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



Your Reference:

Our Reference:

KH: RR: mw 20-12 (FID86948, MCU002-20/21, 14768-10000-000, ID1573439)

Contact:

Rentia Robertson

08 December 2020

Jessica Joy Cochrane 775 Lake Pleasant Road SMOKY CREEK QLD 4702

Dear Sir/Madam

Decision Notice - Approval

(Given under section 63 of the Planning Act 2016)

Application Number:

MCU002-20/21

Description:

Site Address:

Rural Dwelling

Level of Assessment:

Code Assessable 775 LAKE PLEASANT ROAD, GOOVIGEN

Lot & Plan Details:

Lot 145 on RN151

On 07 December 2020, under delegated authority, the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details of Approval

The following approval is given:

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

2. Approved Plans

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

prepared by CQ Sept 2020
7

Page 2 of 10	Existing Floor Plan	Sept 2020
Page 3 of 10	Sub Floor Plan	Sept 2020
Page 4 of 10	Elevations	Sept 2020
Page 5 of 10	Elevation 2	- Sept 2020
Page 7 of 10	Standard Stump Tie Down	Sept 2020
Page 8 of 10	Roof Tie Down Details	Sept 2020
Page 9 of 10	Footing Details	Sept 2020
CQ17672	Effluent Disposal Design	Sept 20
	prepared by CQ Soil Testing	-

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

Description of the	The proposed development is for a Rural Dwelling where	
development	the land is greater than 100 hectares and the persons to	
	be housed is to be engaged in bona fida rural pursuits on	
	the subject land.	
Assessment	Rural Zone Code	
Benchmarks	Development Standards Code	
	House Code	
	Natural Features and Conservation Area Overlay	
	Economic Resources Overlay Code	

Reasons for Decision

Rural Zone Code

The development complies or has been conditioned to comply with all applicable Acceptable Outcomes. Conditions have been imposed in relation to the following:

PO1 in relation to On-site Domestic Wastewater management.

PO2 in relation to amenity.

Development Standards Code

The development complies or has been conditioned to comply with all applicable Acceptable Outcomes. Conditions have been imposed in relation to the following:

PO2 in relation to vehicular access and driveway crossovers.

PO9 in relation to water supply.

PO11 in relation to on-site effluent disposal system.

PO13 in relation to Erosion and Sediment control.

PO20 in relation to Telecommunications.

House Code

The development complies with all applicable Acceptable Outcomes.

Natural Features and Conservation Area Overlay

The development complies or has been conditioned to comply with all applicable Acceptable Outcomes. Conditions have been imposed in relation to the following:

PO2 in relation to potential contaminants.

PO3 in relation to Effluent Disposal.

PO4 in relation to Stormwater Drainage and Runoff.

Economic Resources Overlay Code

The development complies with all applicable Acceptable Outcomes.

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.

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 MCU002-20/21.

Yours Sincerely

Dr Keith Halford

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

MCU002-20/21 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

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

Plan/Document number	Plan/Document name	Date
Page 1 of 10	Site Plan prepared by CQ Building Worx Pty Ltd	Sept 2020
Page 2 of 10	Existing Floor Plan	Sept 2020
Page 3 of 10	Sub Floor Plan	Sept 2020
Page 4 of 10	Elevations	Sept 2020
Page 5 of 10	Elevation 2	Sept 2020
Page 7 of 10	Standard Stump Tie Down	Sept 2020
Page 8 of 10	Roof Tie Down Details	Sept 2020
Page 9 of 10	Footing Details	Sept 2020
CQ17672	Effluent Disposal Design prepared by CQ Soil Testing	Sept 20

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

Approved Use

The approved use of the premises is for Rural dwelling where the persons to be housed in the additional dwelling is engaged in bona fide and viable rural pursuits on the subject land.

Building Setbacks

Setbacks must be in accordance with the approved plan, Site Plan, Page 1 of 10 as prepared by CQ Building Worx dated Sept 2020.

Road and access

Access for the proposed new dwelling is to be via the existing property access. This access is to be maintained to a standard which will allow access to the new residence for emergency vehicles.

Building works

- 8 The applicant shall obtain a development permit for building work associated with the demolition/new work associated with the approval.
- **9** The applicant shall obtain a development permit for all plumbing and drainage work including the removal of redundant pipework.
- 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 adjoining residential use.
- Roof water from the building shall be conveyed to the water storage tanks with any overflow directed to a suitable discharge point.

Effluent Disposal

- Prior to the commencement of use, an effluent disposal system, appropriate for the proposed development, is to be installed after obtaining all relevant approvals for the aforementioned in accordance with the requirements of the *Plumbing and Drainage Act 2002* and the *Queensland Plumbing and Wastewater Code*.
- On-site waste water treatment and disposal is to satisfy the requirements of AS1547:2012 *On-site Domestic Wastewater Management.*
- On-site waste water treatment and disposal is setback a minimum of 100 metres from Callide Creek.

