

Your Reference:

Our Reference:

Contact:

CW: mw: 17-03 (FID84525, MCU002-17/18, 12547-10000-000, ID1358590, OM003989)
Chris Welch

05 March 2018

Panchek Pty Ltd
C/- Reel Planning CQ
Attn: Rachel Ovenden
PO Box 437
ROCKHAMPTON QLD 4700

Dear Sir/Madam

Decision Notice – Approval

(Given under section 63 of the Planning Act 2016)

Application Number: MCU002-17/18
Description: Undefined Use (Integrated Caravan Park and Accommodation Village)
Level of Assessment: Impact Assessable
Site Address: 95 DAWSON HIGHWAY, MOURA
Lot & Plan Details: Lot 10 on SP210594

On 28 February 2018, at Council's Ordinary Meeting (OM003989), the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details of Approval

The following approval/s is/are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a Material Change of Use assessable under the planning scheme		<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
SP-001 (Revision 2) prepared by Design & Architecture Pty Ltd	Site Plan of Existing Development	17 November 2017
SP-002 (Revision 2) prepared by Design & Architecture Pty Ltd	Proposed Site Plan	17 November 2017
SP-003 (Revision 2) prepared by Design & Architecture Pty Ltd	Legend	17 November 2017
DA 0.02 (Revision P04) prepared by Lightwave Architecture	Concept Plan - Option 2	19 January 2012
DA 2.01 (Revision P04) prepared by Lightwave Architecture	Type 316 - Elevations - Option 2	19 January 2012
DA 1.01 (Revision P04) prepared by Lightwave Architecture	Type 316 - Floor Plan - Option 2	19 January 2012

3. Further Development Permits

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

- Operational Works
- 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

There were properly made submissions about the application.

The name and address of the principal submitter for each properly made submission are as follows:

Name of Principal Submitter/s	Address
Robert Johnston	Lot 45 Barfield Road, Banana

6. Referral Agencies

The referral agencies for this application were:

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 – <i>within 25m of State Transport corridor.</i> Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – <i>Schedule 20 Development impacting on State transport Infrastructure and threshold - Non- resident workforce accommodation</i>	RockhamptonSARA@d sdip.qld.gov.au Fitzroy & Central Region PO Box 113 ROCKHAMPTON QLD 4701
The Chief Executive Officer of the entity	Advice	Schedule 10, Part 9, Division 2, Table 1 - <i>Material Change of Use of premises near a substation site or subject to an easement.</i>	Powerlink PO Box 1193 VIRGINIA QLD 4014

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 approved development is for a Material Change of Use for an undefined use Integrated Caravan Park and Accommodation Village
Assessment Benchmarks	<p>The approved development was assessed against the following benchmarks:</p> <ul style="list-style-type: none"> Desired Environment Outcomes Town Zone Code Development Standards Code Caravan Park and Workers Accommodation Code
Reasons for Decision	<p>Desired Environment Outcomes</p> <p>The proposal facilitates the achievement of the relevant Desired Environmental Outcomes as follows:</p> <p>Social elements</p> <p>(b) The proposal adds to services in Moura as an identified main centre</p> <p>Environmental elements</p> <p>(e) the development is located where there is no impact on significant cultural heritage values of the Shire</p> <p>(f) The development is conditioned to protect public health and the environment from potential impacts from the proposed use.</p> <p>(g) Conditions to manage potential air quality impacts have been applied to the approval.</p> <p>Town Zone Code</p> <p>The proposal complies with the relevant Performance Outcomes of the Code. Conditions have been imposed to ensure ongoing compliance with PO2 and to demonstrate adequate sewerage servicing.</p> <p>Development Standards Code</p> <p>The proposal complies with the relevant Performance Outcomes of the Code. Conditions have been imposed to ensure compliance with PO2, PO3, PO5, PO6, PO7 and PO16. Conditions imposed requiring the provision of water supply and sewerage capacity assessments, stormwater management plan, erosion and sediment control plan and landscape plans in compliance with PO8, PO10, PO12, PO13 and PO17.</p> <p>Caravan Park and Workers Accommodation Code</p> <p>The proposal complies with the relevant Performance Outcomes of the Code. Conditions have been imposed to ensure compliance with PO3 and PO5.</p>

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.

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.

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 APPLICATION NUMBER.

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

Ergon Energy
PO Box 1090
TOWNSVILLE QLD 4810

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 Department
of State Development, Manufacturing, Infrastructure and
Planning
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings
Attachment 4 – Infrastructure Charges
Attachment 5 – Environmental Obligations

Prepared By: <i>white</i>	Date: <i>05.03.18</i>
Checked By: <i>Fullmann</i>	Date: <i>05.03.18</i>

MCU002-17/18 Attachment 1

Part A - Conditions imposed by the Assessment Manager

STAGE 1

General

1. Stage 1 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
SP-001 (Revision 2) prepared by Design & Architecture Pty Ltd	Site Plan of Existing Development	17 November 2017
SP-002 (Revision 2) prepared by Design & Architecture Pty Ltd	Proposed Site Plan	17 November 2017
SP-003 (Revision 2) prepared by Design & Architecture Pty Ltd	Legend	17 November 2017

2. The applicant is to submit the following plans to Council for approval within 3 months of this approval:
 - A. Elevations and floor plans for the proposed kitchen;
 - B. Elevations and floor plans for the recreation/gym modules;
3. Comply with all of the conditions for Stage 1 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.
4. Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
5. 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

6. The approved use of the premises is for an Integrated Caravan Park and Accommodation Village and is not to be used for any other purpose unless approved by Council. Under this development permit an Integrated Caravan Park and Accommodation Village is defined as:
the use of premises for short-term or long-term accommodation of any person, including but not limited to the travelling public, tourists, long term residents and workers, including those workers associated with major projects. The form of accommodation can be a combination of cabins, units, camping or the parking of caravans or relocatable homes. It also includes ancillary uses for the benefit of guests such as kitchen, dining hall, amenity buildings, recreational and entertainment facilities, as well as a manager's office or residence. The integrated nature of the use means that the entire premises must accommodate a variety of guests interchangeably, depending on demand.
7. The operation of the development is to ensure that at no time is one type of resident accommodated to the exclusion of all others to ensure that the development operates as an integrated facility as has been approved.

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. All new plant and equipment associated with this development approval, 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.
11. All site lighting, including roadway and pathway lighting, is to be designed to ensure that no nuisance is caused to adjoining or adjacent premises and to road users.

Road work and access

12. 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.
13. 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.

14. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.
15. The development ensures that all service vehicles are able to enter, and exit the site in a forward gear.

Lighting

16. Internal roadway and pathway lighting for pedestrians must be provided as part of the development to ensure safety within the site.

Amenity

17. The development is not to create a noise nuisance due to its operation during the hours from 10pm on one day and 6am of the following day.

Landscaping

18. All street trees and any significant on-site existing trees, including QLD Bottle Trees, are to be retained and protected during construction.

