shall be the subject a separate approval for a development permit pursuant to the Banana Shire Planning Scheme.

Infrastructure Contributions

- 36 Refer to the Adopted Infrastructure Charges Notice associated with this Development Permit for details of Infrastructure Contributions. The contributions required by the Adopted Infrastructure Charges Notice must

be paid prior to the commencement of the approved use.

- 37** Prior to the commencement of use, all infrastructure charges associated with this approval must be paid to Banana Shire Council.

END OF CONDITIONS

MCU001-20/21 Attachment 1

Part B – 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** The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.
- C** 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 2016*.
- D** 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.
- 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** 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.
- G** 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.
- H** 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.
- I** Please note the conditions dated 14 September 2020 imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency and attached to this Decision Notice.

General Environmental Duty

- A 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.

Water and Stormwater

- A 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.
- B 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.
- C Building and construction materials and waste, including bitumen, brick, cement, concrete and plaster, are prescribed water contaminants and as such must not be stored or disposed of in a water course, stormwater drain, roadside gutter or where they may be expected to wash into such places.
- D 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.
- E Any oil, waste oil, paints and chemicals kept on site are to be stored within a bund or otherwise in a manner that will prevent spills onto land or into stormwater.
- F 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.
- G Concrete, paint or thinner waste must not be washed out near a drain, gutter or anywhere waste could end up in a watercourse – appropriate containment and disposal should be used rather than discharging to the ground.

Noise

- A 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.

Air and Light

- A 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.

Waste

- A** 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.
- B** All regulated waste must be taken to an approved waste disposal facility by a licenced transporter. Only limited types of regulated waste (including asbestos) are permitted for disposal at Trap Gully Landfill and an application form must be completed and approved prior to disposal.
- C** 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 any other Banana Shire landfills or transfer stations without prior written approval from Council.
- D** Any building demolition or repairs involving asbestos material must be undertaken in accordance with Workplace Health and Safety requirements.
- E** Recycling materials are free to dispose at Council waste facilities when placed in the correct locations, with the exception of tyres and commercial loads of clean concrete. Further information in relation to recycling options is available on Council's website www.banana.qld.gov.au/waste
- F** It is an offence under the *Environmental Protection Regulation 2019* to fail to comply with signage or directions at a waste facility.
- G** 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.
- H** Applicant may apply for an additional garbage bin/service should they require so, additional fees apply for this service.
- I** Applicant should note that the Taroom Refuse Facility (dump) is not available for the acceptance of commercial waste.
- Accepted wastes: clean green waste; scrap metal; concrete; general (domestic) waste.
- J** Pharmaceutical & clinical waste must be managed and disposed in accordance with QLD Waste Reduction and *Recycling Regulation 2011* (WRR Regulation). Reference is made to: [QLD Guideline for Clinical & Related Waste](#).

In addition unwanted pharmaceutical waste can be managed via the Commonwealth's [Returned of Unwanted Medicines \(RUM\) Program](#).

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.

Mosquito breeding

- A** The site is required to be appropriately drained, and equipment appropriately maintained 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 2018*.

END OF NOTES

MCU001-20/21 Attachment 1

Part C - Conditions imposed by the Queensland Treasury



Queensland Treasury

SARA reference: 2008-18292 SRA
 Council reference: MCU001-20/21
 Applicant reference: 2020-047

14 September 2020

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

Dear Sir/Madam

SARA response—Shop uses at 36 Yaldwyn Street, Taroom

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 14 August 2020.

Response

Outcome:	Referral agency response - No requirements
	Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	14 September 2020
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use for shop use (an integrated complex to including the Taroom Pharmacy and St. Vincent de Paul Society)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Development application for a material change of use near a State	

transport corridor
SARA reference: 2008-18292 SRA
Assessment Manager: Banana Shire Council
Street address: 36 Yaldwyn Street, Taroom
Real property description: 1RP72100; 2RP72100

Applicant contact details: c/- Precinct Urban Planning
PO Box 3038
Toowoomba QLD 4350
james@precinctplan.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

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@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Christie McLennan, james@precinctplan.com.au
enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p>The submitted Proposal Plans indicate that an awning/covered walkway is proposed to be constructed within the bounds of the state-controlled road. Any structure proposed within the state-controlled road must be approved under section 50 of the <i>Transport Infrastructure Act 1994</i>.</p> <p>It is noted that there is Ergon infrastructure (power pole) in close proximity to this awning. The Department of Transport and Main Roads (DTMR) will require confirmation from Ergon there is no objection to the awning, and from any other affected utility providers prior to approving construction.</p> <p>For further information, please see the DTMR website for road corridor permits: https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-matters-requiring-approval/Road-Corridor-Permit.aspx</p>

