

Your Reference:

Our Reference: CW: RR: mw: 21-03 (FID87060, MCU003-20/21, 13339-00000-000, ID1577295)

Contact: enquiries@banana.qld.gov.au

24 March 2021

Collars and Combs Grooming Salon
Toni-Michelle Plate
1 Gillespie Street
MOURA QLD 4715

Dear Sir/Madam

Decision Notice – Approval

(Given under section 63 of the Planning Act 2016)

Application Number: MCU003-20/21
Description: Home Based Business (Dog washing and grooming)
Level of Assessment: Impact Assessable
Site Address: 1 GILLESPIE STREET, MOURA
Lot & Plan Details: Lot 110 on M8633

On 23 March 2021, 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 approval are listed in the following table:

Plan Number	Plan/Document name	Date
Not provided	Site Plan – 1 Gillespie Street, Moura (as amended in red)	Received 14 September 2020
Not provided	Floor Plan – Actual house 1 Gillespie Street, Moura	Received 2 December 2020

3. Further Development Permits

No further 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

There were no properly made submissions about the application.

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	The approved development is for a Material Change of Use for a Home Based Business for the purposes of dog washing & grooming.
Assessment Benchmarks	Town Zone Code Development Standards Code Home Based Business Code Economic Resources Overlay - Agricultural Land Class Overlay (C1 Pasture Land)
Reasons for Decision	<u>Town Zone Code</u> The approved development complies with all Acceptable Outcomes of the code. <u>Development Standards Code</u> The approved development complies with all Acceptable Outcomes of the code. <u>Home Based Business Code</u> The approved development compies with all Acceptable Outcomes of the code. <u>Economic Resources Overlay - Agricultural Land Class Overlay (C1 Pasture Land)</u> While identified on the Overlay Map, the current site area is insufficient to be considered a viable agricultural unit.

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.

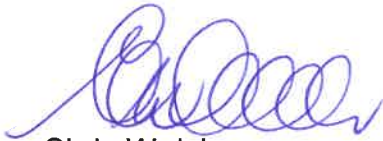
Attachment 2 is an extract from the Planning Act 2016 that sets down the applicant's appeal rights and the appeal rights of a submitter.

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 MCU003-20/21.

Yours Sincerely



Chris Welch

DIRECTOR COUNCIL SERVICES

CC Gary J Crocker & Sharon E Crocker
PO Box 17
KANGARILLA SA 5157

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

MCU003-20/21 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
Not provided	Site Plan – 1 Gillespie Street, Moura (as amended in red)	Received 14 September 2020
Not provided	Floor Plan – Actual house 1 Gillespie Street, Moura	Received 2 December 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 Home Based Business (Dog washing and grooming) limited by the conditions of this development permit and must not be used for another type of Home Based Business, unless approved by Council. The scale of the approved use is to be consistent with the approved plans and any change requires further approval from Council.
- 6 A total of one advertising device, having a maximum sign face area of 0.6m² and not involving illumination or motion or flashing lights may be installed at the premises to advertise the approved Home Based Business.
- 7 The approved use must not operate outside the hours of 8am to 6pm, Monday to Friday and 8am to 5pm Saturday.
- 8 The Home Based Business must only be conducted by a maximum of 1

employee in addition to the resident/s of the house on the land.

- 9 The display and storage of goods and materials associated with the Home Based Business must not be visible at any property boundary.
- 10 The total number of visitors/customers associated with the Home Based Business must not exceed 6 persons per day in an average week.
- 11 Traffic movements generated by customers associated with the Home Based Business are limited to a total of 12 vehicle trips per day (where arriving is one trip and departing is another).
- 12 The operator of the Home Based Business is to ensure that customer appointments are scheduled at least 30 minutes apart and only one customer is scheduled to be at the premises at any one time to avoid customers waiting on the premises.
- 13 Vehicle parking associated with the dwelling and Home Based Business must be contained onsite.
- 14 The Home Bases Business must not interfere with the amenity of the neighbourhood from the operation of machinery or electrical equipment, or from light, vibration, smell, fumes, smoke, vapour, dust, waste water, waste products, electrical interference or other forms of nuisance. Should Council receive a complaint about a nuisance/s associated with the Home Based Business, the use must cease until the source of the nuisance has been determined and addressed by the operator of the Home Based Business, to the satisfaction of Council.

Waste Management

- 15 Waste must not be burned at the premises. All waste is to be appropriately contained on-site until removal.
- 16 All waste water from dog wash operations must be contained on site or appropriately discharged to the sewerage system. Waste water must not be discharged to the stormwater system or roadside gutter.

END OF CONDITIONS

MCU003-20/21 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** 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.
- C** Building works are to comply with the *Building Act 1975*, the Building Code of Australia and other relevant authorities.
- 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.

Noise

- A** Where a complaint has been received by Council about an environmental nuisance caused by noise emissions from the site, the operator of this activity must implement noise mitigation measures to address the complaint, as directed by Council. Such mitigation measures may include acoustic barriers, or limiting operations during sensitive times.