Water supply

- At the time of lodging a building application, documentation is required to be submitted to Council that demonstrates that water supply for potable and emergency purposes with a minimum 20,000 Litre capacity volume as well as access to the existing bore is available for the development.
- 16 Prior to the commencement of use, the applicant/ developer are to ensure

that the rural dwelling is connected to an electricity supply.

17 The applicant/developer is to ensure that provision is made for telecommunications for all new users and habitable buildings to a contemporary standard at the time of the development.

Sediment and Erosion Control

Erosion and sediment control measures are employed during works to prevent run-off in accordance with the Capricorn Municipal Development Guidelines (www.cmdg.com.au).

Waste Management

19 Waste must not be burned at the premises.

END OF CONDITIONS

MCU002-20/21 Attachment 1

Part B – Assessment Manager Notes

- A The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.
- **B** Failure to ensure ongoing compliance with the conditions of this Development Approval including conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the *Planning Act 2016*.
- 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.
- **D** 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.
- In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- F The applicant and or owner/s of the land and the person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development.
- Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- Any works on roads shall be conducted in accordance with the Queensland Department of Transport and Main Roads, "Manual of Uniform Traffic Control Devices Part 3".

Engineering

All damage incurred to existing roads, services or street furniture as a result of the proposed development shall be repaired within a reasonable period at the developer's expense.

- All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards Capricorn Municipal Development Guidelines (www.cmdg.com.au) at the Applicant's expense.
- **C** Pre and post installation inspections shall be arranged with Council's Plumbing Inspector.
- D Subsequent applications will be required for Building, Plumbing/Drainage Works. Building works are to comply with the *Building Act 1975*, the Building Code of Australia and other relevant authorities.

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.
- 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.

Water

A Development shall comply with the applicable requirements of the Environmental Protection (Water and Wetland Biodiversity) Policy 2019.

Air

- A 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.
- **B** Development shall comply with the applicable requirements of the Environmental Protection (Air) Policy 2019.

Waste

- A 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.
- **B** 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.

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".
- B 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.

Biosecurity

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

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*.

END OF NOTES

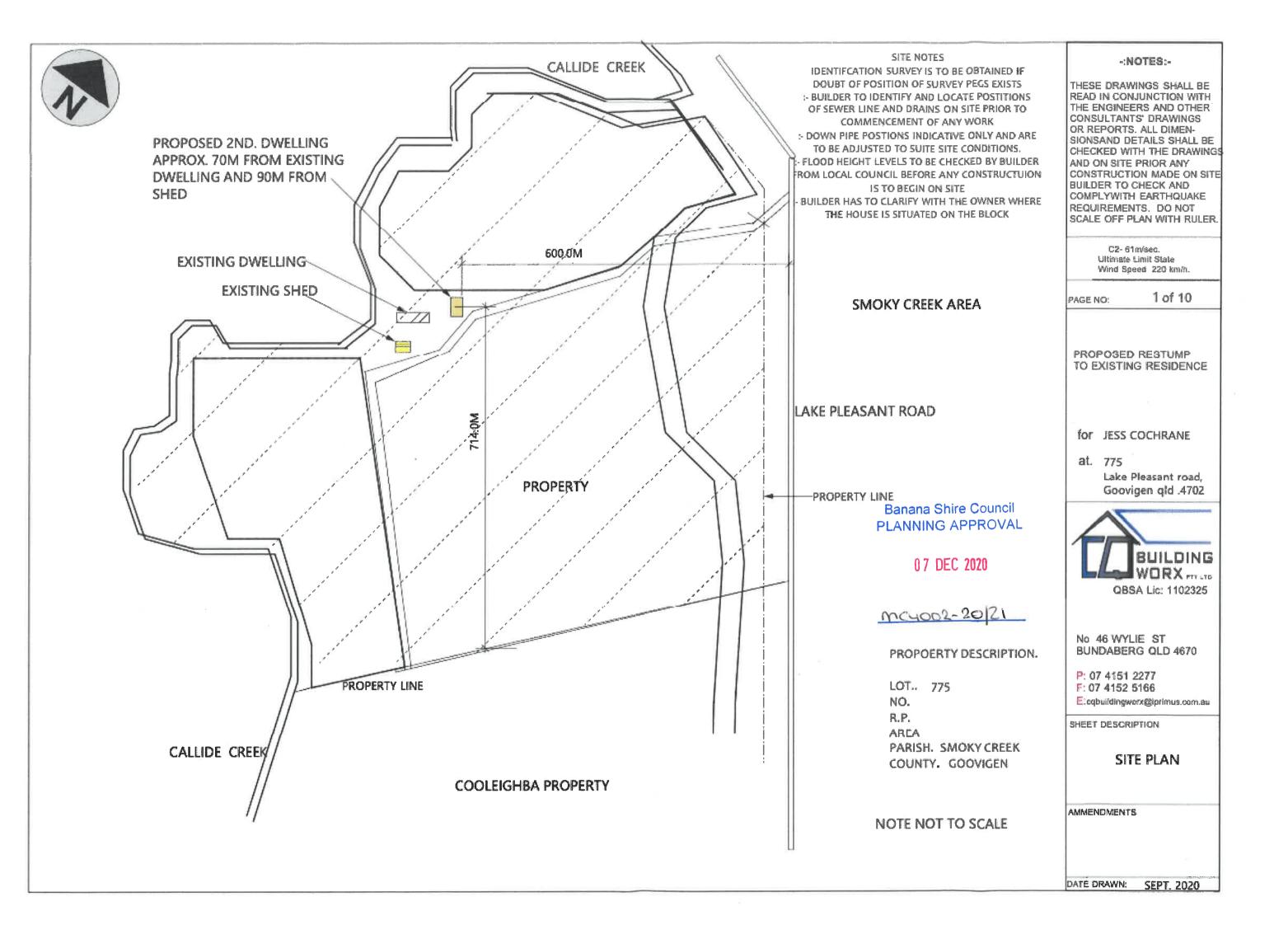
Attachment 2 Planning Act 2016 Extract on Appeal Rights

