Council Chambers 62 Valentine Plains Road Valentine Plains Biloela Qld 4715 All Correspondence to Chief Executive Officer PO Box 412 Biloela Qld 4715 Phone 07 4992 9500 Fax 07 4992 3493 enquiries@banana.qld.gov.au www.banana.qld.gov.au ABN 85 946 116 646



Your Reference:

Our Reference:

KH: RR: mw: 20-06 (FID86331, MCU007-19/20, 21083-40000-000, ID1521494,

ID1521497, ID155693)

Contact:

Rentia Robertson

05 June 2020

Watson Stockfeed C/- Property Projects Australia Pty Ltd PO Box 3686 TOOWOOMBA QLD 4350

Dear Sir/Madam

Decision Notice – Approval

(Given under section 63 of the Planning Act 2016)

Application Number: *MCU007-19/20*

Description: Shop (Agricultural Supplies Store)

Level of Assessment: Code Assessable

Site Address: 74 DONNERS ROAD, TAROOM

Lot & Plan Details: Lot 38 on FT1016

On 05 June 2020, under delegated authority, the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details of Approval

The following approval is given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a Material Change of Use assessable under the planning scheme	s20	Ø	0

2. Approved Plans

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

Plan/Document number	Plan/Document name	Date
	Site Plan prepared by Property Projects Australia Pty Ltd	Received 11 December 2019
AP16994	Front & Rear Elevations prepared by Now Buildings	28 June 2019
AP16994	Left and Right Elevations prepared by Now Buildings	28 June 2019
AP16994	Intermediate Elevation Prepared by Now Buildings	28 June 2019
AP16994	Floor Plan prepared by Now Buildings	28 June 2019

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

Not applicable (Public Notification not required)

6. Referral Agencies

The referral agency for this application was:

Name of referral agency	Advice agency or concurrence agency	Referral Basis	Address
Chief Executive -	Concurrence	Schedule 10,	RockhamptonSAR
Department of State		Part 9, Division	A@dsdmip.qld.gov
Development, Infrastructure		4, Subdivision	.au
and Planning (DSDIP) - State		2, Table	
Assessment Referral Agency			Fitzroy & Central
(SARA)			Region
			PO Box 113
			ROCKHAMPTON
			QLD 4701

7. Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

8. Statement of Reasons

Description of the	Development application for Material Change of Use for a		
	, ,,		
development	Shop for the purpose of a Agricultural Supplies Store.		
Assessment	Rural Zone Code		
Benchmarks			
Reasons for	The Development complies or has been conditioned to		
Decision	comply with all applicable Acceptable Outcomes.		
	Conditions have been imposed in relation to the		
	following:		
	P03 - in relation to operating hours;		
	P04 - in relation to delivery of goods;		
	P010 - in relation to lighting;		
	PO12 in relation to water supply;		
	PO13 in relation to efluent disposal,		
	PO14 In relation to stormwater,		
	PO15 in relation to electricity,		
	PO17 in relation to vehicle parking,		
	PO27 in relation to water quality		
	PO29 in relation to construction activities,		
	PO37- Transport Infrastructure conditions from		
	DTMR to be attached to this approval.		

9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the Planning Act 2016. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the Planning Act 2016.

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

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

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

The appeal database is available at https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolut ion.

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 MCU007-19/20.

Yours Sincerely

Dr Keith Halford

MANAGER ENVIRONMENT & PLANNING

CC All Referral Agencies (both advice and concurrence)

State Assessment and Referral Agency (SARA) rockhamptonSARA@dilgp.qld.gov.au

Enc Attachment 1 – Part A Conditions imposed by the Assessment Manager

Attachment 1 – Part B Assessment Manager Notes

Attachment 1 – Part C Conditions imposed by Department of State
Development, Manufacturing, Infrastructure and Planning

Attachment 2 – Appeal Rights

Attachment 3 – Approved Drawings

Attachment 4 - Requirements for Constructuion Environmental Management Plan

MCU007-19/20 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

The proposed Material Change of Use is to be completed and carried out generally in accordance with the following approved plans and reports submitted with the Development Application, except where modified by the conditions of this Development Approval –

Plan/Document number	Plan/Document name	Date
	Site Plan prepared by Property Projects Australia Pty Ltd	Received 11 December 2019
AP16994	Front & Rear Elevations prepared by Now Buildings	28 June 2019
AP16994	Left and Right Elevations prepared by Now Buildings	28 June 2019
AP16994	Intermediate Elevation Prepared by Now Buildings	28 June 2019
AP16994	Floor Plan prepared by Now Buildings	28 June 2019

- 2 Comply with all of the conditions of this Development Approval prior to the commencement of the use, unless otherwise stated within this Decision Notice, and maintain compliance for the duration of the approved use.
- 3 Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4 Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.

Approved Use

5 The approved use of the premises is for a "Shop" – Agricultural Supplies Store that is used for the displaying or offering of goods for sale by retail and offer deliveries to customers.

Hours of Operation

- The hours of operation shall be confined to the hours between 7am and 6pm each day.
- 7 Loading and unloading occurs between the hours of:
 - a) 8:00am to 6:00pm, Monday to Friday; and
 - b) 8:00am to 12:00 (noon) on Saturdays.
 - c) No loading and unloading occurs on Sundays and Public Holidays.