Stormwater

19. Internal stormwater, including all roof water, shall be collected internally and conveyed to a lawful point of discharge. A detailed Stormwater Management Plan, and associated engineering drawings, is to be provided to Council, as part of an Operational Works application for approval ensuring that the additional impervious areas associated with Stage 1 do not result in net worsening of stormwater discharge from the site post-development. This plan must comply with the requirements of the Capricorn Municipal Development Guidelines.
20. In the event that a material change to the pre-development stormwater overland flows will occur, provide written evidence, to Council's satisfaction, of a legal right to discharge stormwater over the downstream land in the proposed method.
21. Ponding of stormwater resulting from the development must not occur on adjacent properties.
22. All stormwater being discharged from the site is to meet the requirements of the Capricorn Municipal Development Guidelines and the Queensland Water Quality Guidelines 2009.
23. Contaminated water must not be directly or indirectly released from the

premises onto the ground or into the groundwater at the premises.

24. 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.

Sewerage

25. Plans for the layout of the internal sewerage services of the proposed development are to include an assessment of the existing connection capacity and any upgrade that may be required are to be submitted to Council for approval before the commencement of construction.
26. Any construction works required to be undertaken in the vicinity of Council's sewer infrastructure must not adversely affect the integrity of the infrastructure. Any works that may be required for the repair, replacement and/or alteration of Council infrastructure are to be completed at no cost to Council.
27. 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.
28. A single sewerage connection point (i.e. existing connection point) is to serve the entire site, and all sewer drain lines/internal sewer lines are to be discharged via that connection point.

Water Supply

29. Estimated water demand is to be submitted to Council to assess the impact on water and sewer reticulation. Should the existing water connection for the site be insufficient to service Stage 1, a separate application is to be made to Council for an increase to the size of the existing connection.
30. Prior to the commencement of use, install such systems that are necessary to supply sufficient firefighting capacity to the satisfaction of Queensland Fire and Rescue Service and Council, and where necessary install on-site systems to supplement the available supply and meet flow and pressure requirements.
31. The applicant is required to meet the cost of installation of internal fire hydrants to ensure complete coverage of all residential units in accordance with the 'Fire Hydrant and Vehicle Access Guidelines for Residential, Commercial and Industrial Lots' published 2015 from the Queensland Fire and Emergency Services.

Erosion Control & Stormwater Management

32. The applicant/developer is required to provide a sedimentation and erosion control management plan for temporary works during construction prepared by a suitably qualified Engineering Consultant.

Infrastructure Charges

33. Prior to the commencement of use for Stage 1 infrastructure charges associated with this approval and applicable to the stage must be paid to Banana Shire Council.

Refer to the Adopted Infrastructure Charges Notice associated with this Development Permit for details of Infrastructure Contributions.

Waste

34. The applicant is required to prepare a Waste Management Plan for the proposed development. This plan is to be submitted to Council within 3 months of this approval. The plan should include, but is not limited to, the following:
- (a) a description of the development activities that may generate waste;
 - (b) the types and amounts of waste that may be generated by the activities;
 - (c) how the waste will be dealt with, including a description of the types and amounts of waste that will be dealt with under each of the waste management practices mentioned in the waste management hierarchy;
 - (d) procedures for identifying and implementing opportunities to minimise the amount of waste generated, promote efficiency in the use of resources, and otherwise improve the waste management practices employed;
 - (e) procedures for dealing with accidents, spills and other incidents that may impact on the waste management;
 - (f) details of any accredited management system employed, or planned to be employed, to deal with the waste;
 - (g) how often the performance of the waste management practices will be assessed;
 - (h) the indicators or other criteria on which the performance of the waste management practices will be assessed;
 - (i) staff training on matters relevant to waste management;
35. Sufficient waste containers and services are to be provided to cater for the containment and removal of all waste generated on site.
36. Prior to the commencement of the use, provide the following for the storage of refuse containers:
- (a) screened enclosure as indicated on the approved plans to a minimum

- height of 1.8metres, an imperviously paved area provided with a hose cock and hose fitted with backflow prevention;
 - (b) designed and drained to prevent stormwater entering Council's sewer;
 - (c) of a sufficient size to accommodate refuse containers;
 - (d) set back a minimum of two (2) metres from any road frontage;
37. Refuse containers and storage area must be maintained in a clean and nuisance free manner.
38. Waste must not be burned at the premises.
39. Waste storage areas are to be kept free from vermin infestations.
40. 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.
41. Only recyclables are to be disposed of to the Moura Transfer Station. No general waste is permitted to be disposed of at this facility.

Signage

42. All assessable signage shall be subject to a separate approval for a development permit pursuant to the Banana Shire Planning Scheme.

STAGE 2

General

1. Stage 2 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
SP-001 (Revision 2) prepared by Design & Architecture Pty Ltd	Site Plan of Existing Development	17 November 2017
SP-002 (Revision 2) prepared by Design & Architecture Pty Ltd	Proposed Site Plan	17 November 2017
SP-003 (Revision 2) prepared by Design & Architecture Pty Ltd	Legend	17 November 2017
DA 0.02 (Revision PO4) prepared by Lightwave Architecture	Concept Plan – Option 2	19 January 2012
DA 2.01 (Revision PO4) prepared by Lightwave Architecture	Type 316 – Elevations – Option 2	19 January 2012
DA 1.01 (Revision PO4) prepared by Lightwave Architecture	Type 316 – Floor Plan – Option 2	19 January 2012

2. The applicant is to submit the following plans to Council for approval within 3 months of this approval prior to the commencement of Stage 2:
Floor plan and elevations for the proposed Laundry and Amenities building;
Elevations for the proposed Gazebo;
3. Provision must be made for electricity and telecommunication services for each new Accommodation Unit, to a contemporary standard.
4. Comply with all of the conditions for Stage 2 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.
5. Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.

6. 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

7. The approved use of the premises is for an Integrated Caravan Park and Accommodation Village and is not to be used for any other purpose unless approved by Council. Under this development permit an Integrated Caravan Park and Accommodation Village is defined as:
the use of premises for short-term or long-term accommodation of any person, including but not limited to the travelling public, tourists, long term residents and workers, including those workers associated with major projects. The form of accommodation can be a combination of cabins, units, camping or the parking of caravans or relocatable homes. It also includes ancillary uses for the benefit of guests such as kitchen, dining hall, amenity buildings, recreational and entertainment facilities, as well as a manager's office or residence. The integrated nature of the use means that the entire premises must accommodate a variety of guests interchangeably, depending on demand.
8. The operation of the development is to ensure that at no time is one type of resident accommodated to the exclusion of all others to ensure that the development operates as an integrated facility as has been approved.

Building works

9. The applicant shall obtain a development permit for building work associated with the demolition/new work associated with the approval.
10. The applicant shall obtain a development permit for all plumbing and drainage work including the removal of redundant pipework.
11. 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.
12. All site lighting, including roadway and pathway lighting, are to be designed to ensure that no nuisance is caused to adjoining or adjacent premises and to road users.

Vehicle Parking and Manoeuvring Areas

13. A minimum of 80 car parking spaces must be provided and marked on the part of the site designated as Stage 2, and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an Operational Works approval and must

include in particular:

- (a) visitor/staff parking spaces, which are clearly marked and/or delineated, accessible at all times for use, located and fully contained within the title boundaries of the site;
- (b) concrete pedestrian pathways to allow the ingress and egress of pedestrians to the site and allow for pedestrian access from the parking area to the proposed use;
- (c) provision of vandal resistant public lighting with intensities to satisfy the requirements of Australian Standard AS1158: *Public Lighting Code*;
- (d) 2 disabled parking space(s) within the total number of car parking spaces delineated as per the requirements of the Manual of Uniform Traffic Control Devices (MUTCD);
- (e) cross falls and gradients in accordance with Australian Standard AS2890: *Parking Facilities*;

- 14. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Internal Road Network

- 15. All traffic areas as part of Stage 2 are to be constructed of a minimum two (2) coat seal on a suitable designed pavement.
- 16. The internal road network is to be a minimum four (4) metres in width so as to accommodate one-way traffic movement and manoeuvring.
- 17. A suitably designed stormwater drainage network is to be incorporated into the internal road network design.
- 18. Pavement marking / directional signage is to be installed so as to facilitate the one-way vehicle movement of the internal road network of the development.
- 19. The development ensures that all service vehicles are able to enter, and exit the site in a forward gear.