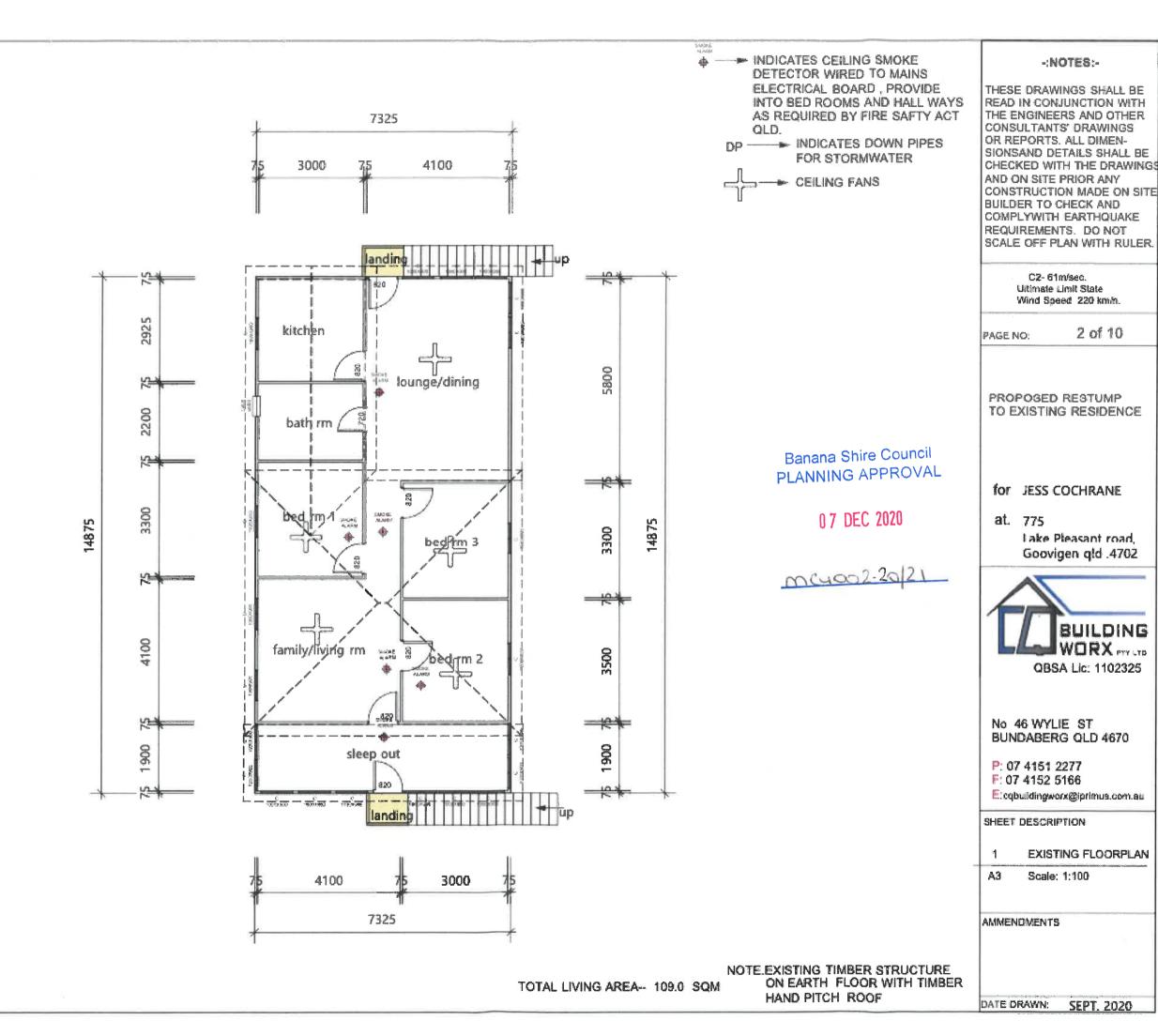
Part 1 Appeal rights

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



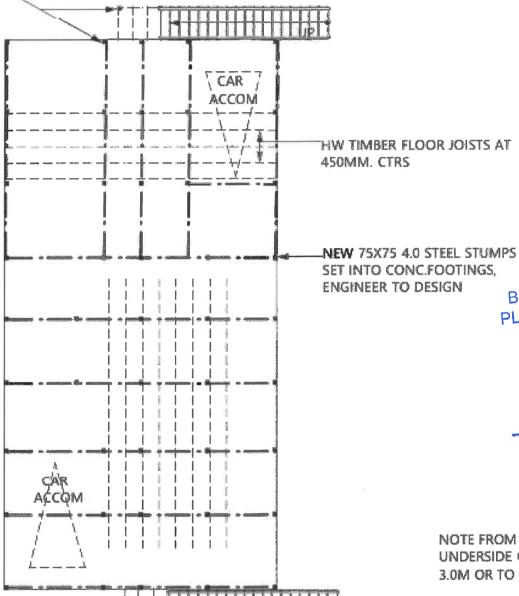


2 of 10

BUILDING WORX PTY LTD

SEPT. 2020

NEW 75X75 4.0 STEEL STUMPS SET INTO CONC.FOOTINGS, ENGINEER TO DESIGN.



THW TIMBER FLOOR JOISTS AT

Banana Shire Council PLANNING APPROVAL

07 DEC 2020

mc4002-20/21

NOTE FROM GROUND TO UNDERSIDE OF FLOOR JOISTS 3.0M OR TO OWNERS SPECIFICATION

NOTE. STUMP POSITIONS TO BE MEASURED ON SITE BY BUILDER -: NOTES:-

THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE ENGINEERS AND OTHER CONSULTANTS' DRAWINGS OR REPORTS. ALL DIMEN-SIONSAND DETAILS SHALL BE CHECKED WITH THE DRAWINGS AND ON SITE PRIOR ANY CONSTRUCTION MADE ON SITE BUILDER TO CHECK AND COMPLYWITH EARTHQUAKE REQUIREMENTS. DO NOT SCALE OFF PLAN WITH RULER.

> C2- 61m/sec. Ultimate Limit State Wind Speed 220 km/h.

PAGE NO:

3 of 10

PROPOSED RESTUMP TO EXISTING RESIDENCE

for JESS COCHRANE

at. 775

Lake Pleasant road, Goovigen qld .4702



QBSA Lic: 1102325

No 46 WYLIE ST **BUNDABERG OLD 4670**

P: 07 4151 2277 F: 07 4152 5166

E. cqbuildingworx@primus.com.au

SHEET DESCRIPTION

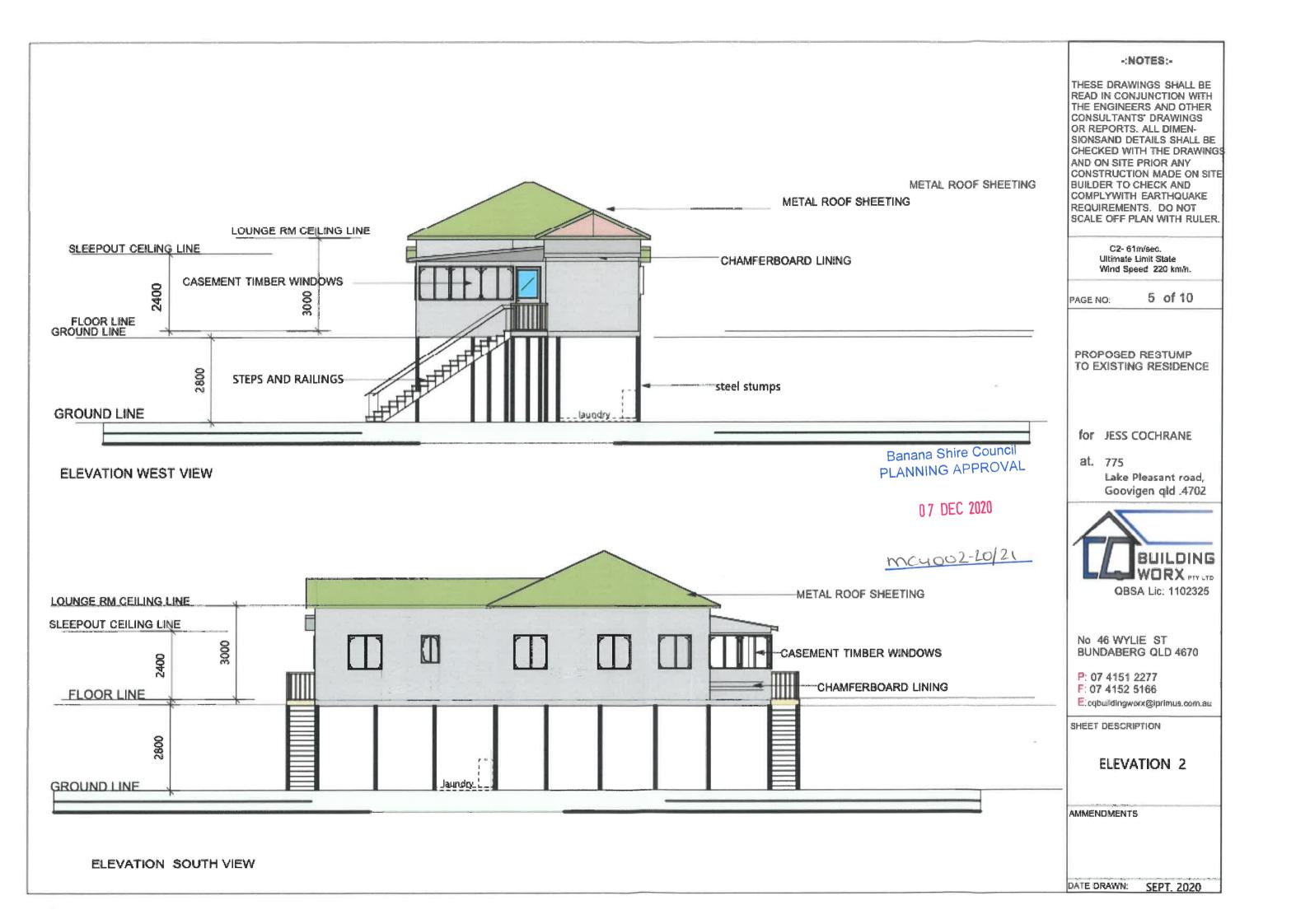