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

- The proposed development is for a material change of use for a shop us located at 36 Yaldwyn Street, Taroom (Lots 1 and 2 on RP72100).
- The premises currently consist of three separate shop fronts which will be demolished to construct the new integrated shop complex.
- The premises front Yaldwyn Street (Leichhardt Highway (Taroom – Miles)), which is s State-controlled road.
- No direct access is proposed from the State-controlled road.
- The proposed plans demonstrate that stormwater is to be piped to Adam Lane (local road) and will have no impact on the State-controlled road.
- Access to on-site carparking will be provided from a local road adjacent to the rear of the premises.
- The proposed site plans and elevations indicate an awning/covered walkway which will protrude into the State-controlled road corridor. This aspect can be adequately managed through other regulatory processes.
- The proposed development complies with State code 1: Development in a state-controlled road environment of the State Development Assessment Provisions.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6)
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

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

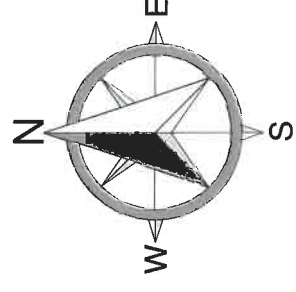
(b) for a decision about an offset or refund–

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

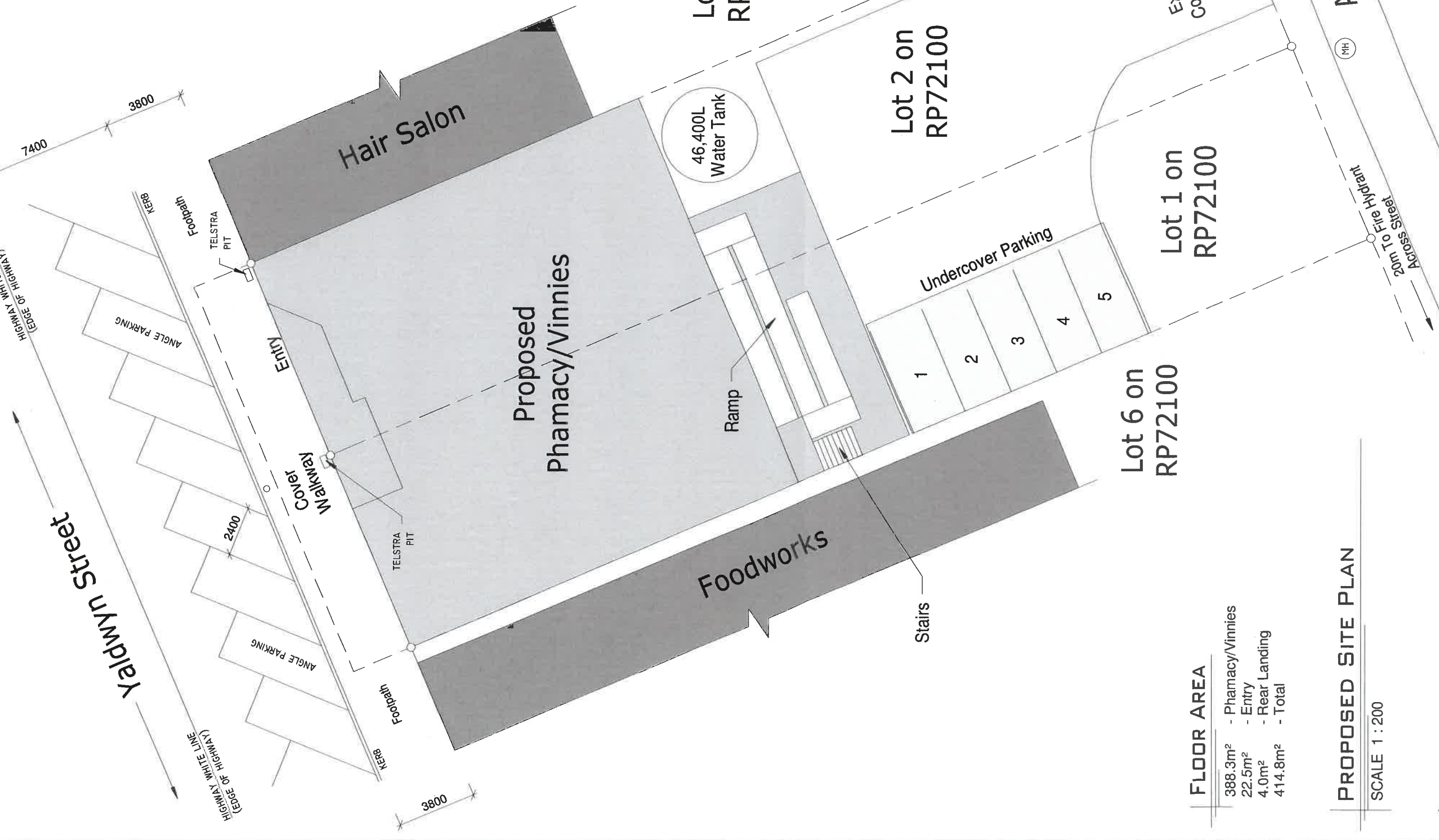
(ii) The cost of infrastructure decided using the method included in the local government's charges resolution.

Attachment 3
Approved Drawings

CONCEPTUAL DESIGN ONLY
 Not to be used for quotation
 or construction purposes



Issue	Description	Date	Initial
E	Undercover Parking Area Added	21-5-20	S.L.C



Banana Shire Council
 PLANNING APPROVAL
 03 NOV 2020

Lot 3 on
 RP72100

Lot 2 on
 RP72100

Lot 1 on
 RP72100

Lot 6 on
 RP72100

FLOOR AREA

388.3m ²	- Pharmacy/Vinnies
22.5m ²	- Entry
4.0m ²	- Rear Landing
414.8m ²	- Total

PROPOSED SITE PLAN
 SCALE 1 : 200

Total Area: 1016m²
 Site Coverage: 40.8%

PROPERTY DESCRIPTION
 Lot 1 on RP 72100
 Site Area = 508m²

PROPERTY DESCRIPTION
 Lot 2 on RP 72100
 Site Area = 508m²

Stormwater Drainage:

- RAINWATER DOWNPIPES TO DISCHARGE TO UNDERGROUND STORMWATER DRAINAGE SYSTEM TO COMPLY WITH AS/NZS 3500.3:2018.
- UNDERGROUND STORMWATER DRAINAGE SYSTEM TO DISCHARGE TO COUNCIL KERB OR DRAIN.
- ALL SURFACE STORMWATER TO BE DIVERTED AWAY FROM BUILDING FOOTINGS, RETAINING WALLS AND ADJOINING PROPERTY BOUNDARIES AND DISCHARGE TO A LEGAL POINT OF DISCHARGE.

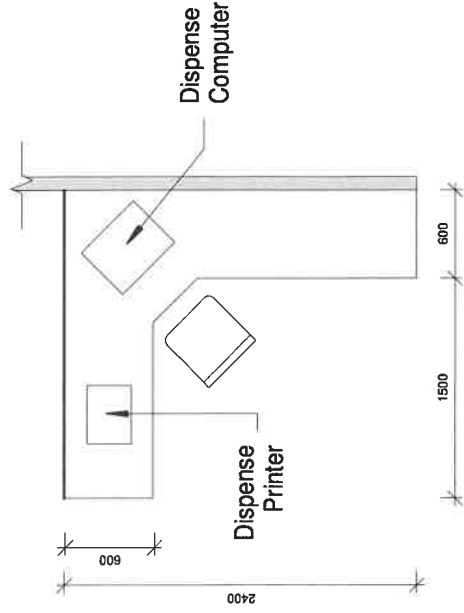
Project PROPOSED COMMERCIAL DEVELOPMENT TAROOM PHARMACY YALDWIN STREET TAROOM QLD 4420	Job No. 00018/20	Scale: 1 : 200 @A3	Approved 18TH MARCH 2020
	Issue E	Drawn: S.L.CANT	Designed S. L. CANT
Sheet: 2 OF 4			

Licensed Building Designers
 QBCC Lic. No. 107723
 42 North Street
 DALBY QLD 4405
 Ph: (07) 4662 1403
 www.martindesign.com.au

ENDORSED
 Sustainable Building Designer
 Queensland Inc.

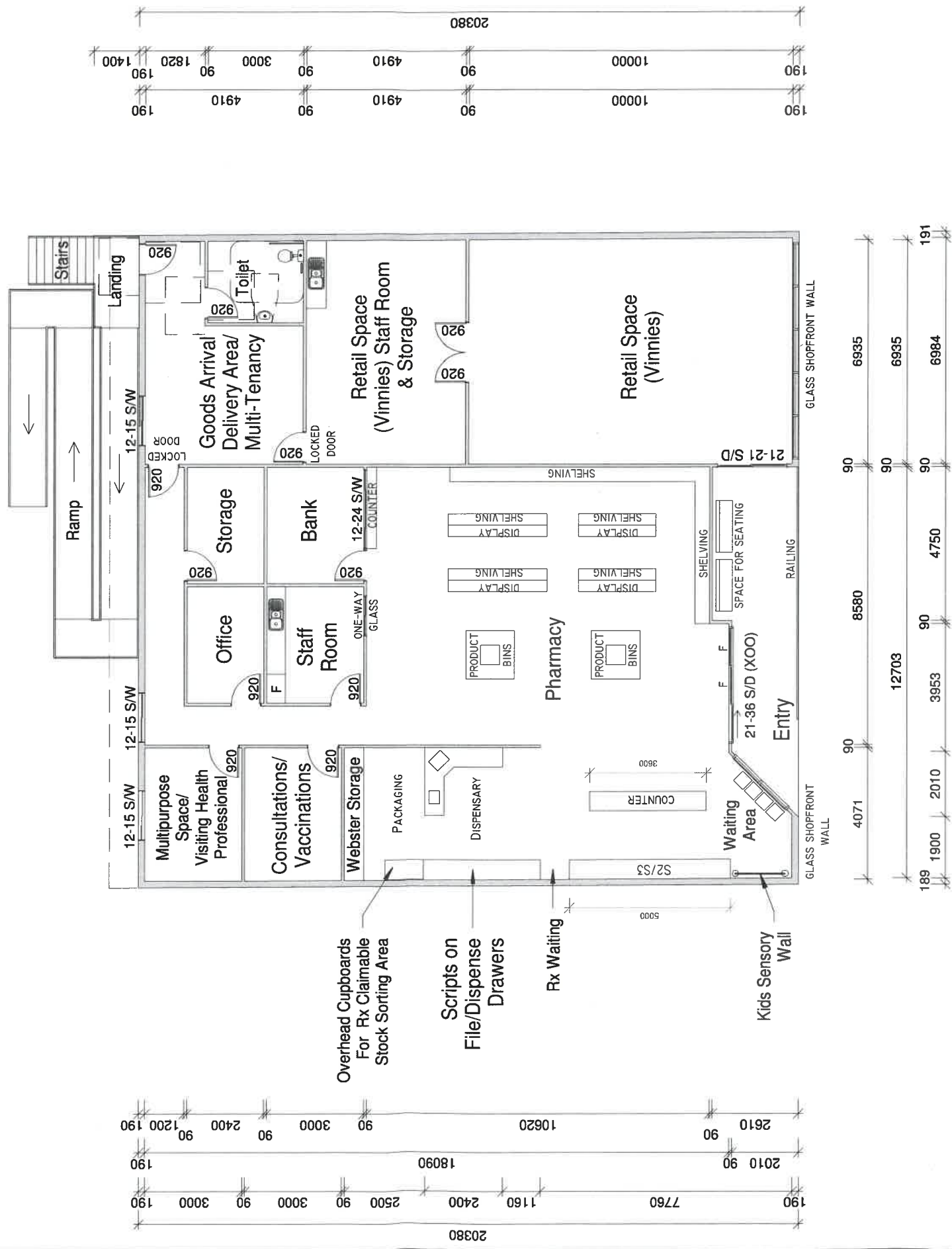
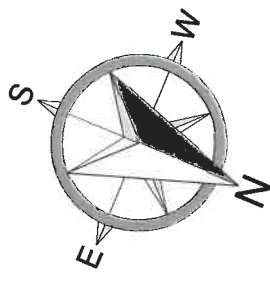
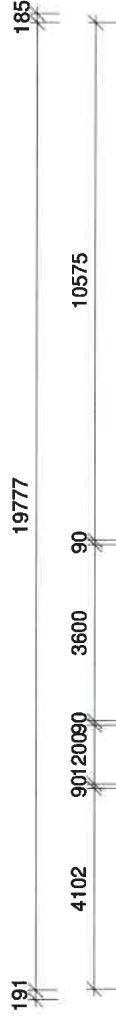
MARTIN
 BUILDING DESIGN

Issue	Description	Date	Initial
E	Undercover Parking Area Added	21-5:20	S.L.C



DESK DETAIL

SCALE 1 : 50



Banana Shire Council
PLANNING APPROVAL

03 NOV 2020

MCY001-2021

PROPOSED FLOOR PLAN

SCALE 1 : 150

FLOOR AREA	233.5m ² - Pharmacy
	104.2m ² - Vinnies
	33.9m ² - Good Arrival/Toilet
FLOOR AREA	388.3m ² - Pharmacy/Vinnies
	22.5m ² - Entry
	4.0m ² - Rear Landing
	414.8m ² - Total

CONCEPTUAL DESIGN ONLY
Not to be used for quotation
or construction purposes

Project PROPOSED COMMERCIAL DEVELOPMENT TAROOM PHARMACY YALDWIN STREET TAROOM QLD 4420	Job No. 00018/20	Scale: AS INDICATED @A3 Date: 18TH MARCH 2020	Approved S. L. CANT
	Issue E	Drawn: S.L.CANT Sheet: 3 OF 4	Designed S. L. CANT

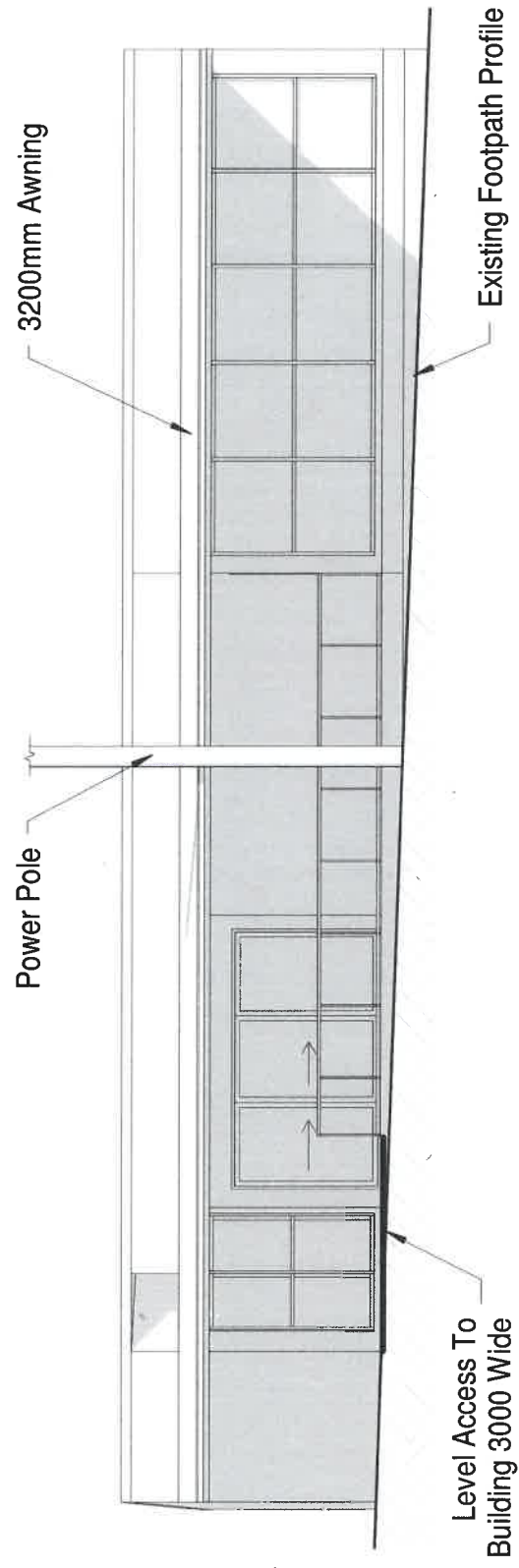
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42 North Street
 DALBY QLD 4405
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M MARTIN
 BUILDING DESIGN

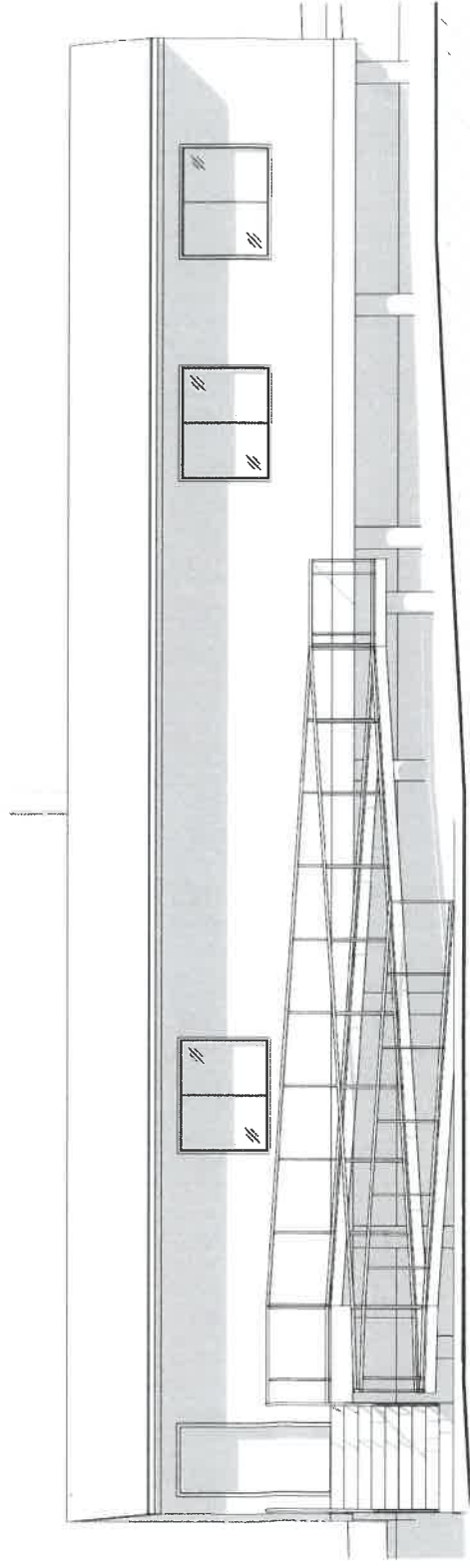
Chartered Member

Issue	Description	Date	Initial
E	Undercover Parking Area Added	21-5.20	S.L.C



NORTHERN ELEVATION (View From Street)

SCALE 1 : 100

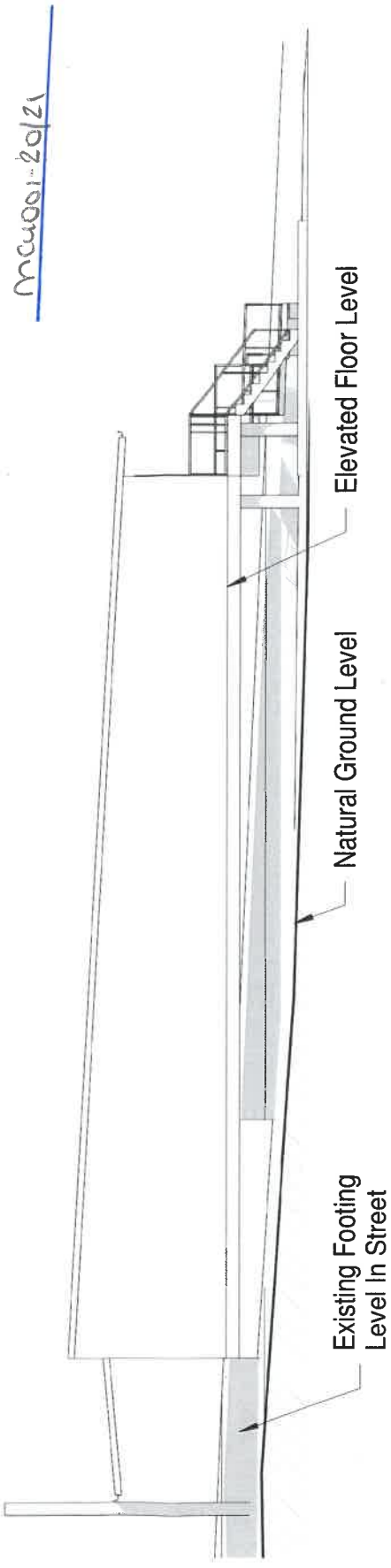


SOUTHERN ELEVATION

SCALE 1 : 100

Banana Shire Council
PLANNING APPROVAL

03 NOV 2020



EASTERN ELEVATION

SCALE 1 : 150

Note:
Scale is 1:150

CONCEPTUAL DESIGN ONLY
Not to be used for quotation
or construction purposes

Project
PROPOSED COMMERCIAL
DEVELOPMENT
TAROOM PHARMACY
YALDWIN STREET
TAROOM QLD 4420

Job No.	Scale:	AS INDICATED @A3	Approved
00018/20	Date:	18TH MARCH 2020	
Issue	Drawn:	S.L. CANT	Designed
E	Sheet:	4 of 4	S. L. CANT

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STORMWATER MANAGEMENT PLAN

Scenario	Catchment Area (Ha)	Fraction Impervious (%)	Time of Concentration (min)
Pre-Developed	0.1016	77%	5
Post-Developed	0.1016	83%	5