Lighting

- 20. Internal roadway and pathway lighting for pedestrians must be provided as part of the development to ensure safety within the site.

Amenity

- 21. The development is not to create a noise nuisance due to its operation during the hours from 10pm on one day and 6am of the following day.

Landscaping

22. A detailed site landscaping plan consistent with approved plan DA0.02 and prepared by a qualified person is to be submitted to Council as per the requirements of the Capricorn Municipal Development Guidelines. This plan is to show the following:
 - (a) Landscape specification of sufficient detail so that landscape works can be carried out;
 - (b) Details of vegetation retained and proposed to be removed;
 - (c) The type and location of all proposed plant species, including the nominal height attained by these species in two years and at maturity;
23. 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.
24. Any landscaping proposed to be installed over underground or under overhead infrastructure (e.g. Sewer mains, water pipes, electricity and gas infrastructure) is to be designed and located in accordance with the standards nominated by the entity responsible for the infrastructure.
25. All street trees and any significant on-site existing trees, including QLD Bottle Trees, are to be retained and protected during construction.

Stormwater

26. Internal stormwater, including all roof water, shall be collected internally and conveyed to a lawful point of discharge. A detailed Stormwater Management Plan, and associated engineering drawings, is to be provided to Council, as part of an Operational Works application for approval. This plan must comply with the requirements of the Capricorn Municipal Development Guidelines.
27. In the event that a material change to the pre-development stormwater overland flows will occur, provide written evidence, to Council's satisfaction, of a legal right to discharge stormwater over the downstream land in the proposed method.
28. Ponding of stormwater resulting from the development must not occur on adjacent properties.
29. All stormwater being discharged from the site is to meet the requirements of the Capricorn Municipal Development Guidelines and the Queensland Water Quality Guidelines 2009.
30. Contaminated water must not be directly or indirectly released from the premises onto the ground or into the groundwater at the premises.

31. 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.

Sewerage

32. Plans for the layout of the internal sewerage services of the proposed development are to include an assessment of the existing connection capacity and any upgrade that may be required are to be submitted to Council for approval before the commencement of construction.
33. Any construction works required to be undertaken in the vicinity of Council's sewer infrastructure must not adversely affect the integrity of the infrastructure. Any works that may be required for the repair, replacement and/or alteration of Council infrastructure are to be completed at no cost to Council.
34. The owner is responsible for maintenance of private sewer pipes within the site. Council's responsibility ends at the inspection opening (IO) close to the boundary.
35. A single sewerage connection point (i.e. existing connection point) is to serve the entire amalgamated lot, and all sewer drain lines/internal sewer lines are to be discharged via that connection point.

Water Reticulation

36. Plans for the layout of the internal water supply of the proposed development are to be submitted to Council for approval before the commencement of construction.
37. Estimated water demand is to be submitted to Council to assess the impact on water and sewer reticulation. Should the existing water connection for the site be insufficient to service the proposed development, a separate application is to be made to Council for an increase to the size of the existing connection.
38. Prior to the commencement of use, install such systems that are necessary to supply sufficient firefighting capacity to the satisfaction of Queensland Fire and Rescue Service and Council, and where necessary install on-site systems to supplement the available supply and meet flow and pressure requirements.
39. The applicant is required to meet the cost of installation of internal fire hydrants to ensure complete coverage of all residential units in accordance with the 'Fire Hydrant and Vehicle Access Guidelines for Residential, Commercial and Industrial Lots' published 2015 from the Queensland Fire and Emergency Services.

40. Water is to be extended to the site from internal connections to the existing water supply servicing the existing caravan park. An additional connection point to Council's water mains will not be approved.

Erosion Control & Stormwater Management

41. The applicant/developer is required during construction to provide a sedimentation and erosion control management plan for temporary works prepared by a suitably qualified Engineering Consultant.

Infrastructure Charges

42. Prior to the commencement of use for Stage 2, infrastructure charges associated with this approval and applicable to the stage must be paid to Banana Shire Council.
43. Refer to the Adopted Infrastructure Charges Notice associated with this Development Permit for details of Infrastructure Contributions.

Waste

44. The applicant is required to prepare a Waste Management Plan for the proposed development. This plan is to be submitted to Council within 3 months of this approval. The plan should include, but is not limited to, the following:
- (a) a description of the development activities that may generate waste;
 - (b) the types and amounts of waste that may be generated by the activities;
 - (c) how the waste will be dealt with, including a description of the types and amounts of waste that will be dealt with under each of the waste management practices mentioned in the waste management hierarchy;
 - (d) procedures for identifying and implementing opportunities to minimise the amount of waste generated, promote efficiency in the use of resources, and otherwise improve the waste management practices employed;
 - (e) procedures for dealing with accidents, spills and other incidents that may impact on the waste management;
 - (f) details of any accredited management system employed, or planned to be employed, to deal with the waste;
 - (g) how often the performance of the waste management practices will be assessed;
 - (h) the indicators or other criteria on which the performance of the waste management practices will be assessed;
 - (i) staff training on matters relevant to waste management;
45. Sufficient waste containers and services are to be provided to cater for the

containment and removal of all waste generated on site.

46. Prior to the commencement of the use, provide the following for the storage of refuse containers:
 - (a) screened enclosure as indicated on the approved plans to a minimum height of 1.8metres, an imperviously paved area provided with a hose cock and hose fitted with backflow prevention;
 - (b) designed and drained to prevent stormwater entering Council's sewer;
 - (c) of a sufficient size to accommodate refuse containers;
 - (d) set back a minimum of two (2) metres from any road frontage;
47. Refuse containers and storage area must be maintained in a clean and nuisance free manner.
48. Waste must not be burned at the premises.
49. Waste storage areas are to be kept free from vermin infestations.
50. 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.
51. Only recyclables are to be disposed of to the Moura Transfer Station. No general waste is permitted to be disposed of at this facility.

Signage

52. All assessable signage shall be subject to a separate approval for a development permit pursuant to the Banana Shire Planning Scheme.

MCU002-17/18 Attachment 1

Part B – Assessment Manager Notes

Assessment Manager Notes

- The approval to which these conditions attach may also be subject to an *adopted infrastructure charges notice*. See s119 of the *Planning Act 2016*.

- A. The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.
- 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 24 January 2018 imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency and attached to this Decision Notice.
- F. Please note the advice surrounding the applicants 'Environmental Obligations' contained in an attachment to the Decision Notice.

Engineering

- G. Prior to commencing any of the following construction activities the applicant/developer will be required to obtain a development permit for operational work:
 - i. Internal and external roadworks;
 - ii. earthworks;
 - iii. Internal pathways;
 - iv. stormwater drainage ;
 - v. erosion and sediment control;
 - vi. external electricity and communication layout;
 - vii. external lighting; and
 - viii. landscaping.

