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:

160602/Acres Rural Supplies

Our Reference:

CW: RS: jw: 18-11 (FID85207, MCU001-18/19, 10300-0000-000, ID1420957,

ID1426808)

Contact:

Chris Welch

13 November 2018

Acres Rural Supplies Pty Ltd C/- Rufus Design Group Pty Ltd PO Box 5134 RED HILL ROCKHAMPTON QLD 4701

Dear Sir/Madam

Decision Notice - Approval

(Given under section 63 of the Planning Act 2016)

Application Number:

MCU001-18/19

Description:

Proposed Extension to Existing Bulky Goods Store

Level of Assessment:

Impact Assessable

Site Address:

12 DUNSTAN STREET, BARALABA

Lot & Plan Details:

Lot 1 on SP241813

On 09 November 2018, 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		Ø	

2. Approved Plans

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

Drawing/Report Title	Prepared By	Date
	Rufus Design Group	02-02.2018
Floor Plan	Rufus Design Group	02-08-2018
Elevations 1 & 3	Rufus Design Group	02-02-2018
Elevations 2 & 4	Rufus Design Group	02-02-2018

3. Further Development Permits

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

Building Works

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

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

5. Submissions

There were no properly made submissions about the application.

6. 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 (DSDMIP) - State		4, Subdivision 2, Table 4	RockhamptonSAR A@dsdmip.qld.gov. au
Assessment Referral Agency (SARA)			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 (1)(a) (ii) of the *Planning Act 2016*.

8. Statement of Reasons

Description of the	The approved development is for Metarial Observer CII.				
Description of the					
development Assessment					
Benchmarks	The approved development was assessed against the following benchmarks:				
Dencimarks	Village Zone Code				
	Development Standards Code				
	Commercial Code				
	Economic Resources Overlay Code – Agricultural Land Class				
	Overlay				
	Natural Disaster Overlay Code – Bushfire Prone Land Overlay				
Reasons for	Village Zone Code				
Decision	Development Standards Code				
	Commercial Code				
	Economic Resources Overlay Code – Agricultural Land Class				
	Overlay				
	Natural Disaster Overlay Code – Bushfire Prone Land				
	Overlay				
	Development Standards Code				
	The development complies or is able to be made to comply				
	with all Acceptable Outcomes of the Development Standards				
	Code through conditions of approval, which are reflected in				
	this decision notice relating to stormwater discharge. The				
	status quo with respect to the provision of services and access				
	to the site will be maintained.				
	Commercial Code				
	The proposal simply relates to providing a covered area for the				
	storing of bulky goods ancillary to an existing lawful use. The				
	storage of bulky goods is already occurring within the				
	development area and on this basis, it is deemed the development will not compromise the amenity or safety of the				
	surrounding area, or prejudice consistent development from				
	occurring on adjoining land.				
	Economic Resources Overlay Code – Agricultural Land				
	Class Overlay				
	The approved development complies with the overall				
	outcomes and performance outcomes of the Code, although				
	many are not deemed relevant. The reason being that it is				
	reasonable to suggest that the land is not 'productive				
	agricultural land, being the land sought to be protected by the				
	Code.				
	Economic Resources Overlay Code – Agricultural Land				
	Class Overlay				
	The approved development complies with the overall				
	outcomes and performance outcomes of the Code, although				
	many are not deemed relevant. The reason being that it is				
	reasonable to suggest that the land is not 'productive				
TE THE THE REAL PROPERTY.	agricultural land, being the land sought to be protected by the				
	Code.				

Matters Prescribed by a Regulation

- The Central Queensland Regional Plan 2013, to the extent the Regional Plan is not identified in the Planning Scheme as being appropriately reflected in the Planning Scheme.
- The State Planning Policy (SPP) July 2017, to the extent the SPP is not identified in the Planning Scheme as being appropriately reflected in the planning scheme;
- Any development approval for, and any lawful use of, the premises or adjacent premises; and
- The common material

9. Appeal rights

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

Appeal by an applicant

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

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

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

Appeal by a submitter

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

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

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

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

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.

Compliance with all of the conditions of this Development Approval prior to the commencement of the use, is required by law, unless otherwise stated within this Decision Notice, and maintain compliance for the duration of the approved use.

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 MCU001-18/19.

Yours Sincerely

Chris Welch

MANAGER ENVIRONMENT & PLANNING

CC All Referral Agencies (both advice and concurrence)

State Assessment and Referral Agency (SARA) rockhamptonSARA@dilgp.gld.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 SARA

Attachment 2 – Appeal Rights

Attachment 3 – Approved Drawings

MCU001-18/19 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

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

Drawing Title	Prepared	Ву	Date	Reference No.	Revision
Site Plan	Rufus I	Design	02-02-2018		-
	Group				
Floor Plan	Rufus I	Design	02-02-2018	02 of 07	-
	Group				
Elevations 1 &	Rufus [Design	02-08-2018	03 of 07	-
3	Group				
Elevations 2 &	Rufus [Design	02-02-2018	04 of 07	-
4	Group				

- 2. Comply with all 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 works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.
- **5.** The following further Development Permits must be obtained prior to commencement of any works associated with their purposes:
 - (a) Building Work; and
 - (b) Plumbing and Drainage Work

Approved Use

6. The approved use is *Shop* (Extension to Bulky Goods Store). The area shown on the approved site plan as 'Proposed Covered Outdoor Storage Area & Drive-Through' must only be used for that purpose, ancillary to the *Shop* use.

Building Work

- 7. The applicant must obtain a development permit for building work associated with the new work approved by this development approval.
- 8. All site lighting, including roadway and pathway lighting, is to be designed to ensure that no nuisance is caused to adjoining or adjacent premises and to road users.

Plumbing and Drainage Works

- 9. All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 10. Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

Stormwater Works

11. Stormwater from the site (including roof water) must be collected within the property boundaries and discharged via an underground system to Council's stormwater network. The stormwater discharge point/s is a minimum of one (1) new kerb adaptor in the kerb and channel of Mimosa Street.

Erosion Control and Stormwater Management

- 12. An Erosion and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the Capricorn Municipal Development Guidelines, must be:
 - a. Implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example: turfed, hydro mulched, concreted, landscaped); and
 - b. Available on-site for inspection by Council Officers whilst all works are being carried out.

Operation Procedures

- 13. All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors vehicles must not occur in the road reserve.
- 14. All waste must be stored within a waste storage area (for example: general waste, recycle waste, pallets, empty drums etcetera). The applicant/developer must ensure that:
 - a. The area is kept in a clean and tidy condition;
 - b. Fences and screens are maintained:
 - c. No waste material is stored external to the waste storage area/s;
 - d. The area is maintained in accordance with *Environmental Protection Regulation 2008*.

Environmental Health

- 15. Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".
- **16.** Noise emitted from the activity must not cause environmental nuisance.
- 17. Operation on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to emission of light, noise or dust.
- 18. No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera.

Road work and access

- 19. Contact is to be made with "Dial Before you Dig" before construction of any of the work commences in order to determine the location of any underground services adjoining the premises. Any damage to any services is to be repaired at no cost to Council.
- **20.** Any damage to the existing road surface, services or furniture because of construction is to be repaired to the pre-existing condition or better condition at no cost to Council.
- 21. All car parking areas and access driveways must always be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition.
- **22.** The development must ensure that all service vehicles can enter and exist the site in a forward gear.

Landscaping

- 23. A one (1) metre wide landscape area must be provided, maintained and retained internally along the development site's frontage where the 'Proposed Covered Outdoor Storage Area & Driveway-Through' is located, except where vehicle access is required.
- 24. The landscape area must predominantly contain plant species that are native to the Central Queensland region due to their low dependency on water.
- 25. The landscaped area must be subject to:
 - A watering and maintenance plan during the establishment phase;
 and
 - b. An ongoing maintenance and replanting programme.

MCU001-18/19 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.** In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- C. The applicant and or owner/s of the land and the person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development.
- D. Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- E. All damage incurred to existing roads, footpaths, services or street furniture as a result of the proposed development shall be repaired within a reasonable period at the developer's expense.

Cultural Heritage

F. 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.

Environment

G. 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.

- **H.** It is an offence under the *Environmental Protection Act 1994* to cause environmental nuisance. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.
- I. The development is required to comply with the applicable requirements of:

the Environmental Protection (Air) Policy 2008

the Environmental Protection (Noise) Policy 2008

the Environmental Protection (Water) Policy 2009

- J. All reasonable precautions must be taken to avoid or minimise nuisance to adjacent premises or other property during construction work on the site, to the satisfaction of Council. Such precautions are to be discussed and agreed to by Council prior to construction commencing and will form part of the Construction Site Management Plan.
- **K.** 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*.
- L. In carrying out the activity, 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.

Stormwater

- **M.** It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud and other such contaminants to a stormwater drain, roadside gutter or a water course.
- N. During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected by upslope surface water diversion, downslope sediment fencing and/or temporary surface coverings.
- O. Building and construction materials and waste, including bitumen, brick, cement, concrete and plaster, are prescribed water contaminants and as such must not be stored or disposed of in a water course, stormwater drain, roadside gutter or where they may be expected to wash into such places.
- **P.** It is an offence under the *Environmental Protection Act 1994* to discharge oils, chemicals, cement or concrete, paint, thinner, degreaser, rubbish and other such contaminants to a stormwater drain, roadside gutter or a water course.
- Q. Concrete, paint or thinner waste must not be washed out near a drain, gutter or anywhere waste could end up in a water course – appropriate containment and disposal should be used rather than discharging to the ground.

Waste

- R. It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- **S.** All waste to be removed from site should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.
- T. Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- **U.** It is an offence under the *Environmental Protection Regulation 2008* to fail to comply with signage or directions at a waste facility.
- V. Council will not enter onto private property to service wheelie bins, any bins to be serviced by Council will be required to be placed at the kerbside for collection.

MCU001-18/19 Attachment 1

Part C - Conditions No Requirements by the Department of State Development, Manufacturing, Infrastructure and Planning



Department of
State Development,
Manufacturing,
Infrastructure and Planning

Our reference: Your reference: 1808-6866 SRA MCU001-18/19

13 September 2018

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

Attention:

Chris Welch

Dear Sir,

Referral agency response—no requirements

(Given under section 56 of the Planning Act 2016)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 17 August 2018.

Applicant details

Applicant name:

Acres Rural Supplies Pty Ltd

C/- Rufus Design Group Pty Ltd

Applicant contact details:

PO Box 5134

Red Hill Rockhampton QLD 4701 mailbox@rufusdesigngroup.com

Location details

Street address:

12 Dunstan Street, Baralaba

Real property description:

Lot 1 on SP241813

Local government area:

Banana Shire Council

Application details

Development permit

Material change of use for extension to existing bulky goods store

Referral triggers

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

• 10.9.4.2.4.1

State transport corridors and future State transport corridors

No requirements

Under section 56(1)(a) of the *Planning Act 2016*, the department advises it has no requirements relating to the application.

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

For further information please contact Haidar Etemadi, Planning Officer, on 4924 2915 or via email RockhamptonSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Anthony Walsh

CC

A/Director Planning Northern

Rufus Design Group Pty Ltd, mailbox@rufusdesigngroup.com

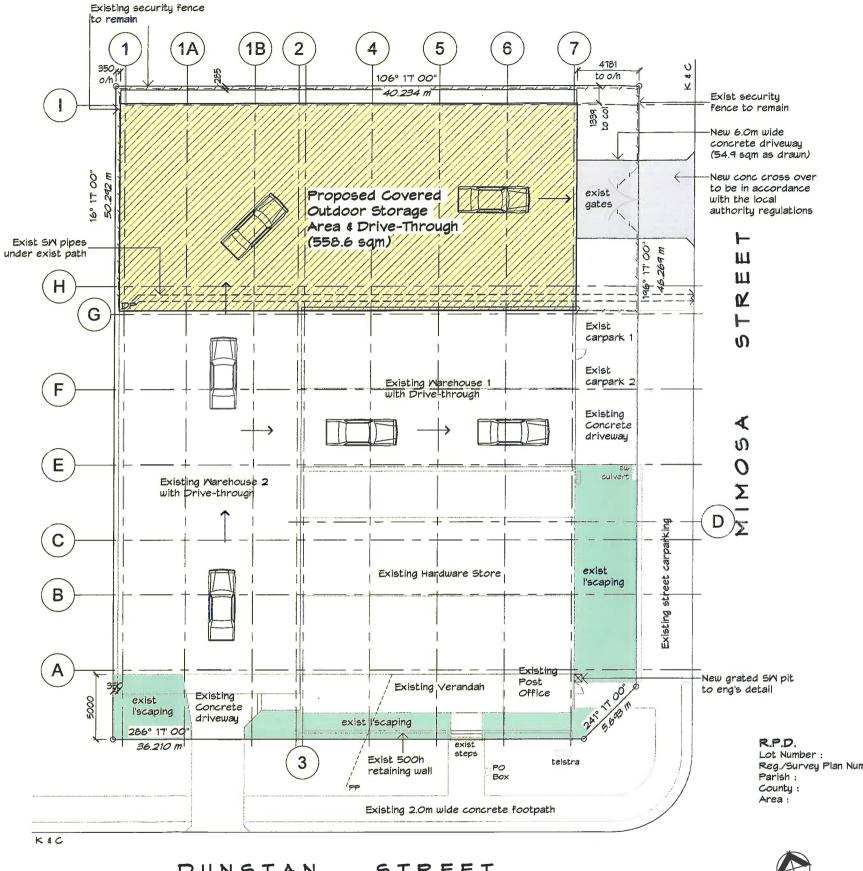
Attachment 2 Planning Act 2016 Extract on Appeal Rights

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



Site Analysis

Existing Floor Area = 1041.9 sqm Proposed Floor Area = 558.6 sam Total Building Footprint Area = 1600.5 sam Total Site Coverage Total Landscaped Area Required = 604.5 sqm Total Landscaped Area Provided = 160.2 sqm Total Site Area = 2015 sam

Car Parking

Car parking spaces required = 24 = 30 Total car spaces provided

Driveways

Existing concrete driveway area = 81.9 sqm New concrete driveway area = 28.7 sam = 110.6 sqm Total driveway area

NOT FOR CONSTRUCTION

Banana Shire County AL PLANNING APPROVAL 0 9 NOV 2018



SP24181 Reg./Survey Plan Number Benleith Ferguson 2015 sqm

DUNSTAN STREET

Site Plan

PROPOSED EXTENSIONS REVISIONS FOR ACRES RURAL SUPPLIES AT 12 DUNSTAN STREET BARALABA

this drawing Site Plan



BUILDING DESIGNERS ASSOC. OF QLD INC.

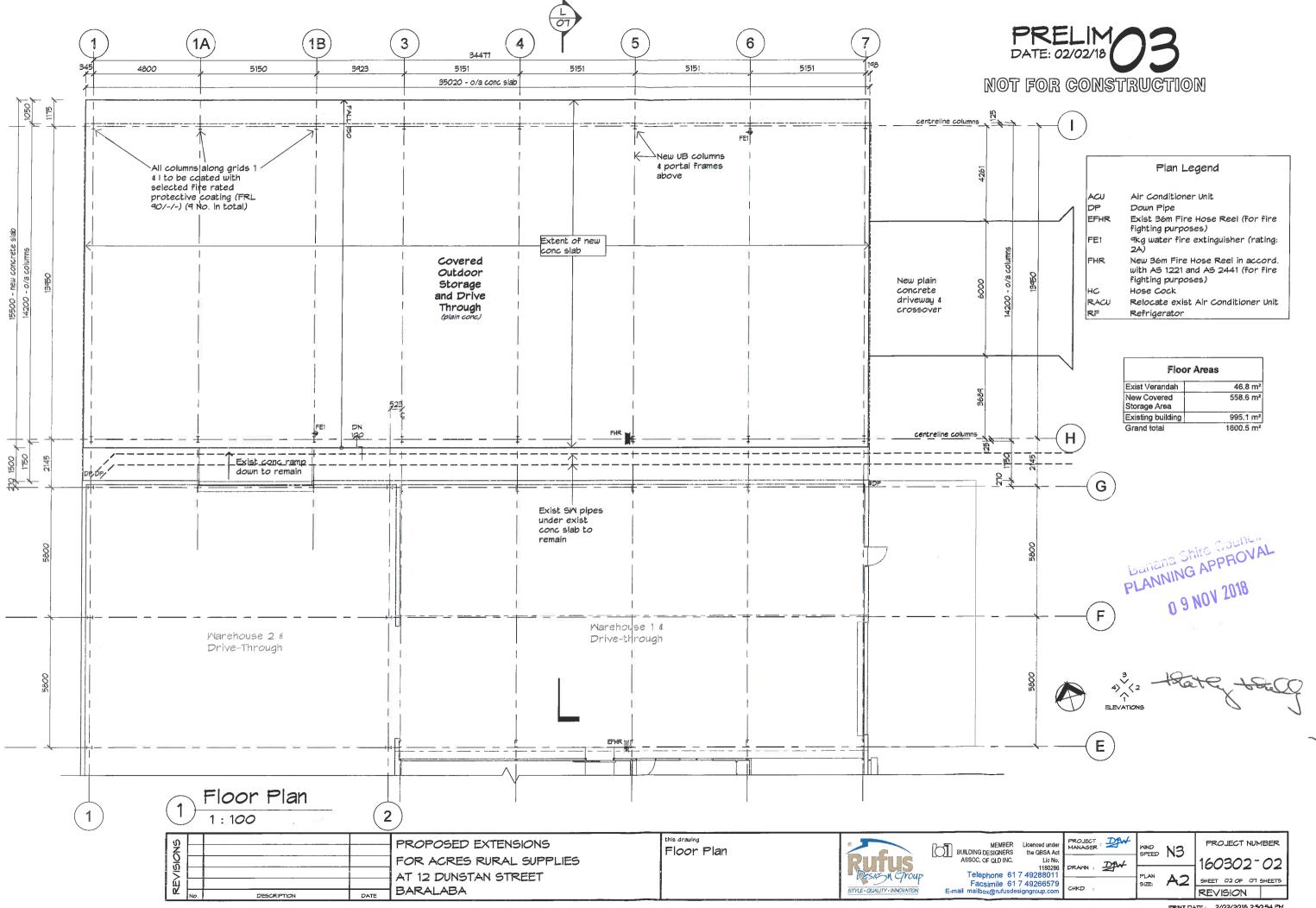
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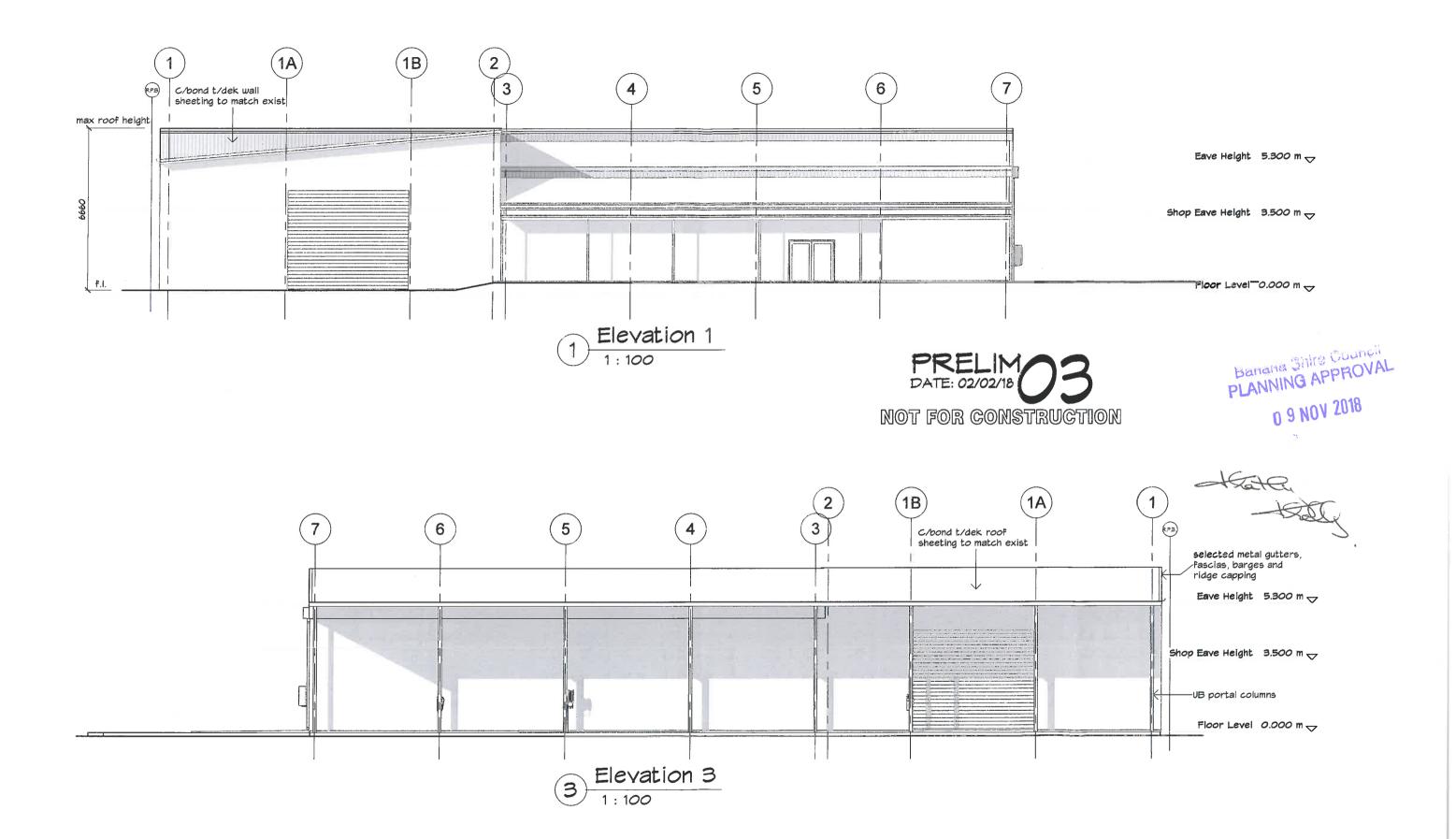
Telephone 61 7 49288011

Licenced under the QBSA Act Facsimile 61 7 49266579
E-mail mailbox@rufusdesigngroup.com

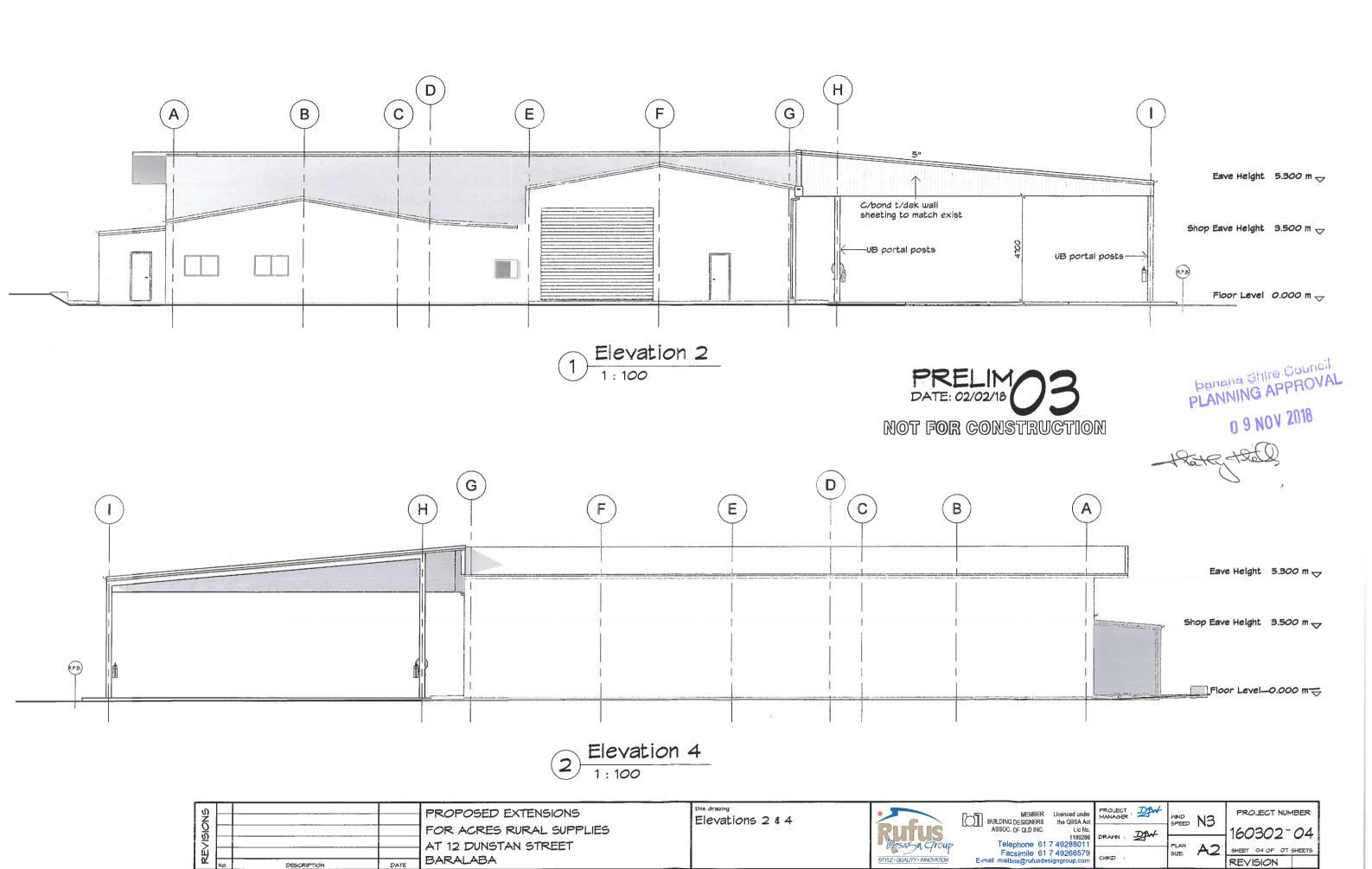
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PROJECT NUMBER 1*60302-0*1 SHEET OF OF SHEETS REVISION





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L	No.	DESCR!PTION	DATE	BARALABA		STYLE • QUALITY • INNOVATION	E-mail mailbox@rufusdesigngroup.com			REVISION



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