SUB FLOOR PLAN

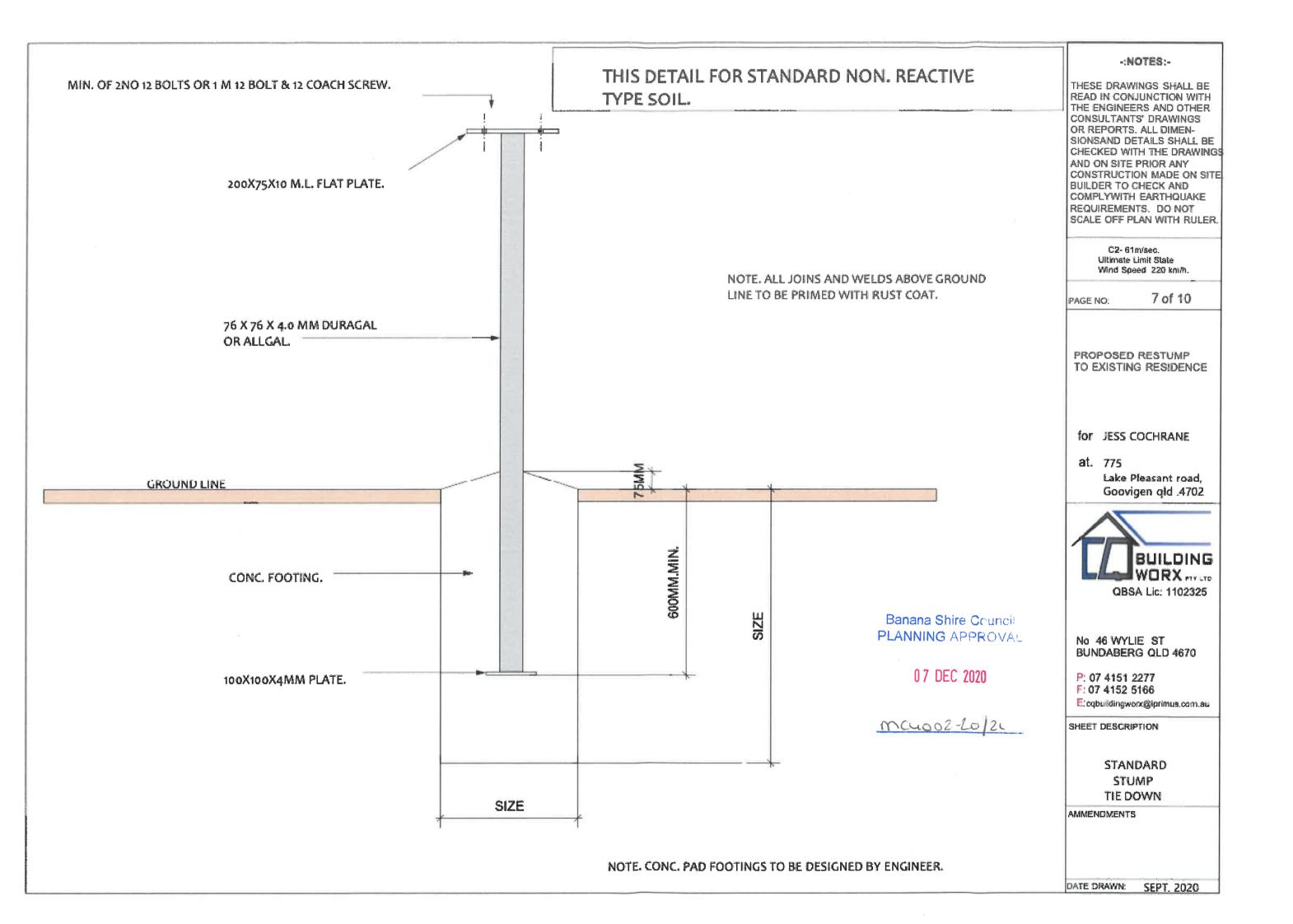
AMMENDMENTS

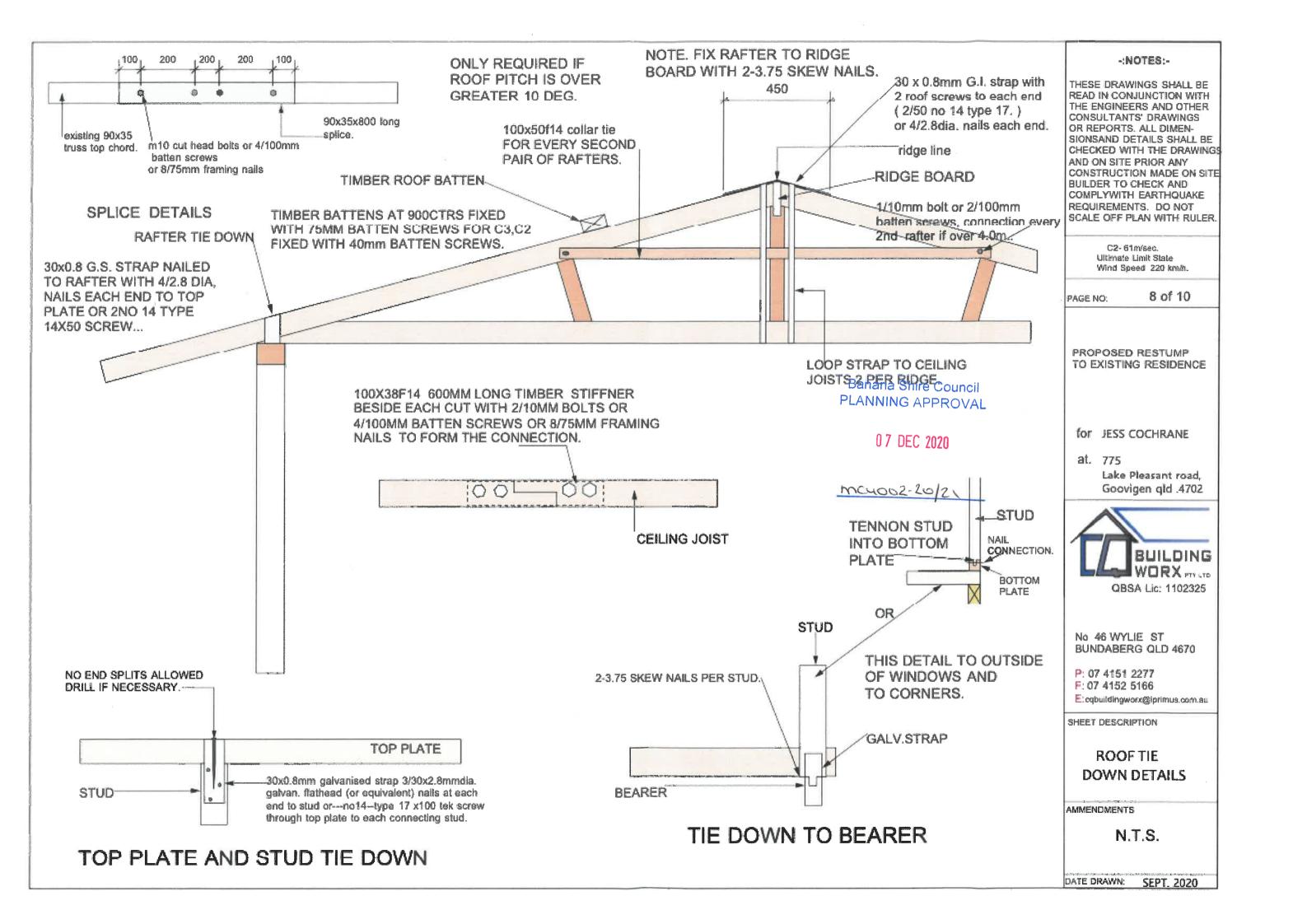
DATE DRAWN:

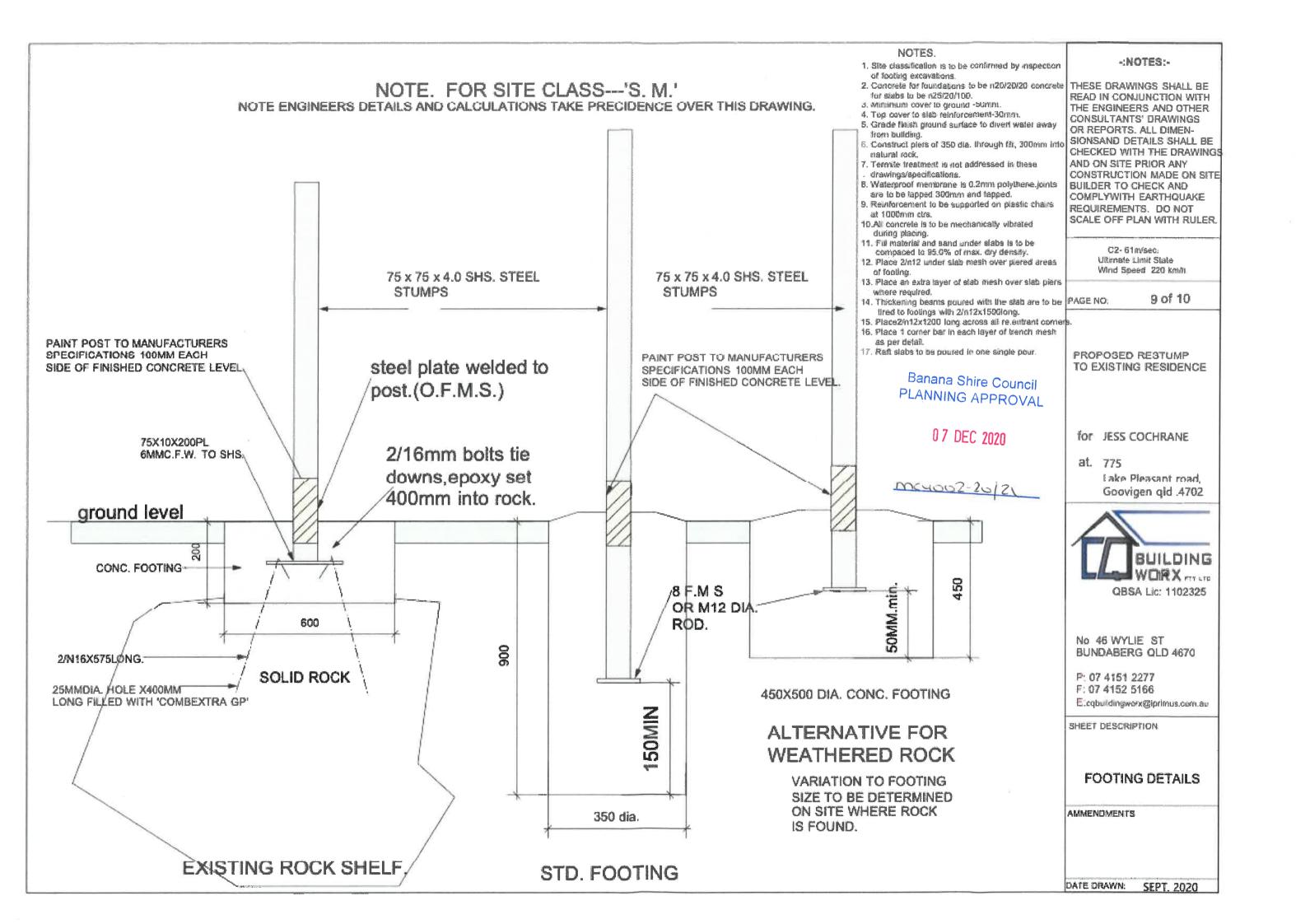
SEPT. 2020

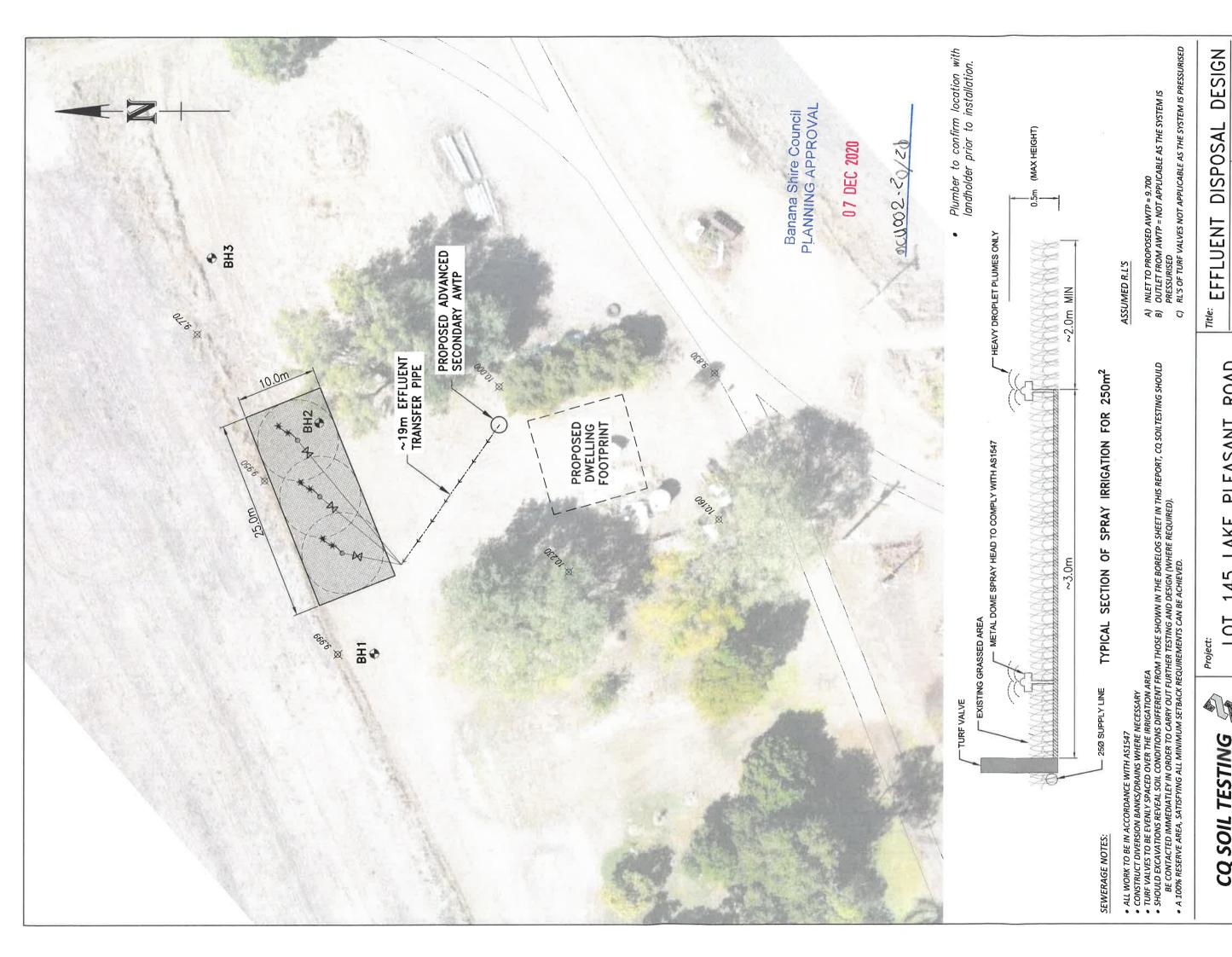
-: NOTES:-Banana Shire Cou in THESE DRAWINGS SHALL BE PLANNING APPRC VAL READ IN CONJUNCTION WITH THE ENGINEERS AND OTHER CONSULTANTS' DRAWINGS OR REPORTS. ALL DIMEN-N 7 DEC 2020 SIONSAND DETAILS SHALL BE CHECKED WITH THE DRAWINGS AND ON SITE PRIOR ANY CONSTRUCTION MADE ON SITE METAL ROOF SHEETING MC4002-20/21 BUILDER TO CHECK AND COMPLYWITH EARTHQUAKE REQUIREMENTS. DO NOT SCALE OFF PLAN WITH RULER. LOUNGE RM CEILING LINE SLEEPOUT CEILING LINE C2-61m/sec. Ultimale Limit State CHAMFERBOARD LINING Wind Speed 220 km/h. 3000 **CASEMENT TIMBER WINDOWS** 2400 4 of 10 PAGE NO: FLOOR LINE GROUND LINE PROPOSED RESTUMP TO EXISTING RESIDENCE 2800 STEPS AND RAILINGS **GROUND LINE** for JESS COCHRANE at. 775 **ELEVATION WEST VIEW** Lake Pleasant road, Goovigen qld .4702 METAL ROOF SHEETING BUILDING LOUNGE RM CEILING LINE WORX PTY LTD SLEEPOUT CEILING LINE QBSA Lic: 1102325 3000 CASEMENT TIMBER WINDOWS No 46 WYLIE ST CHAMFERBOARD LINING **BUNDABERG QLD 4670** FLOOR LINE P: 07 4151 2277 F: 07 4152 5166 E.cqbuildingworx@iprimus.com.au SHEET DESCRIPTION <u>laundry</u> GROUND LINE **ELEVATIONS** AMMENDMENTS **ELEVATION SOUTH VIEW** DATE DRAWN: SEPT. 2020











SEP '20

Date:

(A3)

1:400

PLEASANT ROAD

GOOVIGEN, QLD

COCHRANE

For:

QBCC - 1117681 ABN - 47715943484 (07) 4936 1163

Phone: Email: Website:

LOT 145 LAKE

CQ SOIL TESTING Servicing all of Central Queensland T.W.

Drawn:

⋖

CQ17672

Job No:

1 of 1

Sheet: