

Enquiries to: Planning Department
Our Reference: MCU22/0020
Your Reference: TFBD-22038

6 March 2023

Tony Felesina
52-56 Adelaide Street
Ayr QLD 4807

Via email: Shell_68@bigpond.com

Dear Tony,

Development Approval – Amended Decision Notice for MCU22/0020

Material Change of Use – Multiple Dwelling (4x 2 bedroom units) located at 1 Munro Street, Ayr on land described as Lot 1 on RP702309

In reference to the above described application, Council advises that the Development Application **MCU22/0020** was assessed and approved in full, subject to conditions, on the **1 March 2022**.

Council's amended Decision Notice is attached and outlines the developments conditions of approval, currency period, approved plans, referral agency response (if applicable) and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, suspension of the appeal period, negotiated decisions and lodging an appeal, should you wish to do so.

This amended decision notice replaces the original decision notice issued on the 3 March 2023, reflecting the amended development Condition 10.

All other conditions of approval, currency period and appeal provisions remain applicable.

Should you have any further queries in relation to the above, please do not hesitate to contact the Planning Department on the above number.

Yours faithfully



Kellie Galletta
Manager Planning and Development

Enc: Decision Notice
Appeal Rights
Infrastructure Charges Notice

Amended Decision Notice

6 March 2023

Section 83 of the *Planning Act 2016*

Application Details

This Decision Notice relates to the below Development Application:

Application Number:	MCU22/0020
Applicant Details:	Tony Felesina 52-56 Adelaide Street Ayr QLD 4807 Email: Shell_68@bigpond.com
Owner Details:	A, J and A Felesina
Street Address:	1 Munro Street, Ayr
Real Property Description:	Lot 1 on RP702309
Proposal:	Material Change of Use – Multiple Dwelling (4x 2bd Units)
Planning Scheme:	Burdekin Shire IPA Planning Scheme
Level of Assessment:	Code

Decision Details

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provision of the *Planning Act 2016*.

Type of Decision:	Approval with conditions
Date of Decision:	1 March 2023
Decision Type:	Development Permit
Deemed Approval:	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>
Submissions:	Not applicable. The application was not subject to public notification.

Conditions of Approval

The amended Conditions of Approval are set out in **Attachment 1** of this amended Decision Notice.

The conditions are identified to indicate whether the Assessment Manager or a Referral Agency imposed them.

Approved Plans and Documents

Approved Plans

Drawing/Plan Title	Number/Issue	Date
Proposed Site Development Plan	TFBD – 22038 – A02, Issue P2	25/10/2022
North East Elevation, North West Elevation, South East Elevation and South West Elevation.	TFBD – 22038 – A03, Issue P2	25/10/2022
Associated Reports		
Development Application prepared by Tony Ferraris Consulting Building Design, dated 16 December 2022.		

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit.

Copies of the approved plans are included as **Attachment 2** of this Decision Notice.

Referral Agencies

Not Applicable.

Further Approvals Required

Refer to Conditions of Approval.

Infrastructure Charges

The Infrastructure Charges Notice is enclosed.

Rights of Appeal

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application area set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be the right to make an application for a declaration by Tribunal (refer Chapter 6, Part 2 of the *Planning Act 2016*).

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.

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

A copy of the relevant appeal provisions from the *Planning Act 2016* is **attached**.

Approval Currency Period

Pursuant to Section 85 of the *Planning Act 2016*, the Development Approval will lapse six (6) years after the approval starts to have effect, unless otherwise conditioned. The currency period can only be extended if the request is received before the approval lapses.

Notice About Decision – Statement of Reasons

This notice is prepared in accordance with s63(5) and s83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the planning scheme and assessment benchmarks against which the application was assessed; and
- any other information, documents or other material council was either required to, or able to, consider in its assessment.

All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

- Residential Zone Code
- Schedule 2 – Vehicle Parking Rates and Standards

REASONS FOR THE DECISION

Following an assessment of the development application against the assessment benchmark listed above, it was determined the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.

Appeal Rights

Planning Act 2016 & The Planning Regulation 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* 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.

(Refer to Schedule 1 of the *Planning Act 2016*)

- (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.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.

- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Attachment 1 – Amended Decision Notice - Conditions of Approval

Condition	Reason	Timing
1 General and Administration <u>Compliance with Conditions</u> 1.1 The Applicant (and any contractor, agent, employee or invitee of the applicant) is responsible for carrying out the approved development and ensuring compliance with this development approval, the conditions of the approval and the relevant requirements in accordance with: 1.1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the relevant technical reports. 1.1.2 The development must comply in full with all conditions of this approval, and is to be designed, constructed and maintained in accordance with relevant Planning Scheme requirements, Council policies, guidelines and standards (except as otherwise specified by any condition) to Council's satisfaction, and best practice engineering. 1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) of the development approval will prevail. 1.3 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation. <u>Works – Applicant's Responsibility/Expense</u> 1.4 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met by the applicant, at no cost to the Council. 1.5 The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately. <u>Infrastructure Conditions</u> 1.6 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i>, should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.		At all times.
2 Approved Plans and Documents <u>Approved Plans & Documents</u> 2.1 The proposed development and use of the site must be completed, comply with and maintained generally in accordance with drawings/documents	The approved development must be completed and maintained generally in	At all times.

Attachment 1 – Amended Decision Notice - Conditions of Approval

Condition	Reason	Timing
identified in the table below, except as otherwise specified and/or amended by any condition of this approval.	accordance with the approved drawings and documents.	
2.2 The development must generally accord with the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.		
Approved Plans		
Proposed Site Development Plan	TFBD – 22038 – A02, Issue P2	25/10/2022
North East Elevation, North West Elevation, South East Elevation and South West Elevation	TFBD – 22038 – A03, Issue P2	25/10/2022
Associated Reports		
Development Application prepared by Tony Ferraris Consulting Building Design, dated 16 December 2022.		
2.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
3 Outstanding charges		
All rates and charges (including infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.		
4 Operation of the Use/Limitations of the Approval		
4.1 This approval is limited to the 'Multiple Unit Development' use as defined by Schedule 1, Division 2 – Defined Uses and Use Classes of <i>Burdekin Shire IPA Planning Scheme</i> .	The development must comply with all planning scheme requirements and definitions as approved, and as conditioned by this development permit.	At all times.
4.2 Specifically the approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 2.		
4.3 No other operations and/or activities are allowed other than that approved by this permit.		

Attachment 1 – Amended Decision Notice - Conditions of Approval

Condition	Reason	Timing
4.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant. 4.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.		
5 Sewerage Supply 5.1 The Development must be serviced by the public sewerage network. 5.2 The sewerage connection shall be to the satisfaction of the Chief Executive Officer at the full cost of the developer.	To ensure that the Development is appropriately serviced by reticulated sewer infrastructure in accordance with relevant code/s and policy direction.	i. Works to be completed prior to the commencement of the use. ii. To be maintained during the operation and life of the Development.
6 Water Supply 6.1 The Development must connect to Council's reticulated water system. 6.2 The water connection shall be provided at a location approved by Council and at the full cost of the developer. 6.3 The water connection must be installed by Council.	To ensure that the Development is appropriately serviced by reticulated water infrastructure in accordance with relevant code/s and policy direction.	i. Works to be completed prior to the commencement of the use. ii. To be maintained during the operation and life of the Development.
7 Stormwater and Flooding 7.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads. 7.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system. 7.3 A grated trench drain is to be installed internal to the property boundary to catch stormwater before crossing the footpath. 7.4 The stormwater is to be conveyed to the kerb, under the footpath, in suitably sized conduits as approved by Council.	To ensure the premises appropriately manages and convey stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.	i. Technical details are to be submitted to council prior to the issue of the certificate of final inspection by the Building Certifier. ii. At all times and maintained for the life of the development.

Attachment 1 – Amended Decision Notice - Conditions of Approval

Condition	Reason	Timing
7.5 Stormwater drainage from any new paved/sealed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by Council. 7.6 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.		
8 Stormwater Quality Treatment The approved development must achieve the applicable stormwater management design objectives listed in Part G, Appendix 2 of the State Planning Policy, July 2017.	To manage and to minimise the risk of causing environmental harm to receiving waters, damage to council infrastructure, and unnecessary financial burdens to council and the community in accordance with relevant code/s and policy direction.	At all times.
9 Car Parking, Access, Roadworks and Traffic 9.1 In total, the use must be provided with a minimum of four (4) covered car parks on the site. 9.2 Parking layouts must be generally in accordance with the provisions contained in the supporting material included in the plans submitted with the application by 'Tony Ferraris Building Design', and as amended by the requirements of any conditions of Approval. 9.3 All on-site parking must be designed in accordance with Australian Standard AS2890.1 (Off-street Parking). 9.4 All car parking facilities must be always maintained to a safe operating standard thereafter. 9.5 All vehicles must enter and exit the site in a forward direction.	To ensure Development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.	i. Technical details including documentation signed by a suitably qualified person is to be submitted to council prior to the issue of the certificate of final inspection by the Building Certifier. ii. At all times and maintained for the life of the development.

Attachment 1 – Amended Decision Notice - Conditions of Approval

Condition	Reason	Timing
9.6 Accesses to the premises, car parking and manoeuvring areas must be constructed in an all-weather, suitably sealed, low glare paving (bitumen, asphalt, concrete) to the satisfaction of the Council. 9.7 The construction of any additional crossovers to give access to the land is to be the owners responsibility, and to be constructed to the satisfaction of the Council. 9.8 Provide to Council for Councils review and approval (and prior to the commencement of the works), a cross Section 1:50 scale of all driveways, showing existing and design levels for the crossovers, 9.9 This assessment and any approved and/or amended plan/s will form part of the Approval.		
10 Form 12 A Form 12 certified by a suitably qualified person stating all the civil works have been constructed in accordance with the supplied drawings and WSAA standards is to be submitted to Council.	To ensure Development is appropriately designed and constructed in accordance with the approved plans, relevant code/s, standards and Council policy.	i. Documentation signed by a suitably qualified person is to be submitted to council prior to the issue of the certificate of final inspection by the Building Certifier. ii. At all times and maintained for the life of the development.
11 Privacy Screening, Screen Fencing, Landscaping Provisions 11.1 Suitable external privacy screening (or suitable alternative treatments) to be provided to each unit and to any habitable room windows and/or verandahs' that can be viewed from the adjoining unit and/or either of the street frontages. <u>Chippendale Street</u> 11.2 Provide along the Chippendale Street frontage, excepting pedestrian and vehicle access points; either:	To ensure the Development: (i) addresses privacy requirements for users; (ii) softens the visual impact of the Development; (iii) complements or enhances the existing streetscape;	i. Works to be completed before the commencement of the use. ii. To be maintained for the life of the Development.

