

**Your Reference:**

**Our Reference:** CW: RR: ak: 20-01 (FID86219, MCU006-19/20, 12065-66300-000,1508461)  
**Contact:** Rentia Robertson

14 January 2020

Sonya Vanden Bergh  
15 ALEXANDRA AVENUE  
BILOELA QLD 4715

Dear Sonya

**Decision Notice – Approval**  
*(Given under section 63 of the Planning Act 2016)*

**Application Number:** *MCU006-19/20*  
**Description:** *Home Based Business*  
**Level of Assessment:** *Impact Assessable*  
**Site Address:** *15 ALEXANDRA AVENUE, BILOELA*  
**Lot & Plan Details:** *Lot 9 on SP147880*

On 10 January 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:

	<b>Planning Regulation 2017 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Making a Material Change of Use assessable under the planning scheme	s20	<input checked="" type="checkbox"/>	

**2. Approved Plans**

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

<b>Drawing/Report Title</b>	<b>Prepared By</b>	<b>Date</b>
Floor Plan	Advance Drafting	May 05
Site Plan	Advance Drafting	May 05

### 3. Further Development Permits

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

### 4. Conflict with relevant instrument and reasons for the decision despite the conflict.

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

### 5. Submissions

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

<b>Description of the development</b>	Material change of Use for the purposed of a Home Based Business - Skin Contouring and Fat Cavitation
<b>Assessment Benchmarks</b>	Town Zone Code Development Standards Code Home Based Business Code Catchment Overlay Agricultural Land Class Overlay - Class A Crop Land
<b>Reasons for Decision</b>	Town Zone Code Development Standards Code Home Based Business Code Catchment Overlay Agricultural Land Class Overlay - Class A Crop Land

### 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.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the Planning Act 2016.

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

The Planning and Environment Court appeals database lists all the appeals lodged in the Planning and Environment Court since 15 March 2008, which the department has been notified of. It contains information about the appeal, including the appeal number, site address, local government area, and a copy of the appeal notice, including grounds for the appeal. The appeal database is an easy way for anyone to obtain information about an appeal or check if an appeal has been lodged for a specific development application or approval.

The appeal database is available at

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution>.

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services section on (07) 4992 9500, quoting you application number of MCU006-19/20.

Yours Sincerely



Chris Welch

**DIRECTOR COUNCIL SERVICES**

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  
Attachment 4 – Environmental Obligations

# **MCU006-19/20 Attachment 1**

*Part A - Conditions imposed by the Assessment Manager*

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# Attachment 1

## Conditions of Approval

### *Part A - Conditions imposed by the Assessment Manager*

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#### **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 –

<b>Plan/Document number</b>	<b>Plan/Document name</b>	<b>Date</b>
Not provided	Alexandra Avenue Site Plan	May 05
Not provided	Floor Plan	May 05

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 (Skin contouring and Fat Cavitation) 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 0.6m<sup>2</sup> 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 9am to 6pm, Monday to 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 4 four 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 8 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. The car park shown on the approved plans must be allocated for customer parking only during operating hours.
14. The Home Based 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.
15. This approval does not permit higher risk personal appearance services as in accordance with MP 5.2 Qld Development Code.

### **Waste Management**

16. Waste must not be burned at the premises.

# **MCU006-19/20 Attachment 1**

*Part B – Assessment Manager Notes*

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### **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** Please note the advice surrounding the applicants 'Environmental Obligations' contained in an attachment to the Decision Notice.
- D** Building works are to comply with the *Building Act 1975*, the Building Code of Australia and other relevant authorities.
- E** 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.
- F** 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.

### **Environment & Health**

- A** Infection Control Requirements  
Beauty Therapy is considered a non-higher risk personal appearance services under the Public Health (Infection Control for Personal Appearance Services) Act 2003. Non-higher risk personal appearance services are not required to be licensed with Council but are required to take all reasonable precautions and care to minimize the risk of infection to clients. This includes compliance with the Infection Control Guidelines for Personal Appearance Services.

Further, in order to comply with the infection control guidelines a business must have appropriate provision for hand washing, equipment washing, vermin proof storage, and surfaces that are easy to clean.

## **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.

## Attachment 2

# Planning Act 2016 Extract on Appeal Rights

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### 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**

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**SITE SETOUT**

All boundary clearances shown are to be verified by the Builder prior to setout and prior to commencement of construction. Any changes to the setout dimensions must comply with council requirements.

**EARTHWORKS**

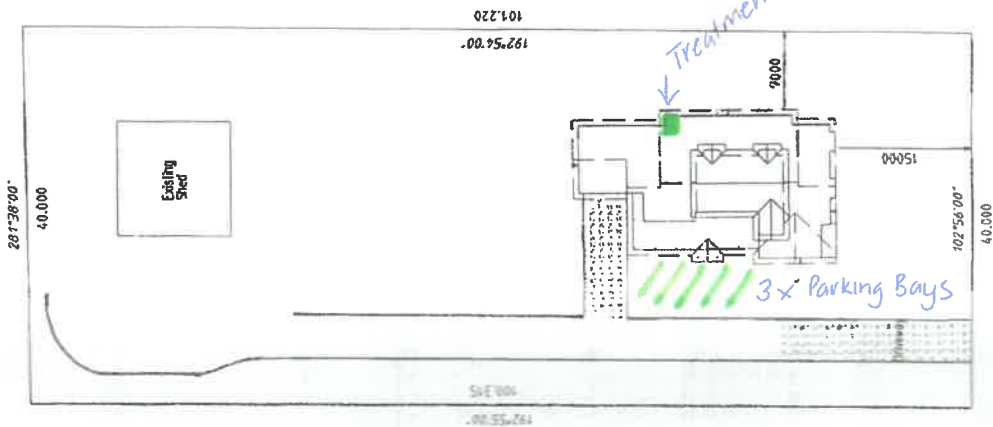
All levels shown on the plan for cut & fill depths. House pad & retaining walls are APPROXIMATE only & must be checked by the builder BEFORE commencing earthworks & also before commencing construction. Council requirements for natural drainage & stormwater must be observed.

**NOTE**

It is the RESPONSIBILITY of the owner to ensure that all survey pegs are in correct position.

**Warrnambool Shire Council  
PLANNING APPROVAL**

**10 JAN 2020**



**Alexandra Ave  
Site Plan**

**CENTRAL COAST BUILDING CERTIFICATION  
BUILDING WORK APPROVAL**

This approval is granted subject to all building work being carried out in accordance with all approved permit drawings and specifications, and all conditions imposed thereon, the provisions of the Queensland Building Act and all relevant Acts, Regulations and By-Laws as amended. This approval shall not be construed to permit a building, whether or not it is shown in the approved documents, which would be contrary to the Regulations or By-Laws except where the approval thereto has been granted in writing.

CENTRAL COAST BUILDING CERTIFICATION  
BUILDING CERTIFICATE  
QBSST No **A9681**

When signed by both parties this plan forms part of the building contract.

Owner \_\_\_\_\_ Date \_\_\_\_\_  
Builder **Vandenbergh, Constructors** Date \_\_\_\_\_

Site Area	4092.2m <sup>2</sup>
RP : SP 147880	
Parish of : Prairie	
County of : Raglan	
Scale 1 : 500	
Date = MAY 05	
Site Cover	Steel

Client : T & S Vandenbergh  
Lot No : 9  
Location : Alexandra Ave Biloela  
Project : New Residence

Ph 07 49770762  
Fax 07 49776245  
Mobile 04 1766 1878  
P O Box 418  
Gladstone 4680

**Advance Drafting**

BY: *[Signature]*

**NOTE**  
Check all dimensions, Levels, Details etc on site prior to commencement of any work.  
Check all Council requirements and obtain all permits prior to commencement.  
Dimensions take precedence over scale. Where dim's conflict refer to Draftsman

All work is to be to :-  
Relevant Australian Standards  
Local Council Requirements  
Building Code of Australia  
Relevant AS 1684 Manual  
& Manufacturers Specifications

**Attachment 4**  
**Environmental Obligations**

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## ***Environmental Obligations***

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### **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 any 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 2019*.
- B2 Noise must not be emitted outside the hours specified below-

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

- 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 a sensitive receptor does not exceed the levels indicated in Schedule 1 of the *Environmental Protection (Noise) policy 2019* as follows -



### Schedule 1 Acoustic quality objectives

Column 1	Column 2	Column 3		
Sensitive receptor	Time of Day	Acoustic quality objectives (measured at the receptor <i>dB(A)</i> )		
		<i>L</i> <sub>eq,adj,1hr</sub>	<i>A</i> <sub>10,adj,1hr</sub>	<i>L</i> <sub>1,adj,1hr</sub>
residence (for outdoors)	daytime and evening	50	55	65
residence (for indoors)	daytime and evening	35	40	45
	night-time	30	35	40
library and educational institution (including a school, college and university) (for indoors)	when open for business or when classes are being offered	35		
childcare centre or kindergarten (for indoors)	when open for business, other than when the children usually sleep	35		
childcare centre or kindergarten (for indoors)	when the children usually sleep	30		
school or playground (for outdoors)	when the children usually play outside	55		
hospital, surgery or other medical institution (for indoors)	visiting hours	35		
hospital, surgery or other medical institution (for indoors)	anytime, other than visiting hours	30		
commercial and retail activity (for indoors)	when the activity is open for business	45		
protected area or critical area	anytime	the level of noise that preserves the amenity of the existing area or place		
marine park	anytime	the level of noise that preserves the amenity of the existing marine park		
park or garden that is open to the public (whether or not on payment of an amount) for use other than for sport or organised entertainment	anytime	the level of noise that preserves the amenity of the existing park or garden		

### 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 2019* 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 Section 23 of the Biosecurity Act 2014 outlines the General Biosecurity Obligation. All landowners have a General Biosecurity Obligation (GBO) for managing biosecurity risks that are under their control and that they know about or should reasonably be expected to know about. All individuals and organisations whose activities pose or is likely to pose a biosecurity risk must:

- take all reasonable and practical measures to prevent or minimise the biosecurity risk
- minimise the likelihood of causing a biosecurity event and limit the consequences if such an event occurs
- prevent or minimise the harmful effects a biosecurity risk could have
- not do anything that might make any harmful effects of a biosecurity risk worse

A biosecurity risk exists when you deal with any pest, disease, weed or contaminant. This includes moving an animal, plant, turf, soil, machinery and/or equipment that could carry a pest, disease, weed or contaminant.