

**Your Reference:**

**Our Reference:** RR: jw: 19-04 (FID85606, MCU006-18/19, 10486-00000-000, ID1462417, ID1472686)

**Contact:** Rentia Robertson

29 April 2019

Stephen Smith  
Po Box 94  
BILOELA QLD 4715

Dear Stephen

**Decision Notice – Approval**

*(Given under section 63 of the Planning Act 2016)*

**Application Number:** MCU006-18/19  
**Description:** Material Change of Use (Code Assessable) - Storage Shed  
**Level of Assessment:** Code Assessable  
**Site Address:** 115 KARIBOE STREET, BILOELA  
**Lot & Plan Details:** Lot 9 on B74420

On 26 April 2019, under delegated authority, the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

**1. Details of Approval**

The following approval is given:

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

**2. Approved Plans**

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

Plan/Document No	Plan/Document Name	Date
	Kariboe Street Boundary	Received 28/02/2019
BIL001-5711	General Arrangement by Ranbuild	Received 28/02/2019
	3D Elevations of Storage Shed	Received 28/02/2019
	West and East Elevations	Received 28/02/2019

### 3. Further Development Permits

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

- 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. Currency Period for the Approval

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

### 7. Statement of Reasons

<b>Description of the development</b>	Extension to Low Impact Industry and Boundary dispensation
<b>Assessment Benchmarks</b>	<u>Town Zone Code</u> Performance Outcome PO6– Building Setbacks The setback of buildings and structures is compatible with the character of the area and does not adversely affect the amenity of the area through the development addressing:: (1) the existing or proposed future development in the area; (2) the distance between any constructed road and the proposed building; (3) the distance between any existing buildings on other sites and the proposed building; (4) the location of any existing vegetation which would buffer the proposed building; (5) any constraints to development

<b>Reasons for Decision</b>	The existing building established a reduced setback, and therefore the location and orientation of the proposed building is set to follow this reduced setback, encroaching onto Belousoff Lane. The distance from Belousoff Lane, the proposed building and the existing building is the same. The scale of the proposed building is similar in appearance and height to the existing building and is considered to be compatible with the character of the area. The requested dispensation will allow the proposed shed to be constructed without impacting on the amenity of the area.
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## 8. Appeal rights

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

### Appeal by an applicant

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

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

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

### Appeal by a submitter

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

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

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

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

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

The appeal database is available at

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

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services section on (07) 4992 9500, quoting you application number of MCU006-18/19.

Yours Sincerely



Chris Welch

**MANAGER ENVIRONMENT & PLANNING**

Enc    Attachment 1 – Part A Conditions imposed by the Assessment Manager  
Attachment 1 – Part B Assessment Manager Notes  
Attachment 2 – Appeal Rights  
Attachment 3 – Approved Drawings  
Attachment 4 – Infrastructure Charges  
Attachment 5 – Environmental Obligations

# **MCU006-18/19 Attachment 1**

*Part A - Conditions imposed by the Assessment Manager*

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# Attachment 1

## Conditions of Approval

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

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#### **General**

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

<b>Plan/Document number</b>	<b>Plan/Document name</b>	<b>Date</b>
	Kariboe Street Boundary	Received 28/0/2019
BIL001-5711	General Arrangement by Ranbuild	Received 28/2/2019
	3D Elevations of storage shed	Received 28/2/2019
	West and East Elevation	Received 28/2/2019

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.

#### **Hours of Operation**

5. The hours of operation shall be confined to the hours between 8.30am and 5pm Monday to Friday.

#### **Building works**

6. The applicant shall obtain a development permit for building work associated with the demolition/new work associated with the approval.
7. All plant and equipment including compressors, air conditioners and the like are to be housed and screened to ensure that no harm or nuisance is caused to the neighbouring residential use.

### **Light**

8. 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 lightning, to ensure that no nuisance is caused to adjoining or adjacent premises and to road users.

### **Public Infrastructure**

9. 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.
10. Any damage to the existing road surface, services or furniture as a result of construction work is to be repaired to the pre-existing condition or better condition at no cost to Council.

### **Water and Sewerage Infrastructure**

11. The owners are responsible for maintenance of the private sewer lines within the site. Council's responsibility ends at the inspection opening close to the boundary.
12. Construction works in the vicinity of Council's water or sewerage infrastructure must not adversely affect the integrity of that infrastructure. Any work associated with the repair, replacement or alteration to the infrastructure is to be completed at no cost to Council.

### **Stormwater**

13. All stormwater collected from the site including roof water is to
  - (a) Manage stormwater without adversely affecting upstream or downstream premises;
  - (b) direct stormwater to one or more legal points of discharge (includes rainwater tanks) or to downstream properties, subject to the consent of the affected landowners;

### **Stormwater Drainage**

14. Ponding of stormwater resulting from the development must not occur on adjacent properties.
15. 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, subject to the consent of the affected landowners.

16. 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.
- Contaminated water must not be directly or indirectly released from the premises onto the ground or into the groundwater.
  - Releases to stormwater must not contain any visible evidence of oil/grease, scum or litter.

### **Waste Management**

17. Waste must not be burned at the premises. All waste is to be appropriately contained on-site until removal. Waste must be regularly removed to an approved waste disposal facility by an approved transporter.

### **Driveway crossover**

18. Prior to occupation of the new building, the driveway cross over where the loading and unloading occurs in Belousoff Lane is to be sealed with concrete from the property boundary to the existing road seal. This is to be maintained for the duration of the approved use and to the satisfaction of Council.

### **Loading and un-loading**

19. The loading and off-loading of vehicles and trucks are to be confined to the designated sealed area in front of the storage shed. A maximum of 20 minutes for loading and unloading is permitted.
20. The storage of goods and materials associated with the use must be within the property boundary. Goods must not be located or visible from Belousoff Lane.

### **Infrastructure Contributions**

21. Refer to the Adopted Infrastructure Charges Notice associated with this Development Permit for details of Infrastructure Contributions. These contributions required by the Adopted Infrastructure Charges Notice must be paid prior to the commencement of use.



# **MCU006-18/19 Attachment 1**

*Part B – Assessment Manager Notes*

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### **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** The applicant and or owner/s of the land and the person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development.
- D** Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- E** Please note the advice surrounding the applicants 'Environmental Obligations' contained in an attachment to the Decision Notice.
- F** Building works are to comply with the *Building Act 1975*, the Building Code of Australia and other relevant authorities.
- G** 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.
- H** Where further development is proposed it is the applicant's / developer's responsibility to ensure further approvals are sought as required by the Banana Planning Scheme.

### **Noise**

- A** Where a complaint has been received by Council about an environmental nuisance caused by noise emissions from the site, the operator of this activity must implement noise mitigation measures to address the complaint, as directed by Council. Such mitigation measures may include acoustic barriers, or limiting operations during sensitive times.

### **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** The applicant/developer is responsible for ensuring that all declared plants are treated as required by the provisions of the Land Protection (Pest and Stock Route Management) Act 2002.

## **Attachment 2**

### **Planning Act 2016 Extract on Appeal Rights**

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#### **Part 1 Appeal rights**

##### 229 Appeals to tribunal or P&E Court

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

**Attachment 3**  
**Approved Drawings**

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KARIDOE STREET  
BOUNDARY

MCU006-1819

BEAUSCH LANE

BOUNDARY

6m

18m

14.85m

Existing Building

9m

9.5m

Proposed Building

3.2m

6m

**APPROVED**

By Chris Welch at 12:54 pm, Apr 26, 2019

~~Chris Welch~~ DWL



Copyright 2019  
Lysaght Building  
Solutions Pty Ltd  
trading as RANBUILD

**CLADDING**

ITEM	PROFILE (min)	FINISH	COLOUR
ROOF	TRIMDEK 0.42 BMT	ZL	ZL
WALLS	TRIMDEK 0.35 BMT	ZL	ZL
CORNERS		ZL	ZL
BARGE		ZL	ZL
GUTTER	EMLINE	ZL	ZL
DOWNPIPE	90x80	PV	WT

0.35bmt=0.40tct; 0.42bmt=0.47tct; 0.48bmt=0.53tct

**ACCESSORY SCHEDULE & LEGEND**

QTY	MARK	DESCRIPTION
1	RD1	1000-Line P.D. Manual "AA", 2825 high x 5000 wide Clear Opening ZL
1	RD2	1000-Line P.D. Manual "A", 2825 high x 3000 wide Clear Opening ZL
1	KAD1	1000-Line P.D. Manual "AA" Access Door Kit, ZL (B6), (No Access Door Kit)

ARCHITECTURAL DRAWING ONLY, NOT FOR CONSTRUCTION USE

**WIND DESIGN**

IMPORTANCE LEVEL	REGION	TERRAIN	M <sub>s</sub>
2	B	3	0.85

CLIENT  
Hollingsworth Frank

SITE  
Biloela  
WOWAN QLD 4702

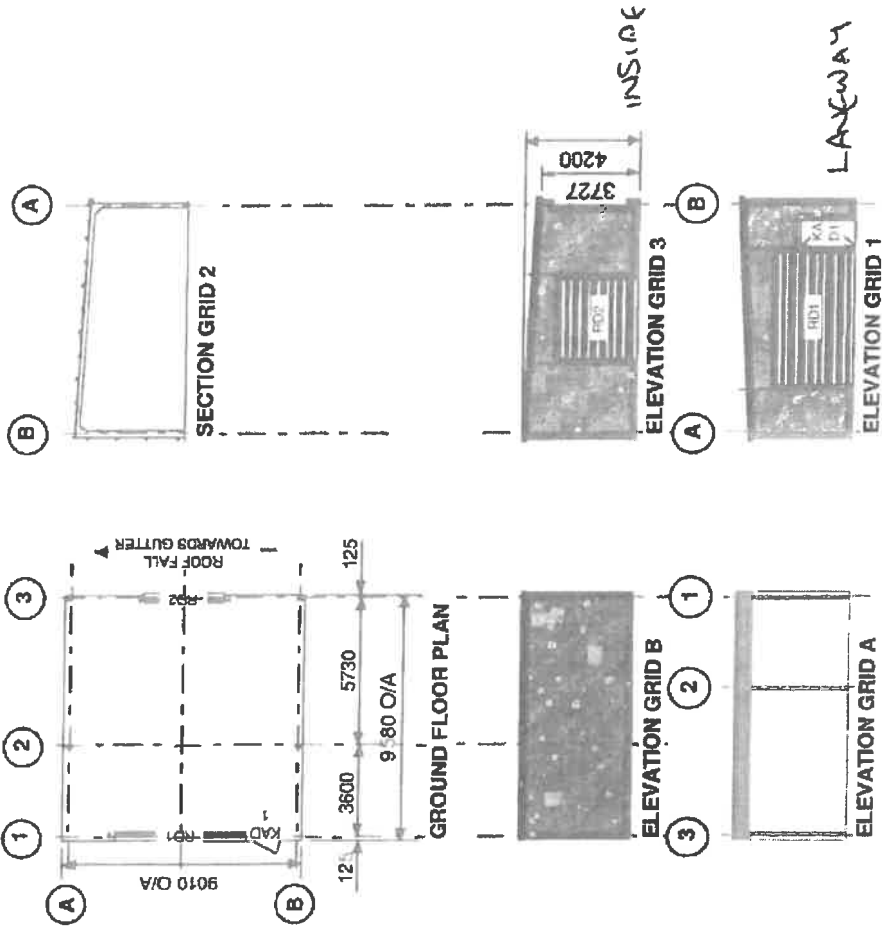
BUILDING  
BIG G SKILLION  
9010 SPAN x 3727/4200 EAVE x 9580 LONG

TITLE  
GENERAL ARRANGEMENT

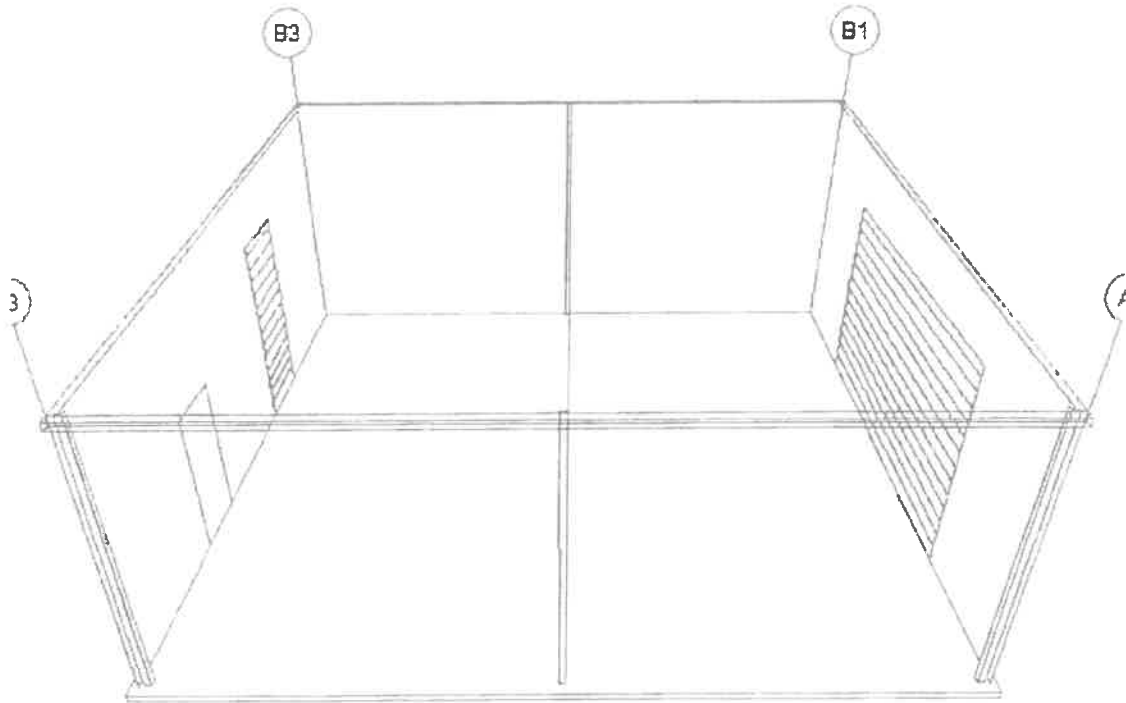
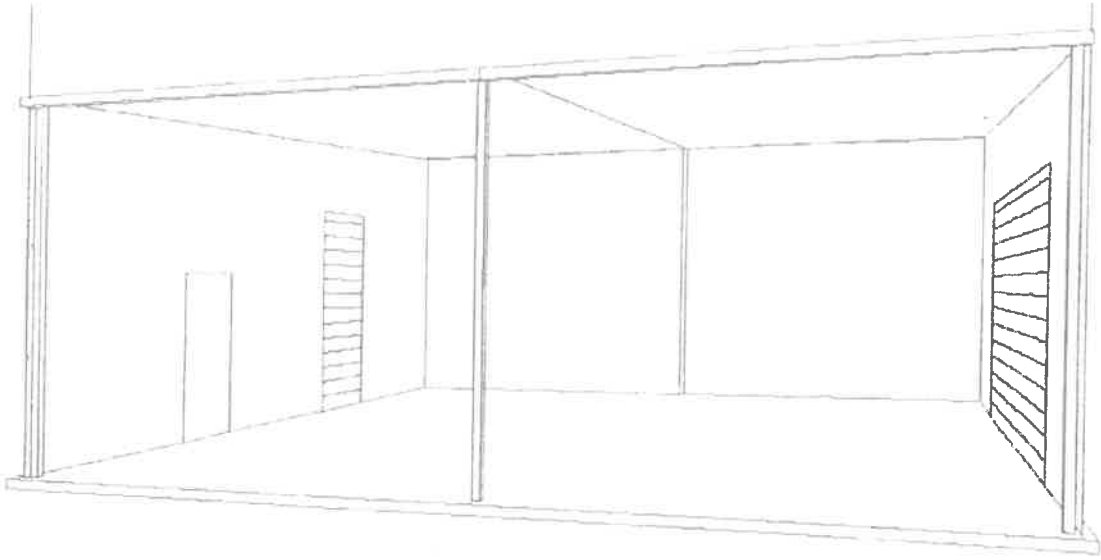
SCALE  
A4 SHEET 1:250

DRAWING NUMBER  
BIL001-5711

PAGE  
1/2

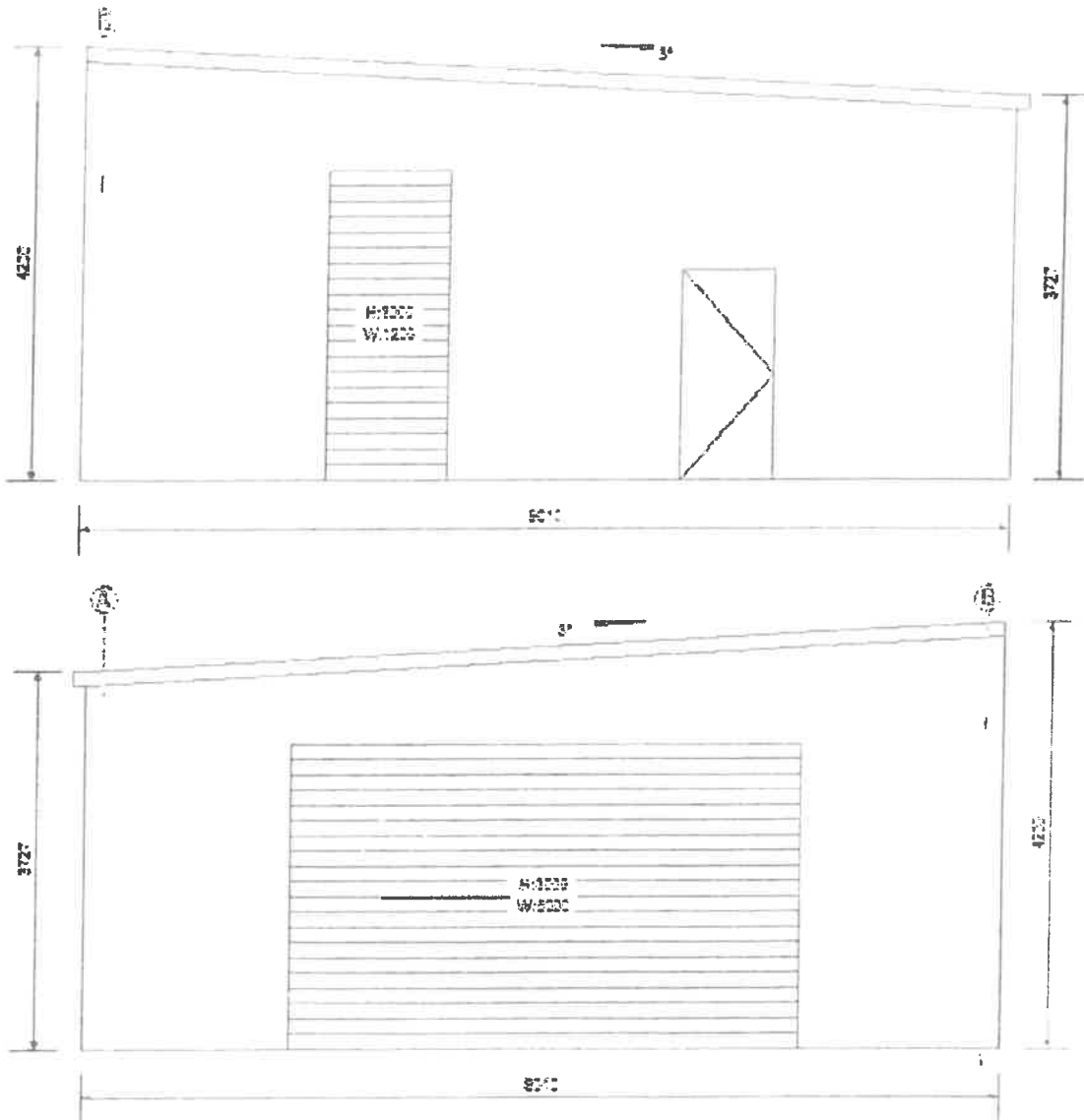


**APPROVED**  
By Chris Welch at 12:54 pm, Apr 26, 2019



**APPROVED**  
By Chris Welch at 12:54 pm, Apr 26, 2019





**APPROVED**  
By Chris Welch at 12:55 pm, Apr 26, 2019

**Attachment 4**  
**Infrastructure Charges**

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## Attachment 4 Infrastructure Charges Notice

<b>ADOPTED INFRASTRUCTURE CHARGES NOTICE</b>			
<i>Planning Act 2016 and Local Government Act 2009</i>			
<b>TO:</b>			
<b>Applicant:</b>	Stephen Smith	<b>File Number:</b>	MCU006-18/19
<b>Address:</b>	115 Kariboe Street, Biloela	<b>Date of Issue:</b>	23 April 2019
<b>LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES</b>			
Planning Scheme:	Banana Shire Planning Scheme 2005		
RPD:	Lot 9 on B74420		
<b>DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES</b>			
The adopted infrastructure charge applies to the following development type:			
Material Change of Use – Storage Shed			
<b>AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE</b>			
The adopted infrastructure charge has been calculated in accordance with an adopted infrastructure charge under the <i>Planning Act 2016</i> .			
<b>Commercial (bulk goods) – Water</b>			
<b>Development Type</b>	<b>Units Payable</b>	<b>Current Unit Charge</b>	<b>Charge</b>
Material Change of Use – Storage Shed	85.5m <sup>2</sup>	\$41.54 Low impact industry	85.25 x \$41.54 = <b>\$3551.69</b>
			<b>Total Infrastructure Charges: \$3 551.69</b>

### ADJUSTMENTS TO THE CHARGE

The charge rates included in this notice are valid until 30 June 2019, 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: \_\_\_\_\_

  
John McDougall

**ACTING DIRECTOR INFRASTRUCTURE SERVICES**

Enquiries regarding this Adopted Infrastructure Charges Notice should be directed to Banana Shire Council's Development & Environmental Services Department - Planning Section on (07) 4992 9500 or by email [enquiries@banana.qld.gov.au](mailto:enquiries@banana.qld.gov.au) and by quoting the relevant development application number.

**Chapter 4, Part 4, Division 2, Subdivision 5**

**124 Application of this subdivision**

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

**125 Representations about infrastructure charges notice**

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

**126 Suspending relevant appeal period**

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

**Schedule 1, Table 1, Item 4**

**Infrastructure charges notices**

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

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

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

**Attachment 5**  
**Environmental Obligations**

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## **Environmental Obligations**

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### **SCHEDULE A – General**

- A1 The *Environmental Protection Act 1994* places a general environmental duty on everyone. Activity that causes or is likely to cause environmental harm must not be carried out unless all reasonable and practicable measures are taken to prevent or minimise the harm. Anyone becoming aware of serious or material environmental harm being caused or threatened by an activity they are involved in, has a duty to report that harm.
- A2 It is an offence under the *Environmental Protection Act 1994* to cause environmental nuisance. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.
- A3 All reasonable precautions must be taken to avoid or minimise nuisance to adjacent premises or other property during construction work on the site, to the satisfaction of Council. Such precautions are to be discussed and agreed to by Council prior to construction commencing and will form part of the Construction Site Management Plan.

### **SCHEDULE B - Noise**

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

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

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

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

### **SCHEDULE C – Air and Light**

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

### **SCHEDULE D – Water and Stormwater**

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



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

#### **SCHEDULE E – Waste Management**

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

#### **SCHEDULE F – Land**

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