

Your Reference:

Our Reference: CW: RRP: mw: 20-08 (FID86303, RAL005-19/20, 10027-10000-000, ID1518912)

Contact: Rentia Robertson

21 August 2020

Banana HM Pty Ltd
C/- Urbicus
110 Kennedy Terrace
PADDINGTON QLD 4064

Dear Sir/Madam

Decision Notice – Approval

(Given under section 63 of the Planning Act 2016)

Application Number: RAL005-19/20
Description: Reconfiguring a Lot (1 into 2)
Level of Assessment: Code Assessable
Site Address: 12-20 BOWEN STREET, BANANA
Lot & Plan Details: Lot 1 on SP123583

On 20 August 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
Reconfiguring a Lot	s20	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Approved Plans

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

Plan/Document number	Plan/Document name	Date
5157-2-1 Revision F	Proposal Plan Lot Re-Configuration prepared by Fredriksen Maclean & Associates (as amended in red)	August 2020
	Effluent Disposal Area Considered and Evaluation of existing irrigation area prepared by JT Environmental Pty Ltd	July 2020

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

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 - Department of State Development, Infrastructure and Planning (DSDIP) - State Assessment Referral Agency (SARA)	Concurrence		RockhamptonSARA@dsmip.qld.gov.au Fitzroy & Central Region PO Box 113 ROCKHAMPTON QLD 4701

7. Currency Period for the Approval

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

8. Statement of Reasons

Description of the development	Reconfiguration of a Lot for the purposes of subdividing one lot into two allotments.
Assessment Benchmarks	Village Zone Code, Development Standards Code, Reconfiguration of a Lot Code, Economic Resource Overlay Code
Reasons for Decision	<p><u>Village Zone Code</u> The proposal is consistent with all the Performance Outcomes. Conditions have been imposed to ensure the proposal complies with PO5 in relation to building setbacks.</p> <p><u>Development Standards Code</u> The proposal complies with the relevant Acceptable Outcomes. Conditions have been imposed in relation AO8.2 and AO10.2 to ensure compliance with all relevant Performance Outcomes.</p> <p><u>Reconfiguration of a Lot Code</u> The proposal is consistent with all the Performance Outcomes. Conditions have been imposed to ensure the proposal complies with PO1.</p> <p><u>Economic Resource Overlay Code</u> The proposal does not compromise agricultural productivity in the area.</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.

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 RAL005-19/20.

Yours Sincerely



Chris Welch

DIRECTOR COUNCIL SERVICES

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 – Infrastructure Charges

RAL005-19/20 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

- 1 The reconfiguration is to be completed generally in accordance with the following approved plans, as attached to this Decision Notice, except where modified by the conditions below–

Plan/Document number	Plan/Document name	Date
5157-2-1 Revision F	Proposal Plan Lot Re-Configuration prepared by Fredriksen Maclean & Associates (as amended in red)	August 2020
	Effluent Disposal Area Considered and Evaluation of existing irrigation area prepared by JT Environmental Pty Ltd	July 2020

- 2 Comply with all of the conditions of this Development Approval prior to the submission of the Subdivision Plan for compliance assessment, unless otherwise stated.
- 3 All works required by the conditions of this Development Approval are to be completed prior to the submission of the Subdivision Plan for compliance assessment, unless otherwise stated.
- 4 Complete all associated works, including any relocation or installation of services, at no cost to Council.
- 5 At the time of submitting the Subdivision Plan for endorsement, provide a report demonstrating compliance with all conditions of this Development Approval.
- 6 A noting will be placed on the Councils rate card for both properties confirming that:
- Both properties are outside Councils sewer area and these services will not be extended to service the property.

Easement

- 7 All easements must be shown on the Subdivision Plan, and associated documentation prepared and registered at no cost to Council.
- 8 No permanent structure or part of a structure is to be located within the easement.

Caretaker residence

- 9 The final location of the boundary between proposed Lots 1 and 2 must achieve the mandatory setbacks in accordance with Building Regulation to all buildings contained within each lot.
- 10 The onsite waste disposal area for any development is to be on the same lot as the development. Evidence of this is to be provided to Council prior to signing and sealing of Survey Plan.