- H. Operational works designs are to be in accordance with Capricorn Municipal Development Guidelines - CMDG Design Specifications and Standard Drawings (www.cmdg.com.au) and at the Applicant's expense, unless otherwise stated in a condition of the Development Approval.

Cultural Heritage

- I. 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

- J. 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.

Environment

- K. 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.
- L. The development is required to comply with the applicable requirements of:
- the *Environmental Protection (Air) Policy 2008*
 - the *Environmental Protection (Noise) Policy 2008*
 - the *Environmental Protection (Water) Policy 2009*
- M. 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.
- N. Noise must not be emitted outside the hours specified below-

Noise Source	Allowable Hours
Building work (Builders and owner-builders, including excavation. For home renovations or other uses refer to regulated devices)	6:30am and 6:30pm Monday to Saturday, excluding public holidays.

Regulated devices (eg mowers, power tools, compressors, leaf blowers, nail guns etc)	7:00am to 7:00pm Monday to Saturday 8:00am to 7:00pm Sundays and public holidays
Amplifier devices (other than indoor venues and open air events)	7am to 10pm Business days 8am to 6pm Other days

- O.** All other noise sources are to be appropriately managed to prevent environmental nuisance.
- P.** The kitchen is required to meet the requirements of the *Food Act 2006* and it's subordinate legislation. A Food Business License Application and detailed set of plans are to be submitted to Council's Environmental Health Section for approval prior to the commencement of building.
- Q.** An application to amend the existing Approval to Operate a Caravan Park under Councils Subordinate Local Law 1 (Administration) 2010 – Schedule 14 must be lodged and approved prior to occupation.
- R.** 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*.

MCU002-17/18 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: 1710-1953 SRA
Your reference: MCU002-17/18

24 January 2018

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

Attention: Chris Welch

Dear Sir/Madam,

Changed referral agency response—with conditions
(Given under section 28 of the Development Assessment Rules)

On 22 January 2018 the department received representations from the applicant requesting the department change its referral agency response. The department has considered the representations and now provides this changed referral agency response which replaces the response dated 10 November 2017.

Applicant details

Applicant name:	Panchek Pty Ltd
Applicant contact details:	PO Box 2088 Milton QLD 4064 rachel@reelplanning.com

Location details

Street address:	95-113 Dawson Highway, Moura
Real property description:	10SP210594
Local government area:	Banana Shire Council

Application details

Development permit	Material change of use for an Undefined Use (Integrated Caravan Park and Accommodation Village) and expansion of the development by eighty (80) units and eighty (80) carparks with additional communal amenities and recreation facilities
--------------------	---

Referral triggers

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

- 10.9.4.1.1.1 Infrastructure - state transport infrastructure
- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of *Planning Act 2016*, 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.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material Change of Use				
Proposed Site Plan	Design + Architecture	29 August 2017	SP-002	2

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

For further information please contact Haidar Etemadi, Planning Officer, on 49242915 or via email RockhamptonSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Panchek Pty Ltd, rachel@reelplanning.com

enc Attachment 1—Changed conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

Attachment 1—Changed conditions to be imposed

No.	Conditions	Condition timing
Material change of use (expansion of existing caravan park)		
State-controlled road and State transport networks —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> Proposed Site Plan prepared by Design + Architecture dated 29 August 2017, reference SP-002, revision 2. 	Prior to the commencement of use and to be maintained at all times.
2.	Direct access is not permitted between the Dawson Highway (a state-controlled road) and the subject site.	At all times.
3.	Fencing sufficient to prevent unauthorised access by people, vehicles and projectiles must be provided along the site boundary with the state-controlled road.	Prior to the commencement of use and to be maintained at all times.
4.	<p>Noise attenuation measures to achieve the following noise criteria must be provided for Stage 2 of the development only:</p> <ul style="list-style-type: none"> All facades meet the following external noise criteria#: <ul style="list-style-type: none"> ≤ 60 dB(A) L10 (18 hour) facade corrected (measured L90 (8 hour) free field between 10 pm and 6 am ≤ 40 dB(A)) ≤ 63 dB(A) L10 (18 hour) facade corrected (measured L90 (8 hour) free field between 10 pm and 6 am > 40 dB(A)). Every private open space meets the following external noise criteria#: <ul style="list-style-type: none"> ≤ 57 dB(A) L10 (18 hour) free field (measured L90 (18 hour) free field between 6 am and 12 midnight ≤ 45 dB(A)) ≤ 60 dB(A) L10 (18 hour) free field (measured L90 (18 hour) free field between 6 am and 12 midnight > 45 dB(A)). Every passive recreation area meets the following external noise criteria#: <ul style="list-style-type: none"> 63 dB(A) L10 (12 hour) free field (between 6 am and 6 pm). Every habitable room meets the following internal noise criteria#: <ul style="list-style-type: none"> ≤ 35 dB(A) Leq (1 hour) (maximum hour over 24 hours). 	Prior to the commencement of use for Stage 2 and to be maintained at all times.

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are to ensure:

- the development is carried out generally in accordance with the plans of development submitted with the application;
- access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road direct access to the state-controlled road is prohibited were not required;
- that there is no unauthorised access onto the transport corridor and to protect impacts on the transport corridor; and
- minimised noise intrusions on a development from a state-controlled transport corridor.

Attachment 3—Advice to assessment manager

General advice	
1.	<p>The subject site may be adversely impacted on by environmental emissions generated by the State-controlled road, Dawson Highway. The proposed development is within a transport noise corridor.</p> <p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor.</p> <p>Information about transport noise corridors is available at State and Local Government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Infrastructure, Local Government and Planning website (http://www.dilgp.qld.gov.au/about-planning/spp-mapping-online-system.html) and allows searches on a registered lot number and/or property address to</p>

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—

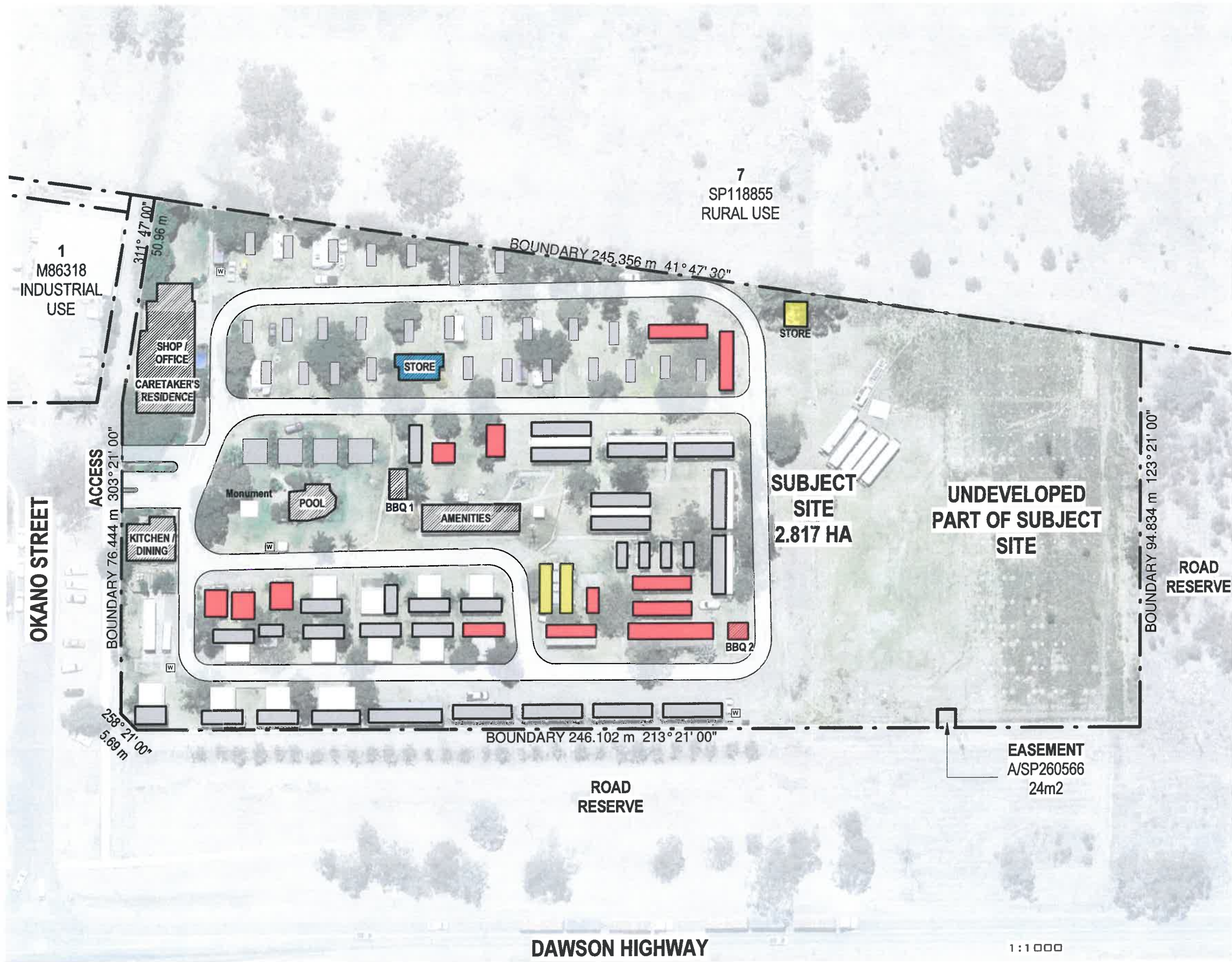
(a) the adopted charge itself; or

(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



EXISTING DEVELOPMENT LEGEND	
EXISTING ROAD	
EXISTING UNITS	
EXISTING CARAVAN SITES	
EXISTING COMMON AREAS	
EXISTING SKIP BINS	
UNITS TO BE RELOCATED	
UNITS TO BE DEMOLISHED	
UNITS TO BE REMOVED FROM SITE	

ENTIRE SITE (UNITS + SITES)	
NUMBER OF CARAVAN PARK SITES	32
NUMBER OF UNITS	99

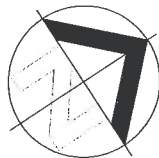
GENERAL NOTE:

- THESE DRAWINGS ARE PART OF A TOWN PLANNING APPROVAL APPLICATION TO THE LOCAL COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER REASON
- TRAFFIC/STORMWATER/OPERATIONAL WORKS: AS PER CIVIL ENGINEER DOCUMENTS AND DRAWINGS IF REQUIRED
- CURRENT LOCATIONS AND BOUNDARY LINE ARE APPROXIMATE, RELEVANT SURVEY TO BE CONDUCTED BEFORE ANY DOCUMENTATION OR CONSTRUCTION
- REFER TO TOWNPLANNING APPLICATION AND OPERATIONAL WORKS DOCUMENTATION WHEN VIEWING THESE PLANS
- THESE DRAWINGS ARE AS-BUILTS AND DO NOT REFLECT BUILDING APPROVAL, PLUMBING APPROVAL, OFRS APPROVAL OR DISABILITY REQUIREMENTS. CLIENT TO CONFIRM AND GET APPROVAL FROM RELEVANT AUTHORITIES

Banana Shire Council
PLANNING APPROVAL
28 FEB 2018

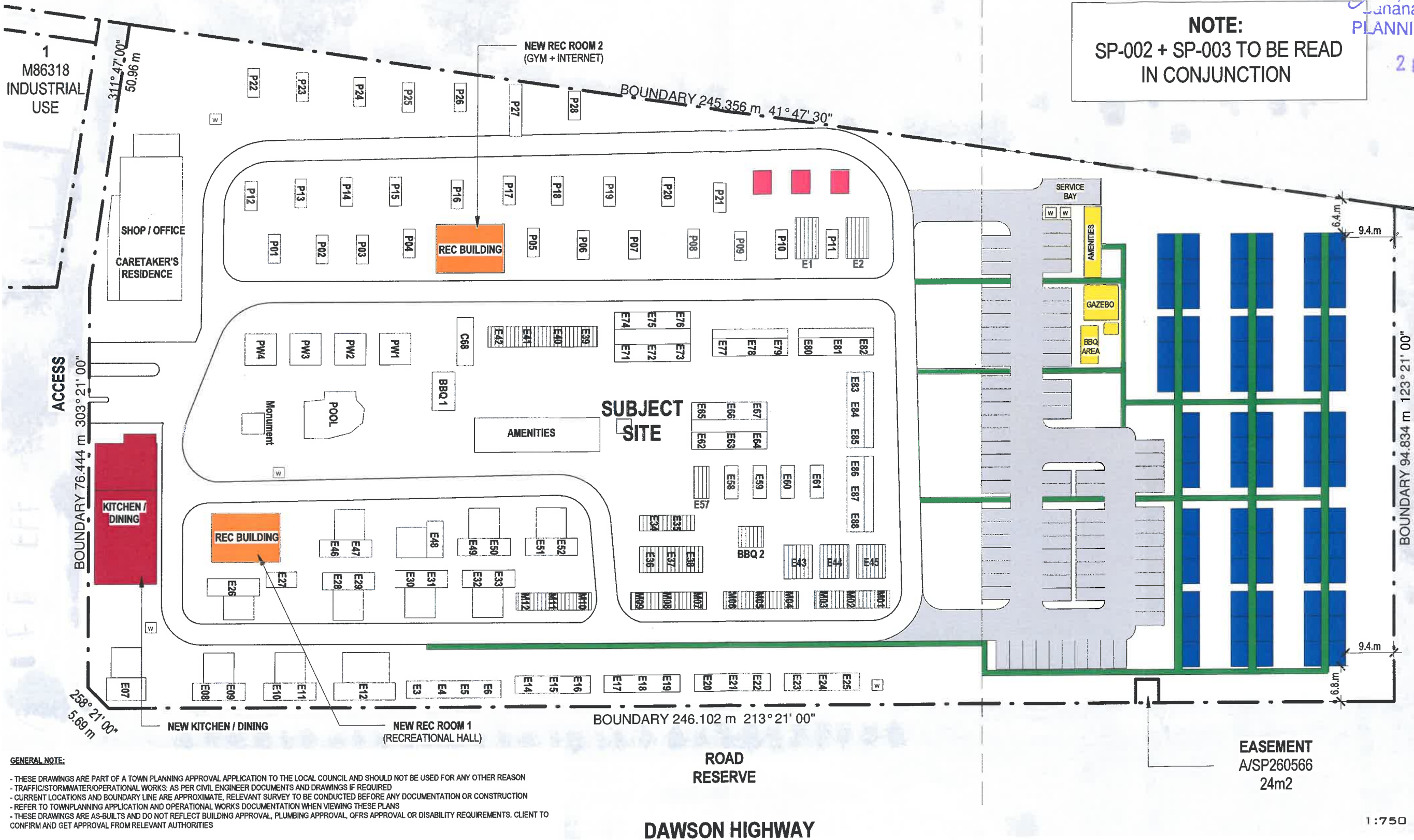
drawing title:
SITE PLAN OF EXISTING DEVELOPMENT

drawing no: **SP-001**



project: INTEGRATED CARAVAN PARK + ACCOMMODATION VILLAGE		A3 DRAWING NOTED SCALES RELATE TO A3 DRAWINGS		REVISIONS		PRELIMINARY SKETCH PLANS: If the drawings are labelled and issued 'preliminary', below, they are not suitable for Building Application, tender or construction purposes! The intent of preliminary sketch plans are only for presenting the concept for the specific project to the client as nominated in the title sheet.		ISSUED FOR PRELIMINARY		
location: 95 DAWSON HIGHWAY, MOURA, QUEENSLAND, 4718 LOT 10 SP210594		client: PANCHEK PTY LTD		REVISION	DESCRIPTION	DATE	COPYRIGHT & LIABILITY: These drawings, concepts and designs are copyrighted and the property of designandarchitecture and not to be used for any other reason without the consent or permission of designandarchitecture PTY.LTD. (ACN 167 978 832) designandarchitecture accept no responsibility for the accuracy, completeness or electronically transferred documents. NEVER SCALE OF DRAWINGS, IF IN DOUBT, ASK!	project no:	scale As indicated date NOV 17 drawn CC	rev
				1	PRELIMINARY	23-10-17		RP-034		2
				2	PRELIMINARY	17-11-17				

OKANO STREET



GENERAL NOTE:
- THESE DRAWINGS ARE PART OF A TOWN PLANNING APPROVAL APPLICATION TO THE LOCAL COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER REASON
- TRAFFIC/STORMWATER/OPERATIONAL WORKS: AS PER CIVIL ENGINEER DOCUMENTS AND DRAWINGS IF REQUIRED
- CURRENT LOCATIONS AND BOUNDARY LINE ARE APPROXIMATE, RELEVANT SURVEY TO BE CONDUCTED BEFORE ANY DOCUMENTATION OR CONSTRUCTION
- REFER TO TOWNPLANNING APPLICATION AND OPERATIONAL WORKS DOCUMENTATION WHEN VIEWING THESE PLANS
- THESE DRAWINGS ARE AS-BUILTS AND DO NOT REFLECT BUILDING APPROVAL, PLUMBING APPROVAL, QFRS APPROVAL OR DISABILITY REQUIREMENTS. CLIENT TO CONFIRM AND GET APPROVAL FROM RELEVANT AUTHORITIES

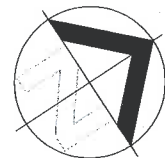
DAWSON HIGHWAY

EASEMENT
A/SP260566
24m2

1:750

drawing title:
PROPOSED SITE PLAN

drawing no: SP-002



project: A3 DRAWING NOTED SCALES RELATE TO A3 DRAWINGS
INTEGRATED CARAVAN PARK +
ACCOMMODATION VILLAGE
location: 95 DAWSON HIGHWAY, MOURA,
QUEENSLAND, 4718
LOT 10 SP210594
client: PANCHEK PTY LTD

REVISION	DESCRIPTION	DATE
1	PRELIMINARY	23-10-17
2	PRELIMINARY	17-11-17

PRELIMINARY SKETCH PLANS:
If the drawings are labelled and issued 'preliminary', below, they are not
suitable for Building Application, tender or construction purposes.
The intent of preliminary sketch plans are only for presenting the concept
for the specific project to the client as nominated in the title sheet.

COPYRIGHT & LIABILITY:
These drawings, concepts and designs are copyrighted and the property
of designandarchitecture and not to be used for any other reason without
the consent or permission of designandarchitecture PTY.LTD. (ACN
167 978 832)

designandarchitecture accept no responsibility for the accuracy,
completeness or electronically transferred documents.

NEVER SCALE OF DRAWINGS, IF IN DOUBT, ASK!







ISSUED FOR
PRELIMINARY






project no:	scale	rev
RP-034	1:750	2
	date	
	NOV 17	
	drawn	
	CC	

C:\Users\Public\Projects\RP-034\17-11-17\RP-034- Caravan Park MCU Application.rvt

17/11/2017 3:06:36 PM

NOTE:
SP-002 + SP-003 TO BE READ
IN CONJUNCTION

STAGE 1	
PROPOSED KITCHEN / DINING	
PROPOSED REC. BUILDINGS (REPLACES 3 UNITS + STORE)	
EXISTING DEVELOPMENT (32 CARAVAN SITES + 96 UNITS + COMMUNAL FACILITIES)	
EXISTING SKIP BINS	
EXISTING UNITS RELOCATED	
NEW UNITS (REPLACE CONDEMNED UNITS)	

STAGE 2	
PROPOSED ROAD	
PROPOSED UNITS	
PROPOSED COMMON AREAS	
PROPOSED PEDESTRIAN PATHS	
NEW SKIP BINS (2)	

STAGE 2	AREA SCHEDULE	sqm
NUMBER OF NEW UNITS	80 (27 BUILDINGS)	
BUILDING HEIGHT OF NEW UNITS	3.15m	
FLOOR AREA OF EACH UNIT	15.84m2	
ROOFED DECK AREA PER UNIT	1.96m2	
NO. NEW CAR PARKS (INCLUDED 2 DISABLED CAR PARKS)	80	
TOTAL OPEN SPACE/ LANDSCAPING (FOR STAGE 2 ONLY)	3860m2 48%	

ENTIRE SITE (UNITS + SITES)	
TOTAL NUMBER OF CARAVAN SITES	32
TOTAL NUMBER OF UNITS	176


Banana Shire Council
PLANNING APPROVAL
2 8 FEB 2018

C:\Users\Public\Projects\RP-034\17-11-17\RP-034- Caravan Park MCU Application.rvt

17/11/2017 3:06:38 PM

drawing title:
LEGEND

drawing no: **SP-003**

project: INTEGRATED CARAVAN PARK + ACCOMMODATION VILLAGE		A3 DRAWING NOTED SCALES RELATE TO A3 DRAWINGS		REVISION 2	REVISIONS DESCRIPTION PRELIMINARY	DATE 17-11-17	PRELIMINARY SKETCH PLANS: If the drawings are labelled and issued 'preliminary', below, they are not suitable for Building Application, tender or construction purposes! The intent of preliminary sketch plans are only for presenting the concept for the specific project to the client as nominated in the title sheet. COPYRIGHT & LIABILITY: These drawings, concepts and designs are copyrighted and the property of designandarchitecture and not to be used for any other reason without the consent or permission of designandarchitecture PTY.LTD. (ACN 167 978 832) design+architecture accept no responsibility for the accuracy, completeness of electronically transferred documents. NEVER SCALE OF DRAWINGS, IF IN DOUBT, ASK!	ISSUED FOR PRELIMINARY	project no: RP-034			scale 1 : 100	rev
location: 95 DAWSON HIGHWAY, MOURA, QUEENSLAND, 4718 LOT 10 SP210594		client: PANCHEK PTY LTD							date NOV 17		2		
						drawn CC							

Land Use Area Analysis

Zone Category	Quantity	Measured Area
Amenties	1	51.97
Car Parking	80	1,166.40
Circulation	1	943.46
Easement	1	1,218.27
Gazebo	2	57.00
Landscape Hard&Soft	1	2,670.58
Open Space	7	196.32
Site Services	1	50.00
Unit	80	1,360.80
Unit Deck	80	156.80
Water Tank	28	105.62

Land Use Yield



DAWSON HIGHWAY

[Signature]
Banana Shire Council
PLANNING APPROVAL
28 FEB 2018



LIGHTWAVE
ARCHITECTURAL

18 Sharnbrook West Way
P.O. Box 1055 3867
Bairnsdale 3875
T: (03) 9474 2833
E: info@lightwave.com.au
W: www.lightwave.com.au



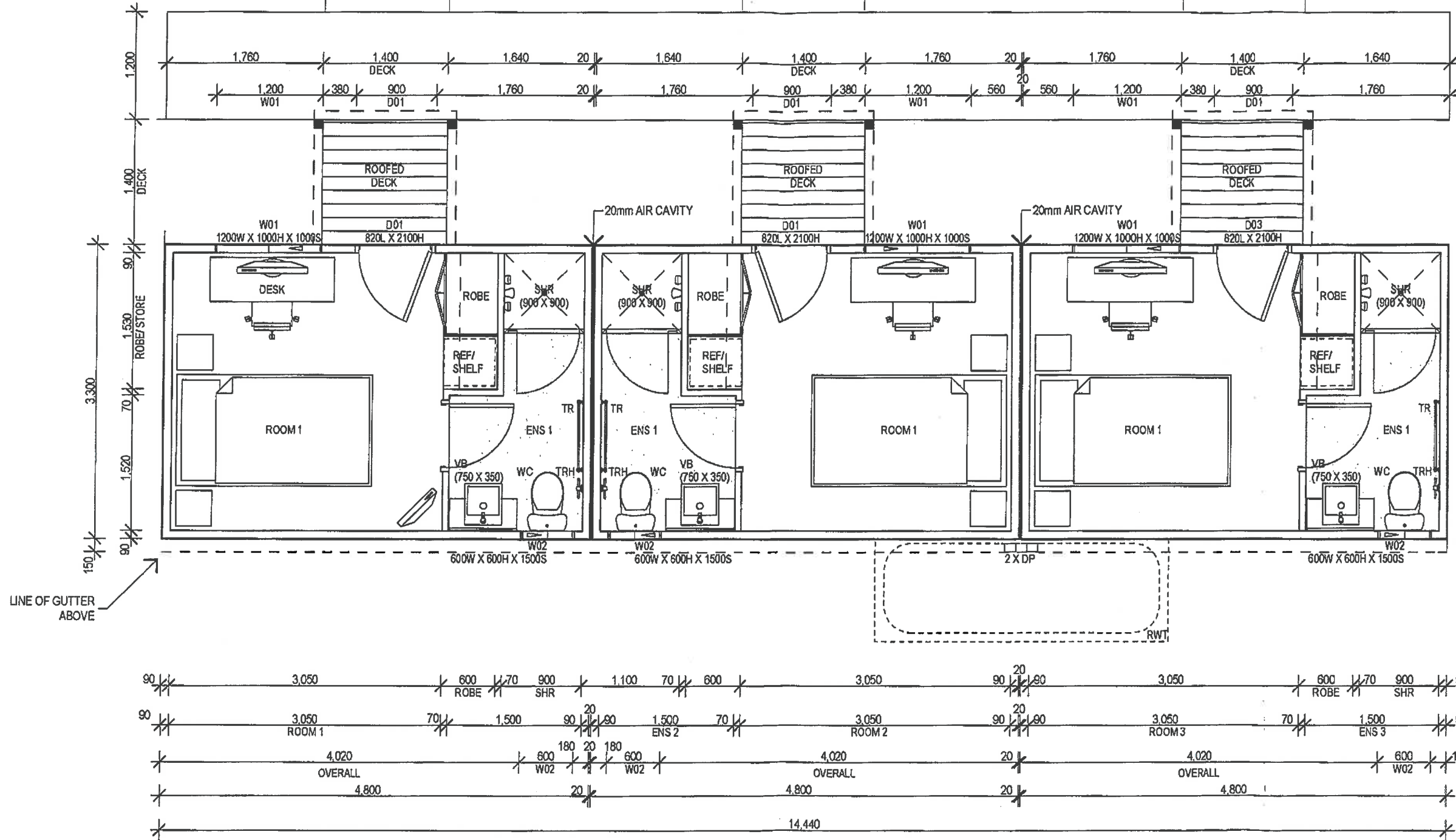
CLIENT
Kyrone

PROJECT
Okano Street, Moura

DRAWING
Concept Plan - Option 2

SCALE 1:500
DATE 19/01/2012
DESIGN MW
DRAWN NT

JOB NO. 1435
DRAWING NO. DA 002
ISSUE NO. PC4



[Signature]
 Banana Shire Council
 PLANNING APPROVAL
 28 FEB 2018

Type 316 - Ground Floor
 1:50

LIGHTWAVE
 ARCHITECTURAL

15 Dornoch Terrace West End
 P 07 3255 3887
 Suite 27/L2 11-13 Pearl Street Kingscliff
 P 02 6674 2833
 E info@lightwave.com.au
 W www.lightwave.com.au



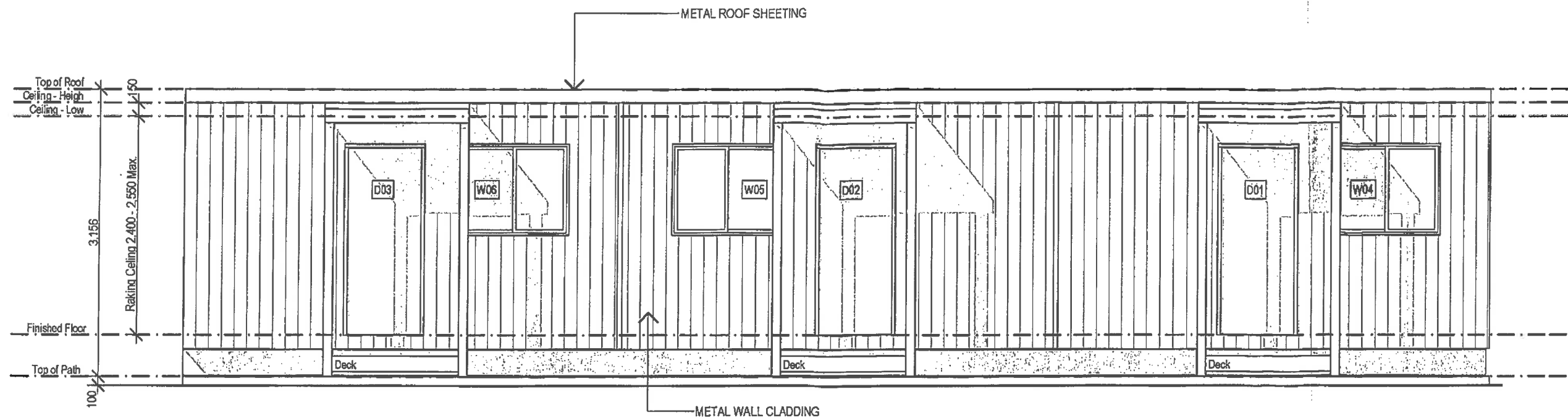
CLIENT:
 Kyronn

PROJECT:
 Okano Street, Moura

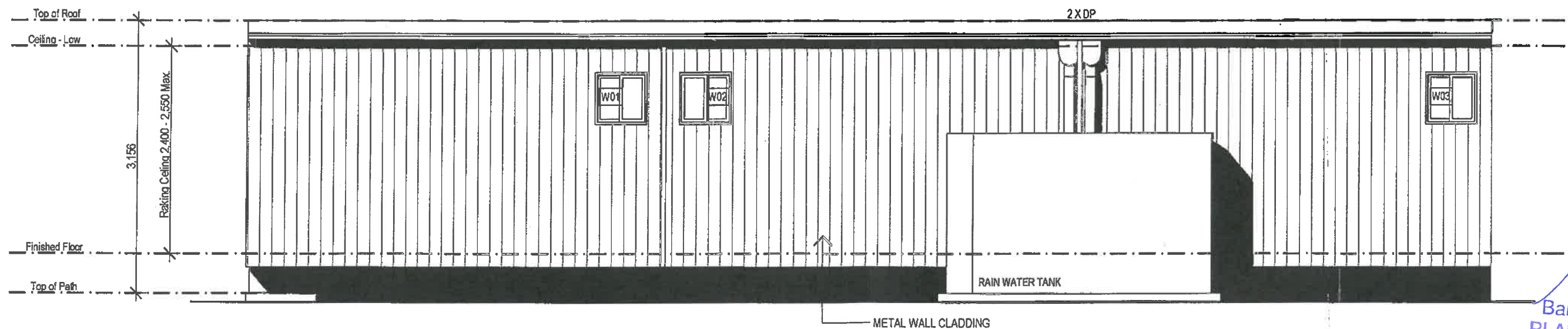
DRAWING:
 Type 316 - Floor Plan - Option 2

SCALE: 1:50
 DATE: 19/01/2012
 DESIGN: MW
 DRAWN: NT

JOB NO.: 1435
 DWG NO.: DA 1.01
 ISSUE NO.: P04



Type 316 - Front Elevation
1:50



Type 316 - Rear Elevation
1:50

[Signature]
Banana Shire Council
PLANNING APPROVAL
28 FEB 2018

LIGHTWAVE
ARCHITECTURAL

15 Dornoch Terrace West End
P. 07 3255 3887
Suite 2/7L2 11-13 Pearl Street Kingscliff
P. 02 6674 2833
E. info@lightwave.com.au
W. www.lightwave.com.au



CLIENT:
Kyrone

PROJECT:
Okano Street, Moura

DRAWING:
Type 316 - Elevations - Option 2

SCALE: 1:50
DATE: 19/01/2012
DESIGN: MW
DRAWN: NT

JOB NO.: 1435
DWG NO.: DA 2.01
ISSUE NO.: P04

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:	Panchek Pty Ltd C/- Reel Planning CQ Attn: Rachel Ovenden	File Number:	MCU002-17/18
Address:	PO Box 437 Rockhampton QLD 4700	Date of Issue:	10 November 2017
LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES			
Planning Scheme: <i>Banana Shire Planning Scheme 2005</i>			
RPD: Lot 10 on SP210594			
DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES			
The adopted infrastructure charge applies to the following development type: Short Term Accommodation – Tourist Park – Code Assessable Development			
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> .			
Stage 1			
Indoor Sport & Recreation Facility – Water and Sewerage			
Development Type	Units Payable	Current Unit Charge	Charge
Indoor Sport & Recreation Facility – If commercial	(13m x 3.1m x 6) = 241.8m ²	\$32.62 (including PPI)	\$7,887.52 - \$1,631.09 (existing approved use of 1 x caravan site) = \$6,256.43
Stage 1 Total charges:			\$6,256.43
Stage 2			
Accommodation – Water and Sewerage			
Development Type	Units Payable	Current Unit Charge	Charge
Cabin/Accommodation Unit	27	\$4,077.72 (including PPI)	\$110,098.44
Stage 2 Total charges:			\$110,098.44
Total Infrastructure Charges: \$116,354.87			

ADJUSTMENTS TO THE CHARGE

The charge rates included in this notice are valid until 30 June 2018, 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: _____

Frank Nastasi

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. Such precautions are to be discussed and agreed to by Council prior to construction commencing and will form part of the Construction Site Management Plan.

SCHEDULE B - Noise

- B1 Activities must be managed such that noise emissions from the premises do not cause harm or nuisance to adjoining residents and comply with the requirements of the *Environmental Protection Act 1994* and *Environmental Protection (Noise) Policy 2008*.
- B2 Noise must not be emitted outside the hours specified below-

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

- B3 All noise producing machinery and equipment (including air conditioners, compressors and cooling systems) are to be fitted with noise attenuation features so that noise at the boundary of the site does not exceed the levels indicated in the table below-

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
Period	Noise Level at a Noise Sensitive Place (ie a residence) Measured as the Adjusted Maximum Sound Pressure Level (L_{Amax adj}, T)
7 am – 10 pm	Background noise level plus 5 dB(A)
10 pm – 7 am	Background noise level plus 3 dB(A)
Sundays and Public Holidays	Background noise level plus 5 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
Period	Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level (L_{Amax adj}, T)
7 am - 10 pm	Background noise level plus 10 dB(A)
10 pm - 7 am	Background noise level plus 8 dB(A)
Sundays and Public Holidays	Background noise level plus 8 dB(A)

SCHEDULE C – Air and Light

- C1 Air and light emissions must be appropriately managed to prevent environmental nuisance beyond the boundaries of the property during all stages of the development including earthworks and construction.
- C2 Suitable dust suppression should be used and/or screens or barriers should be erected, where required during excavation and building works, to reduce the emission of dust or other such emissions from the site.
- C3 All artificial illumination is to be designed and installed so as not to cause a nuisance to occupants of nearby premises and any passing traffic. Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

SCHEDULE D – Water and Stormwater

- D1 It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D2 During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected – by upslope surface water diversion, downslope sediment fencing and/or temporary surface coverings.
- D3 It is an offence under the *Environmental Protection Act 1994* to discharge oils, chemicals, cement or concrete, paint, thinner, degreaser, rubbish and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D4 Any spills of oils, paints, chemicals etc must be contained and cleaned up as soon as possible.

- D5 Concrete, paint or thinner waste must not be washed out near a drain, gutter or anywhere waste could end up in a water course – appropriate containment and disposal should be used rather than discharging to the ground.

SCHEDULE E – Waste Management

- E1 It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- E2 All waste should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.
- E3 Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- E4 It is an offence under the *Environmental Protection Regulation 2008* to fail to comply with signage or directions at a waste facility.
- E5 Any building repairs involving asbestos material must be undertaken in accordance with Workplace Health and Safety requirements.
- E6 Regulated waste (including asbestos) is only to be disposed of at Trap Gully Landfill and an application form must be completed and approved prior to disposal.
- E7 Council will not enter onto private property to service wheelie bins, any bins to be serviced by Council will be required to be placed at the kerbside for collection.

SCHEDULE F – Land

- F1 A landowner has an obligation to take reasonable steps to keep their land free of declared pests in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*. Consideration should be given to appropriate treating of declared pest plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.