Building works

- The applicant shall obtain a development permit for building work associated with the demolition/new work associated with the approval.
- **9** Roof water from the building shall be conveyed to the water storage tanks with any overflow directed to a suitable discharge point.

Water Supply

- Provide a sufficient supply of potable water for all staff and visitors associated with the approved use. The water must satisfy the Australian Drinking Water Guidelines or relevant standard applicable at the time.
- At the time of lodging a building application, documentation is required to be submitted to Council that demonstrates that water supply for potable and emergency purposes with a minimum 47,000 Litre capacity volume is available for the development.

Sewerage

- Sanitary facilities are to be provided in accordance with the requirements of the National Construction Code and wastewater is to be discharged to an on-site wastewater treatment system designed and installed to the requirements of the Queensland Plumbing and Wastewater Code.
- Prior to the commencement of use, an effluent disposal/storage system, appropriate for the proposed development, is to be installed. All relevant approvals for this system, in accordance with the requirements of the *Plumbing and Drainage Act,* are to be obtained before installation.

Lighting

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

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

Crossover and Driveways

- A vehicle access is to be provided in accordance with an Operational Works approval and as per the following:
 - a) A rural access shall be constructed in accordance with the requirements of the Capricorn Municipal Development Guidelines (Standard Drawing CMDG-R-040). Please note that the dimensions listed on this standard drawing are considered the minimum required for compliance.
 - b) Evidence submitted proving the access is suitable for the largest design vehicle including pavement construction and vehicle swept paths
 - c) All disused vehicle entrances shall be removed
- 17 The access shall be constructed to provide stormwater drainage to accommodate a storm event for an ARI of two (2) years.
- The Department of Natural Resources, Mining and Energy (DNRME) shall be notified of any clearing outside of three (3) metres from the edge of the road formation that may be required during the construction of the new access.
- The works required for the construction of the proposed rural access are to proceed with a minimal interruption to traffic and any necessary steps for the protection of traffic and the public during construction should be undertaken at no cost to Council.
- Contact is to be made with 'Dial Before You Dig' before construction of any of the proposed driveways commences in order to determine the location of any underground service utilises in the construction area. Care must be taken to avoid damage to service utilities identified. Any damage to these services must be repaired at no cost to Council.
- Any damage incurred by the existing road surface, services or furniture as a result of the works required for the construction of the access is to be repaired to the pre-existing or better condition at no cost to Council.

Vehicle Parking and Manoeuvring Areas

- A minimum of 25 car parking spaces must be provided and marked on the site, 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) (1) one 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); and
- c) cross falls and gradients in accordance with Australian Standard AS2890: Parking Facilities
- 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.
- 24 No vehicle storage or parking is permitted on the adjoining road reserve.

Services

Prior to the commencement of use, documentation is to be submitted to Council satisfactorily demonstrating that electricity, gas (if required) and telecommunication services have been provided to the proposed development as per the requirements of the relevant service provider.

Erosion and Sediment Control

Detailed Erosion and Sediment Management Plan, and associated engineered drawings, is to be provided to Council as part of the operational works application and in accordance with development guidelines. This Plan must comply with the Capricorn Municipal Development Guidelines.

Stormwater Drainage

- 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.
- 28 Stormwater runoff is to discharge to a legal point of discharge
- All stormwater infrastructure must be designed and constructed, prior to the commencement of use, as per the requirements of the Stormwater Management Plan.
- Ponding of stormwater resulting from the development must not occur on adjacent properties.
- The stormwater drainage system serving the site is to be designed so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves.

- 32 Stormwater formerly flowing onto the site must not be diverted onto other properties.
- 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:
 - a) Contaminated water must not be directly or indirectly released from the premises onto the ground or into the groundwater at the premises.
 - b) 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.

Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) is to be provided to Council as part of the Operation Works application. Plan is to ensure all potential impacts of the development are adequately controlled and provide detailed practical and achievable prevention, minimisation and mitigation strategies (including design standards) for controlling environmental impacts of the development.

Landscaping

- Existing vegetation, except any declared pest species on the site is to be retained as part of the site landscaping except when removal is required to site the development. Any vegetation that is removed is to be replaced with similar type elsewhere on the site.
- 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.
- Any landscaping proposed to occur along a Road frontage, within 2m of the property boundary, is to be maintained or have a mature height no greater then 900mm.

Waste storage area

Prior to the commencement of the use, provide the following - a) approved refuse containers.

Waste Management

- Waste must not be burned at the premises.
- Waste must be recycled where recycling services are feasibly available.

Amenity

41	The premises must	be maintained	in a safe and	tidy manner at all times.

MCU007-19/20 Attachment 1

Part B - Assessment Manager Notes

- A The approved development must also comply with Council's current Local Laws under the Local Government Act 2009.
- **B** 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.
- C The applicant is responsible for ensuring Queensland Fire Services requirements are met with respect to this development which may include but not be limited to the installation/upgrade of holding tanks or pumps as necessary to meet flow and pressure requirements.
- Where further development is proposed it is the applicant's / developer's responsibility to ensure further approvals are sought as required by the Taroom Planning Scheme.
- 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.
- F 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.
- 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.
- Any works on roads shall be conducted in accordance with the Queensland Department of Transport and Main Roads, "Manual of Uniform Traffic Control Devices Part 3".
- All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards Capricorn Municipal Development Guidelines (www.cmdg.com.au) at the Applicant's expense.