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.

Engineering

- A** All damage incurred to existing roads, footpaths, services or street furniture as a result of the proposed development shall be repaired within a reasonable period at the developer's expense.

Waste

- A** 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. All reasonable precautions must be taken to avoid or minimise nuisance to adjacent premises from this activity.
- B** It is an offence under the *Waste Reduction and Recycling Act 2011* allow litter to blow from site. All waste must be appropriately contained on site prior to removal.

General Environmental Obligations

- 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.
- B** 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.
- C** It is an offence under the *Environmental Protection Act 1994* to discharge waste water to a stormwater drain, roadside gutter or a water course.

Minimum Standards for Keeping Animals

Minimum standards are required by Council's Local Laws in order to protect the health, safety and amenity of the local community and environment.

A WASTE DISPOSAL:

Ensure that:

- waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land
- excreta, food scraps, and other material that is, or is likely to become,

offensive, is collected at least once each day, and if not immediately disposed of, is kept in a fly proof container.

B CLEANING AND MAINTENANCE:

Ensure that any enclosure in which the animal is kept is:

Kept in a clean and sanitary condition and free from dust and odour |

Properly maintained in an aesthetically acceptable condition

Thoroughly cleaned each week

Effectively treated with an insecticide at least twice a year.

C NUISANCE:

Take all reasonable steps to prevent the animals from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other land or premises; and comply with reasonable directions given by an authorised person to ensure that the keeping of the animal does not result in nuisance to occupiers of other land or premises, including directions for the treatment of transmittable infestations of fleas or mange.

D SUITABILITY AND WELFARE:

Ensure that the area, available to the animal kept on the premises, is appropriately sized so that the animal can be effectively and comfortably kept. Ensure that all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food.

E FLY AND VERMIN PROOFING:

Any animal food is stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom.

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 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–