Attachment 1 – Amended Decision Notice - Conditions of Approval

Condition	Reason	Timing
i) a maximum 1.5m high timber paling (with max. 10mm gap) or similar style fence is to be provided for the full length of the property boundary; or ii) a minimum 1.0m wide landscaping strip planted with suitable vegetation with a mature growth height not more than 1.5m, is to be provided for the full length of the property boundary. 11.3 A minimum 1.8m high no gap fence is to be provided for the full length of the northern (north western) and southern (south eastern) property boundaries that adjoin existing residential properties. 11.4 Landscaping and irrigation and/or screen fencing must be constructed in accordance with the approved landscaping plan(s) and constructed to the relevant standards in accordance with council's specification. <u>Munro Street</u> 11.5 A minimum 1.8m high no gap fence is to be provided for the full length of the northern (north eastern) boundary fronting Munro Street.	(iv) does not have a detrimental effect on the amenity of the surrounding land; and (v) addresses crime prevention through Environmental Design principles in accordance with the relevant code/s and policy direction of Council.	
12 Communal Open Space 12.1 A minimum of 30m² landscape area per bedroom, with at least 40% of total space in one useable parcel being not less than 5m in width is to be provided for the development. 12.2 Provide to Council, an amended site plan for Council's review and assessment, which shows the communal open space on site. 12.3 This assessment and any approved and/or amended plan/s will form part of the Approval.	To ensure the development provide occupants with an appropriate level of communal open space.	i. An amended site layout plan is to be submitted to council prior to the issue of the certificate of final inspection by the Building Certifier. ii. Works to be completed before the commencement of the use. iii. To be maintained for the life of the Development.
13 Amenity Impacts 13.1 Use of the site is to be operated in a way that protects the values of the existing residential environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting.	To ensure that the use does not cause a nuisance in accordance with the relevant provisions of the <i>Queensland Environmental Protection Act 1994</i>.	At all times.

Attachment 1 – Amended Decision Notice - Conditions of Approval

Condition	Reason	Timing
13.2 Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in <i>Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting</i>. 13.3 In the event of a complaint being received by Council associated with the use, the developer/operator may be required to undertake an impact assessment addressing these matters in accordance with the provisions of the relevant legislation, regulations, Australian Standards and any other policies to the satisfaction of Council.		
14 Building Materials The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.	To ensure the Development does not have a detrimental effect on the amenity of the surrounding area in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the Development.
15 Screening of Plant and Utilities All plant and utilities must be screened or located so as not to be visible from the street.	To ensure the Development does not have a detrimental effect on the amenity of the surrounding area in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the Development.
16 Signage 16.1 Any signage to be associated with the use must be designed to the satisfaction of Council. 16.2 To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.	To maintain amenity for the adjoining properties.	Prior to the commencement of the use.
17 Electricity and Communications Provide electricity and telecommunications connection to the proposed Development to the requirements of the relevant authority.	To provide an appropriate level of electricity and telecommunication services for the Development in	Prior to the commencement of the use.

Attachment 1 – Amended Decision Notice - Conditions of Approval

Condition	Reason	Timing
	accordance with relevant code/s and policy direction.	
18 Property Numbering 18.1 Legible property numbers must be erected at the premises and must be maintained. 18.2 The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.	To allow the general public, service and emergency service providers to effectively identify the property.	Prior to the commencement of the use and maintained for the life of the development.
19 Storage 19.1 Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare. 19.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided. 19.3 Any storage on - site is required to be screened from view from all roads and adjacent properties.	To ensure the Development does not have a detrimental effect on the visual amenity of the surrounding area in accordance with relevant code/s and policy direction.	At all times following the commencement of the use.
20 Refuse Facilities and Waste Management 20.1 Refuse collection arrangements must be provided by the developer to the satisfaction of Council. In particular: a) The approved waste storage area is to be of sufficient size to house all garbage bins including recycling bins. b) Storage area is suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection, provided.	To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant code/s and policy direction.	i. Works to be completed prior to the commencement of the use. ii. To be maintained during the operation and life of the Development.

Attachment 1 – Amended Decision Notice - Conditions of Approval

Condition	Reason	Timing
c) All waste generated as a result of the construction of the Development is to be effectively controlled and contained entirely within the boundaries of the site prior to disposal. d) All waste is to be disposed of in accordance with the <i>Environmental Protection Regulation 2019</i> and Council's waste management policy. e) Waste and recycling services must be provided in accordance with Council's Waste Management Policy. 20.2 All regulated waste must be removed from the site by a regulated waste removal contractor. The records for this disposal must be kept on - site and be available for viewing by an authorised Officer.		
21 Soil Erosion Minimisation, Sediment Control Should any works that involve the exposure of earth occur on site, appropriate erosion and sediment control management must be undertaken (including installation of site-specific stormwater treatment devices) and maintained to the satisfaction of the Council.	To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.	At all times during the construction phase.
22 Notice of Intention to Commence the Use Prior to the commencement of the use on the land subject to the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.		Prior to the commencement of the use.