J Please note the conditions dated 5 May 2020 imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency and attached to this Decision Notice.

General Environmental Duty

A 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.

Construction Environmental Management Plan

A guidance document titled 'Requirements for Construction Environmental Management Plan' has been included to assist applicants with the preparation of their Construction Environmental Management Plan (CEMP). It is not intended as a comprehensive list of all Environmental and Cultural Heritage considerations relating to your proposal. A risk based assessment should be undertaken to determine the appropriate elements to be included in your CEMP.

Engineering

- A 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 roadworks;
 - ii. external roadworks;
 - iii. internal pathways;
 - iv. earthworks:
 - v. stormwater drainage
 - vi. erosion and sediment control;
 - vii. internal and external lighting; and
 - viii. landscaping
- B The location of the access to be provided has adequate sight distance to accommodate an 80kph speed environment.
- Any works on roads shall be conducted in accordance with the Queensland Department of Transport and Main Roads, "Manual of Uniform Traffic Control Devices Part 3".

- All damage incurred to existing roads, services or street furniture as a result of the proposed development shall be repaired within a reasonable period at the developer's expense.
- All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards Capricorn Municipal Development Guidelines (www.cmdg.com.au) at the Applicant's expense.
- Appropriate building measures are to be incorporated into the final design to cater for noise attenuation in accordance with the Queensland Development Code, the Building Code of Australia, the Environmental Protection Act 1994, and all relevant standards.
- G Operational works designs are to be in accordance with Capricorn Municipal Development Guidelines CMDG Design Specifications and Standard Drawings (www.cmdg.com.au), unless otherwise stated in a condition of the Development Approval.

Cultural Heritage

A This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that, "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage".

Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Declared Pests/Plants

- A landowner has an obligation to take reasonable steps to keep their land free of invasive plants and animals in accordance with the Biosecurity Act 2014. Consideration should be given to appropriate treating of invasive plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.
- B Vehicles movement during construction must be managed to prevent the spread of invasive plants. All vehicles used in weed infested areas must either be contained or cleaned to prevent the spread of invasive plant material. Numerous washdown facilities are available within the Shire to help remove weed seeds, soil and other foreign matter from vehicles and machines, and Council staff are available to conduct vehicle inspections.

Signage

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

MCU007-19/20 Attachment 1

Part C - Conditions imposed by the Department of State Development,

Manufacturing, Infrastructure and Planning



Department of State Development, Manufacturing, Infrastructure and Planning

SARA reference: 2001-14872 SRA Council reference: MCU007-19/20

Applicant reference:

5 May 2020

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

Attention:

Rentia Robertson

Dear Sir/Madam

SARA response—74 Donners Road, Taroom

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 15 January 2020.

Response

Outcome: Referral agency response - with conditions.

Date of response: 5 May 2020

Conditions: The conditions in Attachment 1 must be attached to any

development approval.

Advice: Advice to the applicant is in Attachment 2.

Reasons: The reasons for the referral agency response are in Attachment 3.

Development details

Description: Material Change of Use - Shop Development permit

(Agricultural Supplies Store)

SARA role: Referral Agency.

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning SARA trigger:

Regulation 2017)

Development application for a material change of use within 25m of a

Fitzroy/Central regional office Level 2, 209 Bolsover Street, Rockhampton PO Box 113, Rockhampton QLD 4700

Page 1 of 6

state-controlled road corridor

SARA reference: 2001-14872 SRA

Assessment Manager: Banana Shire Council

Street address: 74 Donners Road, Taroom

Real property description: Lot 38 on FT1016

Applicant name: Watson Stockfeed

Applicant contact details: Property Projects Australia Pty Ltd

216 Herries Street Toowoomba QLD 4350

louise@propertyprojectsaustralia.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email RockhamptonSARA@dsdmip.qld.gov.au, who will be pleased to assist.

Yours sincerely

Anthony Walsh Manager Planning

cc Watson Stockfeed c/- Property Projects Australia Pty Ltd, louise@propertyprojectsaustralia.com.au

enc Attachment 1 - Referral agency conditions

Attachment 2 - Advice to the applicant

Attachment 3 - Reasons for referral agency response

Attachment 4 - Representations provisions

Attachment 1—Referral agency conditions
(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions		Condition timing
Mate	rial change o	f use	
contro Direct develo	olled road corr tor-General of opment to whi	9, Division 4, Subdivision 2, Table 4 (Material change of use vidor)—The chief executive administering the <i>Planning Act</i> 20 the Department of Transport and Main Roads to be the enfoich this development approval relates for the administration are following condition(s):	016 nominates the rement authority for the
1.		ss is not permitted between the Leichhardt Highway (Miles and the subject site.	At all times
2.		water management of the development must ensure no ning or actionable nuisance to the state-controlled road.	a) At all times
	b) Any wo	orks on the land must not:	b) At all times
	i.	create any new discharge points for stormwater runoff onto the state-controlled road;	.,
	ii.	interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;	
	iii.	surcharge any existing culvert or drain on the state- controlled road;	
	iv.	reduce the quality of stormwater discharge onto the state- controlled road.	
3.		of 25,000L rainwater tank must be provided for on-site detention and be connected to the proposed new building.	Prior to commencement of use

Attachment 2—Advice to the applicant

General advice

1. Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) v2.5. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- the development is for a shop (agricultural supplies store)
- the subject land is adjacent to Donners Road (local road) and the Leichhardt Highway (statecontrolled road)
- the proposed development will be accessed from Donners Road. Access to the Leichhardt Highway from Donners Road is via Racecourse Lane
- · the proposed development will generate relatively minor vehicular traffic
- the daily traffic on this section of the state-controlled road is not considered high. When traffic to the
 proposed development uses the Racecourse Lane/Leichhardt Highway intersection, there is a
 significant amount of visibility for other drivers approaching the Racecourse Lane/Leichhardt Highway
 intersection to be able to see vehicle movements
- the vehicular traffic associated with the proposed shop is not considered to significantly increase the safety risks on the state-controlled road
- the proposed shop is set back approximately 35 metres from the state-controlled road corridor
- there will be a limited increase in impervious area (i.e. the shop roof). The proposed parking area is to be gravel and will not create an impervious surface
- stormwater runoff from the shop roof is to be captured in rainwater tanks
- any stormwater runoff is not expected to have any adverse impacts on the state-controlled road
- the development complies with relevant provisions of State code 1: Development in a state-controlled road environment of the State Development Assessment Provisions, version 2.5, subject to the implementation of conditions.

Material used in the assessment of the application:

- The development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

Pursuant to Section 68 of the Planning Act 2016

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

Attachment 2 Planning Act 2016 Extract on Appeal Rights

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states-
- (a) matters that may be appealed to-
- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and
- (b) the person-
- (i) who may appeal a matter (the appellant); and
- (ii) who is a respondent in an appeal of the matter; and
- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is-
- (a) For an appeal by a building advisory agency–10 business days after a decision notice for the decision is given to the agency; or
- (b) For an appeal against a deemed refusal-at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice–20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal–20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person. Note– See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
- (i) the establishment cost of trunk infrastructure identified in a LGIP; or
- (ii) The cost of infrastructure decided using the method included in the local government's charges resolution.

Attachment 3 Approved Drawings



Legend: — Subject Site: 74 Donners Road, Taroom QLD 4420 (1) Proposed Shop

Scale: NTS

Source: Queensland Globe

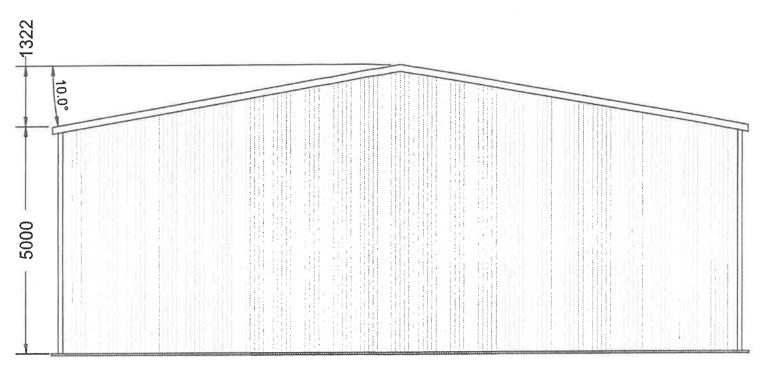
The content of this document includes third party data. Property Projects Australia Pty Ltd does not guarantee the accuracy of such data.

- 2 Existing Site Entrance to be Modified PLANNING APPROVAL
- Proposed Car Parking Area
- Proposed Vehicle Manouvering Area

0 5 JUN 2020

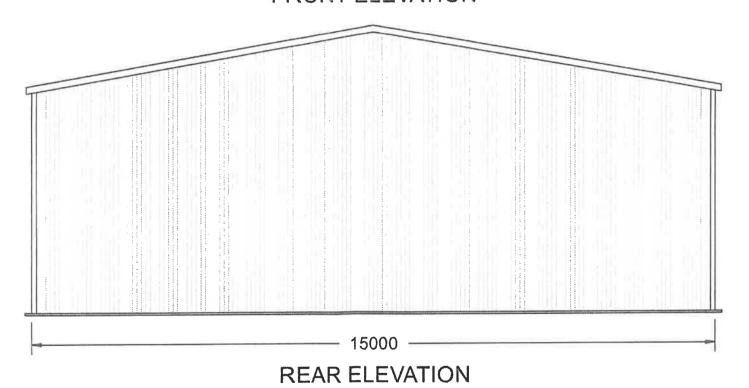
OG P-FOOUSM





George Zuev RPEQ 7551 2 8 JUN 2019

FRONT ELEVATION



Banana Shire Council PLANNING APPROVAL

05 JUN 2020



PLAKS DRAVIN EY.



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JOB DETAILS

Proposed Project: 15m x 27m x 5m - Enclosed Building

Customer: Ci & Sj Watson, Sonia & Campbell Watson

Site: 38 Donners Rd, TAROOM, QLD, 4420

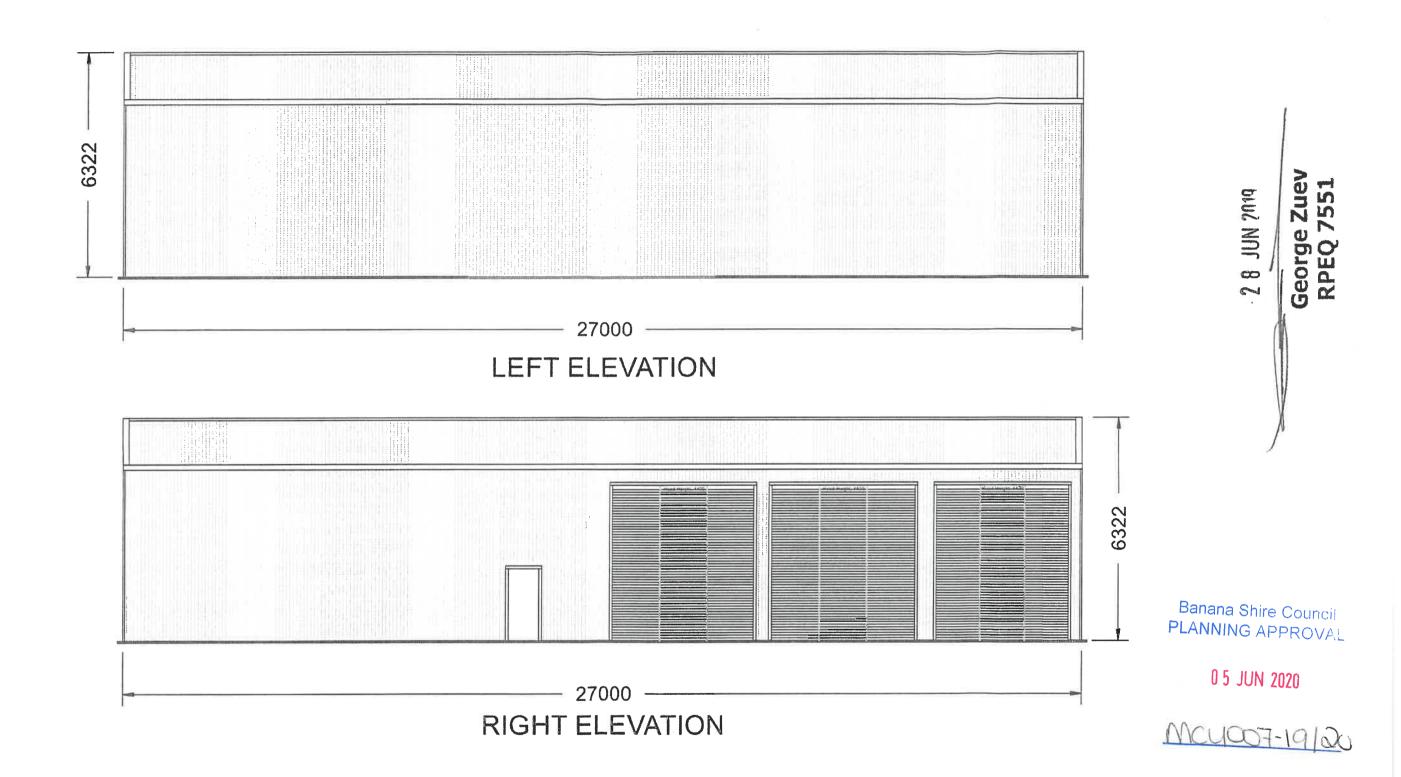
DRAWING DETAILS

Quote: Watso016994

Drawing No.: AP16994

Drawing Type: Architectural Drawings

Drawing Scale: 1:108





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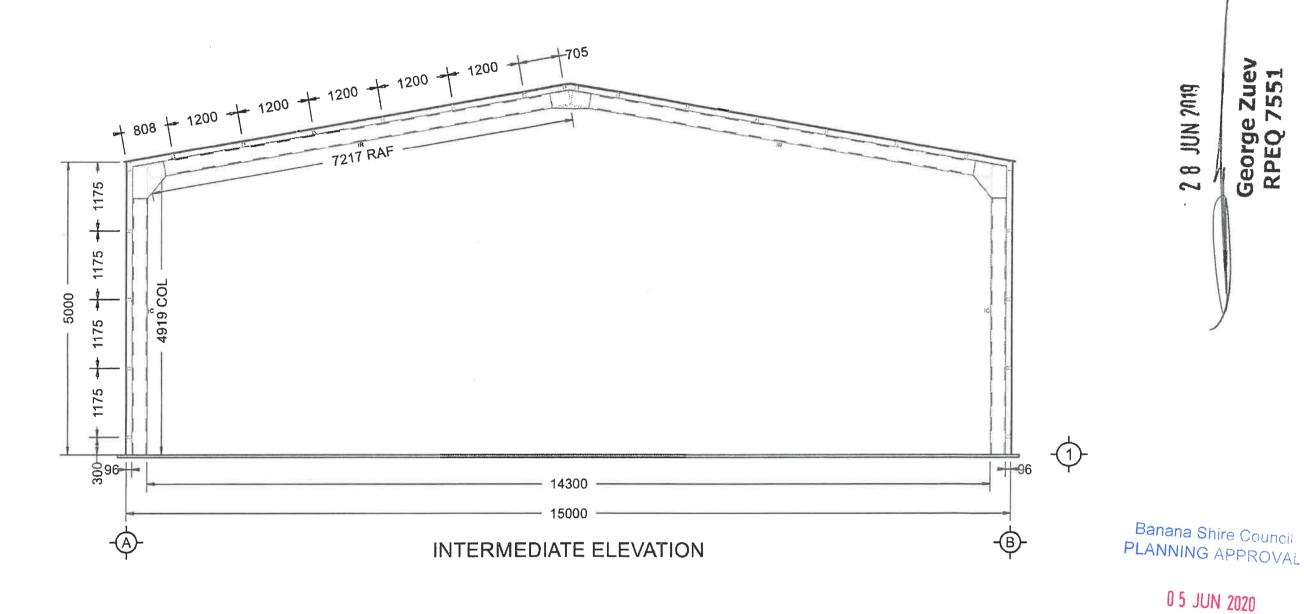
DRAWING DETAILS