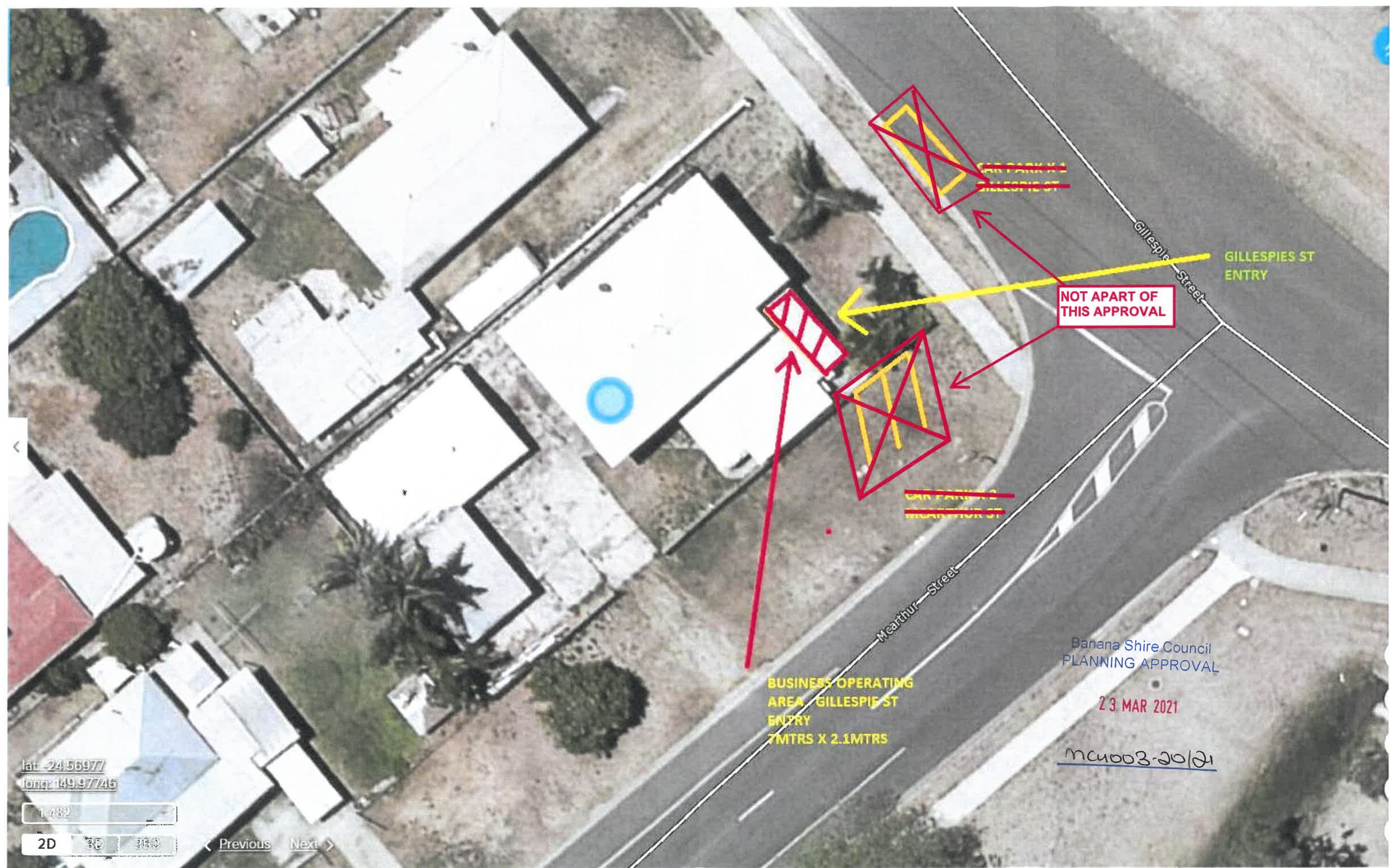
(a) the adopted charge itself; or

(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



NOT APART OF THIS APPROVAL

BUSINESS OPERATING AREA GILLESPIE ST ENTRY 7MTRS X 2.1MTRS

CAR PARKING GILLESPIE ST

CAR PARKING MEARTHUR ST

GILLESPIES ST ENTRY

Banana Shire Council PLANNING APPROVAL

23 MAR 2021

mcu003-20/21

lat: 24.56977
long: 149.97746

1482

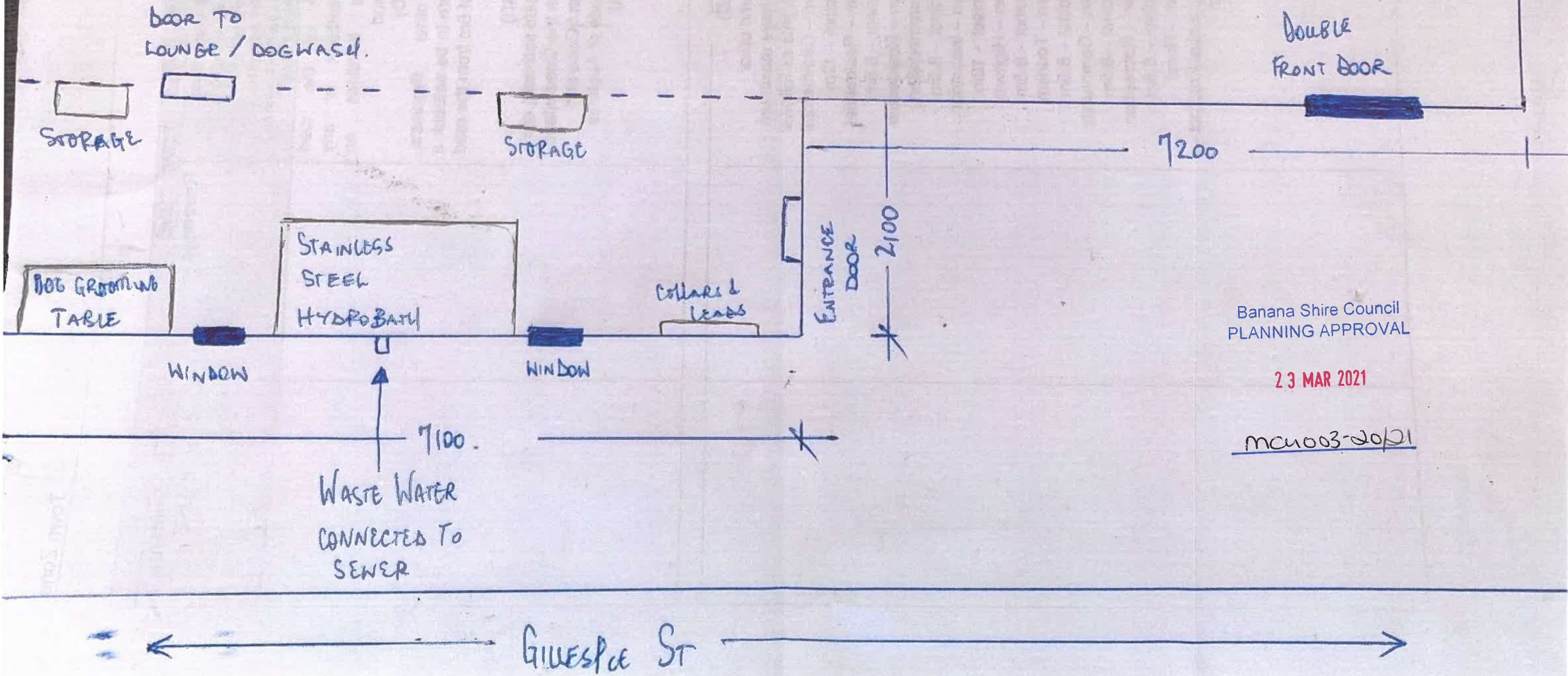
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Floor Plan

Actual House

1 Gillespie St

Moura



Banana Shire Council
PLANNING APPROVAL

23 MAR 2021

mcu003-20/21