Road and Access

- 11 A Minor Works on Road application shall be submitted prior to construction of any access to a Local Government road.
 - i. Constructed in accordance with the Capricorn Municipal Development Guidelines
 - ii. To be constructed to provide stormwater drainage accommodating for a 20% AEP storm event.
 - iii. The location of the access shall provide adequate sight distance to accommodate a 60kph speed environment.
 - iv. Any damage incurred to the existing road surface, services or furniture as a result of the works required for the installation of the new access is to be repaired to the pre-existing or better condition.
- 12 The applicant shall receive approval by the Department of Transport and Main Roads (and any other regulatory bodies) for any access to a State controlled road and shall be submitted to Council prior to construction
- 13 Due to the requirement for an additional access to proposed Lot 2 a Rural Address Action Request application will need to be submitted to Banana Shire Council.

Water

- 14 Newly proposed lot 2 is to connect to Council's reticulated water supply network in accordance with Council requirements ensuring water meters are positioned to ensure easy and efficient reading.

Sewerage

- 15 On-site wastewater is to be disposed of as per the designated area detailed in the report from JT Environmental 25.07.2020, including any setback requirements from property boundaries so that all wastewater is contained within the proposed lot 1.
The owner is to ensure compliance with Environmental Authority EA0001731 and any subsequent environmental authority is complied with.

Services and Utilities

- 16** Prior to the signing of the Survey Plan, the applicant/ developer must provide the Assessment Manager with evidence that electricity, gas (if required) and telecommunication services are available to each lot.

Infrastructure Contributions

- 17** Prior to Council signing and sealing the Survey Plan for the development, all infrastructure charges associated with this approval must be paid to Banana Shire Council. Refer to the Adopted Infrastructure Charges Notice associated with this Development Permit for details of Infrastructure Contributions.

Note: Any payment of infrastructure contributions associated with approval COM001-17/18 will be deemed a credit when recalculating infrastructure contributions identified in the Adopted Infrastructure Charges Notice.

END OF CONDITIONS

RAL005-19/20 Attachment 1

Part B – Assessment Manager Notes

- A** The approval to which these conditions attach may also be subject to an adopted infrastructure charges notice. See s121 of the *Planning Act 2016*.
- B** 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** All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards (Capricorn Municipal Development Guidelines) at the Applicant's expense.
- D** The applicant is responsible for ensuring Queensland Fire Services requirements are met with respect to this development which may include but not be limited to the installation/upgrade of holding tanks or pumps as necessary to meet flow and pressure requirements.
- E** Failure to ensure ongoing compliance with the conditions of this Development Approval including conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the *Planning Act 2016*.
- 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.
- G** The approved development must comply with Council's current Local Laws under the *Local Government Act 2009*.
- H** 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.
- I** Building works are to comply with the *Building Act 1975*, the Building Code of Australia and other relevant authorities.
- J** Please note the conditions dated 24 January 2020 imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency and attached to this Decision Notice.

Engineering

- A** Works required to be undertaken for the installation of a new access(es) are to proceed with a minimal interruption to traffic and any necessary steps for the protection of traffic and the public during construction are to be undertaken at no cost to Council.
- B** All works within the boundaries of state controlled roads are to be approved by the Department of Transport and Main Roads.
- C** 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".
- D** All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards (Capricorn Municipal Development Guidelines) at the Applicant's expense.

Cultural Heritage

- A** This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that, "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage".
Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Declared Pests/Plants

- A** A landowner has an obligation to take reasonable steps to keep their land free of invasive plants and animals in accordance with the *Biosecurity Act 2014*. Consideration should be given to appropriate treating of invasive plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.

Mosquito breeding

- A** The site is required to be appropriately drained 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*.

General Environmental Duty

- A** The *Environmental Protection Act 1994* places a general environmental duty on everyone. Activity that causes or is likely to cause environmental harm must not be carried out unless all reasonable and practicable measures are taken to prevent or minimise the harm. Anyone becoming aware of serious or material environmental harm being caused or threatened by an activity they are involved in, has a duty to report that harm.

END OF NOTES

RAL005-19/20 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: 1912-14675 SRA
Council reference: RAL005-19/20
Applicant reference: RAL005-19/20

24 January 2020

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

12-20 Bowen Street, Banana

(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 17 December 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	24 January 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:	Reconfiguring a lot (1 lot into 2 lots)
SARA role:	Referral agency
SARA trigger:	<u>Planning Regulation 2017</u> Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 - <i>State transport corridors</i>
SARA reference:	1912-14675 SRA
Assessment Manager:	Banana Shire Council

Street address: 12-20 Bowen Street, Banana
Real property description: Lot 1 on SP123583
Applicant name: Banana HM Pty Ltd
C/- Urbicus
Applicant contact details: 12-20 Bowen Street
Banana Qld 4702
planning@urbicus.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 Rebecca Gesch, Planning Officer on (07) 4924 2915 or via email at RockhamptonSARA@dndmp.qld.gov.au who will be pleased to assist.

Yours sincerely,



Anthony Walsh
Manager Planning

cc Banana HM Pty Ltd C/- Urbicus, Planning@urbicus.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 5 - Approved plans and specifications

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) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Reconfiguring a lot (1 lot into 2 lots)		
<i>State transport corridors</i> - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Mains 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>(a) Road works comprising:</p> <ul style="list-style-type: none"> • kerb and channel and road widening must be provided for the full extent of the site frontage to the Leichhardt Highway (Bowen Street). The alignment of the kerb and channel must be consistent with the existing kerb and channel alignment on the north-eastern corner of the site at the intersection of the Leichhardt Highway and Charles Street. • road widening and sealing must be provided for the full length of the site frontage to the Leichhardt Highway between the edge of the existing carriageway and the new kerb and channel alignment. • piped drainage infrastructure must be provided along the full frontage of the site to the Leichhardt Highway. The piped drainage must connect to the existing outlet pipe at the corner of the Leichhardt Highway and Charles Street and incorporate the existing culvert under the Leichhardt Highway (located approximately 30 metres north of the southern boundary of the subject site). <p>(b) The road works must be designed and constructed in accordance with Road Planning and Design Manual, 2nd Edition.</p> <p>(c) The longitudinal drainage must be designed and constructed to meet the requirements of the Department of Transport and Main Roads' Road Drainage Manual, the Queensland Urban Drainage Manual and the Capricorn Municipal Development Guidelines for both the major and minor drainage system. Should there be any inconsistencies between the above documents, the requirements of the Road Drainage Manual prevail.</p>	Prior to submitting the Plan of Survey to the local government for approval.
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road (Leichhardt Highway / Bowen Street).</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (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; 	<p>(a) At all times.</p> <p>(b) At all times.</p>

	<p>(iii) surcharge any existing culvert or drain on the state-controlled road;</p> <p>(iv) reduce the quality of stormwater discharge onto the state controlled road.</p>	
3.	<p>(a) The road access location is to be located generally in accordance with '<i>Proposal Plan - Lot Re-configuration</i>', prepared by Fredriksen MacLean & Associates Consulting Surveyors, dated 13 November 2019 and referenced 5157-2-1 (revision D), including separate entry only and exit only accesses.</p> <p>(b) Road access works comprising:</p> <ul style="list-style-type: none"> • Basic Right-Turn (BAR) / Basic Left-Turn (BAL) access configuration • sealed shoulder widening on both approaches • "Entry Only" and "Exit Only" signage on both sides of the entry and exit points within the site • directional arrow pavement markings within the site <p>must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with Road Planning and Design Manual, 2nd Edition.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to submitting the Plan of Survey to the local government for approval.</p>
4.	Direct access is not permitted between the Leichhardt Highway (Bowen Street) and proposed Lot 1.	At all times
5.	A two (2) metre wide concrete footpath must be provided for the full frontage of the site to the Leichhardt Highway (Bowen Street). The footpath must connect to the existing path running along the southern side of Charles Street and incorporate provision of a kerb ramp at the intersection of the Leichhardt Highway and Charles Street.	Prior to submitting the Plan of Survey to the local government for approval

Attachment 2 - Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.5. If a word remains undefined it has its ordinary meaning.
2.	The existing section 62 approval is only suitable for the previously approved 'unmanned service station' use and that any use of the site which is inconsistent with this previous approval is not permitted and will require an amended or new section 62 approval to be issued.
	Under section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads' on FitzroyDistrict@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads' as soon as possible to ensure that gaining approval does not delay construction.

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:

- To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards;
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor;
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road;
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road;
- To ensure 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 where not required; and
- To ensure pathways are planned and designed to ensure that pedestrian traffic seeking to access to the proposed development can do so safely.

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; and
- State Planning Policy mapping system.

Attachment 4 - Change representation provisions

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Attachment 5 - Approved plans and specifications

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Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

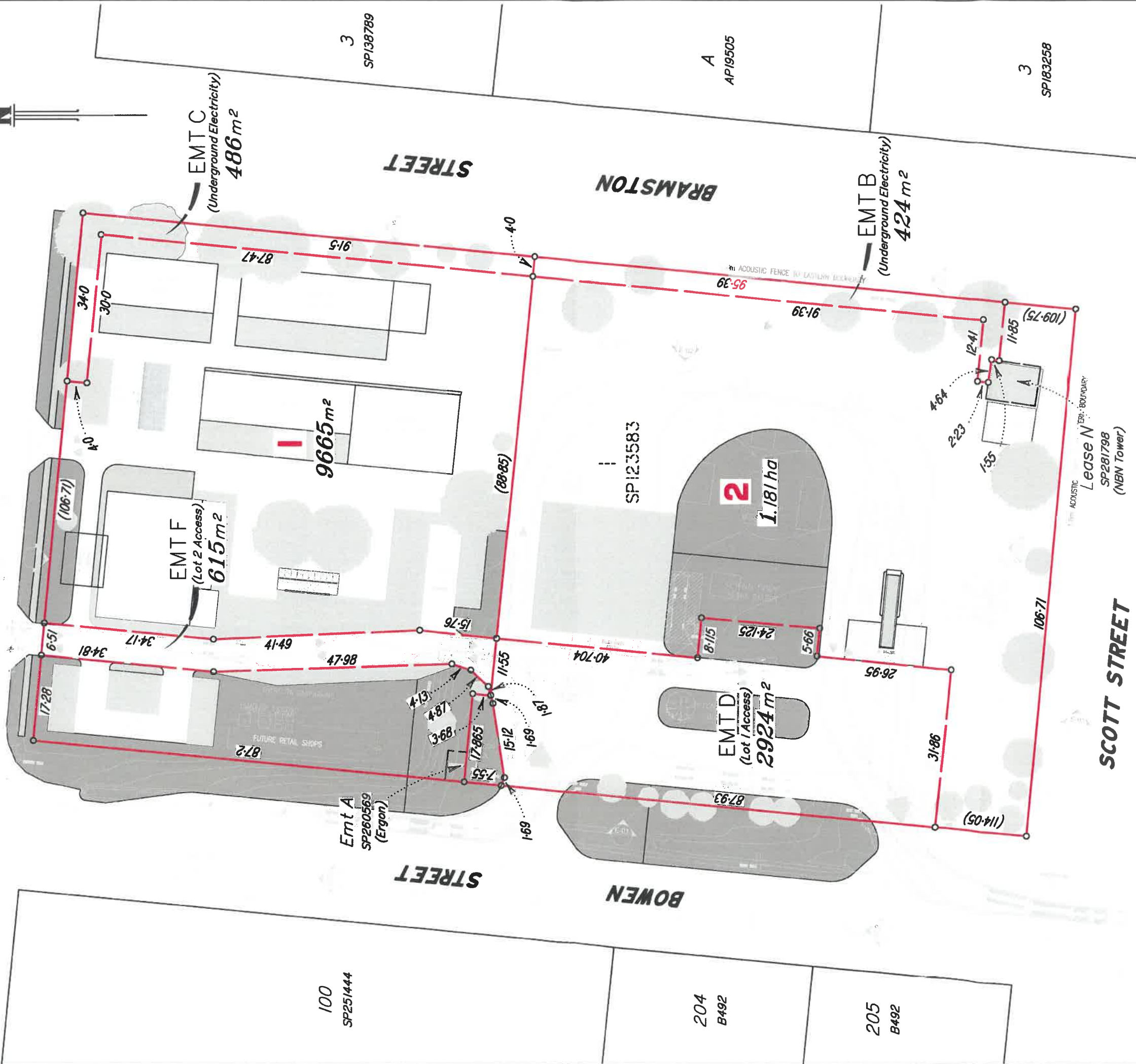
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 1912-14675 SRA

Date: 24 January 2020

4
SP136788

CHARLES STREET



NOTES:
 -BOUNDARY TO PLOT ACCURACY ONLY.
 -DIMENSIONS & AREAS SHOWN AND ARE SUBJECT TO SURVEY.



SCALE 1:750 (A3)
145 B498

THIS PLAN HAS BEEN PREPARED TO CLIENT SPECIFICATIONS AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE WITHOUT CONFIRMING THAT THE DATA IS FIT FOR THE INTENDED USE BY CONTACTING FREDRIKSEN MACLEAN & ASSOCIATES

FREDRIKSEN MACLEAN & ASSOCIATES
CONSULTING SURVEYORS

GLADSTONE, BILOELA & MOURA
 HEAD OFFICE
 9 DREWE STREET
 PH (07)49725677
 P.O. BOX 1245
 EMAIL: mail@fredmac.com.au



PROPERTY DESC.	LOT 1 ON SP123583
LOCALITY	BANANA REGIONAL COUNCIL
LOCAL AUTHORITY	A-HDD
LEVEL DATUM	PM3986 RL 156-807
HORIZONTAL DATUM	MGA94 ZONE 56 PLANAR (ABT PM3986)
MERIDIAN	MGA WIDE GNSS
HORIZONTAL ORIGIN	PM3986 E: 209038-311 N: 7290624-307

SCALE 1:750/A3

SURVEYED	LJM
F. BOOKS	13/11/19 NEW EMTS ADDED
DRAFTED	LJM
CHECKED	ASM
APPROVED	ASM

CLIENT	BANANA HM PTY LTD
TITLE	PROPOSAL PLAN LOT RE-CONFIGURATION
PROJECT	BANANA TRUCK STOP

SHEET 1 OF 1 SHEETS	5157-2-1
DRAWING NUMBER	2-1
REVISION	D

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—

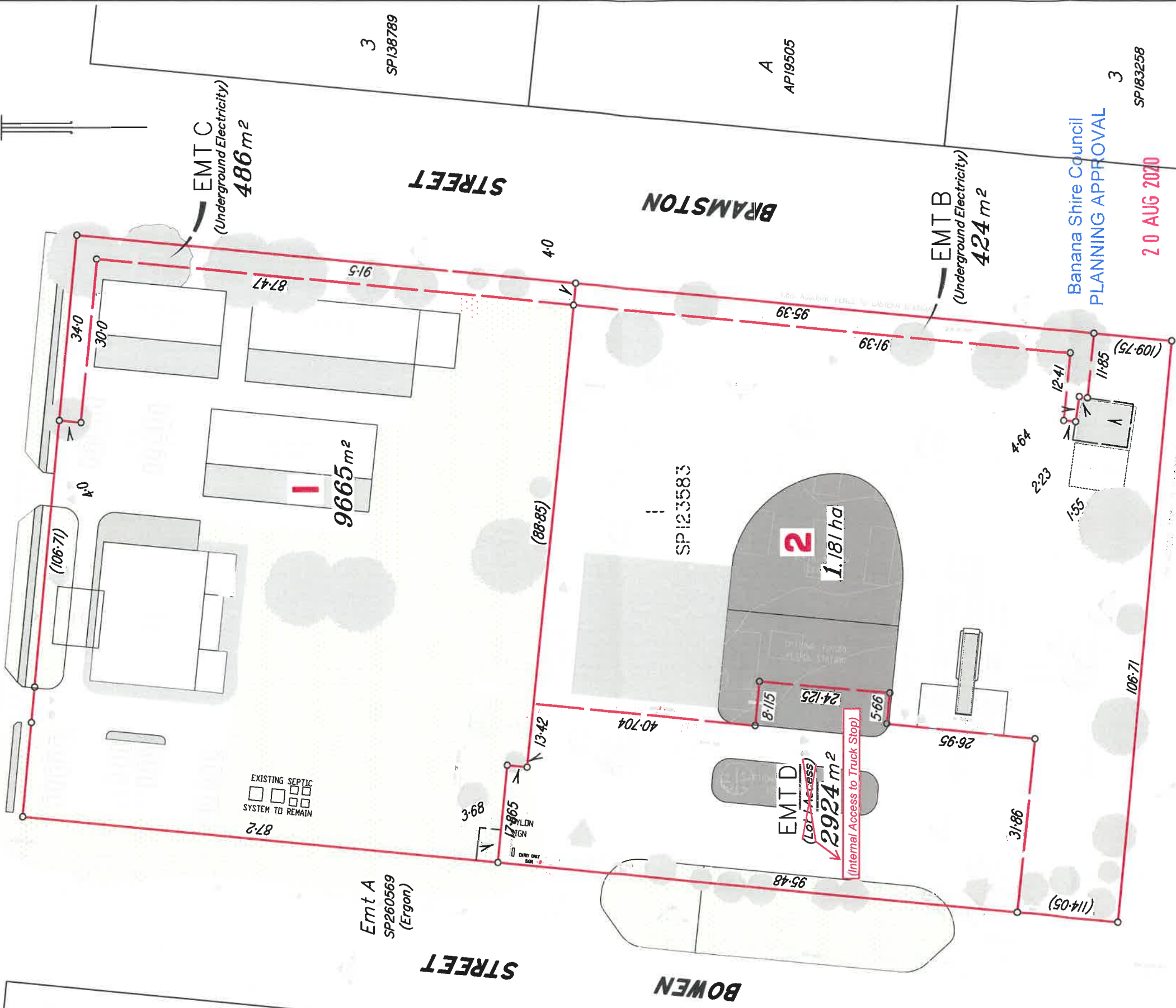
(i) the establishment cost of trunk infrastructure identified in a LGIP; or

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

Attachment 3
Approved Drawings

4
SP136788

CHARLES STREET



EXISTING SEPTIC SYSTEM TO REMAIN

Emt A
SP260569
(Ergon)

100
SP251444

204
B492

205
B492

3
SP138789

A
AP19505

BOWEN STREET

STREET

BRAMSTON STREET

SP123583

2
1.181 ha

EMTD
(Lot Access)
2924 m²
(Internal Access to Truck Stop)

EMTB
(Underground Electricity)
424 m²

EMTC
(Underground Electricity)
486 m²

9665 m²

Banana Shire Council
PLANNING APPROVAL
20 AUG 2020

3
SP183258

Lease N
SP281798
(NBN Tower)

SCOTT STREET

RALOOS-19100

NOTES:
- BOUNDARY TO PLOT ACCURACY ONLY.
- DIMENSIONS & AREAS SHOWN AND ARE SUBJECT TO SURVEY.



SCALE 1:750 (A3)

145

B498

FREDRIKSEN MACLEAN & ASSOCIATES
CONSULTING SURVEYORS

GLADSTONE, BILOELA & MOURA
HEAD OFFICE
9 DREWE STREET
P.O. BOX 1245
EMAIL: mail@fredmac.com.au

PROPERTY DESC.	LOT 1 ON SP123583
LOCALITY	BANANA REGIONAL COUNCIL
LOCAL AUTHORITY	BANANA REGIONAL COUNCIL
LEVEL DATUM	AHD
LEVEL ORIGIN	PM3986 RL 156-807
HORIZONTAL DATUM	MGA94 ZONE 56 PLANAR (ABT PM3986)
MERIDIAN	MGA VIDE GNSS
HORIZONTAL ORIGIN	PM3986
	E: 209038.311 N: 7290624.307

SCALE 1:750/A3

33/8/20	Lot 1 FEATURES AND	ASM
31/1/20	SEPTIC SYSTEM AMEND	ASM
13/11/19	NEW EMTS ADDED	LJM
1/02/18	BACKGROUND	ASM
30/01/18	ISSUE	LJM
	DATE	DETAILS
		AMENDMENTS

CLIENT

BANANA HM PTY LTD

SHEET 1 OF 1 SHEETS
DRAWING NUMBER

PROPOSAL PLAN
LOT RE-CONFIGURATION

5157-
2-1

BANANA TRUCK STOP

REVISION

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THIS PLAN HAS BEEN PREPARED TO CLIENT SPECIFICATIONS AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE WITHOUT CONFIRMING THAT THE DATA IS FIT FOR THE INTENDED USE BY CONTACTING FREDRIKSEN MACLEAN & ASSOCIATES

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:	Banana HM Pty Ltd	File Number:	RAL005-19/20
Address:	12-20 Bowen Street, Banana QLD	Date of Issue:	18 August 2020
LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES			
Planning Scheme:	Banana Planning Scheme 2005		
RPD:	Lot 1 on SP123583		
DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES			
The adopted infrastructure charge applies to the following development type:			
Reconfiguration of a Lot – Subdivision of 1 lot into 2 lots			
AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE			
The adopted infrastructure charge has been calculated in accordance with an adopted infrastructure charge under the <i>Planning Act 2016</i> .			
Commercial / Business			
Development Type	Units Payable	Current Unit Charge	Charge
Water	1	\$2705.96 (including PPI)	\$2705.96
Parks	1	\$2754.67 (including PPI)	\$2754.67
Total Infrastructure Charges:			\$5460.63

ADJUSTMENTS TO THE CHARGE

The charge rates included in this notice are valid until **30 June 2021** after which they will be subject to index adjustment. Please contact Banana Shire Council's Development & Environmental Services Department – Planning Section prior to payment for a review or reissue of this notice if applicable.

DUE DATE FOR PAYMENT

Charges are payable as follows:

- (a) if the charge applies to reconfiguring a lot – prior to the signing of the Survey Plan;
- (b) if the charge applies to building work – prior to the issue of a certificate of classification; or
- (c) if the charge applies to a material change of use – before the change of use happens.

PAYMENT DETAILS

Charges are payable to **Banana Shire Council**.

Payment can be made at Council's Chambers:

62 Valentine Plains Road, VALENTINE PLAINS, BILOELA

or by mail with your cheque or money order to **Banana Shire Council, PO Box 412, BILOELA QLD 4715**. Cheques must be made payable to Banana Shire Council and marked 'Not Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

GOODS AND SERVICES TAX

The Federal Government has determined that rates and utility charges levied by local government will be GST free. Accordingly, no GST is included in this infrastructure charges notice.

FAILURE TO PAY CHARGE

An adopted infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the *Local Government Act 2009*. Compound annual interest at 11% calculated daily is to be applied to an overdue charge.

This notice will lapse if the development approval stops having effect.

APPEAL RIGHTS

Attached is an extract from the *Planning Act 2016*, which details the appeal rights in relation to this notice.

Authorised by: _____



Chris Welch

DIRECTOR COUNCIL SERVICES

Chapter 4, Part 4, Division 2, Subdivision 5

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;
 the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a **negotiated notice**) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Schedule 1, Table 1, Item 4

Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—
 - (i) the application of the relevant adopted charge; or*Examples of errors in applying an adopted charge—*
 - the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category', under a regulation, to the development
- (ii) the working out of extra demand, for section 120; or
- (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—