Quote: Watso016994

Drawing No.: AP16994

Drawing Type: Architectural Drawings

Drawing Scale: 1:139



06/PI-F00U2M

George Zuev RPEQ 7551

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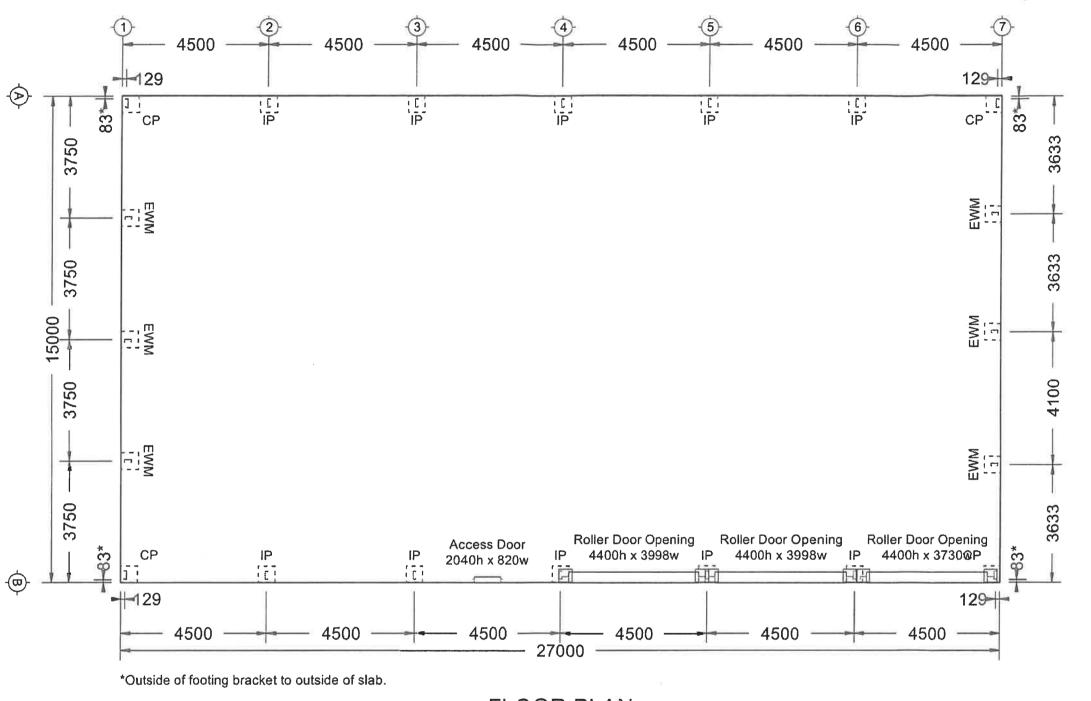
DRAWING DETAILS

Quote: Watso016994

Drawing No.: AP16994

Drawing Type: Engineering Drawing

Drawing Scale: 1:84



FLOOR PLAN



Quote: Watso016994

Drawing No.: AP16994

Drawing Type: Engineering Drawing

George Zuev RPEQ 7551

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PLANNING APPROVAL

0 5 JUN 2020

MC4007-19/20

C20024

C25024

C25024 Peir Size Ø 450 X 1500

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Drawing Scale: 1:151

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Attachment 4 Requirements for Constructuion Environmental Management Plan



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REQUIREMENTS FOR CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

It is not intended as a comprehensive list of all Environmental and Cultural Heritage considerations relating to your proposal. A risk-based This document provides general guidance to assist applicants with the preparation of their Construction Environmental Management Plan (CEMP). assessment should be undertaken to determine the appropriate elements to be included in your CEMP.

DISCLAIMER:

This document is not intended to constitute legal advice and it is recommended that you consult/engage a suitably qualified person to assist with Banana Shire Council does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or the preparation of your CEMP. While reasonable efforts have been made to ensure that the contents of this document are factually correct, damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this document.

Requirements	Addressed	Comments / Observations
Administrative Requirements		
Details of all approvals required / obtained to undertake the Works including:		
name and type of licence, permit or approval administering authority reference number commencement and expiry date conditions of the Approval		
Procedure for periodic review of CEMP including identification of continual improvement.		
Environmental Site Inspections Procedure for Environmental Site Inspections including: ☐ frequency ☐ how to identify whether measures are present, functional and adequate ☐ reporting of inspections ☐ identify corrective actions and management of outcomes		

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ssed Comments / Observations			
Addressed			
Requirements	Environmental-related Complaint Management Procedure for notification, investigation, management and reporting of complaints regarding Environmental or Cultural Heritage harm from Works.	Monitoring Procedures and details for all monitoring to be undertaken including: location of monitoring location of monitoring location of monitoring location of monitoring location loc	Notification and Management of Environmental and Cultural Heritage Incidents Procedures to cover: 1. Notification: administrating authority for reportable incidents actual or potential material or serious Environmental Harm as defined in the Environmental Protection Act 1994 reportable breach of legislation: monitoring non-conformances against Water Quality Criteria injury or death of native fauna other than least concern species, potentially caused by Works, including the occurrence of a fish kill on Site or in Waterways receiving Discharge from Site ground disturbance or vegetation clearing beyond Limits of Clearing amovement or relocation of Cultural Heritage without approval of the Indigenous Party/s clearing of a protected plant under State or Commonwealth legislation other than authorised under an Environmental Approval

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Kequirements	Addressed	Comments / Observations
 □ identification of new Biosecurity prohibited matter or restricted matter (Category 1 or 2) on Site or breach of a condition of a biosecurity zone □ discovery of a Contaminated Site (including unexploded ordinance) or land contamination occurred on the Site during the Works. 2. Management of Incidents including: □ immediate remedial actions to mitigate harm □ investigation process □ reporting and record keeping – environment and cultural heritage incidents a) nature of the incident b) what management measures are in place c) probable cause d) corrective actions 		
All environment and cultural heritage specific roles and responsibilities of project personnel		
Copy of the Environmental Site Induction. Induction includes: basic roles and responsibilities for E&CH management specific locations within the Site of E&CH significance or high risks works managed under an Environmental Approval and including its scope and conditions locations of ancillary activities (including but not limited to stockpile sites turnaround points, construction water and material sources) the Limit of Clearing Cultural Heritage where applicable environmental management measures and strategies in CEMP procedures for notifying of potential environmental incidents or non-conformances management procedures for unplanned events		



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Requirements	Addressed	Comments / Observations
CEMP Specific Element Requirements		
General		
The CEMP covers E&CH management of all the Works including Temporary Works and ancillary activities including sourcing water, gravel, side tracks, stockpile sites, Site facilities and camps, and turnaround points.		
Water Quality		
 □ potentially affected waterbodies and waterways within 200 m of the Site □ concentrated discharge locations from the Site □ concentrated flow paths to waterbodies and waterways within and adjacent to Site □ list of Works (including ancillary activities and temporary works) at risk of impacting water quality, including: a) the potential contaminants b) locations of Works in relation to waterbodies and waterways, and c) flow paths to waterbodies and waterways within and adjacent to Site mater quality management strategies and measures that are reasonable and practical and brief risk-based justification has been provided. □ water quality monitoring plan □ procedures for events causing adverse water quality impacts or complaints received from the public Cultural Heritage Officer or responsible parties contact details □ cultural Heritage management measures that are reasonable and practical and brief risk-based justification has been provided □ monitoring for Cultural Heritage (both historical and indigenous) (where applicable) 		

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Comments / Observations				
Addressed				
Requirements	Noise	 ☐ location of any sensitive receptors and critical facilities, infrastructure and utilities in proximity to the project ☐ noise generating activities, their locations, work periods ☐ applicable construction noise criteria for assessment (including Monitoring) ☐ evaluation outcome of whether Sensitive Receptors will likely be impacted by construction noise ☐ noise management measures and strategies that are reasonable and practical and brief risk-based justification has been provided ☐ management of adverse noise impacts 	Vibration	type of vibration sensitive receptors and critical facilities, infrastructure and utilities potentially impacted by Site and their location in relation to Site location of significant vibration generating works, within the Site location of significant vibration criteria applicable construction vibration criteria list which sensitive receptors, structures and / or buildings will likely be impacted by construction vibration for what works vibration management measures and strategies that are reasonable and practicable to avoid or minimise vibration (human comfort) and vibration (structural / building) impacts and brief risk-based justification has been provided management of observed damage to structures (private or public owned)

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Comments / Observations Addressed where required, air quality Compliance Testing methodology, equipment used, frequency, duration, management measures and strategies that are reasonable and practicable for minimising adverse air management procedures for fauna rescue and release including treatment of fauna injured by Works where required, air quality monitoring methodology, equipment used, frequency, duration, location of ☐ location of known contaminated sites and type of in situ contaminants ☐ reasonable and practicable management measures and monitoring requirements applicable to each reasonable and practicable management measures and strategies for native fauna, breeding places, location of known native fauna habitat and breeding places in relation to Site and Limits of Clearing identification of activities that are likely to impact fauna, habitat or animal breeding places and the contact details for emergency wildlife care shall be included on the Site's emergency contact list details of any Suitably Qualified and Experienced Person to be utilised for fauna management evaluation outcome of which air quality sensitive receivers will likely be adversely impacted Contaminated Sites Native Fauna Works likely to cause environmental harm from air quality and location of the Works Air Quality location and details of the person undertaking the Compliance Testing assessment equipment and details of the person undertaking the monitoring assessment ☐ management of contaminants leaving Site or being discovered on Site. quality impacts and brief risk-based justification has been provided management of observations of emissions exceeding criteria habitat and fish passage, and brief risk-based justification location of Air Quality Sensitive Receivers to the Site contaminated Site and brief risk-based justification nature of impacts Requirements



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Requirements	Addressed	Comments / Observations
Vegetation		
a drawing depicting: a) location and dimensions of Limits of Clearing b) limits of intended vegetation clearing (demonstrating minimised clearing area) c) restrictions to clearing in waterways d) any areas required for clearing additional to the Limit of Clearing e) locations of Significant Vegetation to be retained on Site f) a program of clearing operations demonstrating progressive clearing stages where practicable f) a program of clearing operations demonstrating progressive clearing stages where practicable lidentification method for the Limit of Clearing and method of identifying Significant Vegetation lidentification method for the Limit of Clearing and strategies to minimise the area of vegetation clearing and brief risk-based justification including where reasonable and practicable: a) progressive vegetative clearing b) progressive rehabilitation c) protection of individual trees or vegetation to be retained c) protection of individual trees or vegetation to be retained c) protection of individual trees or vegetation for clearing		
Biosecurity Management		
details of the Biosecurity Matter including photo, location, the Biosecurity Matter category and respective management measures reasonable and practicable management measures for preventing the spread of Biosecurity Matters within Site and out of the Site reasonable and practicable management measures to exclude access to known areas of Biosecurity Matter infestation such as flagging location of clean-down facility. If temporary clean down bay is to be constructed on Site, specify: a) design and maintenance requirements and procedures b) method of containing wastewater and restrict movement of biosecurity matters particularly to wastenways and drainage lines c) management measures to contain biosecurity matter, sediments, oils and greases d) prevention of vehicle recontamination. Specific monitoring procedures for biosecurity matters (method, timing, frequency, duration, parameter to be monitored, criteria / outcome measured against) pesticide treatment schedule addressing method of control, chemicals, location and timing of works details of Biosecurity Matter control operator licence		

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Page 8 of 10 Comments / Observations Addressed ☐ type, location, size of spill response equipment stored on Site ☐ reasonable and practicable management measures for avoiding contamination of Discharge to land or waste management strategies with consideration of the waste and resource management hierarchy Ilist chemical and fuels stored on Site in volumes greater than 250 L, the maximum quantity to be ■ Waste containment locations
 ■ all mulch stockpiles identified on plans with maximum dimensions specified (where applicable)
 □ the location of where waste materials will be disposed i.e. landfill site stored at any one time, storage location, management and containment practices for storage Chemicals and Fuels TREAT waste before disposal, including reducing the hazardous nature of waste estimates of type and quantity of waste expected to be generated and their source Waste details of any approvals held in relation to fuel and chemical storage or use management of contamination of discharge events RECYCLE waste resources to make the same or different products RECOVER waste resources, including the recovery of energy water from fuels and chemicals and brief risk-based justification RE-USE waste resources without further manufacturing DISPOSE of waste only if there is no viable alternative management of contamination of discharge events AVOID unnecessary resource consumption Waste Reduction and Recycling Act 2011 s.9: REDUCE waste generation and disposal Requirements

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Requirements	Addressed	Comments / Observations
Material Sourcing		
Water Sourcing key water consumption activities key water consumption activities key water consumption activities key water consumption activities the estimated volumes of water the identified construction water source/s and proposed volume of take legislative requirements and applicable conditions for take of water and whether notification to other users have been undertaken water efficiency strategies to be utilised water efficiency strategies to be utilised procedures for monitoring against requirements of any applicable Environmental Approval (exemption) (i.e. capacity level of non-flowing source) construction Material distance to Site access track and stockpile area requirements associated approvals and conditions, and proposed volume of take other construction material requirements identified sources and management measures other construction material requirements identified sources and management measures		
Erosion and Sediment Control (ESC)		
Specify the area and works including all proposed exposed areas e.g. full extent of cleared areas, stockpiles, site compound/storage areas and side tracks where applicable.		For low risk sites one drawing with associated technical notes on timing of installation of controls and reference to standard drawing may be sufficient. For high risk and large scale projects consider preparing a standalone document i.e. 'Erosion and Sediment Control Plan' as it is likely to require multiple sets of drawings for various areas and stages of for project.
Major features Major features to be shown on the plan (dispersive soils, waterways)		

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Requirements	Addressed	Comments / Observations
Flow direction/Contour lines ☐ identify the direction of flow of water through contour lines or other		
Utype and location of control measures to be clearly identified		
Erosion Control Measures ∐ identify methods to minimise soil exposure e.g. soil binders, geofabric, hydro mulching, early revegetation etc.		
Drainage ☐ provide details in relation to how clean stormwater will be diverted around or through the site ☐ areas of the site subject to concentrated stormwater flows have drainage controls		
Sediment Controls I runoff from all non-stabilised areas draining to suitable controls e.g. sediment basin		
Sediment basin/stormwater discharge points nominated		
Site Exit Points Site access points identified and appropriate controls specified		
Timing / staging of controls ☐ detail installation sequence and timing of installation of controls		
Monitoring and Management Monitoring and Management of severe wet weather event to minimise likelihood of failure of ESC measures		