Advice	Reasons	Timing
1. Infrastructure Charges The Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.		
2. General Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.		

Attachment 1 – Amended Decision Notice - Conditions of Approval

3. Further Approvals Required a) Plumbing and Drainage Works. A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works. b) Building Works A Development Permit for Building Works to carry out building works prior to works commencing on site. c) Road Works Permit A Roadworks Permit for the construction of a driveway or access within the road reserve must be obtained.	4. Further Inspections Required Compliance with Conditions The following inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to a further approval. Condition 5 – Sewerage Supply Condition 6 – Water Supply Condition 9 – Car Parking, Access, Roadworks and Traffic Condition 7 - Stormwater and Flooding Condition 11 – Privacy Screening, Screen Fencing, Landscaping Provisions Condition 19 – Storage Condition 20 - Refuse Facilities and Waste Management Condition 21 – Soil Erosion Minimisation, Sediment Control	5 Future Development Any development application for building works which includes habitable rooms may have to include a 1% AEP Flood Certificate. N.B. this applies in Localised and River Flood areas as identified in Burdekin Shire Councils mapping.	6 Amenify Impacts Use of the site is to be operated in a way that protects the values of the existing environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting, in accordance with the <i>Environmental Protection Act 1994</i>.
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Attachment 1 – Amended Decision Notice - Conditions of Approval

7 Environmental Health – Construction Phase

To ensure compliance with the *Environmental Protection Act 1994*:

- a) Do not undertake any construction work during the following hours:
 - i. on a Sunday or public holiday, at any time; or
 - ii. on a Saturday or business day, before 6.30 am or after 6.30 pm, unless otherwise approved in writing by Council.
- b) Remove any spills of soil or other material from the road or gutter immediately during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.
- c) Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways.
- d) Confine dust and other emissions, such as fumes, sediments, light, or odour from the building work on - site and take all reasonable steps to prevent a release to neighbouring properties.
- e) Contain all litter, building waste and sediments on the building site by the use of a skip and take any other reasonable steps during construction to prevent release to a neighbouring property or road.
- f) Carry out construction activities in accordance with the approved Construction Management Plan.
- g) Implement drainage, erosion and sediment control measures and maintain them in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Stormwater must not be contaminated by erosion and sediment runoff.
- h) Dispose of building construction and demolition waste only at an approved waste disposal facility.
- i) Dust control measures should be implemented on - site during the construction phase to prevent an environmental nuisance from affecting the occupiers and users of nearby premises.

8 General Safety of Public During Construction

- a) It is the Project Manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the Project Manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.
- b) It is the Principal Contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the Principal Contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.
- c) It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

9 Storage of Materials and Machinery

All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by council.

Attachment 1 – Amended Decision Notice - Conditions of Approval

10 Build Over Sewer/Adjacent to Services 10.1 The developer is advised that the proposed building structures are over/adjacent to an existing sewer main. 10.2 In accordance with QDC MP1.4, the Applicant will be required to make an application to Council for consent under Council's "Erection of Structures Over or Adjacent to Sewers or Water Mains Policy".	11 Plant and Utilities Noise All refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems must be located, designed and installed to not exceed a maximum noise level of: ▪ 5dB(A) above background level between the times of 7am to 10pm; and ▪ 3dB(A) above background level between the times of 10pm to 7am.	12 Flammable and Combustible Liquids Flammable and combustible liquids are to be stored and handled in accordance with AS 1940 "The Storage and Handling of Flammable and Combustible Liquids."	13 Miscellaneous a) If any item of cultural heritage is identified during site works, all work must cease, and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained. The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au b) All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted outside the site, on road reserves or adjoining land unless written permission from the owner of that land and Council is provided. c) It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject Development.
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