CATCHMENT DETAILS

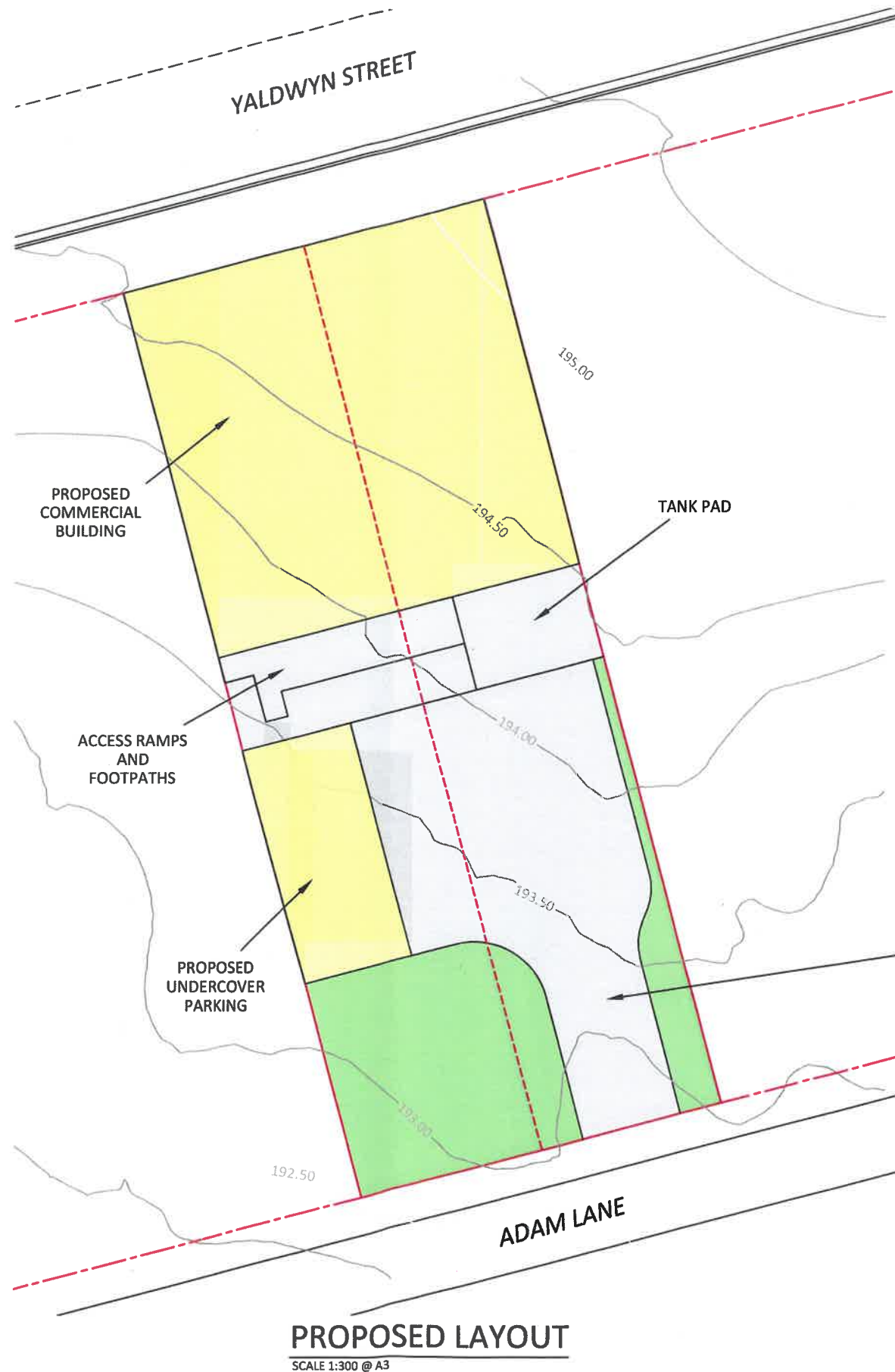
AEP	F _y	Pre-Developed				Post-Developed				Increase (m ³ /sec)	Increase %
		C ₁₀	C _y	I _y (mm/hr)	Q (m ³ /s)	C ₁₀	C _y	I _y (mm/hr)	Q (m ³ /s)		
63%	0.80	0.856	0.685	102	0.0197	0.864	0.691	102	0.0199	0.000	1%
39%	0.85	0.856	0.728	116	0.0238	0.864	0.734	116	0.0240	0.000	1%
18%	0.95	0.856	0.813	162	0.0372	0.864	0.821	162	0.0375	0.000	1%
10%	1.00	0.856	0.856	195	0.0471	0.864	0.864	195	0.0475	0.000	1%
5%	1.05	0.856	0.899	228	0.0578	0.864	0.907	228	0.0584	0.001	1%
2%	1.15	0.856	0.984	274	0.0761	0.864	0.994	274	0.0768	0.001	1%
1%	1.20	0.856	1.027	311	0.0902	0.864	1.037	311	0.0910	0.001	1%

REFERENCE QUDM CHAPTER 4 - RATIONAL METHOD

PEAK FLOW CALCULATIONS

STORMWATER MANAGEMENT OUTCOMES:

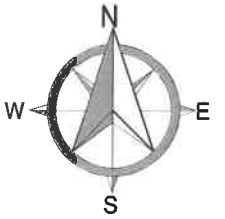
- PROPOSED DEVELOPMENT MAINTAINS EXISTING DRAINAGE ARRANGEMENT AND EXISTING LEGAL POINT OF DISCHARGE (ADAM LANE)
- PEAK FLOW INCREASE OF <math><1/5</math> (1%AEP) CONSIDERED TO BE NEGLIGIBLE AND WITHIN THE CAPACITY OF OVERLAND FLOW PATHS ON ADAM LANE TO YALDWYN STREET. ACTIONABLE NUISANCE TO DOWNSTREAM CATCHMENTS CONSIDERED UNLIKELY.
- RAINWATER TANK WILL PROVIDE INDIRECT DETENTION OF FLOWS FROM ROOF - FURTHER DETENTION MEASURES NOT CONSIDERED NECESSARY.
- RAINWATER TANK FOR REUSE IS CONSIDERED TO BE AN APPROPRIATE MEASURE TO MITIGATE ENVIRONMENTAL IMPACT OF DEVELOPMENT, REDUCING DEMAND ON WATER SUPPLY AND IMPROVING QUALITY OF STORMWATER DISCHARGE
- GRAVEL SURFACES TO BE EVENLY GRADED AND COMPACTED TO ENSURE NO LOSS OF SEDIMENT FROM SITE. SURFACES TO BE REGULARLY MAINTAINED TO ENSURE LOSS OF FINE PARTICLES FROM SURFACE UNRAVELING OVER TIME IS MINIMISED
- CONCENTRATED FLOWS AT PIPE OUTLETS (ROOFWATER & TANK OVERFLOW) TO REPORT TO FLOW SPREADERS OR RUBBLE PITS TO PREVENT LOCALISED SCOURING



PROPOSED LAYOUT

SCALE 1:300 @ A3

NOT FOR CONSTRUCTION



LEGEND	
	LANDSCAPE AREAS
	PROPOSED BUILDINGS
	CONCRETE SURFACES

PROPOSED SURFACES	
STRUCTURES	489 m ²
GRAVEL/CONCRETE	351 m ²
GRASS/LANDSCAPING	176 m ²
TOTAL	1016 m²

PROPOSED SURFACES AND DRAINAGE NOTES:

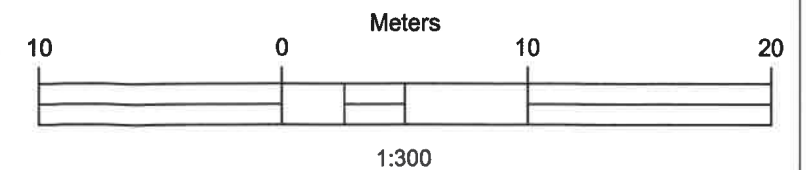
- ROOFWATER FROM PROPOSED COMMERCIAL BUILDING TO FLOW TO RAINWATER TANK - TANK OVERFLOW TO REPORT TO RUBBLE PIT OR SPREADER TO PREVENT EROSION/SCOURING OF SURFACES
- ROOFWATER FROM COVERED PARKING STRUCTURE TO DISCHARGE TO ADAM LANE - SURFACE FLOW VIA RUBBLE PIT OR SPREADER
- ALL OTHER SURFACES TO FLOW TO ADAM LANE. FINISHED SURFACES TO BE EVEN GRADES TO MATCH EXISTING CONTOURS WITH NO CONCENTRATION OF FLOWS

COMPACTED GRAVEL CROSSOVER AND DRIVEWAY

Banana Shire Council
PLANNING APPROVAL

03 NOV 2020

memo 20/21



DESIGN - DM				SCALE AS SHOWN	<p>Engineering - Design - Civil Project Services</p>	APPROVED Dale Martin - RPEQ 16845	PROJECT TAROOM PHARMACY YALDWYN STREET TAROOM, QLD, 4420	DRAWING TITLE PROPOSED LAYOUT AND STORMWATER MANAGEMENT	DRAWING STATUS FOR APPROVAL
DRAWN - DM	A	JUN 20	FOR APPROVAL	HORIZONTAL DATUM MGA55		P.O. BOX 7481 SIPPY DOWNS, QLD, 4556 Phone: 0438 157 612 Email: dale@dmeprojects.com.au			DRAWING NUMBER 02
APPROVED - DM	24/06/2020	ISSUE DATE	DESCRIPTION	VERTICAL DATUM AHD					JOB NUMBER 200606
									©DME Projects Pty. Ltd.

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:		File Number:	MCU001-20/21
Address:	36 Yaldwyn Street Taroom	Date of Issue:	29 October 2020
LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES			
Planning Scheme:	Taroom Planning Scheme 2006		
RPD:	Lots 1 & 2 on RP72100		
DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES			
The adopted infrastructure charge applies to the following development type:			
Material Change of Use - Shop			
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 (Retail) category			
Development Type	Units Payable	Current Unit Charge	Charge
Shop	388.3m ² less credit for existing floor area of 215.90m ² equals 172.4m ²	\$24.35(including PPI)	\$4,197.94
Total Infrastructure Charges:			\$4,197.94

ADJUSTMENTS TO THE CHARGE

The charge rates included in this notice are valid until 30 June 2020 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: _____


Chris Welch

DIRECTOR COUNCIL 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	—	—